

## NOTICE OF MEETING

MEETING	<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>
DATE:	<b>TUESDAY 2 JUNE 2009</b>
TIME:	<b>1.30 pm</b>
VENUE:	<b>BOURGES/VIERSEN ROOM - TOWN HALL</b>
CONTACT:	<b>Martin Whelan</b> <i>Telephone: 01733 452323</i> <i>e-mail address martin.whelan@peterborough.gov.uk</i>
<i>Despatch date:</i>	<b>22 May 2009</b>

### AGENDA

		PAGE NO
1.	<b>Apologies for Absence</b>	
2.	<b>Declarations of Interest</b>	
3.	<b>Members' Declaration of intention to make representations as Ward Councillor</b>	
4.	<b>Development Control and Enforcement Matters</b>	
4.1	<b>09/00258/FUL - 17 Oundle Road Woodston Peterborough PE2 9PB.</b>	<b>1 - 12</b>
4.2	<b>08/01602/FUL - Bikes Trikes And Stuff First Drove Fengate Peterborough.</b>	<b>13 - 18</b>
4.3	<b>08/01239/FUL - THE ERECTION OF A TEMPORARY SPORTS CLUB HOUSE INCLUDING CATERING, BAR AND CHANGING FACILITIES (RETROSPECTIVE) ON LAND TO THE NORTH OF THE FORMER BRETTON WOODS COMMUNITY SCHOOL SITE, BRETTON PARK, BRETTON</b>	<b>19 - 30</b>
4.4	<b>09/00244/FUL - 39 Farleigh Fields Orton Wistow Peterborough PE2 6YB</b>	<b>31 - 36</b>



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Martin Whelan on 01733 452323.

4.5	<b>09/00313/FUL - Arthur Mellows Village College Helpston Road Glinton Peterborough.</b>	<b>37 - 44</b>
4.6	<b>08/01472/FUL - 2 Elmfield Road Peterborough PE1 4HB .</b>	<b>45 - 50</b>
4.7	<b>Shop forecourt canopies - Overview and Design Guidelines*</b>	<b>51 - 62</b>
4.8	<b>Enforcement Action associated with canopies*</b>	<b>63 - 66</b>

In accordance with standing orders, Members are asked to determine whether agenda item 4.8 Enforcement action related to canopies, which contains exempt information relating to individuals and businesses as defined by paragraphs 1,2 and3 of Schedule 12A of Part 1 of the Local Government Act 1972 should be exempt and the press and public excluded from the meeting when it is discussed, or whether the public interest in disclosing this information outweighs the public interest in maintaining the exemption.

4.9	<b>09/00273/FUL - 83 Percival Street West Town Peterborough PE3 6AT.</b>	<b>67 - 72</b>
4.10	<b>08/01223/FUL - 64-66 Dogsthorpe Road Peterborough PE1 3AQ</b>	<b>73 - 80</b>
4.11	<b>08/01443/FUL - 98 Dogsthorpe Road Peterborough PE1 3AQ</b>	<b>81 - 88</b>

**\* Not subject to the public speaking scheme**

#### **MEMBERS OF PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE**

Councillor N North (Chairman), Councillor M Burton (Vice-Chairman), Councillor M Todd, Councillor C Ash, Councillor C Burton, Councillor P Kreling, Councillor S Lane, Councillor P Thacker, Councillor P Winslade and Councillor Y Lowndes

Subs: Councillors: S Allen and K Sharp

#### **CASE OFFICERS**

#### **NOTES:**

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



**LOCATION PLAN 09/00258/FUL**

17 Oundle Road, Woodston, Peterborough

**Scale 1:1250 Name MKB Department Planning Services**

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09/00258/FUL: ERECTION OF 13 DWELLINGS WITH ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING AT 17 OUNDLE ROAD PETERBOROUGH PE2 9PB

VALID: 10 MARCH 2009

APPLICANT: HYBECK ESTATES LIMITED

AGENT: MR MALCOLM FOULKES ARNOLD, CORPORATE ARCHITECTURE

REFERRED BY: CLLR CROFT

REASON: OVERDEVELOPMENT, INCREASE IN TRAFFIC

DEPARTURE: NO

CASE OFFICER: LOUISE LEWIS

TELEPHONE: 01733 454412

E-MAIL: louise.lewis@peterborough.gov.uk

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## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- The principle of residential development on this site
- Amount of development and impact on residential and neighbour amenity
- Character of the area
- Highway safety
- Connection between this development and the neighbouring proposal at the Cherry Tree

The Head of Planning Services recommends that the application is APPROVED.

## **2 PLANNING POLICY**

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### **Development Plan Policies**

Relevant policies are listed below with the key policies highlighted.

#### **The Peterborough Local Plan (First Replacement)**

**H7 - Housing development on unallocated sites should make efficient use of the site and respect the character of the surrounding area.**

**H15 - Seeks the highest residential density compatible with the character of an area, the living conditions of local residents, that is of good standard of design and that provides open space.**

**H16 - Allows residential development if the following amenities are provided to a satisfactory standard; daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.**

H20 - Seeks proposals with a variety of both size and types of accommodation. Also seeks suitable provision of accommodation for single person households, young people, and homeless, those with learning or physical disability, older people and large family groups.

**T1 - Seeks development that would provide safe and convenient access to site and would not result in an adverse impact on the public highway.**

**T3 - Planning permission will only be granted for new development which is safely and easily accessible by pedestrians and those with mobility difficulties.**

T8 - Allows development where vehicular access is on to a highway whose design and function is appropriate for the level and type of vehicular traffic likely to be generated.

T9 - Seeks provision of high quality off-street cycle provision in accordance with approved standards.

T10 - Planning permission will only be granted for development outside the city centre if it is in accordance with approved parking standards.

DA1 - Seeks development that is compatible with or improves its surroundings, creates or reinforces a sense of place and would not have an adverse visual impact.

DA2 - Planning permission will only be granted for development if it can be satisfactorily accommodated on the site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.

**DA4 - Permission will not be granted for development which could result in under use of land.**

**DA6 - Permission will only be granted if development can be satisfactorily accommodated within a site in terms of scale and density, would not affect the character of an area, would have no adverse impact upon the amenities of occupiers of nearby properties, can be satisfactorily accessed from the public highway and would not prejudice the comprehensive development of a larger area.**

DA11 - Planning permission will not be granted for a development unless vulnerability to crime has been satisfactorily addressed in the design, location and layout of the proposal.

LNE9 - Seeks retention and protection of trees and other natural features that make a positive contribution to an area; and adequate provision of landscaping of sites.

**IMP1 - Planning permission will not be granted for any development unless provision is secured for all additional infrastructure, services, community facilities, and environmental protection measures, which are necessary as a direct consequence of the development.**

### **Material Planning Considerations**

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

PPS1 – Securing Sustainable Development – seeks to ensure the delivery of sustainable development through the planning system.

PPS3 – Housing – Seeks to ensure that a variety of good quality sustainable housing is maintained and created.

Residential Design Guide – sets out standards to ensure good quality residential development

ODPM Circular 05/2005 “Planning Obligations”. Amongst other factors, the Secretary of State’s policy requires planning obligations to be sought only where they meet the following tests:

- i) relevant to planning;
- ii) necessary to make the proposed development acceptable in planning terms;
- iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
- iv) fairly and reasonably related in scale and kind to the proposed development;
- v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

### **3 DESCRIPTION OF PROPOSAL**

It is proposed to erect 13 two-bedroom dwellings on the site. There would be two facing rows of dwellings running north-south, so providing rear gardens facing either east or west, and a pair facing north, with south facing rear gardens. Access into the site would be positioned almost as existing, with a slight alteration to improve visibility splays.

The area to the side of the existing house (which is used by Youth Services) would be laid out as garden space for the offices as well as accommodating parking spaces for use by employees.

The road into the site would become a shared surface adjacent to the housing, and parking would be provided in allocated bays off the street.

The houses are set out as six pairs and a single detached house, with the three pairs and detached house forming the western row linked by roofs over the side passageways.

### **4 DESCRIPTION OF SITE AND SURROUNDINGS**

The site as whole (including the existing building at 17 Oundle Road) is a long thin house (occupied as offices) with an access alongside it, opening into a square behind, which is enclosed on the south and west by existing rear gardens. To the north there is existing industrial development, and on the east is the open space to the rear of the Cherry Tree public house. The site slopes downwards to the north, towards the river which is about 250 metres away.

### **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
There is no recent planning history on this site			

### **6 CONSULTATIONS/REPRESENTATIONS**

#### **INTERNAL**

**Head of Transport and Engineering** – A meeting was held with the agent for the application and Officers from the Planning and Highways Authorities. As a result of that meeting amendments were agreed to the scheme and it appears that a suitable highway layout can be achieved.

Revised plans will be submitted, reconsultation carried out, and the outcome reported to Members on the Update Report.

#### **EXTERNAL**

**Senior Architectural Liaison Officer** – Has raised concerns regarding surveillance of parking and security of shared rear accesses.

#### **NEIGHBOURS**

Letters of objection have been received from four local households raising the following issues:

- There is not enough space and the dwellings will be matchboxes
- Permission has not been obtained to change the entrance to the Cherry Tree pub
- Incredible amount of new dwellings already in the area
- Appears that developers have included land belonging to Milton Estates
- Windows directly overlook 19 and 21 Oundle Road
- Overlooking from windows into 23 Oundle Road
- Affect view from rear of 23 Oundle Road
- Need more traditional family homes in Woodston to improve local character
- Houses are smaller than surrounding housing with smaller number of rooms therefore not in accordance with Para 16 of PPS3 which requires development to be well integrated
- Not houses for families – will not have long term appeal for residents
- Will attract either buy to let owners or first time buyers, transitory ownership will not be consistent with local ownership
- Not in accordance with Council's press release of 22 April 2009 which suggest density target of 30 dwellings per hectare (dph)
- Biodiversity – gardens are too small to be planted up effectively and residents may prune overhanging branches from George Street properties
- Gardens will not provide a sufficient barrier to light and noise pollution
- Damage to roots of trees on surrounding land
- Ground works may affect neighbouring buildings
- Will reduce house values
- Oundle Road is on the decline with the quality of its residents and the way properties are maintained

## **COUNCILLORS**

Cllr Croft has referred the application to Committee in the event of an Officer recommendation of approval, for the reasons set out above.

## **7 REASONING**

### **a) Introduction**

This application follows from pre-application discussion with Officers. The site is not allocated for housing, but surrounding sites currently in industrial use are so allocated. A variety of concerns were identified following the initial submission, and these were discussed at a meeting on 14 May. Revised plans will be submitted, reconsultation carried out, and comments reported to Members in the Update Report.

### **b) Policy issues and Principle of development**

There is strong policy presumption in favour of re-using brownfield sites in a more efficient manner. The site is within the urban area boundary, and in a mixed area with a substantial amount of established residential use. The existing use (car sales) could easily be relocated elsewhere in the city. The site is not allocated for any particular use and is well located in relation to services, facilities and public transport. It is therefore well suited to residential development, in accordance with Policies H7 and DA6, and is acceptable in principle.

### **c) Amount and scale of development**

The houses each have a footprint of about 40 square metres. They are two-bedroomed houses, each with private garden provision and each house has one parking space. The rear garden provision standard in the Residential Design Guide (RDG) is for 50 square metres for smaller houses, and is met here.

Reference has been made to a Council press mentioning a density of 30 dph. This press release set out options that are currently being considered to increase the number of prestige homes in the City. As yet no Policy changes have been introduced to support this aspiration. The figure of 30 dph has been established for some time as a suggested minimum density for residential development, not an absolute or a maximum. The site density of 93 dph is not low density development, but nor is it high density and it is considered suitable for the site.



Reference has been made to a need for family houses. Currently, only 25.8 percent of households in the district include children (research carried out for the 2008 Strategic Housing Market Assessment). There is a recent provision of larger homes in the Riverside (British Sugar) development and the Fletton and Woodston area contains a mix of house types and sizes. The east end of Oundle Road is well connected to local and City Centre services, facilities, employment opportunities and public transport. Sites of this nature are suited to higher density development as they can support a larger number of residents in a relatively sustainable manner. Taking these matters into account, it is considered that the proposed amount and scale of development is appropriate to the site and the area and the proposal is therefore in accordance with Policies H7 and DA6.

e) **Residential amenity**

As stated above, each house is provided with garden space that is in accordance with the standard set out in the RDG. None of the gardens is north facing, and so all should benefit from some direct sunlight.

Each house is allocated one parking space, and the revised layout of the parking area (which will be reconsulted on, and reported in full in the Update Report) has been carefully considered so that each space is directly outside the house it serves (with one exception). This allows for informal surveillance of parked vehicles, and also ensures that no household suffers disturbance from neighbours parking directly outside their windows.

The revised layout plan shows a private sideway to each house which will allow for movement of refuse bins and cycles. Secure gates will be required by Condition. Small areas of landscaping will be provided to break up the car parking, as well as small areas of hardstanding for leaving bins on refuse collection day.

The impact on sunlight penetration of the topography and surrounding trees has been considered. The site slopes down slightly from south to north, and the houses will be set on a ground level about 1-1.5m lower than Oundle Road itself. As there are no buildings adjacent to the boundaries it is considered that there will be no unacceptable impact on light penetration caused by the slope or the trees, which are mostly deciduous allowing sunlight to pass through in the winter months.

The Environmental Health Officer has been consulted in order that the impact of noise from adjacent uses can be assessed. This will be reported to Members on the Update Report.

The level of residential amenity proposed is reasonable and the proposal is therefore considered to be in accordance with Policy H16.

f) **Neighbour amenity**

There are established residential properties in George Street to the east, and a mixture of residential and commercial uses in the houses to the south, on Oundle Road. The dwellings in George Street have long gardens and are a minimum of 28m from the site boundary. Given the additional 9m separation provided by the rear gardens of the proposed dwellings, it is not considered that there will be any detrimental impact on occupiers of dwellings on George Street.

The neighbouring properties on Oundle Road are less well separated. No 27, being at the rear of its plot, is very close, only 4m corner-to-corner from the application site. It is 11.5m, corner to corner, from the nearest proposed new dwelling. There is one small window in the rear elevation at first floor level, which is about 17m from the rear windows on plot 13, but at 90 degrees to it. This will not lead to detrimental overlooking.

The other houses on Oundle Road are 22-26m from the site, with rear gardens (some used for parking) sloping down to the application site. All of these houses have rear facing windows, some large and clearly serving habitable rooms. No 23 has an area of decking immediately to the rear of the house, and the end part of the garden closest to the application site is surfaced for parking. The proposed dwellings closest to Nos 21-25 would be gable-on to the existing rear gardens. The end house of the row, Plot 13, does not show a south facing window, and a Condition will be

proposed withdrawing permitted development rights for the insertion of first floor windows into this dwelling.

Concerns have been raised by neighbours regarding privacy in the gardens and loss of view. It is considered that privacy will be protected by a new boundary treatment and control of windows as above. The loss of a view and impact on house values are not planning matters. It is therefore considered that the application is in accordance with Policies H7 and DA6.

g) **Parking**

Each house has been provided with one parking space, and CHECK REVISED PLAN spaces are proposed for the existing office use in 17 Oundle Road. The provision of one parking space per house (with two visitor spaces) is in accordance with the current standard. Each house has a rear garden where a cycle store can easily be accommodated.

The existing use at No 17 uses the area to the side for employee and visitor parking, on an informal basis. This use would be formalised with the layout out of dedicated parking spaces, to be used by employees during the day, and as overspill parking for residents at evenings and weekends.

h) **Highway safety and connection with neighbouring sites**

The initial submitted plans showed two different proposals for the access, one of which was a mini roundabout junction. This does not now form part of the proposal.

Discussions have been held with the agent and the Highway Authority to discuss amendments to the scheme, and it appears that a suitable highway layout can be achieved. Revised plans are being drawn up. This will be assessed and reported to Members in the update report.

There is a current Outline application pending for residential development at the rear of the Cherry Tree site, immediately to the east. Members resolved to approve that application in 2007. Access to the Cherry Tree site is a reserved matter.

The access for the application site is shown as a simple dropped kerb. The applicant has shown that shared use will be possible at a later stage, should the Cherry Tree site be developed and its existing access closed.

The site immediately to the north of the application site, which is currently in industrial use, is allocated in the local plan for housing. The layout of the application site will allow for a pedestrian and cycle connection to be established should residential development come forward on the industrial site.

i) **Character of the area**

The area is generally residential with some small scale commercial uses. In addition there is a well used public open space (Fletton Recreation Ground) almost opposite the site. Oundle Road is a main route into and out of the City, with a regular bus service which extends to Orton, including the employment area there, and Werrington. As the area has been developed over a long period there is a mixture of housing types and designs, with the housing closest to the application site being Victorian terraced and semi-detached housing. No 25 Oundle Road is detached, and Nos 27-35 Oundle Road have been redeveloped into a modern dwelling at the rear of the site and a commercial unit on the street frontage.

The Cherry Tree public house is adjacent to the site to the east, and there is industrial and commercial development to the rear (north) and closer to the river at the end of George Street. There is a small local centre at the George Street junction, which offers a mini-supermarket, hot food takeaways, a small number of other local services and the Baptist Church. Other uses in the locality are Railworld, a recent apartment development, a church, primary schools and a day nursery. The Guild House site further along the road is currently in office use but may be redeveloped as residential in the future. There is a community centre just to the south of Oundle Road. The character of the area can be best summed up as "mixed, with a bias towards urban residential".

It is considered that the proposed development is in keeping with this character. It is considered that this residential development is in keeping with and will contribute positively to the character of the area.

j) **Trees**

Although the main part of the site is hard surfaced and built on, there are some trees along the east boundary, and several just outside the side on the west and north. It is likely that root protection areas will be affected by development, but as the trees are around the edges of the site it is unlikely that this will have an impact on the proposed layout. A tree survey has been requested, this will be assessed by Officers and reported to Members in the Update Report.

k) **S106**

Contributions have been requested in accordance with the POIS, as well as site-related infrastructure contributions for public open space and bus stop improvements. The applicant is in discussion with Officers regarding the requested sums.

This/these requirements accord with both national and local policy and in your officer's opinion complies with the 5 tests and the principles set out in ODPM Circular 05/2005 (see Section 2 above) and the Tesco/Witney case in which the House of Lords held that the planning obligation must at least have a minimal connection with the development.

l) **Other matters**

The following comments have been made by neighbours. Comments are shown in bold with Officer's response below.

**Appears that developers have included land belonging to Milton Estates**

This has been checked with the applicant, who has declared that they own all the land within the application site.

**Ground works may affect neighbouring buildings**

**Oundle Road is on the decline with the quality of its residents and the way properties are maintained**

These are not planning matters.

## **8 CONCLUSIONS**

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- the site is well connected to services and facilities
- residential amenity including outdoor space and parking is provided in accordance with recognised standards
- access to the highway network is satisfactory for vehicles, pedestrians and cyclists
- provision has been made for the infrastructure requirements arising from the development
- the proposal is therefore in accordance with Policies H7, H15, H16, T1, T3, T9, T10, DA1, DA2, DA6, DA11, LNE9 and IMP1 of the Peterborough Local Plan 2005 (First Replacement).

## **9 RECOMMENDATION**

Subject to the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the education, community,

public open space and public transport needs of the area, the Head of Planning Services be authorised to grant planning permission subject to the following conditions:

**C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

**C2 Prior to the commencement of development, detailed contoured plans and cross sections shall be submitted to and approved in writing by the Local Planning Authority, to show existing and finished levels of the land and shall indicate the level of the ground floor of any building to be constructed. The development shall thereafter be carried out strictly in accordance with the slab levels shown on the approved drawing(s).**

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

**C3 No development shall take place until details of all materials to be used in the external surfaces of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

**C4 No development shall commence until details of the type, design and external finish of all windows, external doors and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

**C5 No development shall commence on site until a scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority; the landscaping scheme shall include details of hard landscaping (including boundary treatments, bin stores and hardstandings), planting plans, written specification (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers/densities and an implementation programme.**

Reason: In order to improve the visual amenity of the areas, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

**C6 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development or the occupation of any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.**

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

**C7 If within a period of 5 years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective,] another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives written consent to any variation.**

Reason: To ensure that the successful establishment of the landscaping scheme, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

**C8 Prior to first occupation of the dwellings lockable gates to the side access passageways shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.**

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

**C9 Prior to first occupation of the dwellings a scheme for streetlighting shall be implemented in accordance with details to be submitted to and approved in writing by the Local Highway Authority.**

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

**C10 The garden areas within the curtilage of the site shall be laid out as an amenity for the occupants of the dwellings before occupation commences.**

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

**C11 No dwelling shall not be occupied until the area shown on the approved plans for the parking of vehicles has been provided and that area shall not thereafter be used for any purpose other than the parking of vehicles, in connection with the use of the dwellings.**

Reason: In the interest of Highway safety, in accordance with Policy T10 of the Peterborough Local Plan (First Replacement).

