

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.
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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 25th July 2006 and 5th 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