

Minutes of a Meeting of the Planning and Environmental Protection Committee  
held at the Town Hall, Peterborough on 22 February 2011

**Members Present:**

Councillors – North (Chairman), Lowndes (Vice Chair), Serluca, Thacker, Todd, Lane, Winslade and Swift

**Officers Present:**

Nick Harding, Group Manager, Development Management  
Julie Smith, Highway Control Team Manager  
Carrie Denness, Principal Solicitor  
Gemma George, Senior Governance Officer

**1. Apologies for Absence**

Apologies for absence were received from Councillors Hiller, Burton, Ash and Harrington.

Councillor Winslade and Councillor Swift attended as substitutes.

**2. Declarations of Interest**

There were no declarations of interest.

**3. Members' Declaration of intention to make representation as Ward Councillor**

There were no declarations from Members of the Committee to make representation as Ward Councillor on any item within the agenda.

**4. Minutes of the Meeting held on 25 January 2011**

The minutes of the meeting held on 25 January 2011 were approved as a true and accurate record.

**5. Development Control and Enforcement Matters**

**5.1 10/01622/WCPP – Removal of condition C13 (provision of play area) of planning permission 10/00208/FUL – Construction of 49 dwellings at land off Thorney Road, Eye, Peterborough; and 10/01644/WCPP – Removal of condition C20 (play area / open space) of planning permission 04/01978/FL – residential development comprising 35 dwellings at land off Thorney Road, Eye, Peterborough**

The committee report covered two planning applications to remove condition 13 attached to 10/00208/FUL (49 dwellings) and condition 20 attached to 04/01978/FUL (35 dwellings) which both required a Local Area for Play (LAPS) to be provided on the site. The land which was to be occupied by the LAPS would be conveyed to the nearest residential properties and instead of providing these LAPS on site, the developer had entered into a unilateral undertaking which would oblige him to pay a

contribution of £43,500 to be used on open space/leisure/sports provision within Eye Parish.

The sites which were subject to these applications form part of the overall “Larkfleet” residential development site off Thorney Road, Eye. The development was currently under construction. The site was granted permission in various “parcels” and there had been several amendments to the original schemes most notably permission in the centre of the site for an Extra Care Home (09/01025/FUL) and a re-plan of the “right hand” part of the site (when viewed from Thorney Road) under 10/00208/FUL. The site was situated in the north east corner of the village and was bordered by the A47 and Easby Rise to the north, an open field to the east, residential development off Thorney Road to the south and Crowland Road (residential development and cemetery) to the East. The site was an allocated housing site in the Peterborough Local Plan.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were whether or not the development was acceptable without the approved LAPS being provided for on site and whether the alternative proposal of funding of off-site leisure/sports provision in Eye was acceptable. The recommendation was one of approval.

Members were advised that the areas highlighted for play were too small for useful purpose and no provision had been made by the developer or the Council for the long term upkeep of those areas through the legal agreement that was set up when planning permission was granted.

Members were further advised that the areas were proposed to be transferred over to the householders abutting the site, with a recommended condition that removed permitted development rights so that the areas remained open green space and free from development. The applicant was proposing to make the sum of £43,500 available to the Council and this money would be held and subsequently spent on the improvement of existing sport and leisure facilities in the village of Eye. That process would be undertaken in consultation with the Parish Council. This would ensure a more adequate and useful provision of recreational facilities in the village.

Mr Duncan Smith, Investment Director at Larkfleet Homes and Mr Richard Edwards, Planning Director at Larkfleet Homes, addressed the Committee jointly and stated that they were present to refer Members to the Officers report, which they believed was balanced in terms of its outcomes and if Members had questions they were happy to respond. In summary the responses given to Members included:

- Some houses in the vicinity were occupied and some weren't
- The nearest play area was located in Fountains Place, directly opposite, and there was a large multi use games area in High Street, Eye
- The land would be conveyed to the individual purchasers of surrounding dwellings and they would be responsible for the up-keep of this land
- Fencing could be provided to prevent residents using the spaces for parking

Members expressed concern at the prospect of local residents using the areas for parking and other uses, therefore it was suggested that a condition be added stating that a low fence be implemented to prevent this and to keep the area as a green open space. Members were advised by the Planning Officer that a condition could be implemented requiring a low fence, however it was not possible to condition what the residents used their allocated pieces of land for, this would be down to the

developer to enforce and it was believed that the concerns highlighted by Members would be listened to and taken forward by the developers.

The Highways Officer addressed the Committee in response to the possible imposition of low rails and stated that details of the rails would need to be provided to the Highways Department and the rails would need to be set back at least half a metre from the edge of the carriageway.

Following debate and questions to the Planning Officer relating to the provision of LAPS in the area and the provision of the contribution by the developer, a motion was put forward and seconded to approve application 10/01644/WCPP subject to the imposition of an additional condition requiring a knee high fence around the area, to be implemented in consultation with Highways. The motion was carried by 6 votes, with 2 voting against.