**C12 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no garage, carport or domestic enlargement to the dwellings shall be constructed other than as those expressly authorised by this permission.**

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

**C13 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no windows shall be inserted into the south elevation of Plot 13 other than at ground floor level.**

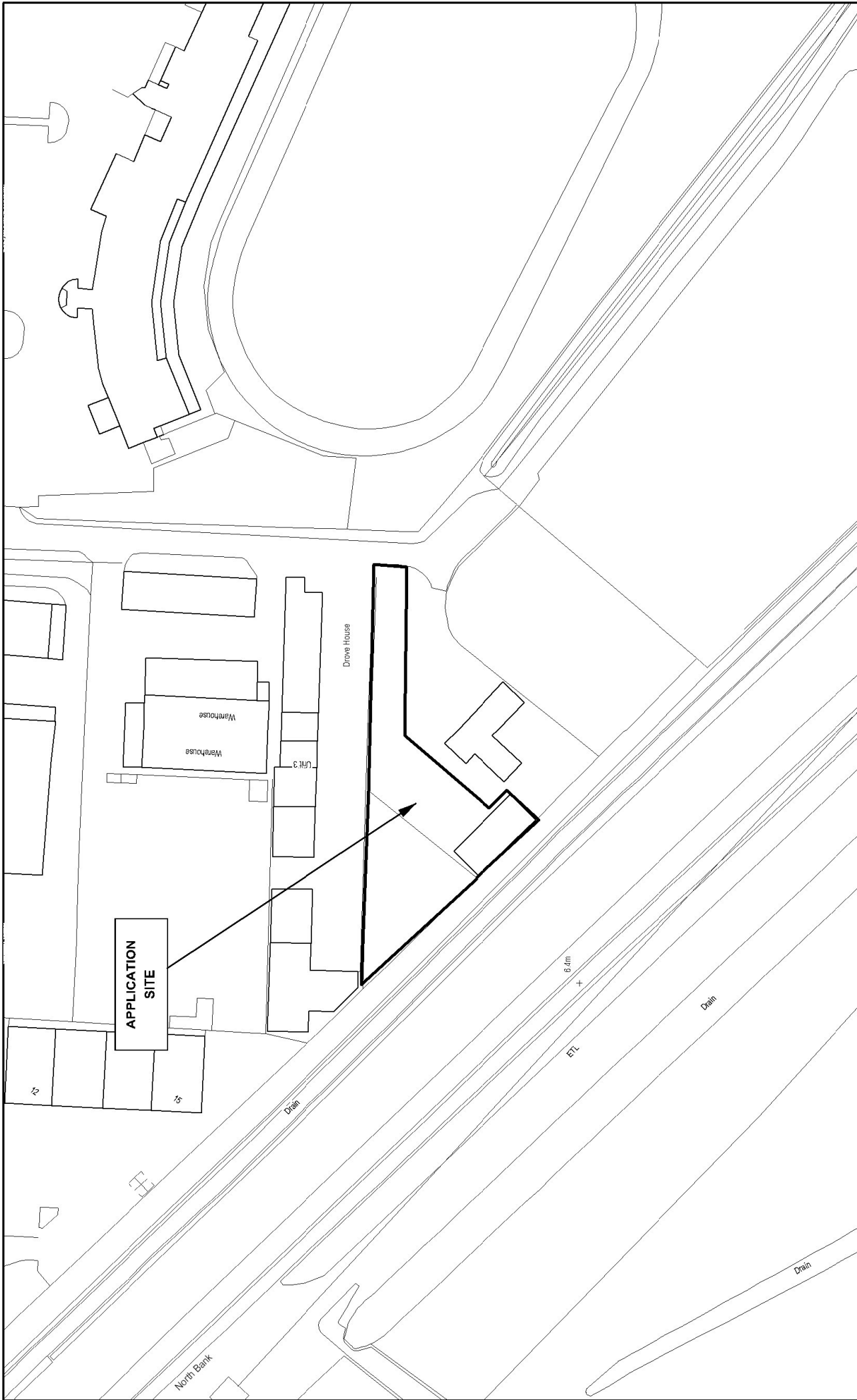
Reason: In order to protect the amenity of the adjoining occupiers, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

**Conditions requested by the Highway Authority, and those arising from consultation on amended plans, will be reported to Members on the Update Report.**

If the S106 has not been completed by 9 June 2009 without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason stated below:-

**R1** A request has been made by the Local Planning Authority to secure a contribution towards the infrastructure requirements of the area in respect of education, community, public open space and public transport however no S106 Obligations have been completed and the proposal is therefore considered to be contrary to policy IMP1 of the Peterborough Local Plan (First Replacement).

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**LOCATION PLAN** 08/01602/FUL  
 Bikes Trikes and Stuff, First Drove, Fengate

**Scale 1:1250 Name MKB Department Planning Services**

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08/01602/FUL: CONTINUED SITING OF 3 STATIC CARAVANS FOR USE AS STORAGE, OFFICE/CANTEEN AND NIGHT WATCHMANS HUT AT BIKES TRIKES AND STUFF, FIRST DROVE, FENGATE, PETERBOROUGH

VALID: 11 MARCH 2009

APPLICANT: MR J MORPETH

AGENT:

REFERRED BY: CLLR TODD

REASON: TO ALLOW MEMBERS TO CONSIDER WHETHER THE PROPOSAL WOULD REPRESENT 'RESIDENTIAL DEVELOPMENT' WITHIN AN INDUSTRIAL AREA

DEPARTURE: NO

CASE OFFICER: LOUISE LOVEGROVE

TELEPHONE: 01733 454439

E-MAIL: louise.lovegrove@peterborough.gov.uk

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## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- The principle of development on the site
- The need for the proposed development
- The effect of the proposal on the amenities and character of the area

The Head of Planning Services recommends that the application is **APPROVED**.

## **2 PLANNING POLICY**

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### **Development Plan Policies**

**Key policies highlighted below.**

#### **The Peterborough Local Plan (First Replacement)**

##### **OIW1 General employment areas**

Planning permission will be granted for development within Use Classes B1, B2 and B8.

##### **T1 Transport implications of new development**

Seeks development that would provide safe and convenient access to site and would not result in an adverse impact on the public highway.

##### **DA1 Townscape and Urban Design**

Seeks development that is compatible with or improves its surroundings, creates or reinforces a sense of place and would not have an adverse visual impact.

##### **DA2 The effect of a development on the amenities and character of an area**

Planning permission will only be granted for development if it can be satisfactorily accommodated on the site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.

### **DA11 Design for security**

Planning permission will not be granted for a development unless vulnerability to crime has been satisfactorily addressed in the design, location and layout of the proposal.

### **Material Planning Considerations**

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

Planning Policy Guidance 4 (PPG4): Industrial, Commercial Development and Small Firms – seeks to ensure that the planning system operates on the basis that applications for development should be allowed, having regard to the development plan and all material considerations, unless the proposed development would cause demonstrable harm to interests of acknowledged importance.

## **3 DESCRIPTION OF PROPOSAL**

The application seeks permission for the continued siting of three static caravans on a small parcel of land adjacent to the existing premises. These caravans are ancillary to the existing vehicle repair premises and will be used as a combination of offices, a canteen and a night watchman's hut which will be used out of operation hours. The caravans are already in situ on the site and the night watchman's hut is in operation.

## **4 DESCRIPTION OF SITE AND SURROUNDINGS**

The site as a whole is located on the edge of but within the Eastern General Employment Area, identified in the Adopted Peterborough Local Plan (First Replacement). First Drove is characterised by a variety of small independent commercial and industrial uses. The application site runs adjacent to a small drainage ditch running south east to north west and beyond this is a small strip of open land. The site is enclosed to the north and south by industrial units and is accessed by a small private drive off First Drove.

## **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
05/00908/FUL	Erection of building for use by staff and club members	29.09.2005	Withdrawn

## **6 CONSULTATIONS/REPRESENTATIONS**

### **INTERNAL**

**Head of Transport and Engineering** – The proposal will not increase vehicle movements to and from the site, and First Drove is a private road. Therefore, no Highway Implications.

**Wildlife Officer** – No comments due to duplication with Natural England who must be consulted.

**Landscape Officer** – No issues raised.

**Building Control Surveyor** – Building Regulation approval is not required.

### **EXTERNAL**

**Natural England** – No objection to the proposed development in respect of any statutorily designated sites or legally protected species as not aware that the proposals are likely to have a significant impact on any such features.

### **NEIGHBOURS**

None

## **COUNCILLORS**

Cllr Todd has raised concern that premises would be used for private residential use and that this could set precedent for this form of development.

### **7 REASONING**

a) **Introduction**

The Eastern General Employment Area contains many well-established industrial and commercial premises and contributes towards the business offer of the City. There is an acknowledged issue regarding crime and burglary in the area which has necessitated the siting of three static caravans on the application site, one of which is used as accommodation for a night watchmen, providing security for the premises out of operational hours.

b) **Policy issues**

There is a strong policy presumption in favour of development within employment use classes (B1, B2 and B8). As this site is within the Eastern General Employment Area and has a substantial amount of established industrial and commercial uses, it is well placed for development that will contribute towards the continued vitality and viability of businesses. The continued siting of the caravans will ensure that a security presence is felt on site throughout the day and night, improving the security of the premises and the wider area. This is in accordance with Policies OIW1 and DA11.

c) **Principle of Development**

There has been concern raised by Councillor Todd regarding the potential use of the caravans and the precedent that may be set as a residential dwelling. Whilst this concern is acknowledged, from an Officer visit to the site and from the information provided by the applicant supporting the planning application, it is considered that this would not be the case. Particularly the caravan to be used as the night watchman's hut will only be used during the hours the premises are not open to the public and will not be in constant use.

The use of the caravans has been put forward as an ancillary element to the operations of the existing premises and this can be conditioned to remain as such.

d) **Need for the development**

As part of the application, the applicant has provided several signatures of support from businesses in the surrounding area, as well as letters from both the firm's Insurance Company and Cambridgeshire Police. Letters from the Police Community Safety Officer and Community Support Officer both lend support to the application and clearly identify that a 24 hour presence of security on the site is invaluable in reducing crime. The caravan proposed for security use will only be in operation during the hours that the premises is not open to the public, as security is provided throughout the day by the presence of employees on site.

It is acknowledged that in the wider area, and particularly along First Drove, burglary and crime are a significant factor and as such, the caravan for the use as a night watchman's hut is required in order to reduce the risk of loss to the premises. Without the use of the caravans, particularly for security reasons, the applicant will no longer be able to operate the business out of these premises which would detract from the business offer in the area. Under guidance contained in PPG4, the Local Authority should support small businesses and it is considered that planning permission should be looked upon favourably for business uses. Due to the ancillary nature of the caravans, they should be supported and conditions appended to ensure that their use remains ancillary to the operations of the premises known as Bikes, Trikes 'n' Stuff.

e) **Impact on the amenities and character of the area**

The area immediately surrounding the application site is generally characterised by industrial and commercial uses with several small to medium sized firms operating within First Drove. As the area has been developed over a period of time and is well established, there is a variety of styles of buildings, with varying states of condition. The small parcel of land upon which the caravans have

been sited is vacant and overgrown and abuts the boundary line with adjacent industrial/commercial units. Whilst the caravans are visible from the footpath which runs along the bank of the watercourse, the caravans do not represent unduly obtrusive features and do not significantly harm the overall visual amenity of the area. Due to the varied nature of the built form of First Drove, it is expected that different building styles and types are to be present, and as such, the proposal does not appear out of keeping.

There are residential properties abutting the Employment Area to the east, however the caravans cannot be seen from these areas and as such, do not cause harm to the visual amenities of occupiers of residential properties. The caravans do not detract from it due to the varied nature of both the application site and other buildings contained within the Eastern General Employment Area. As such, it is considered that the caravans are an acceptable element within the character of the wider area.

## **8 CONCLUSIONS**

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- The site is located within an identified General Employment Area, where ancillary uses to Use Classes B1, B2 or B8 are in principle acceptable;
- The proposed caravan for use as out of hours security will significantly improve the security of the site and surrounding area and has been supported by several of the premises surrounding and Cambridgeshire Police; and
- The caravans will not have a significantly detrimental impact on the overall character of the surrounding area.

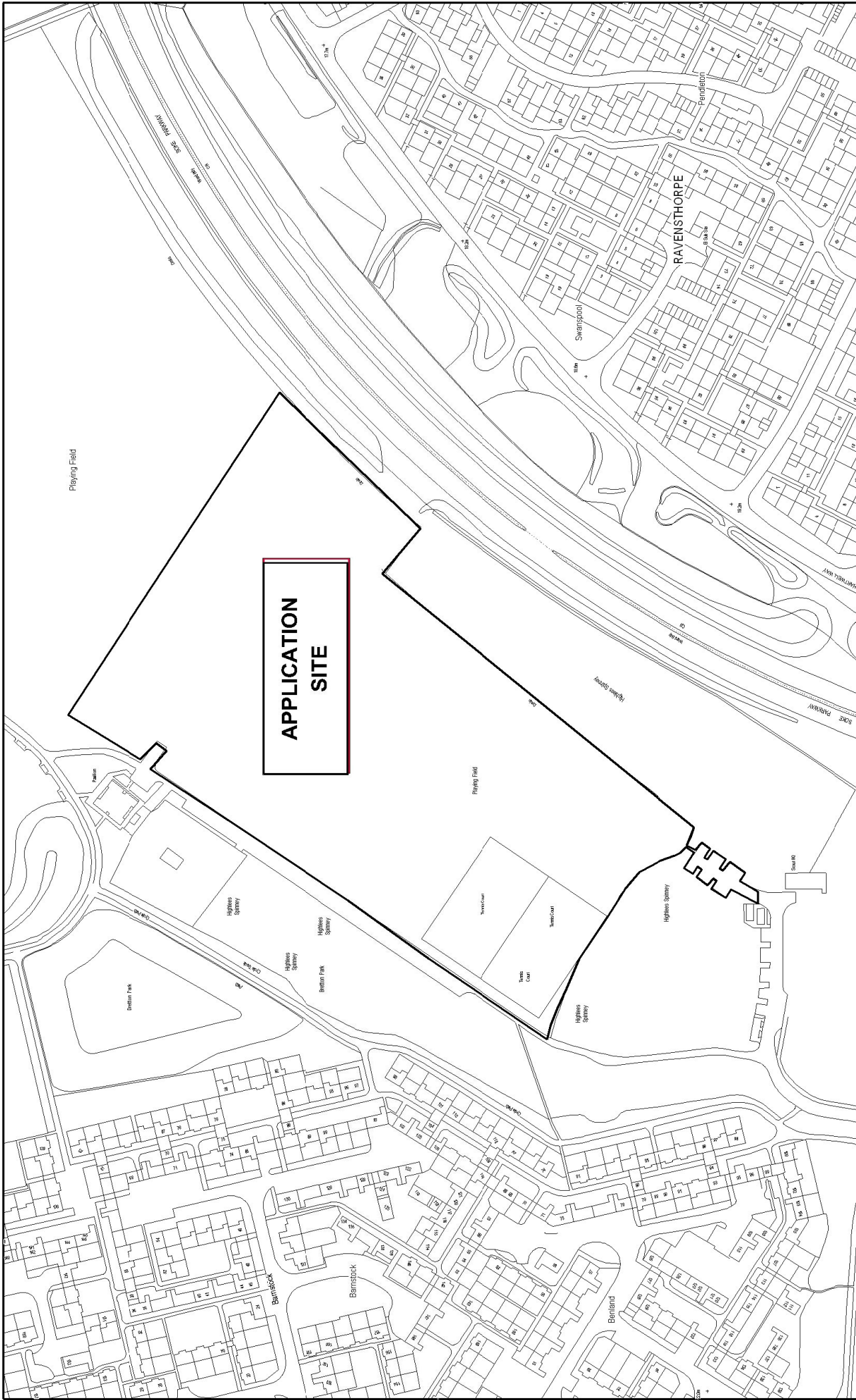
## **9 RECOMMENDATION**

The Head of Planning Services recommends that this application is **APPROVED** subject to the following conditions:

- C1 The caravans shall be used for storage, offices and security accommodation ancillary to the premises known as Bikes, Trikes 'n' Stuff, First Drove; and for no other purpose (including any other purpose within Class B2, B8 and C3 of the Schedule to the Town & Country Planning (Use Classes) Order 1987) (or any provision equivalent to that class in any statutory instrument revoking and re enacting that Order with or without modification), notwithstanding the provisions of the Town & Country Planning (General Permitted) Development Order 1995 (or any statutory instrument revoking and re enacting that Order).**

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

Copy to Councillors Collins, Goldspink, Todd



**LOCATION PLAN**

08/01239/FUL

Bretton Woods Community School, Flaxland, Bretton, Peterborough

Scale 1:2500 Name MKB Department Planning Services

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PCC GIS



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08/01239/FUL THE ERECTION OF A TEMPORARY SPORTS CLUB HOUSE INCLUDING CATERING, BAR AND CHANGING FACILITIES (RETROSPECTIVE) ON LAND TO THE NORTH OF THE FORMER BRETTON WOODS COMMUNITY SCHOOL SITE, BRETTON PARK, BRETTON

VALID: 12 NOVEMBER 2008  
 APPLICANT: PETERBOROUGH LIONS RUGBY CLUB  
 AGENT: N/A  
 REFERRED BY: HEAD OF PLANNING SERVICES  
 REASON: THE DEVELOPMENT HAS BEEN IMPLEMENTED WITHOUT PLANNING PERMISSION AND HAS RAISED ISSUES OF WIDER CONCERN

DEPARTURE: NO

CASE OFFICER: Mike Roberts  
 TELEPHONE: 01733 - 453425  
 E-MAIL: mike.roberts@peterborough.gov.uk

## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:-

- The principle of the development
- Traffic generation
- The impact of the development upon residential amenity
- The impact of the development upon the character of the area
- The impact upon wildlife

The Head of Planning Services recommends that the application is **APPROVED**

## **2 PLANNING POLICY**

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### **Development Plan Policies**

**Relevant policies are listed below with the key policies highlighted.**

#### **The Peterborough Local Plan (First Replacement)**

##### **T1: Transport implications of new development**

Seeks development that would provide safe and convenient access to site and would not result in an adverse impact on the public highway.

##### **T7: Public transport accessibility to development**

Development with significant transport implications will only be granted if it is well served by public transport or if improvements can be made to provide good public transport.

##### **T10: Car and motorcycle parking requirements**

Planning permission will only be granted for development outside the city centre if it is in accordance with approved parking standards.

**LT3: Loss of open space**

Planning permission would not be given if a development would result in a loss of open space that would give rise to a deficiency.

**LT9 (b) Development of Leisure Facilities**

Any site for leisure development that lies outside of a district centre or Hampton Township Centre will be required to demonstrate the need for the development and that a sequential test has been applied. Planning permission will only be granted if there is a clearly defined need and that there are no alternative sites higher in the sequence.

**DA2: The effect of a development on the amenities and character of an area**

Planning permission will only be granted for development if it can be satisfactorily accommodated on the site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.

**DA11: Design for security**

Planning permission will not be granted for a development unless vulnerability to crime has been satisfactorily addressed in the design, location and layout of the proposal.

**DA12: Light Pollution**

Permission for lighting schemes will only be granted if the level of lighting does not exceed the minimum necessary to achieve its purpose, the installation minimises glare and light spillage and does not adversely affect the amenity of an area.

**LNE16: Sites of Local Nature Conservation Importance**

Planning permission will not be granted for development which would be likely to have an adverse effect upon a Local Nature Reserve or a County Wildlife Site unless there are demonstrable reasons for a proposal that outweigh the need to safeguard the nature conservation value of a site.

**City Centre Framework Implications: NONE**

**Village Design Statement Implications: NONE**

**Central Government Advice**

**Planning Policy Guidance Note 24 – Planning and Noise** – This gives guidance on the use of planning controls to minimise the adverse impact of noise that may occur as part of a development proposal. The guidance advises that noise can be a material consideration for a local planning authority to consider in determining planning applications. It also advises that new development involving noisy activities should, if possible, be distant from noise sensitive land uses. Where it is not possible to achieve such a separation of land uses it should be considered whether it would be practical to control or reduce noise levels or to mitigate the impact of noise through the use of planning conditions or planning obligations.

