

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
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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.

- 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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