**3 DESCRIPTION OF PROPOSAL****Background to the Peterborough Lions Rugby Club**

The Peterborough Lions Rugby Club was formed as Westwood Works Rugby Club in 1944 and the team played its home matches at the Baker Perkins site off Westfield Road until the late 1980's. Since then the club have played at a variety of venues including the Peterborough United Football Ground during 2006/07, followed by the Hereward Community College and during the 2007/08 season, Peterborough Showground. The club plays its matches on a Saturday afternoon. Having gained promotion this playing season they will be playing next season in Midlands East Div 2 league (south). They will be playing against teams located up to a 70mile radius from the city. Their nearest opponents are to be Huntingdon. The club have two training sessions a week, both in the evenings and offer junior/youth coaching on a Saturday morning. The Club have confirmed that on average each home game attracts a crowd of about 200 with any away support making up a small percentage of this figure given



the distances that away teams have to travel. Away teams and supporters do on occasion arrive to the games by coach. The main marquee on the site is used for various types of functions including, christenings, wedding, and birthday parties for example.

## **Proposal**

The proposal is retrospective and seeks to retain three marquees linked together all with pitched roofs. All of the marquees have roofs made of White PVC made with PVC frames holding double glazing windows floor to eaves forming the walls. The main marquee area has an east to west aligned ridge with a rectangular footprint of approximately 450sq.m and a height of 5m. This is a hospitality suite area with an additional smaller marquee attached to its western elevation aligned in a north to south orientation. This marquee has a floor area of 72sq.m and a height of 3.2m and is being used for storage purposes. A further marquee is fixed parallel to the southern elevation of the main marquee that has a floor area of 126sq.m, with a ridge height of 3.5m and houses the kitchen and bar. The smaller marquee is 9m to the north of the 4 retained tennis courts to the west of the marquee. A conservatory structure is attached to the eastern side of the main marquee described as a porch on the application drawings. This has a footprint of approximately 30sq.m.

To the west of the marquees are located 4 portacabins that are used as changing accommodation and toilet facilities. These are painted grey with a blue trims. There are also a number of individual toilet blue cubicles that are used by spectators to the Rugby matches and in association with the functions held in the main marquee. To the north of the main marquee is a grassed floodlit area used for training purposes.

The main parking area to serve the use is an established car park that lies to the south east of the marquee complex and was once used as a parking area for the former Bretton Woods School. It is hard surfaced and can accommodate up to 55 cars. 18 more spaces are available just to the south of the main car park and there are additional parking spaces along the road to the site. The vehicular access to the car park is via a tarmaced track off the service road to the rear of the Sainsbury's.

## **4 DESCRIPTION OF SITE AND SURROUNDINGS**

The application site lies at the very southern end of the Bretton Park and comprises the aforementioned buildings/structures. To the east, south and west are woodland areas. These areas are of local nature conservation importance. To the north are the 2 enclosed Rugby pitches and a cricket square. Further to the north is the open Bretton Park playing field. The former Bretton Woods School Car Park lies just to the north of the southern woodland area accessed by a hard surfaced road off the service road to the north of Sainsbury's. It is enclosed by green painted 2.5m high palisade fencing. Prior to the latter a road forks off to the north to an area of parking that runs alongside the west side of the site and the Rugby pitches. This area has long been used by those playing tennis or making use of the facilities in the park. Once off the service road there are parking spaces to the north and closer to the larger car park there are 18 parking spaces either side of the road. The various marquees are located on four of the original 8 tennis courts with the fencing around the courts remaining. Within the main car park there were two touring caravans and a shipping container taking up a number of parking spaces.

## **5 PLANNING HISTORY**

None relevant

**INTERNAL**

**Building Control** – The plans are not of sufficient detail to provide a full and proper comment. The various structures may be sited to close to the site boundaries.

**Head of Highways and Transportation** – No objections raised subject the flood lighting and ancillary lighting not endangering users of the nearby public highways. Details of 30 car parking spaces, 2 coach parking spaces and 22 cycle parking spaces are to be provided to serve the facilities of the club.

**Operations Manager –Bereavement and Sports Services** – The current temporary arrangements for the Lions Rugby Club forms a part of a much bigger picture that will lead to significant investment by the Rugby Club in the future.

**Head of Culture** – The objectives of the applicant are in line with the Council's Draft Sports Strategy that the Council are currently exploring. Full support.

**Head of Strategic Property** – The Rugby Club was advised on 1 September 2008 that they could occupy the site the subject of this application in accordance with a conditional licence agreement. The conditions permitted the Rugby Club, to fence the site and prepare the pitches to their requirements, to ensure that the remaining tennis courts were kept available for use and that the pitches are kept in a suitable condition to allow the playing of cricket with no rugby being played over the existing cricket wicket. The licence will run from 28 July 2008 until 26 July 2009. The licence restricts the use of the site to be the home ground solely for the Peterborough Lions Rugby Club.

**EXTERNAL**

**Bretton Parish Council** – The application is clearly retrospective and has resulted in the closure of 4 tennis courts. These were always open for use by the general public. No planning permission has been granted for any of the works undertaken by the Rugby Club. The Parish Council is aware that the use of the facilities has resulted in a number of noise nuisance complaints from the residents of the dwellings to the west of the site. The application has ignored the presence of the Ancient Woodland to the south and east of the site which is also a Local Nature Reserve. The application details have ignored, in terms of the site area of the development, the area that has been enclosed by mesh fencing.

**The Head of Environmental Health Services** has advised that two noise nuisance complaints have been received directly about the use of the premises one of which included a 'noise log' of the problems that have been experienced from the use of the site. The complaints that were logged were noise nuisance from the use of the hospitality marquee at between 11 – 11.45pm with the words of the singer being clearly audible. This required the complainant having to turn up the volume of the television and affected his ability to sleep.

**Police Architectural Liaison Officer – Secure by Design** – The facilities are expected to attract those intent on crime, damage and anti-social behaviour. The site is particularly vulnerable due to its remote location, lack of any natural surveillance and the temporary nature of its construction. Entry through PVC material is very easy. The site is going to be particularly at risk when not in use. Care has to be taken that the site area is not used as a 'hang out' for local youths. The applicant has advised that he intends to install a CCTV system. Significant concerns in relation to the long term policing of the site if the temporary nature of the use was to be extended much beyond the planned 12 month planned time scale. To assist in securing the site and in addition to the proposed CCTV system and the fencing that has been erected the use should have a fully monitored alarm system to BS4737, fully trained security staff to be employed to protect the site out of hours and the bar and stock room should be contained within a secure and alarmed enclosure

**Natural England** – No objections to the proposed development in respect of any statutorily designated sites. As the site is in close proximity to areas of woodland light pollution is to be avoided. Light pollution can have a range of adverse impacts upon wildlife such as disturbance to nocturnal mammals and disruption to the behavioural patterns of birds and invertebrates for example. The proposal should include details of enhancements for biodiversity in line with the aims of Planning Policy Statement (PPS9) – Biodiversity and Geological Conservation. Such enhancements could include habitat creation to buffer and extend the adjoining County Wildlife Site and the use of native species of local provenance within any additional landscape proposals, the inclusion of green roofs or climbing plants on unused walls as nesting habitat for birds and invertebrates and the use of a sustainable urban drainage system.

**Sport England** – It will normally oppose development that would lead to the loss of, or prejudice the use of, all or part of a playing field without meeting at least one of the specific exception criteria identified its policy guidance contained within its document entitled ‘Planning for Sport Playing Fields’. In principle the proposal could be viewed as complying as an exception to its normally restrictive policy in that it provides ancillary facilities associated with the principle use of the site as a playing field without adversely affecting existing sports pitch provision. No objections to the ancillary facilities, such as the changing areas, showers and toilets on the grounds that they are a temporary provision. Sport England does have its own standards for permanent sporting facilities for the players. The loss of a number of the tennis courts would be acceptable provided that the remaining courts are to be upgraded as stated by the applicant

A **petition** signed by the occupants of 10 residential properties in Barnstock was submitted in December to the Environmental Health Pollution Control Team specifically objecting to the disturbance they experienced from music being played excessively loud in the marquee. The Pollution Control Team has not received any complaints since January 2009.

A resident of **Benland** has objected to the loud playing of music at the Marquee at anti social times, a noisy generator, requests to the Rugby Club to turn the volume of the music down have been ignored, the lack of any consultation with the local community prior to the commencement of the uses and the noise and general inconvenience of vehicle movements late at night.

## **COUNCILLORS**

No representations from Members of the Council have been received.

## **7 REASONING**

### **Principle**

The Peterborough Lions Rugby Club have a long established history and the First Team are playing a high standard of competitive Rugby to regional league level just two leagues down from the Peterborough Rugby Club which is based in Fengate. They are looking for a new home as they have been effectively nomadic since the late 1980’s. As a result they approached the Council for assistance and, albeit without first having secured the necessary planning permission, the Cabinet Member for Efficiency and Business Improvement agreed the use of the tennis courts for a period of 1 year for the siting of the various marquees and portacabins associated with the Rugby Club. The 1 year period will expire on 26 July 2009. The club have a long term plan to be permanently based at the site. The lease also provides a 5 year window during which time the permanent development of the site could take place and thereafter a 60 year lease to commence on completion of the permanent construction works.

Sport England has advised that in accordance with its policy the facilities would be acceptable provided that the 4 remaining tennis courts were to be upgraded. This is desirable but should only be sought were the Rugby Club to gain the necessary full planning permission for permanent facilities on the site. Such expense would be an onerous requirement at this stage where only temporary planning permission is being sought. The Rugby Club have agreed to undertake the upgrades of these remaining tennis courts. Sport England are satisfied that the

general Rugby facilities are not taking away the open use of the southern end of Bretton Park and that local cricket clubs are still to be able to make use of the cricket pitch located between the two rugby pitches. To aid this the lease of the land to the Rugby Club requires that they do not encroach on the cricket square and keep the rugby pitches maintained to allow for a decent cricket outfield.

Policy LT9 of the Peterborough Local Plan (First Replacement) does require that for such leisure facilities that are to be based outside the city or district centres that applicants undertake a sequential test to seek to demonstrate that there are no other more suitable locations for the facility in such areas and also to demonstrate a need for the facility. The applicants have done neither in this case. However, there are considered specific individual circumstances that can enable the determination of the application without the necessity to rely on a sequential test having been undertaken.

The aim of policy LT9 is to seek to congregate uses that can be expected to attract people to locations that are accessible by a variety of different modes of transport and not solely by the motor vehicle. Clearly a rugby club could not have a base other than near to the rugby pitches which in turn have to be located in an area of green open space, such as the playing fields to the north of the marquees, the subject of this application. Whilst the marquees will be used primarily for ancillary rugby purposes, in order to raise revenue for the clubs expansion it proposes to continue hiring the marquees out, which would be mainly at weekends. The location of the site is such that being close to the edge of the Bretton Centre that both the functions to be held at the club and the rugby matches would be accessible by public transport from most parts of the city. There is also a cycle route that passes the site. Thus the site is considered accessible and the terms of the requirement of policy LT9 have been addressed by the development and its location.

The Police Architectural Liaison Officer considers that the remoteness of the site, the ease that the marquees could be entered by those intent on causing crime and damage and the lack of natural surveillance means that the site is very vulnerable. Accordingly he has advised that the security measures for the development have to be improved. The applicant has agreed to installing a CCTV system. Further it has been advised that the structures should be alarmed, the bar and stock should be contained in a secure area and when the facilities are not in use that the site should be guarded by security staff. These measures are proposed to be secured by condition.

**Need** – The Peterborough Lions Rugby Club have a real need to find a permanent home as evidenced from its recent history of constantly changing home grounds. Without such a home the club would have a limited chance of reaching its aims, amongst which is for the club to play high league competitive rugby, whilst having the facilities to promote and encourage youth rugby. The club are benefitting from the use of two good quality playing pitches which in accordance with the lease they are to retain them as such. The portacabins are an essential requirement in the absence of permanent changing facilities for the players and match officials.

**The marquees** – These appear at first glance to be quite lavish in scale and appearance. However, whilst the floor area of the marquees exceeds 600sq.m the club do require a function room facility, as have Peterborough Rugby Club based in Fengate. The Club have advised that the crowd for home games has been on average around 200 with peaks in the region of 300, dependent upon the opposition. The after game socialising is a key element of the rugby experience and as such a facility will be required to accommodate players and spectators, particularly after a game. This also provides a source of revenue for the club. The marquees have also been used for private functions but this is not a regular occurrence and its principle role is to provide match day facilities.

## **Traffic generation**

The traffic generated by the uses of the site are greatest on first team match days and when private functions are held in the main marquee. The site can accommodate at present 55 car parking spaces in the main car park and 18 either side of the access road nearest to the main car park. Vehicles do also park on a strip of parking along the access road although this lies outside of the application site area. The Rugby Club have confirmed that visiting teams/spectators do, on occasions, arrive by coach given the travelling distance. The main car park can accommodate a couple of coaches although in doing so a number of the car parking spaces could not be used. However, the pressure for on site parking in such cases must be offset against the reduced number of cars that a visiting team would normally bring. This can only be expected as a result of first team games and other functions held in the marquees would be expected to generate car traffic only. The parking of a coach(s) can be accommodated within the main car park and a condition has been suggested that requires details of the parking provision to include coach parking arrangement. Even with a coach(s) parked within car park and their turning requirements it is expected that there would still be provisions for up to 45 on site car parking spaces that is considered satisfactory in this instance.

## **The impact of the development upon residential amenity**

Complaints had been made to the Environmental Health Team, including a petition from residents of the residential area to the west of the site following an initial number of functions held in the marquees. However, there have been no complaints about any functions that have been held since January. This tends to lead to the conclusion that the functions are being better managed by the club. The nearest residential property to the marquees is approximately 80m away with quite dense woodland in between the two. Vehicles leaving functions at night have been cited as a cause of noise nuisance but this should be minimal as the roads are all hard surfaced to the public highway and the nearest to a dwelling that the road passes is 17m. A noise restricting condition and a temporary one year condition for the retention of the marquees are to be applied such that if the use does cause problems to the amenities of the occupiers of the nearby residential properties then the Authority retains control over it.

## **The impact of the development upon the character of the area**

The retention of the marquees and ancillary facilities such as the portacabins will have an impact upon the character of the locality given their scale and the fact that the previous use of the site was for tennis courts. However the parking area remains the same as used in associated with the Bretton Woods School. The marquees, whilst visible from the north of Bretton Park can be expected to be reasonably screened from views from all other directions due to the dense woodland on all other sides. The use will clearly generate greater vehicle movements at times when the traffic generated by the former school would not have been generated but this will be occasional and certainly not on a daily basis. The use will require lighting and this will increase the prominence of the marquees in the evening. However on balance the general lightweight appearance of the marquees and their use is not expected to have a long lasting impact upon the character of the area.

## **The Impact upon Wildlife**

The site is surrounded on three sides by woodland that is designated in the Local Plan as having local nature conservation importance. Natural England has raised no objections to the proposal. They have however requested that the proposal should include enhancements for the bio-diversity of these areas. They have suggested a number of options although as the proposal is for a temporary permission it is considered that to undertake this would be onerous upon the applicant. However, should the applicant prove successful at securing permanent buildings on the site the requirements of Natural England should be adhered to.

## 8 CONCLUSIONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:-

- The marquees and portacabin buildings are acceptable as ancillary facilities, on a temporary basis, in association with the use of the adjoining playing fields for the playing of competitive Rugby and Cricket and would be in keeping with the Authority's Sports Strategy and accord with policy LT10 of the Peterborough Local Plan (First Replacement)
- The use of the marquees for non Rugby related functions are acceptable on the grounds that such functions are only sporadic, that they are helping to fund the development of the Rugby Club, the site is located within walking distance of the Bretton Centre and over time the functions have not been detrimental to the amenities of the occupiers of the nearby residential properties in accordance with policies DA2, and T7 of the Peterborough Local Plan (First Replacement).
- The parking provision for the Rugby Club and independent functions is considered to comply with policy T10 of the Peterborough Local Plan (First Replacement)

## 9 RECOMMENDATION

The Head of Planning Delivery Services recommends that this application is **APPROVED** subject to the following conditions:

- C1 The marquees and portacabins hereby permitted shall be removed and the land restored to its former condition on or before 30 June 2010 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: In order to reinstate the original use of the land or site, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

- C2 Within 4 weeks of the date of this permission details of the parking provision to serve the use of the rugby playing facilities and the marquees hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The parking provision shall include facilities for up to 2 coaches and all cars are to be able to enter and leave the main car parking area in a forward gear. Thereafter the parking and turning facilities shall be implemented in accordance with the approved details and shall not be used for any purpose other than for the parking, turning, loading and unloading of vehicles in connection with the uses of the rugby playing facilities and the marquee.

Reason: In the interest of Highway safety, in accordance with Policies T1 T9, T10 and T11 of the Adopted Peterborough Local Plan (First Replacement).

- C3 The marquees shall not be used for any functions either in association with the use of the site by the Peterborough Lions Rugby Club or private functions before 1000 hours and after 2400 hours on any day.

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

- C 4 The marquees shall be used solely used for the activities and functions of the Peterborough Lions Rugby Club and for private functions that are to be attended solely by invited guests only and for no other purpose (including any other purpose within Class A3 and A4 and Class D2 of the Schedule of the Town and Country Planning (Use Classes) Amendment Order 2005) (or any Order revoking and re-enacting that Order, with or without modification), notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order, with or without modification).

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

- C 6 Within 4 weeks of the date of this permission details of the amplification system for music associated with functions to be held in the marquees hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. The amplification system shall be configured such that the speakers direct sound away from the residential properties to the west if the site in a north easterly direction. Thereafter, the amplification system shall accord with approved details for each function.

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

- C 7 Within 4 weeks of the date of this permission is proposed a noise limiter, including its setting, shall be connected to the amplification system in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the noise limiter shall remain installed in accordance with the approved details, shall be kept entirely free from obstruction and shall be in use for the duration of functions held in the marquees. The agreed noise level restriction, shall not be altered unless by written agreement with the Local Planning Authority. The effectiveness of the noise limiter will be monitored by the Local Planning Authority and should the set level be found to be too high the noise meter will be reset accordingly. The applicant shall afford access at all reasonable times to an Officer nominated by the Local Planning Authority to enable the resetting to be undertaken.

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

- C8 Within 4 weeks of the date of this permission space shall be laid out within the site for the secure parking of 22 bicycles and that area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To encourage the use of a sustainable method of transportation to the site in accordance with policy T9 of the Peterborough Local Plan (First Replacement)

- C9 Lighting shall be arranged so that no danger or inconvenience is caused to users of the adjoining public highway. Details of the proposed lighting shall be submitted to the Local Planning Authority and approved in writing prior to its first use.

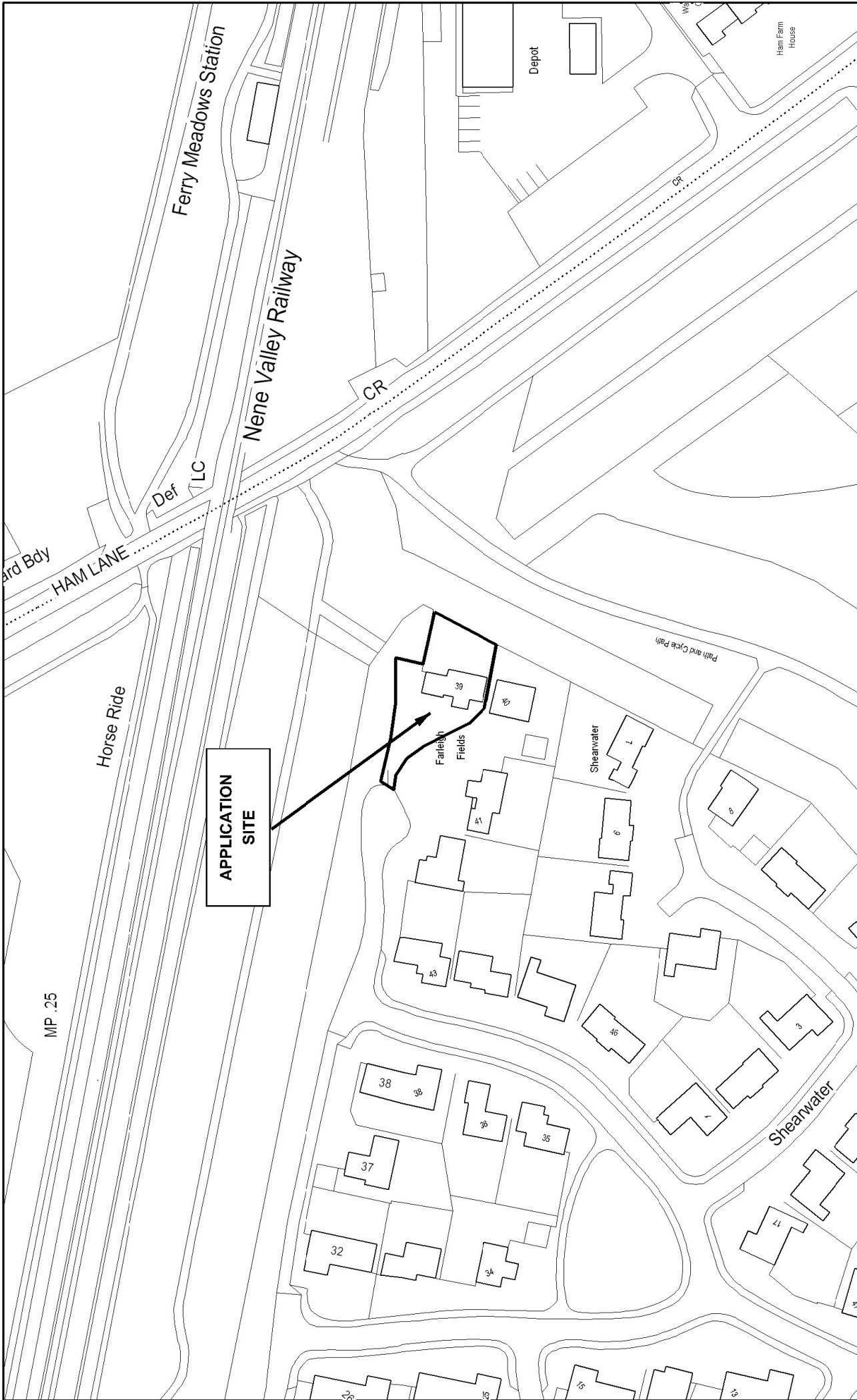
Reason: To avoid glare/dazzle which could lead to danger to highway users, in accordance with Policy T1 of the Adopted Peterborough Local Plan (First Replacement).

#### Notes relating to the decision

1. If the development is to involve works within the public highway in order to provide services to the site such works must be licenced under the New Roads and Street Works Act 1991. It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Applications for NR & SWA licences should be made to Environment, Transport & Engineering – Street Works Coordinator on (01733) 453578.

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**LOCATION PLAN**

39 Farleigh Fields, Orton Wistow, Peterborough

**Scale 1:1250 Name MKB Department Planning Services**

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09/00244/FUL: TWO STOREY SIDE, SINGLE STOREY REAR AND FRONT AND TWO STOREY FRONT EXTENSIONS AT 39 FARLEIGH FIELDS, ORTON WISTOW, PETERBOROUGH PE2 6YB

VALID: 5 MARCH 2009

APPLICANT: MRS D LAMB

AGENT: DAVID SHAW

REFERRED BY: HEAD OF PLANNING SERVICES

REASON: THE APPLICANT IS A PETERBOROUGH CITY COUNCILLOR

DEPARTURE: NO

CASE OFFICER: MIKE ROBERTS

TELEPHONE: 01733 454410

E-MAIL: mike.roberts@peterborough.gov.uk

## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The impact of the extensions upon the character and appearance of the area
- The impact of the extensions upon the amenities of the occupiers of the close by residential properties

The Head of Planning Services recommends that the application is **APPROVED**

## 2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### Development Plan Policies

#### Key policy

#### The Peterborough Local Plan (First Replacement)

##### **DA2: The effect of a development on the amenities and character of an area**

Planning permission will only be granted for development if it can be satisfactorily accommodated on the site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.

## 3 DESCRIPTION OF PROPOSAL

The two storey side extension is to involve the demolition of the existing double garage attached to the north facing gable end of the dwelling to be replaced on the same footprint with a replacement double garage with two bedrooms above. This would have its front elevation projecting 0.95m forward of a recessed part of the of the fowardmost extent of the dwelling. The bedrooms would each have a single gable style dormer window in the east and west facing elevations respectively. The ridge height of this extension is to be approximately 0.6m lower than that of the existing dwelling. Attached to the rear of this two storey extension is to be a single storey extension that would extend out 1.65m from the rear elevation of the dwelling. It is to have a mono-pitched roof.

A porch is proposed in a small recessed area in front of the front door to the dwelling. This will comprise an 'L' shaped mono-pitched roof design and would not extend beyond the forwardmost wall of the dwelling.

A two storey extension is also proposed to the front right hand side of the dwelling that would infill an existing open area that is flanked by a centrally located two storey element to the dwelling that projects forward of the main rectangular form of the dwelling and the west facing elevation of the dwelling. This extension would measure 3.58m across and have a depth of 2.95m. The front elevation of the extension is to be in line with the forwardmost wall of the dwelling and is to have an identical gable appearance.

All of the extensions are to comprise matching bricks and concrete roof tiles.

#### **4 DESCRIPTION OF SITE AND SURROUNDINGS**

The property comprises a modern detached brick built 4-bedroomed dwelling with an attached double garage to its north elevation and is located at the end of a cul-de-sac. Immediately to the rear of the property is an established tree-belt. To the north a cycle way/footpath from the cul-de-sac flanks onto the property which connects, through a tree-belt to a principle footpath/cycle way that connects to Ham Lane giving access to Ferry Meadows Country Park. To the south of the property is no.40 Farleigh Fields, a detached dwelling that within the past year has been extended by way of a single storey extension to the rear, a first floor front extension and a replacement double garage to the front. The property partly shares a driveway with the occupiers of no.40. An established and well maintained 2m high hedge forms the boundary of the application property with the long driveway to no.40 and a short length of 2m high leylandii hedge forms the south boundary forward of the front recessed front elevation of the dwelling.

#### **5 PLANNING HISTORY**

The dwelling house has not been previously extended.

#### **6 CONSULTATIONS/REPRESENTATIONS**

##### **INTERNAL**

**Building Control** – Building Regulation approval will be required for the extensions

##### **COUNCILLORS**

No comments

##### **REPRESENTATIONS:**

A letter of objection has been received from the residents of no.40 Farleigh Fields on the grounds that the two storey extension to the front of the dwelling would be physically overbearing to the front of their house and particularly close to their front door, such that it would permit a greater potential to overlook the area to the front of their dwelling. An established leylandii hedge would have to be removed that currently forms an attractive screen between the two properties.

#### **7 REASONING**

##### **The impact of the extensions upon the character and appearance of the area**

The extensions, whilst substantial, have been designed to compliment the general character and appearance of the existing dwelling by reflecting up its principle design elements particularly with regards to the two storey extensions to the side and front of the dwelling that will be most prominent. The relationship of the extended dwelling to the general open and wooded environment to the east and north of the property would be unaffected due to reasonable separation distances and particularly by the subservient design of

the two storey side extension. The two storey front extension is similar in design terms to the front extension to the neighbouring dwelling at no.40 Farleigh Fields. The landscaping to the west of the application dwelling comprises substantial sized shrubbery and small trees which to some extent screen the dwellings to the rear of the cul-de-sac from view which will assist in restricting the visual impact of the extensions.

### **The impact of the extensions upon the amenities of the occupiers of the close by residential properties**

The dwelling that could be most affected by the proposed extensions would be no.40 Farleigh Fields, which is situated immediately to the south of the application property, due to its relationship to the proposed two storey front extension. This two storey extension would extend forwards of the recessed two storey front elevation wall of no.40 that contains an obscure glazed bathroom window, the separation distances between the two dwellings being approximately 2m. The extension would not block light to this obscure glazed window due to the separation distance of the flank elevation of the extension and due to the application dwelling being north of no.40.

Concern has been expressed by the occupiers of no.40 that the extension would afford an adverse overbearing impact to the front of their property. However, whilst the extension would be more visually prominent from within the front curtilage of no.40, its impact on the general amenities afforded to no.40 would be marginal given that the extension would face principally towards the driveway of no.40, separated by retained hedging, and the parking area in front of a pair of double garages.

No.40 has also raised concerns that the bedroom window in the first floor west elevation of the two storey extension would permit overlooking into the frontage area of their property. Whilst this window would permit this, any potential for overlooking would be restricted to the driveway and the front of the curtilage of no.40 and no private areas to that dwelling would be overlooked. However in this context the application dwelling already has a first floor window set facing west close to the boundary with no.40. From this existing window it would be currently possible to view over the driveway, parking area and in the vicinity of the front door to no.40 which is considered has a greater impact than the first floor window proposed.

The occupiers of no.40 have objected to the removal of a length of leylandii hedging that would have to be removed to accommodate the two storey front extension. Whilst the leylandii hedge does form a pleasing separation between the frontage of the application property and no.40 its replacement with a 2m high boundary fence will serve as an equally effective and pleasing boundary screen such that the loss of the hedging is considered acceptable. The established hedging forming the boundary of the application site and the driveway to no.40 will remain.

## **8 CONCLUSIONS**

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- The extensions to the dwelling would not adversely impact upon the amenities of the occupiers of the close by residential properties in accordance with policy DA2 of the Peterborough Local Plan (First Replacement)
- The designs of the various extensions are considered to compliment the general appearance of the dwelling in accordance with policy DA2 of the Peterborough Local Plan (First Replacement)

## **9 RECOMMENDATION**

The Head of Planning Services recommends that the proposal is **APPROVED** subject to the following conditions and informatives:

**C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

**C2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no windows shall be inserted in the first floor south facing elevation of the two storey extension hereby approved.**

Reason: In order to protect the amenities of the occupiers of the adjoining residential property in accordance with policy DA2 of the Peterborough Local Plan (First Replacement).

**C3 The existing leylandii hedging along the southern boundary of the application dwelling shall be replaced for its entire length with 2m high vertical boarded fencing in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The fencing shall be implemented prior to the first occupation of the two storey extension hereby approved.**

- C4**
- (a) No development or other operations shall commence on site until a scheme (herein after called the approved protection scheme) which provides for the retention and protection of the hedgerow to the front of the curtilage of the application dwelling, other than the leylandii hedging growing along the southern boundary of the site, has been implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme;
  - (b) No operations shall commence on site in connection with the development hereby approved until the protection works required by the approved protection scheme are in place;
  - (c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme;
  - (d) The protective fencing shall be retained intact for the full duration of the construction of the extensions hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority;

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

Notes Relating to this Decision

- 1 Your attention is drawn to the relevant provisions of the Party Wall etc Act 1996 which may require notification of the works hereby permitted to all affected neighbours. More detailed information of the provisions of 'The Act' can be obtained from <http://www.peterborough.gov.uk/page-102>, or alternatively by telephoning 01733 453422 or email [buildingcontrol@peterborough.gov.uk](mailto:buildingcontrol@peterborough.gov.uk).



**LOCATION PLAN 09/00313/FUL**

Arthur Mellows Village College, Helpston Road, Ginton

**Scale 1:5,000 Name MKB Department Planning Services**

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09/00313/FUL: CONSTRUCTION OF NEW GYM AND REFURBISHMENT OF EXISTING GYM TO FORM AN INNOVATION CENTRE AT ARTHUR MELLOWS VILLAGE COLLEGE, HELPSTON ROAD GLINTON

VALID: 23RD MARCH 2009

APPLICANT: PETERBOROUGH CITY COUNCIL

AGENT: FRANK SHAW ASSOCIATES

REFERRED BY: GLINTON PARISH COUNCIL

REASON: MASSING, NOISE, TRAFFIC, INADEQUATE DRAINAGE, POOR DESIGN LACK OF GREEN CREDENTIALS

DEPARTURE: NO

CASE OFFICER: DALE BARKER

TELEPHONE: 01733 454411

E-MAIL: dale.barker@peterborough.gov.uk

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## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- Design
- Noise
- Green Issues
- Highways/parking
- Drainage

The Head of Planning Services recommends that the application is APPROVED.

## **2 PLANNING POLICY**

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### **Development Plan Policies**

Key policies highlighted below.

#### **The Peterborough Local Plan (First Replacement)**

##### **DA1: Townscape and Urban Design**

Seeks development that is compatible with or improves its surroundings, creates or reinforces a sense of place and would not have an adverse visual impact.

##### **DA2: The effect of a development on the amenities and character of an area**

Planning permission will only be granted for development if it can be satisfactorily accommodated on the site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.

##### **DA7: Design of the built environment for full accessibility**

Permission will not be granted for buildings open to the public, or used for employment or education purposes, unless appropriate access and facilities are provided for people with disabilities.

##### **DA11: Design for security**

Planning permission will not be granted for a development unless vulnerability to crime has been satisfactorily addressed in the design, location and layout of the proposal.

**T1: Transport implications of new development**

Seeks development that would provide safe and convenient access to site and would not result in an adverse impact on the public highway.

**T3: Access to development – Pedestrians and those with mobility difficulties**

Planning permission will only be granted for new development which is safely and easily accessible by pedestrians and those with mobility difficulties.

**T9: Cycle parking requirements**

Seeks provision of high quality off-street cycle provision in accordance with approved standards.

**T10: Car and motorcycle parking requirements**

Planning permission will only be granted for development outside the city centre if it is in accordance with approved parking standards.

**U1: Water supply, sewage disposal and surface water drainage**

Developments that increase demand for water, sewage and surface water disposal will only be permitted if adequate capacity is available or can be provided without detriment to the environment.

**Material Planning Considerations**

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

**Glinton Village Design Statement**

The VDS notes that the College was ‘designed with no regard for existing vernacular architecture of the village’ and includes the following guidelines for development outside the Conservation Area:

- The design of new buildings should be sympathetic to neighbouring buildings
- Materials for new walls and roofs should match and be compatible with existing buildings in the immediate vicinity
- All new development on the edge of the village should conserve or enhance the soft landscaped edge
- The increasing traffic within the village should not be allowed to damage the character of the village.

**3 DESCRIPTION OF PROPOSAL**

This proposal has two distinct elements, the conversion of the existing gym to an Innovation Centre and the erection of a replacement gym.

The Innovation Centre will be created by sub-dividing the existing gym into a series of rooms and the installation of a partial first floor; the amalgamation of the existing changing and toilet facilities to form larger rooms; the addition of a small extension to a store on the Eastern side; a glazed lobby to the front and alterations to the window pattern. The Centre will be occupied by up to 50 (normally 25) people at any one time and will be open 08.30 to 17.00 Monday to Saturday, closed Sunday and Bank Holidays. It will be used for industry related training and approximately a third of the attendees will be from outside the college.

The Gym is a new building to the rear of the site between the existing swimming pool and tennis courts and will be open 07.00 to 22.00 Monday to Friday and 09.00 to 17.00 other days for school and community purposes, similar to the existing gym. The design is a simple, brick, double height, pitched roof ‘box’ with single storey additions. It is similar in character to other recent extensions to the school.

It is proposed that construction traffic will use the existing temporary access onto Lincoln Road.

**4 DESCRIPTION OF SITE AND SURROUNDINGS**

The site is a large secondary school complex with approximately 1400 pupils. It is also used for a variety of community activities outside school hours. There are dwellings to the north, west and east of the

school and open agricultural land to the south. Access to the school is via Helpston Road, but construction traffic use a separate temporary access to the south of the school which links directly to Lincoln Road.

## 5 **PLANNING HISTORY**

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
00/00001/FUL	New car park	PER	17.04.2000
03/01690/WCPP	Renewal of planning permission 98/00809/FUL to continue use of mobile storage unit	INV	
04/00074/FUL	Retention of mobile unit used for storage	PER	05.03.2004
04/00250/FUL	Retention of mobile unit for use as scout headquarters	PER	06.04.2004
04/00553/FUL	Single storey extension to existing sports hall to provide health and fitness suite for use by school and community	PER	26.08.2004
04/01622/FUL	Single storey extension for meeting room	PER	17.11.2004
04/01623/FUL	Extension to provide machine room store	PER	17.11.2004
05/00865/FUL	Extension in courtyard to provide IT classroom	PER	27.07.2005
98/00651/FUL	Additional car parking spaces	REF	24.08.1998
98/00652/FUL	Siting of portakabin as dance studio classroom	PER	12.08.1998
98/00672/FUL	Partial infill of courtyard for teaching area	PER	06.08.1998
98/00809/FUL	Renewal of planning permission 92/P0555 for siting of mobile storage unit	PER	12.08.1998
99/00417/FUL	Erection of new general teaching block, drama building and dining block	PER	16.06.1999
99/01161/FUL	Re-siting of mobile unit for use as drama studio	PER	10.11.1999
06/00367/WCPP	Variation of C2 of planning permission 04/00553/FUL (Extension to sports hall to provide health and fitness suite) to arrange opening hours to 16.00 hrs to 22.00 hrs Monday - Friday and 09.00 hrs to 16.30 hrs Saturday and Sunday	PER	04.05.2006
06/00829/FUL	Courtyard infill to form 6 offices and store	PER	19.07.2006
06/00961/WCPP	Variation of C2 of planning permission 04/00553/FUL (health and fitness suite) to allow opening times Monday - Friday between 1600 to 2200, Saturdays between 0900 to 1630 and Sundays, ten times a year only, between 0900 to 1630 - all hours term time and non term time	PER	11.10.2006
07/00327/FUL	Erection of new science block, including ICT facilities, auditorium, media rooms, refectory and various ancillary rooms, minor extension to drama studio, PE classroom and textiles room	PER	04.06.2007
08/01167/FUL	First floor extension to create 5 classrooms adjacent to the Information Technology Suite	PER	08.12.2008

## 6 **CONSULTATIONS/REPRESENTATIONS**

### **INTERNAL**

**Head of Transport and Engineering** – Has no objection subject to conditions.

## **EXTERNAL**

### **Parish Council – Object on the following grounds:**

The new gym building is so close to neighbouring properties that it will have an adverse impact on their amenity by way of mass and noise from the gym or its air conditioning contrary to policy DA2 of the Adopted Peterborough Local Plan 2005 (First Replacement).

The Gym may not cause extra traffic but the proposed innovation centre will create an unacceptable impact contrary to policy T1 of the Adopted Peterborough Local Plan 2005 (First Replacement). The police have to attend on a regular basis as there is no support from the college to enforce the parking regulations. The traffic caused by the college is giving concern to all for the safety of the students and those younger children and their parents who leave the primary school at the same time. Seventeen buses leave the college as well as 1500 students and therefore an independent entrance should be created to the south of the college were the temporary road is at present, this would also help the college with access and security in the evenings and at weekends.

The proposed plans are based upon the old drainage scheme and its capacity to cope is probably contrary to policy U1 of the Adopted Peterborough Local Plan 2005 (First Replacement).

The proposed building is of poor design and lacks any green credentials, it is a missed opportunity to cover over the existing pool which the new building will over shadow, the new gym should be heated by Solar or heat pumps which could heat the pool as well and allow the pool to be used all year round.

## **7 REASONING**

### **a) Introduction**

This application is a part of a programme of improvements to Arthur Mellows Village College.

### **b) Design**

The design of the proposed Gym is functional, and the detailing is consistent with other recent buildings constructed on site. Although quite 'massive' due to the need to avoid windows in the sports hall, the building is broken up with single storey elements and white render to the gables to minimise this effect and as a result is neither oppressive nor over bearing. In view of its location, remote from all boundaries of the site and public vantage points, it is acceptable.

The design of the Innovation Centre is largely dictated by the form of the original building, but the extensions are slight and do not add appreciably to the mass of the building. They are considered to enhance what is currently a somewhat plain structure.

### **c) Noise**

The proposed Gym is situated over 70 m from the nearest dwelling and separated from the dwelling by an existing school building and a swimming pool. It will not be visible from the nearest dwelling and although Gyms can be noise generators, it is unlikely that it will result in more noise than the current Gym which is approx 15 m from the dwelling. The movement of people to and from the Gym may also result in noise, but as the pedestrian traffic to either location would use the same route, it is unlikely that the proposal will result in any increased noise.

The proposed Innovation Centre will be created from the old gym. There will be some external alterations including, the construction of a glazed lobby, a small store extension, installation of a partial first floor, rendering of some areas of brickwork and the replacement of windows, some openings will be reduced in size and the new windows will provide improved insulation.

As this building is within approx 15 m of the nearest dwelling there is the potential for loss of amenity to the residents through additional noise, however, officers are satisfied that the nature of the use will be intrinsically less noisy than the existing gym use and thus the concerns of the Parish cannot be sustained.

The size and location of the extensions are such that they will not result in any visual detriment to neighbouring residential properties.

**d) Green Issues**

The Parish Council raises concerns that the new Gym will overshadow the swimming pool and that both the Gym and pool should be heated with green energy. Whilst there will be some shading of the pool, this will be relatively slight; the issue of solar heating for the pool is not a part of this application and officers do not consider that these shortcomings of the application amount to material considerations in this case. The heating system will not include air conditioning, but will rely on natural ventilation using wind catchers on the roof.

Overall the scheme will be much greener than the current situation because the new windows in the Innovation centre, together with alterations to the roof will increase the thermal efficiency of the building, and the new heating system will reduce fuel consumption. The Gym will be more efficient than the old Gym, because it will be built to modern insulation standards. Clearly the carbon footprint of this development could be reduced further, but, as proposed, it will achieve significant savings.

**e) Highway Issues**

The proposed Gym will not generate any additional traffic over the existing Gym. The only additional traffic will therefore be generated by the Innovation centre.

It is evident that Arthur Mellows Village College have previously implemented measures to reduce car trips to and from their site and continue to do so. A condition is proposed which will ensure that the additional use of the site will not add materially to existing traffic problems.

**f) Drainage Issues**

No significant increase in foul water is anticipated as there will be a very small increase in the number of people using the site relative to current numbers. This will be further mitigated by the installation of new and more efficient plumbing. There is therefore no reason to anticipate that this proposal will materially alter current drainage problems.

Surface water will be discharged to the Welland and Deepings drain, this will involve the construction on site of a hydro-brake to govern the discharge of water to prevent flooding and will not add to current drainage problems.

## **8 CONCLUSIONS**

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- a) The design is acceptable and appropriate in this institutional context, it will have minimal impact on the amenity of nearby residents and can be accommodated on the site and the proposal therefore complies with policy DA2 of the Peterborough Local Plan (2005).
- b) The additional traffic generated by the proposal will be negligible and in view of the progress made with the school travel plan the LHA are satisfied that the proposal does comply with policy T1 of the Peterborough Local Plan (2005).
- c) The surface water from the site will be discharged to an Internal Drainage Board (IDB) drain at a rate that they consider acceptable and the additional foul will amount to an insignificant increase in sewage such that officers are satisfied that there is adequate capacity and thus the proposal complies with policy U1 of the Peterborough Local Plan (2005).

## **9 RECOMMENDATION**

The Head of Planning Services recommends that this application is APPROVED subject to the following conditions:

**C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

**C2 No development shall take place until details of all materials to be used in the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

**C3 Prior to commencement of any development the existing School Travel Plan shall be revised to take into consideration the maximum potential additional trips generated by this proposal and measures shall be identified to encourage the use of non-car modes to make these trips. The revised Travel plan shall be submitted to and approved by the Local Planning Authority and all measures agreed shall be implemented prior to the occupation of the new Innovation centre. The measures shall include (but not exclusively):**

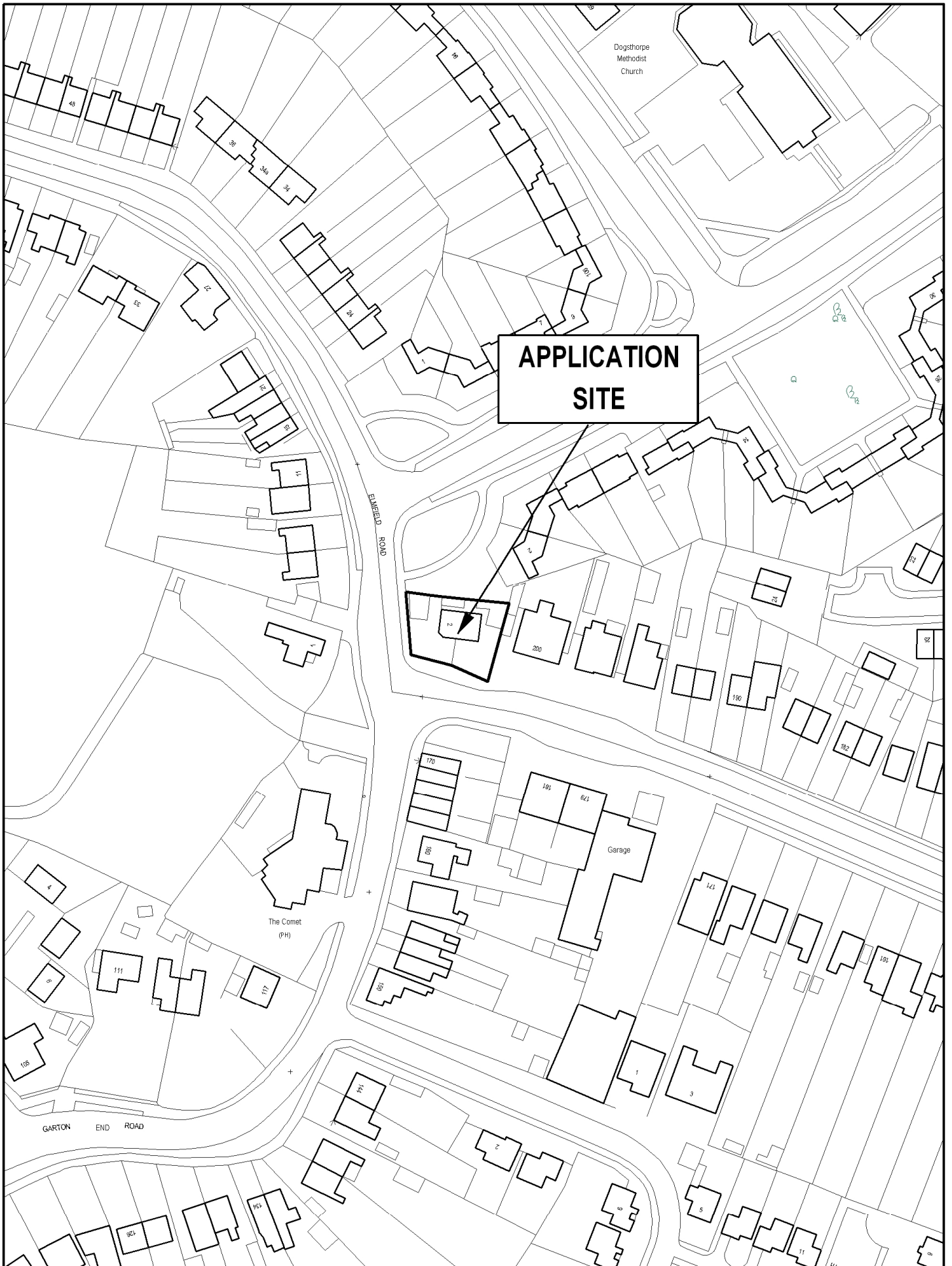
- **Provision of additional covered secure and overlooked cycle parking.**
- **Provision of facilities to encourage car sharing.**
- **Provision of information to encourage use of public transport.**

Reason: In the interests of promoting the use of non-car modes to travel to and from the site in accordance with Policy T1 and T9 of the Adopted Peterborough Local Plan (First Replacement).

**C4 The proposed temporary access shall be permanently closed to vehicular traffic on occupation of the development. Details of the means of closure shall be submitted to and approved in writing by the Local Planning Authority before development is commenced.**

Reason: In the interests of Highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).

Copy to Councillors Holdich and Lamb



**LOCATION PLAN 08/01472/FUL**

2 Elmfield Road, Peterborough

Scale 1:1250 Name MKB Department Planning Services

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08/01472/FUL: ERECTION OF CANOPY AND ROLLER SHUTTERS AT 2 ELMFIELD ROAD,  
PETERBOROUGH  
 VALID: 5 JANUARY 2009  
 APPLICANT: MR S AHMAIDI  
 AGENT: GOOD-DESIGN-ING LTD  
 REFERRED BY: HEAD OF PLANNING SERVICES  
 REASON: TO ALLOW MEMBERS TO ASSESS THE IMPACT OF THE DOUBLE  
FRONTED CANOPY.  
 DEPARTURE: NO  
 CASE OFFICER: MIKE ROBERTS  
 TELEPHONE: 01733 453425  
 E-MAIL: mike.roberts@peterborough.gov.uk

## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- Impact of the proposal on the character and appearance of the area
- Impact of the proposal on the residential amenities of neighbouring properties
- Implications for Highways Safety

The Head of Planning Services recommends that the application is APPROVED.

## **2 PLANNING POLICY**

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

**Key policies highlighted below.**

### **The Peterborough Local Plan (First Replacement)**

**DA1 Planning permission will only be granted for development if it:**

- (a) is compatible with, or improves, its surroundings in respect of its relationship to nearby buildings and spaces, and its impact on longer views; and
- (b) creates or reinforces a sense of place; and
- (c) does not create an adverse visual impact

**DA2 Planning permission will only be granted for development if, by virtue of its density, layout, massing and height, it:**

- (a) can be satisfactorily accommodated on the site itself; and
- (b) would not adversely affect the character of the area; and
- (c) would have no adverse impact on the amenities of occupiers of nearby properties.

**DA21 Planning permission for the installation of a fixed canopy will only be granted on the ground floor of a shop, cafe, restaurant or public house, but only if it can be installed without detracting from the character of the building or surrounding area.**

**T1 Planning permission will only be granted for development if:**

- (a) appropriate provision has been made for safe and convenient access to, from and within the site by all user groups taking account of the priorities set out in the Transport User Hierarchy of the Local Transport Plan; and
- (b) it will not result in unacceptable impact on any element of the transportation network.

**3 DESCRIPTION OF PROPOSAL**

The application proposes the erection of a canopy on an A1 retail unit. The canopy would wrap around two elevations of the property forward of the two display windows in each elevation. It would have a projection of 3.0m, a height of approx 2.85m and comprise of a half hexagonal shape with sides of 4.145m, 3.761m and 4.092m. It would be constructed of a metal framework with glazed roofing which would give the canopy a lightweight appearance. The canopy would allow the covered display of retail goods. The original application proposed roller shutters to the outer edge of the canopy. These have now been deleted from the proposal.

**4 DESCRIPTION OF SITE AND SURROUNDINGS**

The site lies at the junction of Newark Avenue and Elmfield Road, where traffic movements and noise from traffic are a significant feature of the setting. An open grassed landscaped strip lies to the north beyond which are predominantly residential properties. The area has a mixed character comprising of residential, retail, employment uses and there is a school nearby. The site is on the western edge of the local centre which extends further to the east. The shop is set back from the highway within a generous frontage on which goods are currently displayed (permission is not required for this). It is positioned on the junction of Newark Avenue and Elmfield Road.

**5 PLANNING HISTORY**

Application Number	Description	Date	Decision
06/01457/FUL	Two storey and single storey rear extensions	22.11.2006	Granted
07/01436/FUL	Ground floor rear extension	29.10.2007	Refused

**6 CONSULTATIONS/REPRESENTATIONS**

**INTERNAL**

**Head of Transport and Engineering –**

No objection as the proposal does not affect the public highway or the access and parking arrangements for the property.

**NEIGHBOURS**

Letters of objection have been received from 7 residents objecting to the proposal on the following grounds –

- The proposal would create a blind spot and a blockage.
- Unsafe for students.
- Would appear untidy.
- Vehicles travelling to the shop make it unsafe for pedestrians – vehicles park on the pavement.
- Grass verge is untidy – delivery vehicles park on verge.
- More traffic.
- Would put customers off driving down Elmfield Road.
- How will tripling the size of the current floor area benefit the residents, proprietors or customers in the area?
- Similar stores close by.
- Would affect profitability of similar retailers.

- Will not increase the appeal of the area.
- Driveways of surrounding properties are already being blocked due to customer and delivery parking.
- Area of proposed structure is currently used for car parking by delivery vehicles and residents above the shop. Loss of parking area would create a further problem for access to surrounding properties.
- Visitors use the bus stop for parking which is dangerous for bus users and school children – loss of parking will further add to this problem.
- The junction is dangerous and there have been a number of accidents.
- Disturbance and litter already caused by people hanging around the shop drinking alcohol.
- Existing canopy has a bright halogen light which causes disturbance – concern that new canopy will make this worse.
- Would reduce the value of surrounding properties.
- Current shop exceeds its permitted trading hours.
- Would affect view of neighbouring properties when leaving driveway.
- Out of keeping with the building and surroundings.
- Shutters unattractive feature in area and will be prone to graffiti.

## 7 REASONING

### Introduction

The design of the canopy currently being applied for has been arrived at through consultation with Planning Officers and is one of a number of similar proposals currently being considered. The use of quality materials with a simple design was suggested and it is considered that, where a canopy is acceptable in principle, it is this type of design that should be encouraged. In this instance, the canopy projects 3.0m from the building which makes the proportions slightly awkward but this is to be addressed via a change to the pitch of the roof to 18 degrees (see recommendation). This projection is considered to be the maximum limit that is acceptable on this site.

Canopies are an economical way to allow shops to provide a wider range of goods and thus improve the service they provide to local communities and thus play an important part in the local economy, however, it is important to ensure that the design and materials are appropriate for the individual building and location.

### Residential Amenity:

It is considered that the open nature of the canopy and its glazed roof in relation to the position of the surrounding properties is such that the proposal would avoid unduly harming the amenities of the neighbouring properties. The closest dwellings directly adjacent to the canopy are approximately 30 metres away. To the north of the site is an open grassed strip, to the south and west is the highway and east is a separated neighbouring retail unit.

### Impact on the character and amenity of the area:

It is considered that the attractive light and open design would avoid the creation of an incongruous feature despite its projection beyond the building line. In addition, the retail unit currently uses the land, which is part of its forecourt, for the display of goods at this time without the need for a planning application. It would provide protection for produce and customers and help this support this local business. A canopy is considered to be a reasonable addition to a use of this type.

### Highways:

The Highway Authority has raised no objection to the proposal.

## 8 **CONCLUSIONS**

It is therefore considered that the proposal would comply with Policies DA1, DA2, DA21 and T1 of the Peterborough Local Plan (First Replacement) and the Shop Forecourt Canopies – Overview and Design Guidelines policy that is to be reported to the Committee for its support and adoption.

## 9 **RECOMMENDATION**

The Head of Planning Services recommends that subject to the receipt of suitable amended plans showing the roof of the canopy to have a slope of 18 degrees, this application is APPROVED subject to the following conditions and informatives:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**  
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re enacting that Order with or without modification), the sides and front of the canopy shall not be enclosed either permanently or temporarily but shall be left open as shown on the approved plans.**  
Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C3 Prior to first use, the canopy shall be coloured Olive Green, (BS12B27) and thereafter retained in that colour.**  
Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C4 Notwithstanding the provisions of the Town and Country Planning (Advertisement) Regulations 2007 no signage shall be erected either on the shop front or canopy unless agreed in writing by the Local Planning Authority.**  
Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

### Notes Relating to this Decision

- 1 The applicant's attention is drawn to the need to adequately control the disposal of rubbish from the fruit, vegetable and/or other containers that will be displayed within the canopy.

Copy to Councillors Ash, Miners, Saltmarsh

<b>PLANNING &amp; ENVIRONMENTAL PROTECTION COMMITTEE</b>	AGENDA ITEM No. 4.7
<b>2 JUNE 2009</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Cllr P. Hiller - Cabinet Member for Environment	
Contact Officer(s):	Barry Fagg Interim Head of Planning Services Jim Daley - Planning Services Bonnie Kwok – Planning Services	Tel: 01733 453475 Tel: 01733 453522 Tel: 01733 453402

## SHOP FORECOURT CANOPIES – OVERVIEW AND DESIGN GUIDELINES

RECOMMENDATIONS	
<b>FROM :</b> Jim Daley - Planning Services Bonnie Kwok – Planning Services	<b>Deadline date :</b>
That Committee:	
1. Supports this design guidance on shop forecourt canopies as amplification of Policy DA21 (Canopies) of the Peterborough Local Plan (First Replacement) 2005	

### 1 PURPOSE AND REASON FOR REPORT

- 1.1 Policy DA21 (Canopies) and supporting policies (DA1, DA2 and DA19) allow, subject to appropriate design, the use of shop front canopies, including forecourt canopies. This committee will next consider several planning applications for shop forecourt canopies. At the end of the schedule is a confidential report covering unauthorised canopies elsewhere in the city.
- 1.2 This report is to provide an overview of shop front canopies, particularly the use of fixed forecourt canopies in Peterborough. It also suggests design guidance for those considering the provision of a forecourt canopy to encourage a good quality shopping environment, a pleasant street scene and to maintain residential amenity. This guidance is provided as amplification of Policy DA21 (Canopies) of the Peterborough Local Plan (First Replacement) 2005.
- 1.3 This report is for the Committee to consider under its Terms of Reference No. 2.6.1.5 to be consulted by and comment on the Executive's draft plans which will form part of the Development Plan proposals at each formal stage in preparation.

### 2 TIMESCALE

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	N/A
Date for relevant Council meeting	N/A	Date for submission to Government Dept <i>(please specify which Government Dept)</i>	N/A

### 3 BACKGROUND

3.1 Members have previously received reports (25<sup>th</sup> July 2006 and 5<sup>th</sup> June 2007) regarding the erection (permitted and unauthorised) of shop front canopies, including shutters to buildings in residential areas of inner city wards.

#### 3.2 **Local shops, viability and planning policy support.**

Towns and cities, particularly high density inner areas, have a tradition of local corner shops providing convenience shopping serving day-to-day needs. Corner shops are a sustainable form of development and their presence adds to local identity and distinctiveness. The inner city wards, particularly the 'Gladstone area' contain a large number of such shops which serve specific local community needs. They also provide a valuable local service.

Shops are employers as well as vendors. These small grocers and greengrocers act as meeting places and so are important to the social fabric of an area promoting contact and attachment to local neighbourhoods. Officers are mindful of the benefits arising from small local shops in terms of sustainability and as places for social interaction, engendering local distinctiveness and vibrancy. These benefits are also identified in national planning guidance set out in Planning Policy Guidance Note 4 (Industrial and commercial development and small firms) and PPS1 (Delivering Sustainable Development). Officers therefore consider that local shops should be supported.

Many shops have proved to be very adaptable to changing needs, however this has tended to be at the expense of architectural detailing and character. The survival of local shops may require more selling space and the use of a forecourt for the display of goods which in turn has an impact on the character and appearance of the area.

#### 3.3 **Shop front canopies**

Good shop front design serves two purposes: the first and main one is to attract custom and the second, is to help improve the appearance of the area. Canopies and blinds can provide a lively addition to a street scene if they are designed as an integral part of the shop front.

The main purpose of a shop blind or retractable canopy is to protect perishable goods from strong sunlight and rain and help to keep the interior cool. Traditionally retractable shop blinds were made of canvas with the blind box incorporated into the fascia cornice.

There are relatively few surviving traditional shop fronts of character in Peterborough, particularly outside the city centre. Many traditional timber shop fronts have been replaced with oversized modern aluminium frames and large display windows. Fascia advertisements are often large and of variable quality.

The purpose of a shop forecourt canopy is to protect goods on display from adverse weather.

The photographs at annexe 1 illustrate the variety of blinds and canopies, both fixed and free standing, found in Peterborough.

#### 3.4 **Planning permission, planning policy and the tests applied**

Planning Permission is required for any material changes in the external appearance of a shop. This may include the installation of a retractable blind or a canopy affixed to the building. Free standing forecourt canopies always require planning permission. (Advertisement Consent is normally required for illuminated signs and signs above ground floor level).

Planning applications for fixed and free standing canopies are assessed under Policy DA21 (Canopies) of the Peterborough Local Plan (First Replacement) 2005 which states:

*Planning permission for the installation of a fixed canopy will only be granted on the ground floor of a shop, café, or restaurant or public house, but only if it can be installed without detracting from the character of the building or surrounding areas.*

Other relevant policies, as appropriate, include DA19 (shop fronts), DA20 (Security Shutters), DA1 (Townscape and Urban Design) and DA2 (The effect of development on the amenities and character of an area) In determining planning applications the local planning authority will evaluate the design and materials against the character and architectural quality of the building; impact on the street scene and impact on residential amenity of adjoining residents. Where a shop has a forecourt to the rear of the footway, planning permission is not required to use this area to be used for the display of goods and in some areas this has become part of the character of an area.

The assessment of applications for fixed forecourt canopies has been informed by two Planning Inspectorate appeal decisions at 42 Cecil Road in 2006 and 2007. It is helpful to consider briefly the issues involved in the second and the guidance this provides.

A retrospective planning application for a fixed forecourt canopy with steel posts supporting a solid roof was refused in 2006 and an appeal dismissed. (the present canopy). A revised planning application in 2007 proposed a roof structure in glass with glass or UPVC end panels was refused, but a subsequent appeal was upheld. The Planning Inspector opined that the principle characteristic of the building was that of a corner shop...“where forecourt selling and display protected by a canopy would not be out of place”. His view was that the principal issue of the appeal was the size and visual impact of the canopy. He concluded that a light and open framework with a glass roof and glass or Upvc end panels would reduce the visual intrusion of the canopy and that the building would still contribute to street scene

The approved canopy has a number of significant elements: the framework is light and open (therefore allowing views through), a glass roof (is transparent); a set back position from the footway; a building (and shop) of plain appearance which continue to contribute to the street scene.

Cecil Road and the surrounding streets comprise mainly detached and semi-detached houses built to strong building lines with short front gardens and boundary enclosure. The street provides a strong horizontal character (walls, building line, footways etc) and a smaller vertical character (building edges). Few features block long and medium distance views. This townscape structure is typical of inner city streets.

Many local shops are located within the Central Ward, and specifically the ‘Gladstone area’ between Bright Street and Exchange Street and Bourges Boulevard and Lincoln Road are similar in character to 42 Cecil Road. There is a strong townscape structure to these streets. There is a consistency of scale and massing of buildings. Generally two storey terraced and semi-detached development with strong building lines set back 2.5 metres from footways. Some terraces are built straight off the street. Mono-pitched single storey front extensions or bays typically project 1.3m. Limited views between properties emphasise the linear character of the street scene. There is uniformity in the strongly horizontal townscape structure. On-street parking further emphasizes strong linear visual ‘corridors’. See ‘Townscape Structure’ diagram below for illustration.



Typical Street-scene



Typical Street-scene with Townscape Structure Analysis

KEY      ——— Horizontal lines      ——— Vertical lines      ■ Visual blockage

The majority of shops in older urban areas are in narrow fronted properties in linear terraced streets that have a strong vertical and horizontal emphasis. Other properties adjoining these premises, allow the horizontal and vertical emphasis to be carried along the street. (See sketch below)

In streets with a strong linear character solid features which project significantly forward of the building line, such as canopies which are oversized; have permanent sides and front enclosures interrupt views and are often visually intrusive. A forecourt canopy with appropriately designed elements and proportions and no side or front enclosures would allow open views and avoid harm to the street scene as concluded by the Planning Inspector at Cecil Road. .

Since the appeal decision a refinement on this design has been made and an application approved under delegated authority at 160 Gladstone Street (not yet implemented). The design guidelines below would further improve on the evolving design.



Carefully designed canopies that adhere to certain principles and respect the structural form and character of the building and retain an open appearance are considered unlikely to detract from the character of an area and thus to be in accordance with Policy DA21 of the Local Plan. A canopy with a minimum 18 degree roof pitch would also have the benefit of minimising the opportunity for fascia advertising and improve the appearance of buildings.

### 3.5 **General design principals for fixed forecourt canopies**

In considering the design of a forecourt canopy the starting point will always be a study of the building facade and adjacent elevations. Careful consideration must be given as to whether the existing building appearance should be retained without a fixed canopy.

Each planning application will be considered on its own merits, taking account of the guidelines below. There is no 'one size fits all' design for canopies and many different options have been considered, but the design suggested below appears to Officers to be the best starting point for most inner city shops with forecourts and will reflect the decisions made by Planning Inspectors.

For a plain building with little architectural detailing a 'standard' canopy is likely to be the appropriate starting point. A building with significant architectural detailing should be reflected in the canopy design. Canopies designed to a common framework have a distinctive and appearance. It is considered that such designs would enhance the typical shop, avoid harm to the street scene and respect residential amenity and act as an advert themselves, thus minimizing the need for advertising.

A well designed canopy can therefore be described as:

- **Style**  
Of a style in keeping with the age, character and architectural detailing of the building as a whole.
- **Scale and Height**  
Have scale and height in proportion with the building. It should only extend over the essential shop front (including the shop door) and remains clear of any separate residential entrance and sit no higher than 75mm below the bottom first floor window cills.
- **Roof Pitch**  
Have a roof pitch not less than 18 degrees and be formed of clear or 'wire' safety glass with metal glazing bars. This will allow light to reach the enclosed shop, is a durable weatherproof material that is easy to maintain and deteriorates little with age.
- **Dimensions**  
Have its outer edge, including supports, set back at least 500mm from the back edge of the footway so that it is not obstructed and overall project no further than 3 metres from the building and have a minimum clearance above ground level of 2.16m.
- **Residential amenity**  
Situating a sufficient distance from any adjoining residential property to avoid loss of amenity or character.
- **Materials**  
Have a metal supporting frame and round posts with no rainwater goods. Posts will be located into the ground and not bolted.
- **Sides**  
Have no permanent side panels or shutters as they create a hostile environment, harm the street scene, and attract graffiti. The use of removable side awnings of canvas or similar material may be used to shield goods from sun and rain.

- **Advertising**

Where there is no fascia to the building, or it is removed to accommodate the canopy roof then a 150mm high non illuminated fascia can be integrated into the structure to advertise the name of the shop and the street number.

The above criteria should appear as headings in any 'Design and Access Statement' accompanying a planning application. These criteria are illustrated by the sketches at annexe 2.

#### **4. REASONS FOR RECOMMENDATIONS**

Member support for this design guidance on shop forecourt canopies will:

- amplify policy DA21 (Canopies) of the Peterborough Local Plan (First Replacement) 2005
- provide specific planning advice which will be used as design guidance and assist in achieving the Council's aim of improved design standards and the delivery of a high quality planning service.
- have a significant impact on the enhancement of the city by ensuring that new shop forecourt canopies are both appropriate to their context and of demonstrable quality.

#### **5. ALTERNATIVE OPTIONS CONSIDERED**

- Do nothing - this would not achieve Council's aim of improved design standards and the delivery of a high quality planning service and local environment.
- Do not approve further planning applications for fixed forecourt canopies – This can only be achieved through a review of the Development Plan documents. It is your officers opinion that this option would not be supported by GoEast. Planning Policy Statement 1 (PPS1) (Delivering Sustainable Development) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. Such a policy approach would be contrary to the aim of promoting the development of socially cohesive communities and planning for sustainable development. It is therefore unlikely to be supported on appeal and thus is unsustainable in the long term.

#### **6 IMPLICATIONS**

- 6.1 There are no specific financial implications for the City Council identified in this report.
- 6.2 Continuing with the rather 'ad hoc' approach of the past to dealing with fixed forecourt canopies has implications for the city council in terms of resources for constant enforcement action, conflict with shopkeepers, and general harm to the economy of the City arising from uncertainty for businesses. The use of a shop forecourt for the display of goods is an advantage for many shops and in some areas is part of the character of an area. The use of a well designed forecourt canopy, following the designs suggested in this report, appears to Officers to be a practical way forward for most inner city shops with forecourts. This approach would help encourage a good quality shopping environment, maintain a pleasant street scene, respect residential amenity and reflect the decisions made by Planning Inspectors.

#### **7 BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)  
Planning Inspectorate Appeal Decisions APP/J0540/A006/200733/NWF and APP/J0540/A/07/2035385 both 42 Cecil Road, Peterborough  
P & EP Committee report E1 25 July 2006 (canopies)  
P & EP Committee report E1 5 June 2007

## Annexe 1

### Blinds and canopies in Peterborough



**Retractable roller blinds**



**Market stall type**

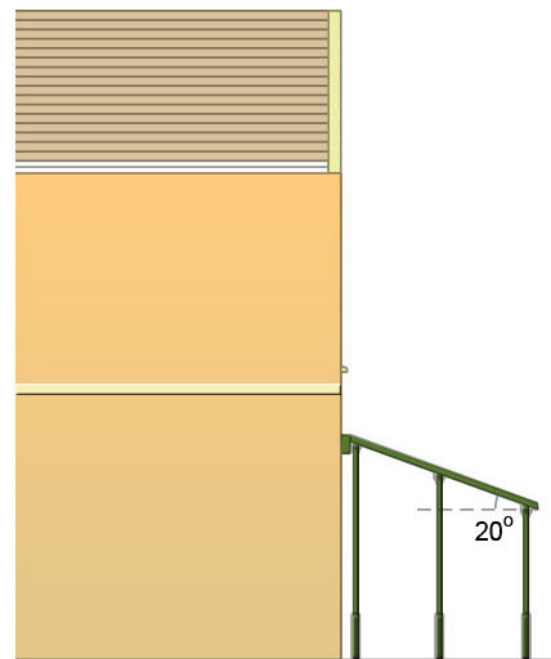
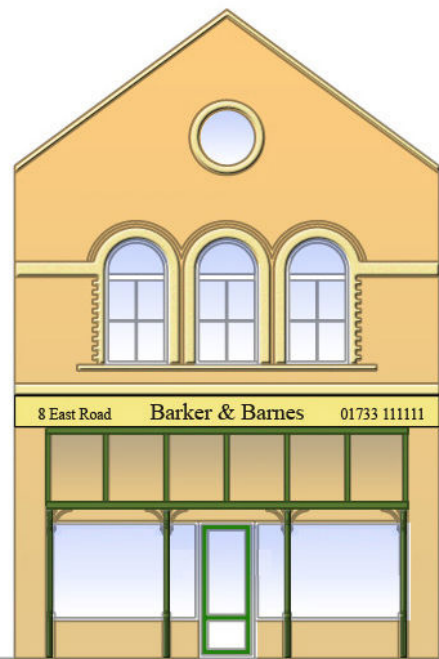


**Fixed or retractable  
'Dutch' canopy**



**Fixed forecourt**

Preferred Forecourt Canopy



58

Existing Elevation with oversized fascia

Preferred Forecourt Canopy

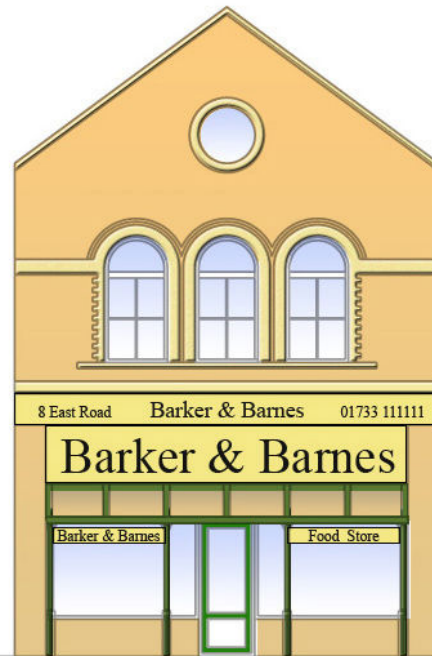
Preferred Forecourt Canopy side elevation



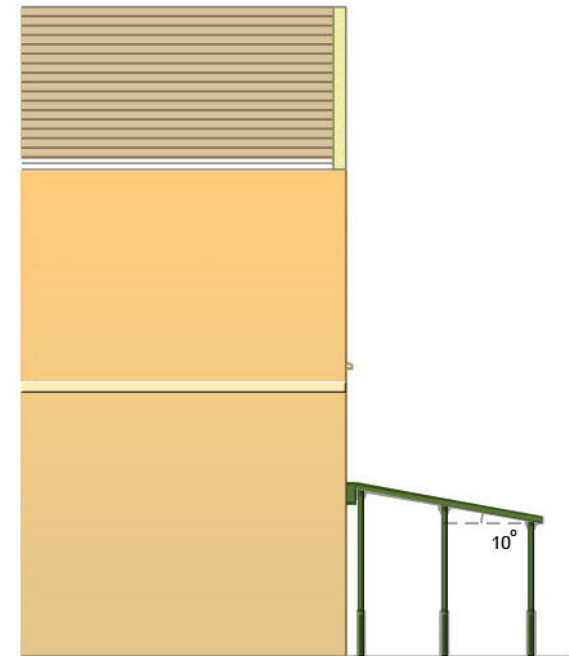
Inappropriate Forecourt Canopy with intergral fascia



Existing Elevation with oversized fascia



Inappropriate Forecourt Canopy with intergral fascia



Inappropriate Forecourt Canopy side elevation



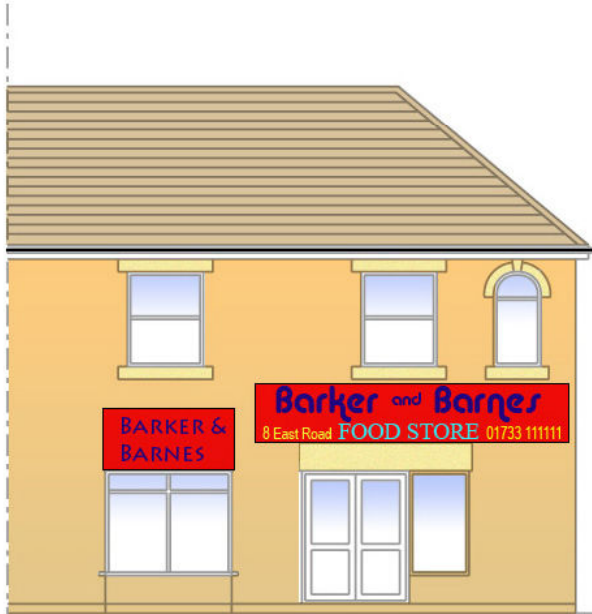
**Important note:**

This drawing has been prepared solely for reference purpose. It is not suitable for use as a working drawing.

Do not scale off drawing.

Preferred Forecourt Canopy with intergral fascia

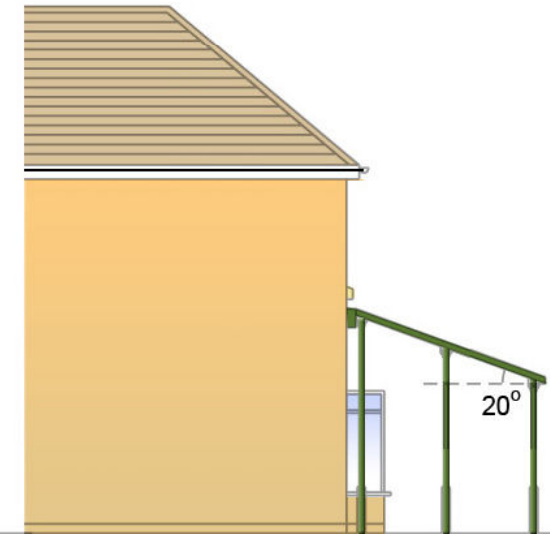
60



Existing Elevation with oversized fascia



Preferred Forecourt Canopy with intergral fascia



Preferred Forecourt Canopy side elevation

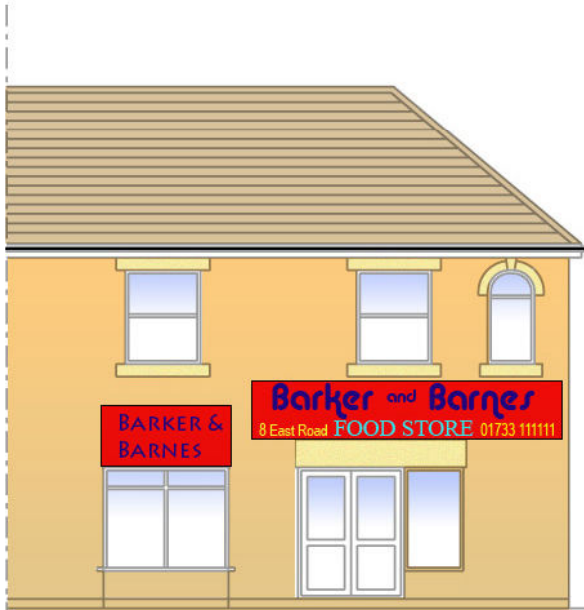


**Important note:**

This drawing has been prepared solely for reference purpose. It is not suitable for use as a working drawing.

Do not scale off drawing.

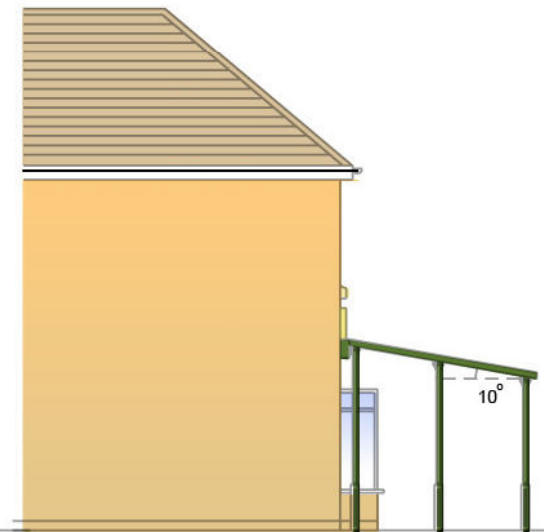
Inappropriate Forecourt Canopy with intergral fascia



Existing Elevation with oversized fascia



Inappropriate Forecourt Canopy with intergral fascia



Inappropriate Forecourt Canopy side elevation



61

**Important note:**

This drawing has been prepared solely for reference purpose. It is not suitable for use as a working drawing.  
Do not scale off drawing.

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**VARIOUS:** ERECTION OF FRONT CANOPIES AND SHUTTERS TO SHOPS,  
CENTRAL, PARK AND EAST WARDS, PETERBOROUGH  
**REFERRED BY:** INTERIM HEAD OF PLANNING DELIVERY SERVICES  
**REFERRED:** FOR MEMBERS TO AGREE A PROPOSED ACTION PLAN.  
**CASE OFFICER:** NIGEL BARNES and JIM DALEY  
**TELEPHONE:** 01733 453507  
**E-MAIL:** nigel.barnes@peterborough.gov.uk

## **1** SUMMARY

Members are asked to note the situation in respect of the unauthorised development listed in part 1 of Annexe A and to agree the proposed action plan as detailed in the report, namely that appropriate enforcement action is taken against all the enforceable cases listed in part 1 of the above annexe.

Action on other sites has previously been authorised by the Head of Planning Services under his delegated authority. (Reports of 25<sup>th</sup> July 2006 and 5<sup>th</sup> June 2007 refer) However, because of the interest of some Members; the length of time some of the development has been in existence; in order to provide a comprehensive picture and because there may be a need for direct action in some cases, all current canopy related issues are incorporated in this report.

In order to enable a comprehensive overview of the canopy situation Part 2 of the annexe lists those canopies that are immune from enforcement action, Part 3 lists proposed canopies and Part 4 lists previously approved canopies.

## **2** DESCRIPTION OF SITE

All of the canopies are in respect of retail outlets, including grocery, greengrocery and haberdashers. Many sites adjoin residential property, in predominantly residential areas. A map showing the distribution of canopies listed at Annexe A, will be displayed at committee.

## **3** DESCRIPTION OF UNAUTHORISED DEVELOPMENT

See Part 1 of Annexe A; List of Enforceable canopies.

## **4** ACTION TO BE TAKEN

To serve Enforcement Notices to secure the removal of the unauthorised canopies listed in Part 1 of Annex A and if necessary take court action and/or direct action.

## **5** PLANNING POLICY

The most relevant policies in the Peterborough Local Plan (Adopted 2005) are:

**DA20 Security Shutters.** External shutters will only be granted where there is a persistent problem of crime or vandalism which cannot be satisfactorily be addressed by alternative methods.

**DA21 Canopies.** Canopies will only be granted if they can be installed without detracting from the character of the building or surrounding area.

**DA8 Design of Extensions and Alterations.** Extensions and alterations are acceptable if: their appearance is in keeping with the character of the existing building and the general character of the area; and their design, scale and location would not adversely impact on the amenities of neighbouring properties.

The main issues are:

- the impact on the character and appearance of the original building;
- the impact on the character and appearance of the area, and;
- the impact on the amenities of the occupiers of the neighbouring properties.

Some small shop owners, particularly in inner Wards, have 'extended' their premises at the front by erecting a canopy and then installing shutters or other means of enclosure at the sides and front, effectively making them extensions to the retail floorspace. The provision of appropriately designed canopies, for the protection of goods on display from the weather, can in some circumstances be acceptable. The use of poorly designed canopies with shutters and other means of enclosure are rarely, if ever, acceptable due to amenity and townscape impacts.

Some of the existing canopies/extensions have received planning permission, some have been refused permission and dismissed (or allowed) at appeal and some have never been the subject of a planning application. Each case has to be treated on its merits, but this can be a difficult concept to communicate to owners when they are advised that planning permission is unlikely to be granted. Their frustration is further compounded where nearby canopies have been erected without permission, but because of the length of time that has passed since their erection, the canopies are immune from enforcement action.

The 'extensions', due to their prominent locations at the front of the property, their design and use of materials, often look very incongruous within the street scene and are harmful to the character and appearance of the building and to the area in general. As such they are contrary to the above policies.

In addition, if the canopy and shutters are located on a shop within a residential area, particularly where they abut front gardens of a dwelling, they can also have an adverse impact on the residential amenities of the adjoining properties, both in terms of loss of outlook and in terms of privacy.

The City Council should provide a fair and consistent response to these sites. In the past the approach has been viewed by some as inconsistent, particularly where some applications for canopies have been approved and where others have had enforcement action taken against them. The purpose of this report is to propose a consistent approach to such development and a way forward in terms of the design of future shop canopies. Where development does not accord with this approach; which is based on the policies of the adopted Local Plan, appropriate action is recommended, be it a refusal of permission, or the taking of enforcement action. However, whilst action can be taken against the breaches of the planning policies listed above; there are a number of sites where the Local Planning Authority cannot take enforcement action due to the development having taken place more than four years ago.

Although this is not a very satisfactory situation, Officers consider that not to take action would be even less satisfactory and would have significant repercussions in terms of the character and appearance of those areas and on the residential amenity of those living close by. Also, it would make it more difficult to resist future proposals of a similar nature.

An important consideration is that the shops are places of employment and provide goods and services to the local community. Additionally, these small shops act as meeting places, and so, additionally they are important to the social fabric of the area. This can be material to the consideration of applications in line with PPG4: *Industrial and Commercial Development and Small Firms* and PPS1: *General Principles*. However, in respect of the above cases, these other considerations do not outweigh the adopted Local Plan policies.

It is not the intention of the Local Planning Authority to stifle local enterprise. On the contrary, the policies of the adopted local plan help to achieve a degree of certainty that will help businesses plan for development and help to improve the area to the benefit of all. Whilst the needs of individual businesses are acknowledged, this must be balanced with the needs of the wider community as a whole and this is best achieved through consistent implementation of the policies of the adopted Local Plan.

The Authority has been successful on a number of occasions at appeal, either in respect of the refusal of planning permission, or the serving of an enforcement notice. Indeed, all the canopies referred to in Item

E1 of the P & EP Committee on 25 July 2006 have been successfully removed and this confirms the stance that the Authority has taken in respect of these structures.

Bearing in mind that canopies themselves can have an adverse impact on the character of a building, even proposals that relate solely to the erection of a canopy without any security shutters enclosing the space underneath, can be contrary to policy and therefore be refused.

The policies contained in the adopted Local Plan are considered sufficient to control and regulate such forms of development. When considering such proposals, care must be taken, by both Officers and Members, to ensure that proper weight is given to the impact of the proposal on the street scene and the character of the area, and on the residential amenities of neighbours. All the above cases are considered to cause significant harm to the character of the street scene and some, where they are adjacent to residential properties, have an adverse impact on the amenities of neighbouring properties. They are therefore contrary to the adopted policies of the Local Plan.

### **Local Street Scene Impact**

Over 80% of the unauthorised and visually intrusive shop canopies are located within the Central Ward, and specifically the 'Gladstone area' between Bright Street and Occupation Road and Bourges Boulevard and Lincoln Road. This is an area occupied by a wide cultural and ethnic mix.

The area has a variety of architectural styles ranging from predominantly two storey close-built long Victorian terraces, occasional three storey, and a few semi detached dwellings to the north. Most houses were built to a uniform design with the front elevation of each house incorporating timber sash windows, deep stone lintel and cill and a brick eaves cornice. Some terraces are grouped into four and arranged as handed pairs either side of an arched passageway which provides access to the rear. The predominant building material is local yellow Fletton stock and occasionally red brick.

Although most houses have been altered and few original architectural details remain there is a consistency of scale and massing. The terraced form of development with building lines set back approx 2.5 metres forms a strong linear character which is reinforced by boundary walls and narrow footways. Some terraces are built straight off the street. Front extensions to properties are mono-pitched single storey and typically project about 1.3m. Overall, there is uniformity in the townscape and a strong linear street scene. Front gardens are not sufficiently deep to accommodate parking which is mainly on-street. The effect is streets dominated by parked vehicles which further emphasises strong linear visual 'corridors'.

There are limited views between properties which further emphasises the linear character of the street scene. The mosques at Cromwell Road and Gladstone Street provide distinguishing focal points which are otherwise lacking in the street scene. There is a general absence of mature trees in views giving a hard townscape feel.

The area contains a large number of shops which serve local community needs. The majority of shops have front canopies built in a wide range of designs and materials. Those canopies with roller shutters to the front and sides and oversized fascias detract from the street scene by their poor visual appearance and interrupt the strong linear view of the street. Consequently, they are visually intrusive.

Elsewhere, the shops, cafes and businesses of the Millfield District Centre, Lincoln Road, on the edge of the Gladstone area, provide a lively character. However, the visual appearance of the shopping area is eroded by generally poor quality shop fronts, roller shutters, fascia signs, low quality paving and public furniture.

### **Current Cases**

Of the current cases in Annex A, all the planning issues that are material have been fully considered. The cases listed in the table are where notices have yet to be served and include two cases where a planning permission has not been compiled with. The proposed course of action is, subject to the solicitor of the Council being satisfied with the evidence and that prosecution is in the public interest, that Enforcement Notices be served and unless they are complied with by the due date prosecution is instituted. This service of notices should be carried out as soon as possible.

If court action is taken and the owner does not remedy the breach, Members must be aware that one of the remedies is for the Council to take direct action, i.e. demolish the canopy/remove the shutters and reclaim the costs from the owner. Unless that ultimate sanction is accepted and supported by Members,

the proposed enforcement actions would not be credible. In practical terms, the threat of 'Member' authorised, direct action is a useful negotiating tool and should assist in the removal of the structures without recourse to direct action. It is estimated that the cost of direct action would not exceed £4,000 in each case.

## **7 RECOMMENDATION**

It is recommended that the Interim Head of Planning Delivery Services be authorised to:

- 1) Prepare and Issue Enforcement Notices for each of the cases in Annexe A (Part1).
- 2) If the Enforcement Notices are not complied with by the due date, instruct the Solicitor to the Council to consider prosecuting the cases listed in the above Annexe.
- 3) Instruct the Head of Service to use direct action if court action and/or negotiation do not resolve the issues in each of the above cases.

Copy to Councillors Hussain, Fazal, Khan, Kreling, Peach, Lowndes, Goldspink, Collins, Todd



**APPLICATION  
SITE**

**LOCATION PLAN** 09/00273/FUL

83 Percival Street, West Town, Peterborough

**Scale 1:1250 Name MKB Department Planning Services**

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**PETERBOROUGH**  
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09/00273/FUL: SINGLE STOREY REAR EXTENSION AND EXTERNAL CANOPY TO SHOPFRONT AT 83 PERCIVAL STREET, WEST TOWN, PETERBOROUGH  
VALID: 11 MARCH 2009  
APPLICANT: MR P IQBAL  
AGENT: MR S AYUB  
REFERRED BY: HEAD OF PLANNING SERVICES  
REASON: TO ALLOW MEMBERS TO ASSESS THE IMPACT OF PROPOSED CANOPY  
DEPARTURE: NO

CASE OFFICER: LOUISE LOVEGROVE  
TELEPHONE: 01733 454439  
E-MAIL: louise.lovegrove@peterborough.gov.uk

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## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- The impact of the proposal upon the character and appearance of the area
- The impact of the proposal extension and canopy upon residential amenities
- The impact of the proposal upon highway safety

The Head of Planning Services recommends that the application is **REFUSED**.

## **2 PLANNING POLICY**

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### **Development Plan Policies**

Key policies highlighted below.

**DA1 Planning permission will only be granted for development if it:**  
**(a) is compatible with, or improves, its surroundings in respect of its relationship to nearby buildings and spaces, and its impact on longer views; and**  
**(b) creates or reinforces a sense of place; and**  
**(c) does not create an adverse visual impact**

Seeks development that is compatible with or improves its surroundings, creates or reinforces a sense of place and would not have an adverse visual impact.

**DA2 Planning permission will only be granted for development if, by virtue of its density, layout, massing and height, it:**  
**(a) can be satisfactorily accommodated on the site itself; and**  
**(b) would not adversely affect the character of the area; and**  
**(c) would have no adverse impact on the amenities of occupiers of nearby properties.**

Planning permission will only be granted for development if it can be satisfactorily accommodated on the site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.

- DA21** Planning permission for the installation of a fixed canopy will only be granted on the ground floor of a shop, cafe, restaurant or public house, but only if it can be installed without detracting from the character of the building or surrounding area.
- T1** Planning permission will only be granted for development if:
- (a) appropriate provision has been made for safe and convenient access to, from and within the site by all user groups taking account of the priorities set out in the Transport User Hierarchy of the Local Transport Plan; and
  - (b) it will not result in unacceptable impact on any element of the transportation network.

Seeks development that would provide safe and convenient access to site and would not result in an adverse impact on the public highway.

### **3 DESCRIPTION OF PROPOSAL**

The proposal is for the erection of a canopy to the front of a retail shop. It is proposed to front towards Percival Street and would cover the majority of the area of hard standing to the front of the shop. The canopy is proposed to project by 2.5 metres from the front elevation to a width of 5.3 metres. The roof is proposed to be of a shallow sloping mono-pitch design of 6 degrees with the highest end being 2.7 metres attached to the building, and 2.45 metres at the lower end. The frontage of the canopy would be set back slightly from the back edge of the pavement.

The canopy is proposed to be constructed of transparent PVCu sheeting and supported by a powder coated steel frame of small section profiles of approximately 75mm x 75mm. It is proposed for the display and sale of fruit and vegetables to the front of the shop.

The proposal also includes the erection of a single storey extension to the rear of the retail shop. The extension is proposed to replace a garage which was demolished due to being structurally unsafe. The proposed extension is to project 5.2 metres from the rear elevation of the existing and will stand at a depth of 5.4 metres. It is proposed to be of a mono-pitch roof design with door and windows facing on to Alderman's Drive. The extension is proposed to be at a height of 3.6 metres to the ridge and 2.5 metres to the eaves. It will be used for cold storage and would extend the floorspace of the retail shop by 25 square metres.

### **4 DESCRIPTION OF SITE AND SURROUNDINGS**

The established retail unit is located within a predominantly residential area comprising mainly terraced properties with strong building lines to the north, south and east. The application property is located at the junction of Percival Street and Alderman's Drive. The building occupies a prominent location within the streetscene given that it is located on a corner plot. The plot runs north to south and is long and narrow, abutting residential properties to the south and east. Vehicular access is provided from Alderman's Drive and the boundary is formed by a low 1 metre high wall.

The area of hard standing to the front of the property is already used for the storage and sale of fruit and vegetables.

### **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
99/00923/FUL	Extension to front (retrospective)	21.09.1999	Refused



## 6 CONSULTATIONS/REPRESENTATIONS

### INTERNAL

**Head of Transport and Engineering** – Provided that no part of the canopy projects over the public highway, the LHA raise no objections to the proposal.

**Building Control** – Building Regulation approval is required. Part 'M' relating to disabled requirements is also applicable.

## 7 REASONING

### a) **Introduction**

Over the last decade the retail community, has been targeted by firms proposing to extend shop premises at the front by installing shutters on canopies to effectively create a front extension and therefore more retail floor area.

Many grocers and green grocers have put up canopies to the front of their premises, a number of which have received permission, some have been refused on appeal and others have never been applied for. Since 2006 planning enforcement has sought the removal of large numbers of unacceptable canopies. Each case has to be treated on its own merits.

Notwithstanding the above, Planning Officers recognise the contribution that these businesses make to the local community (as places of employment and the provision of local services). However, some canopy designs still being proposed fail to address issues relating to the impact on the character of the appearance of the area.

The design of the canopy currently being applied for is one such proposal currently being considered and is put forward as an example of the style of canopy that should be refused. It proposes the use of poor quality materials with a design that would detract from the overall appearance of the streetscene.

### b) **Residential Amenities**

The canopy is proposed to abut the neighbouring residential property of No.91 Percival Street and it is considered that the canopy would have a detrimental impact on the outlook from this property, to the detriment of the occupiers.

Given the orientation of the application site and the location of No.93 Percival Street on a junction, other nearby residential properties are considered to be sufficient distance away from the canopy so as to be little affected by either its structure or use. It is also considered that the proposed single storey rear extension is unlikely to cause significant harm to the amenities of surrounding residential properties.

### c) **Impact on the character and appearance of the area**

The application property is at a road junction and as such, occupies a prominent position within the streetscene. It is clear that in the demanding retail climate where the small retailer faces stronger competition from the major superstore operators the smaller retailer is finding it difficult to survive. The loss of small retailers results in unemployment, a shop unit that may stay vacant for a considerable time offering no value to the city economy, ultimately pressures for other commercial uses but also the loss of a valued service to the local community where opening hours are lengthy. Whilst it is acknowledged that a canopy addition could assist in maintaining the vitality of such small shop units, it is essential that the design of such a proposal fully reflects and respects the character of the wider area and does not detract from its visual amenity.

It is considered that an attractive light and open design that has been carefully chosen would avoid the creation of an incongruous feature within the streetscene despite its projection beyond the building line. However the proposed canopy fails to adhere to these principles. The quality of the design of the canopy is such that it would represent an unduly obtrusive and unattractive feature

along Percival Street. The proposed canopy does not respect the existing sight lines along Percival Street and the angle of the roof pitch is too shallow to respect the character of the host property.

The erection of the canopy would result in the addition of an incongruous feature within the streetscene which does not respect the character of the host property.

It is considered that the proposed single storey rear extension reflects the character of the existing property and has been designed to remain in keeping with the character and appearance of the wider area. The amount of development proposed would not represent overdevelopment of the site and the design is such that it would not appear unduly obtrusive within the streetscene.

d) **Highways:**

The Local Highways Authority has raised no objections to the proposal.

It is therefore considered that the proposal is contrary to Policies DA1, DA2 and DA21 of the Peterborough Local Plan (First Replacement) and the Shop Forecourt Canopies – Overview and Design Guidelines policy that is to be reported to the Committee for its support and adoption.

## **8 CONCLUSIONS**

It is considered that the unattractive appearance of the proposed canopy would create an unduly obtrusive and incongruous feature in the street scene that would appear out of keeping with the character of the area. The proposal therefore conflicts with Policies DA21, DA1 and DA2 of the Peterborough Local Plan (First Replacement) and is unacceptable.

## **9 RECOMMENDATION**

The Head of Planning Services recommends that the application is REFUSED for the following reason.

**R1 It is considered that the proposed canopy structure would form an incongruous addition to a building in a prominent position in the streetscene and will have an adverse effect on the outlook from an adjacent dwelling. The proposal conflicts with Policies DA1, DA2 and DA21 of the Peterborough Local Plan (First Replacement) which state:**

**DA1 Planning permission will only be granted for development if it:**

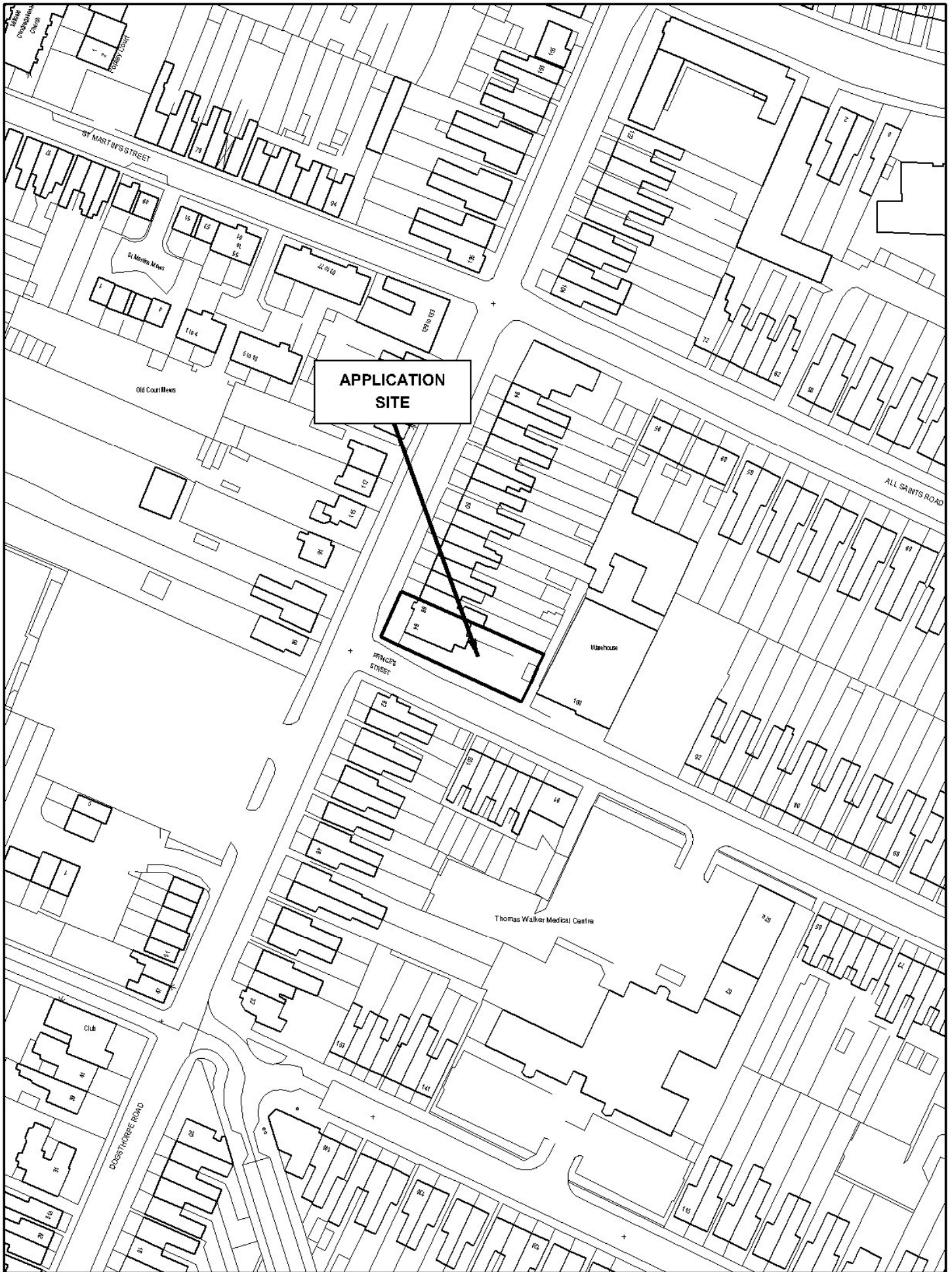
- (a) is compatible with, or improves, its surroundings in respect of its relationship to nearby buildings and spaces, and its impact on longer views; and**
- (b) creates or reinforces a sense of place; and**
- (c) does not create an adverse visual impact**

**DA2 Planning permission will only be granted for development if, by virtue of its density, layout, massing and height, it:**

- (d) can be satisfactorily accommodated on the site itself; and**
- (e) would not adversely affect the character of the area; and**
- (f) would have no adverse impact on the amenities of occupiers of nearby properties.**

**DA21 Planning permission for the installation of a fixed canopy will only be granted on the ground floor of a shop, cafe, restaurant or public house, but only if it can be installed without detracting from the character of the building or surrounding area.**

Copy to Councillors Burton, M and S Dalton



**LOCATION PLAN** 08/01223/FUL

64-66 Dogsthorpe Road, Peterborough

**Scale** 1:1250 **Name** MKB **Department** Planning Services



**PETERBOROUGH**



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08/01223/FUL            RETAIL SHOP CANOPY AT 64-66 DOGSTHORPE ROAD,  
 PETERBOROUGH  
 VALID:                    18 NOVEMBER 2008  
 APPLICANT:            BAHAR FOOD STORE  
 AGENT:                    GOOD-DESIGN-ING LTD  
 REFERRED BY:        HEAD OF PLANNING DELIVERY SERVICES  
 REASON:                TO ALLOW MEMBERS TO CONSIDER A DESIGN OF CANOPY WHICH IS  
 THE RESULT OF DISCUSSIONS BETWEEN OFFICERS, SHOP-KEEPERS  
 AND AGENTS.  
 DEPARTURE:            NO  
 CASE OFFICER:        MIKE ROBERTS  
 TELEPHONE:            01733 454415  
 E-MAIL:                 mike.roberts@peterborough.gov.uk

## **1            SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- The impact of the proposal on the character and appearance of the area
- The impact of the proposal on residential amenities
- The impact of the proposal on highways safety

The Head of Planning Delivery Services recommends that the application is **APPROVED**.

## **2            PLANNING POLICY**

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### **Development Plan Policies**

Key policies highlighted below.

#### **The Peterborough Local Plan (First Replacement)**

- DA1            Planning permission will only be granted for development if it:**  
 (a) is compatible with, or improves, its surroundings in respect of its relationship to nearby buildings and spaces, and its impact on longer views; and  
 (b) creates or reinforces a sense of place; and  
 (c) does not create an adverse visual impact
- DA2            Planning permission will only be granted for development if, by virtue of its density, layout, massing and height, it:**  
 (a) can be satisfactorily accommodated on the site itself; and  
 (b) would not adversely affect the character of the area; and  
 (c) would have no adverse impact on the amenities of occupiers of nearby properties.
- DA21          Planning permission for the installation of a fixed canopy will only be granted on the ground floor of a shop, cafe, restaurant or public house, but only if it can be installed without detracting from the character of the building or surrounding area.**

- T1 Planning permission will only be granted for development if:**
- (a) appropriate provision has been made for safe and convenient access to, from and within the site by all user groups taking account of the priorities set out in the Transport User Hierarchy of the Local Transport Plan; and
  - (b) it will not result in unacceptable impact on any element of the transportation network.

### **3 DESCRIPTION OF PROPOSAL**

The application proposes the erection of a canopy to the front of a retail shop. The canopy would project across an open paved area between the shop and the footpath and would comprise a green metal framework with a glazed roof. The projection of the canopy will be confirmed to the Committee and will be dependent upon the requirement to ensure at least an 18 degree roof pitch. The width of the canopy will be 7.4m and the height 3.47m. The front of the canopy would be over 1.5m back from the back edge of the pavement as opposed to an original 0.2m. The canopy will be set in 1.3m from the common boundary with the residential property immediately to the north i.e. no. 68 Dogsthorpe Road. The original proposal had the north elevation of the canopy abutting that boundary.

### **4 DESCRIPTION OF SITE AND SURROUNDINGS**

The established retail unit is located at the end of a long terrace of residential properties with strong building lines within what is predominantly a residential area. There are a number of commercial units interspersed between the dwellings along the street. To the rear of the site is a warehouse. The property is sited on the junction of Princes Street and Dogsthorpe Road on one of the principal distributor roads of the city. The property also has a yard area to the south of the building running rearwards and parallel to Princes Street. This is enclosed by 1.7m high vertically bordered fencing.

### **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
06/00223/OUT	Erection of dwelling	08.05.2006	Refused

### **6 CONSULTATIONS/REPRESENTATIONS**

#### **INTERNAL**

**Head of Building Control** - Building regulations approval is not required.

**Head of Transport and Engineering** – No objections to the proposal

**MANERP** – Supports the application on the grounds that the current front of shop is in poor state of repair which is detrimental to the character of the immediate area. They hope that canopy would result in frontage being kept tidy. They have requested a condition requiring control of rubbish.

#### **COUNCILLORS**

Cllr Peach has raised concerns over the proliferation of the proposed numbers of canopies in and around the Central Ward area that could have implications upon visual amenity.

#### **REPRESENTATIONS:**

One letter of objection has been received on the grounds that the canopy would be unsightly in the general streetscene.

**Background:**

Over the last decade the retail community, particularly in Central Ward, has been targeted by firms proposing to extend the shop premises at the front by installing shutters on canopies to effectively create a front extension.

Many grocers and green grocers have put up canopies to the front of their premises, a number have received permission, some have been refused on appeal and others have never been applied for. Since 2006 planning enforcement has sought the removal of large numbers of unacceptable canopies. Each case has to be treated on its own merits.

Notwithstanding the above, Planning Officers recognise the contribution that these businesses make to the local community as for example, places of employment, providing local services and as meeting places. For this reason Officers have been working with local businesses to find a solution. The result of these discussions is the canopy that is the subject of this application.

The design of the canopy currently being applied for has been arrived at through consultation with Planning Officers and is one of a number of similar proposals currently being considered. The use of quality materials with a simple design was encouraged and it is considered that, where a canopy is acceptable in principle, it is this type of design that should be encouraged.

**Impact on the character and appearance of the area:**

The application property is at a road junction that has long been characterised by commercial properties and commercial properties are a common feature to the general character of Dogsthorpe Road. It is clear that in the demanding retail climate where the small retailer faces stronger competition from the major superstore operators such retailers are finding it difficult to survive. The loss of small retailers results in unemployment, a shop unit that may stay vacant for a considerable time offering no value to the city economy, ultimately pressures for other commercial uses but also the loss of a valued service to the local community where opening hours are lengthy. A canopy addition could assist in maintaining the vitality of such small shop units, including that proposed.

Whilst there are no similar canopies within the immediate street scene, it is considered that the attractive light and open design of the proposed canopy would introduce an attractive feature to the immediate streetscene that at present exhibits a somewhat tired appearance. The steep roof now gives the design a pleasing vertical balance to its appearance. The revised deeper set back of the frontage of the canopy from the pavement would provide for a significant break between the public and commercial area which reduces the dominance that the canopy would otherwise have had were it to have remained immediately adjacent to the pavement.

The implementation of the canopy could also have the benefit of removing an existing boxed plastic fascia sign to the front elevation. Whilst this is the principle source of advertising for the applicant there will be scope to provide more subtle and significantly more pleasing signage for example by way of metal signage hanging from the end of the canopy fronting Dogsthorpe Road.

An important consideration in such cases is that at present the retailer could, in addition to the shop unit, use the land/forecourt area to the front of the shop to display of goods for sale without the need for planning permission. This does in some cases add a significant amount of clutter to the general street scene. The canopy would be expected to enclose the products for sale within the forecourt reducing such clutter.

**Residential Amenities**

The proposal has been amended to position the northern elevation of the canopy 1.2m from the common boundary with the residential property at no.68 Dogsthorpe Road which has its front door nearest to the canopy. The ground floor living room of the dwelling is located beyond the door enough distance from the canopy such that it would be barely visible and as a result no harmful intrusion to the amenities of the occupiers of the dwelling would occur.

## Highways:

The Highways Authority has raised no objections to the proposal.

It is therefore considered that the proposal would comply with Policies DA1, DA2, DA21 and T1 of the Peterborough Local Plan (First Replacement).

## 8 CONCLUSIONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

The design of the canopy, added to the use of quality materials, would complement the existing shop front and it is considered that the proposal would not unduly harm the character and appearance of the area, the residential amenities of the neighbouring properties or highway safety. The proposal is therefore considered to comply with Policies DA1, DA2, DA21 and T1 of the Peterborough Local Plan (First Replacement).

## 9 RECOMMENDATION

The Head of Planning Delivery Services recommends that subject to the submission of satisfactory details of the canopy showing an 18 degree roof pitch that this application is **APPROVED** subject to the following conditions and informatives:

**C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

**C2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re enacting that Order with or without modification), the sides and front of the canopy shall not be enclosed either permanently or temporarily but shall be left open as shown on the approved plans.**

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

**C3 Prior to first use, the canopy shall be coloured Olive Green, (BS12B27) and thereafter retained in that colour.**

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

**C4 Notwithstanding the provisions of the Town and Country Planning (Advertisement) Regulations 2007 no signage shall be erected either on the shop front or canopy unless agreed in writing by the Local Planning Authority.**

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

### Notes Relating to this Decision

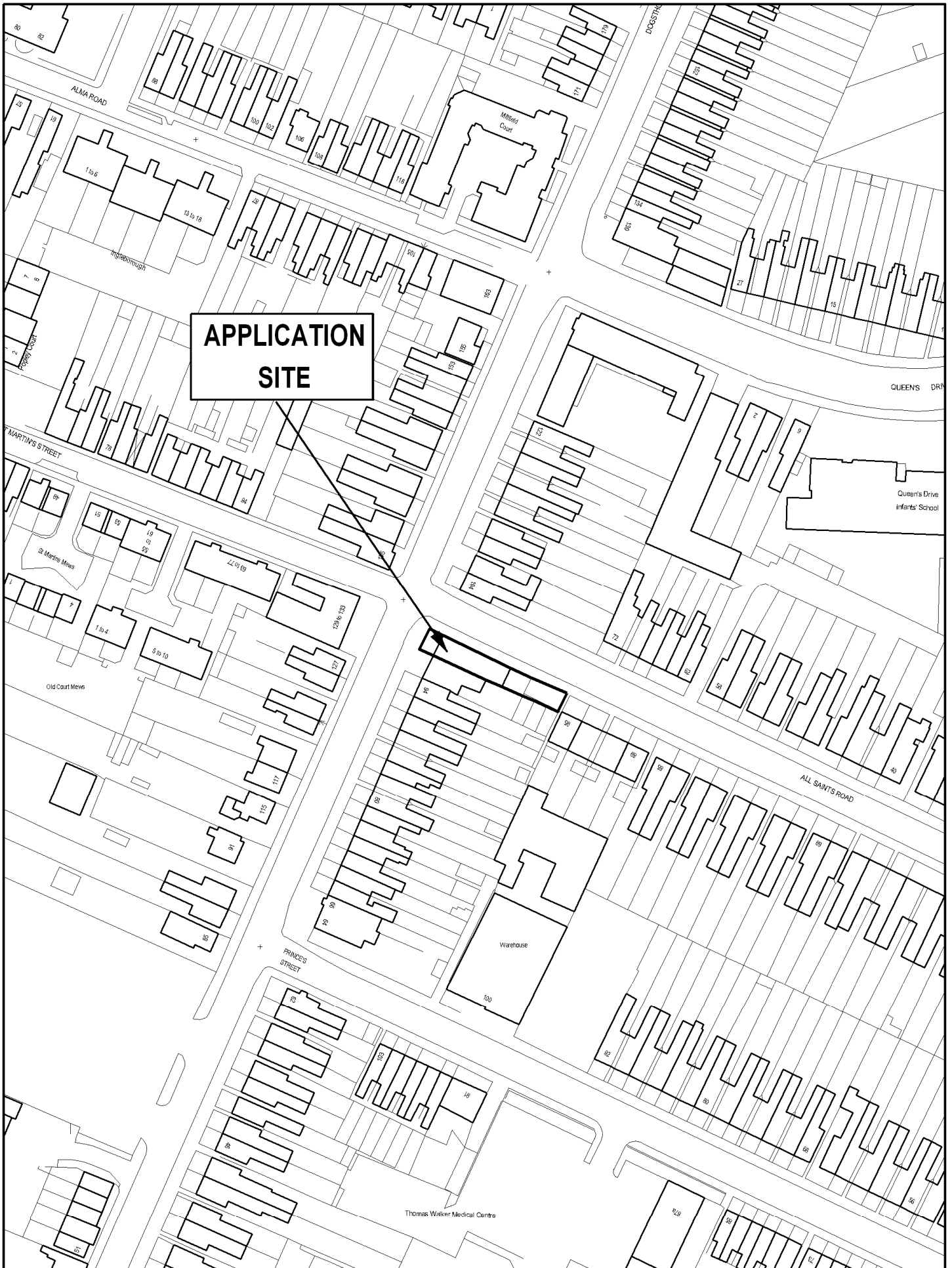
- 1 Your attention is drawn to the relevant provisions of the Party Wall etc Act 1996 which may require notification of the works hereby permitted to all affected neighbours. More detailed information of the provisions of 'The Act' can be obtained from <http://www.peterborough.gov.uk/page-102>, or alternatively by telephoning 01733 453422 or email [buildingcontrol@peterborough.gov.uk](mailto:buildingcontrol@peterborough.gov.uk).



- 2 The applicant's attention is drawn to the need to adequately control the disposal of rubbish from the fruit and vegetable containers that will be displayed within the canopy.

Copy to Councillors Kreling, Lowndes, Peach

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**APPLICATION  
SITE**

**LOCATION PLAN 08/01443/FUL**

98 Dogsthorpe Road, Peterborough

**Scale 1:1250 Name MKB Department Planning Services**



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08/01443/FUL: REPLACEMENT SHOP CANOPY AT 98 DOGSTHORPE ROAD, PETERBOROUGH  
VALID: 20 NOVEMBER 2008  
APPLICANT: MR F TAMER, ALJENAT FOOD STORE  
AGENT: GOOD-DESIGN-ING LTD  
REFERRED BY: HEAD OF PLANNING SERVICES  
REASON: TO ALLOW MEMBERS TO CONSIDER A DESIGN OF CANOPY WHICH HAS BEEN THE RESULT OF DISCUSSIONS BETWEEN OFFICERS, LOCAL SHOP-KEEPERS AND AGENTS FOLLOWING THE ERECTION OF UNAUTHORISED SHOP CANOPIES  
DEPARTURE: NO  
CASE OFFICER: MIKE ROBERTS  
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## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- The impact of the proposed canopy upon the character and appearance of the area
- The impact of the proposed canopy upon residential amenities
- The impact of the proposed canopy upon highway safety

The Head of Planning Services recommends that the application is APPROVED.

## **2 PLANNING POLICY**

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### **Development Plan Policies**

Key policies highlighted below.

#### **The Peterborough Local Plan (First Replacement)**

- DA1** Planning permission will only be granted for development if it:
- (a) is compatible with, or improves, its surroundings in respect of its relationship to nearby buildings and spaces, and its impact on longer views; and
  - (b) creates or reinforces a sense of place; and
  - (c) does not create an adverse visual impact
- DA2** Planning permission will only be granted for development if, by virtue of its density, layout, massing and height, it:
- (a) can be satisfactorily accommodated on the site itself; and
  - (b) would not adversely affect the character of the area; and
  - (c) would have no adverse impact on the amenities of occupiers of nearby properties.
- DA21** Planning permission for the installation of a fixed canopy will only be granted on the ground floor of a shop, cafe, restaurant or public house, but only if it can be installed without detracting from the character of the building or surrounding area.
- T1** Planning permission will only be granted for development if:

- (a) appropriate provision has been made for safe and convenient access to, from and within the site by all user groups taking account of the priorities set out in the Transport User Hierarchy of the Local Transport Plan; and
- (b) it will not result in unacceptable impact on any element of the transportation network.

### **3 DESCRIPTION OF PROPOSAL**

The proposal is for the erection of a canopy to the front of a retail shop. It is to replace an existing unauthorised smaller canvas style canopy that has been refused planning permission. The proposed canopy is to front towards Dogsthorpe Road. It was originally proposed to cover the majority of the area of hardstanding to the front of the shop to a width of 5.48m and a forward projection from the shop front of 4.26m. The roof was proposed to be of a shallow sloping mono-pitch design with the highest end being 3.65m, fixed to the building, and the lower end 2.24m. The scale of the canopy has since been revised to a forward projection from the shop front of 3.0m. The width is to remain at 5.48m. The frontage of the canopy would be set back approximately 2.0m from the back edge of the pavement.

The canopy is to have a glazed roof to be supported by a dark green painted metal framework of Edwardian design to comprise of 8 metal columns with a larger column base section with simple detailing. The canopy would be open on three sides. The character and features of the building will remain unaffected by the canopy addition.

The existing unauthorised canopy is used for the display and sale of fruit and vegetables to the front of the shop.

### **4 DESCRIPTION OF SITE AND SURROUNDINGS**

The established retail unit is located within a predominantly residential area comprising terraced, semi detached and detached properties with strong building lines to the north and south. The application property is located at the crossroads junction of Dogsthorpe Road, All Saints Road and St. Martins Street. There are commercial units on three of the corners of the junction with a residential property at the north-east corner. The building has a strong character and appearance. A travel shop adjoins the application property. There is an existing unauthorised lightweight canvas top canopy currently erected to the front of the shop front measuring 5.8m wide with a projection of 2.5m. It is used to display fruit and vegetables.

### **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
08/00756/FUL	Erection of front canopy - retrospective	30/10/08	REFUSED

### **6 CONSULTATIONS/REPRESENTATIONS**

#### **INTERNAL**

**Head of Transport and Engineering** – No objection. The location and height of the canopy would not have a detrimental impact on public safety or endanger the safety of users of the adjacent highway.

#### **COUNCILLORS**

Cllr Peach has raised concerns over the proliferation of the proposed numbers of canopies in and around the Central Ward area that could have implications upon visual amenity.

## **REPRESENTATIONS:**

One letter of objection has been received from a contributor on the grounds that the canopy would look unsightly within the general streetscene and that the existing canopy is unauthorised.

## **7 REASONING**

### **Background:**

Over the last decade the retail community, particularly in Central Ward, has been targeted by firms proposing to extend shop premises at the front by installing shutters on canopies to effectively create a front extension and therefore more retail floor area.

Many grocers and green grocers have put up canopies to the front of their premises, a number of which have received permission, some have been refused on appeal and others have never been applied for.

Since 2006 planning enforcement has sought the removal of large numbers of unacceptable canopies. Each case has to be treated on its own merits.

Notwithstanding the above, Planning Officers recognise the contribution that these businesses make to the local community (as places of employment and the provision of local services). For this reason Officers have been working with local businesses to find a solution. The result of these discussions is the canopy that is the subject of this application.

The design of the canopy currently being applied for has been arrived at through consultation with Planning Officers and is one of a number of similar proposals currently being considered. The use of quality materials with a simple design was encouraged and it is considered that, where a canopy is acceptable in principle, it is this type of design that should be encouraged.

### **Residential Amenities.**

The attached property to no.98 Dogsthorpe Road comprises a retail unit on the ground floor and given the location of no.98 on a crossroad junction nearby residential properties are considered to be sufficient distance away from the canopy so as to be little affected by either its structure or use.

### **Impact on the character and appearance of the area:**

The application property is at a road junction that has long been characterised by commercial properties at all four corners of the junction and commercial properties are a common feature to the general character of Dogsthorpe Road. It is clear that in the demanding retail climate where the small retailer faces stronger competition from the major superstore operators the smaller retailer is finding it difficult to survive. The loss of small retailers results in unemployment, a shop unit that may stay vacant for a considerable time offering no value to the city economy, ultimately pressures for other commercial uses but also the loss of a valued service to the local community where opening hours are lengthy. A canopy addition could assist in maintaining the vitality of such small shop units, including that proposed.

Whilst there are no similar canopies within the immediate street scene, it is considered that the attractive light and open design that has been carefully chosen would avoid the creation of an incongruous feature within the streetscene despite its projection beyond the building line. The erection of the canopy would also result in the removal of an inappropriately sized lower fascia level signage with future fascia signage expected to make use of the long established fascia to the shop unit. This would be considered to be a significant benefit from the proposal. In addition the retail unit could use the land for the display of goods at this time without the need for a planning application.

### **Highways:**

The Highways Authority has raised no objections to the proposal.

It is therefore considered that the proposal would comply with Policies DA1, DA2, DA21 and T1 of the Peterborough Local Plan (First Replacement) and the Shop Forecourt Canopies – Overview and Design Guidelines policy that is to be reported to the Committee for its support and adoption.

## **8 CONCLUSIONS**

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

The design of the canopy with the use of quality materials would complement the existing shop front and it is considered that the proposal would not harm the character and appearance of the area, the amenities of the occupiers of the nearby residential properties or highways safety. The proposal is therefore considered to comply with Policies DA1, DA2, DA21 and T1 of the Peterborough Local Plan (First Replacement).

## **9 RECOMMENDATION**

The Head of Planning Services recommends that subject to the receipt of suitable amended plans showing the reduced projection, this application is APPROVED subject to the following conditions and informatives:

**C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

**C2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re enacting that Order with or without modification), the sides and front of the canopy shall not be enclosed either permanently or temporarily but shall be left open as shown on the approved plans.**

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

**C3 Prior to first use, the canopy shall be coloured Olive Green, (BS12B27) and thereafter retained in that colour.**

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

**C4 Notwithstanding the provisions of the Town and Country Planning (Advertisement) Regulations 2007 no signage shall be erected either on the shop front or canopy unless agreed in writing by the Local Planning Authority.**

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

### Notes Relating to this Decision

1 Your attention is drawn to the relevant provisions of the Party Wall etc Act 1996 which may require notification of the works hereby permitted to all affected neighbours. More detailed information of the provisions of 'The Act' can be obtained from <http://www.peterborough.gov.uk/page-102>, or alternatively by telephoning 01733 453422 or email [buildingcontrol@peterborough.gov.uk](mailto:buildingcontrol@peterborough.gov.uk).

2 The applicant's attention is drawn to the need to adequately control the disposal of rubbish from the fruit, vegetable and/or other containers that will be displayed within the canopy.



Copy to Councillors Kreling, Lowndes, Peach

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