**RESOLVED:** (6 for, 2 against) to approve the application, as per officer recommendation subject to:

1. The prior satisfactory completion of a planning obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the open space/sport/leisure needs of the area
2. The conditions numbered C1 to C14 as detailed in the committee report
3. An additional condition requiring the implementation of knee high fencing around the area. To be implemented in consultation with Highways

A further motion was put forward and seconded to approve application 10/01622/WCPP subject to the imposition of an additional condition requiring a knee high fence around the area, to be implemented in consultation with Highways. The motion was carried by 6 votes, with 2 voting against.

**RESOLVED:** (6 for, 2 against) to approve the application, as per officer recommendation subject to:

1. The prior satisfactory completion of a planning obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the open space/sport/leisure needs of the area
2. The conditions numbered C1 to C10 as detailed in the committee report
3. An additional condition requiring the implementation of knee high fencing around the area. To be implemented in consultation with Highways

#### **Reasons for decision:**

Whilst there were some drawbacks regarding not having the LAPS, the developer was offering the monetary equivalent of providing the LAPS. This money would be spent in Eye and therefore there was the potential for it to benefit a wider range of residents. The alternative was to insist on the developer providing the LAPS with no means of requiring the developer to undertake or pay for the maintenance. This would only provide future problems for the local residents and a possible liability for the Council.

Therefore subject to the re-imposition of relevant conditions, and the developer entering into a planning obligation to pay a contribution of £43,500 towards open space/sport or leisure provision within Eye, the proposals were acceptable.

The Chairman addressed the Committee and advised Members that there were a number of people in attendance who were registered to speak against item 5.3, it was therefore proposed to vary the order of the agenda to consider item 5.3 next. In

addition to this, there had also been a request to allow an extension of the speaking time to allow two and a half minutes each for the objectors with a total equal amount of time being offered to the supporters. Members agreed to vary the order of the agenda and to extend the speaking time for item 5.3.

**5.3 10/01518/FUL – New vehicular access to serve a future proposal for the 32 dwellings, on adjoining land, on land to the rear of nos. 68 to 72 (even) Thorpe Lea Road, Peterborough**

The proposal involved the construction of a two-way carriageway from Thorpe Lea Road to the western extremity of a public footpath that flanked onto the western boundary of the Railworld site. The road was to extend from between residential properties at numbers.66 to 68 Thorpe Lea Road in a southerly direction for the depth of these two properties and thereafter in a south easterly direction towards the Railworld site. The road width was to be 5 metres initially from Thorpe Lea Road and thereafter 6 metres as the road had been designed with a curved middle stretch. Both sides of the road were to have 2 metre wide pavements. The road had been designed with a turning head to its north side, close to the eastern extent of the road. The overall length of the road was to be approximately 116 metres. A parking area was to be provided for grounds maintenance vehicles off the southern side of the road just past the mid way point. Knee high rail fencing alongside both sides of the carriageway was to be provided other than where existing vegetation was to be retained. From its junction with Thorpe Lea Road, the proposed carriageway would have a width of 5 metres, for the first 21 metres, and it would be 5.5 metres away from boundary of number.66 Thorpe Lea Road and 5.2 metres from the boundary of number 68 Thorpe Lea Road. Thereafter, the road would widen slightly such that at the very rear of the curtilages of these two properties the carriageway would be within 5 metres of their flank boundaries.

To construct the road it would be necessary to remove part of an established area of vegetation to the rear of the open space between numbers 66 and 68 and a further area of vegetation with approximate dimensions 16 metres deep by 10 metres wide immediately to the south. A triangular area of vegetation immediately to the rear of number 68 was to be principally retained between the boundary fence of the property and the road i.e. a maximum depth of 14 metres. The alignment of the road was such that two poplar trees close to the footpath would have to be removed. The road was proposed to drain into a stretch of water to the south. The road was to be lit by 4 lamp columns along its length. An existing lamp column would have to be repositioned to the back of the footway to accommodate the junction of the road to Thorpe Lea Road.

As the road would pass through an area of public open space the proposal would provide for a compensatory provision. This was shown to be located to the south east of the site and contained a number of mature trees, vegetation and part of the southern extent of the existing Railworld site. It should be noted that the area of the land was to be at least equal to the space taken by the proposed road and footpaths.

The proposal did not seek planning permission for the residential development of the Railworld site that had been referred to in the description. This was included in order to help explain the reasoning behind the application for the road.

Whilst the proposal showed details of the road crossing over the footpath close to the western boundary of the Railworld site the footpath lay outside of the application site area and the acceptability, or otherwise was not for consideration.

The application site initially was initially comprised of an open grassed rectangular area, with an area of vegetation to the rear, located between numbers 66 and 68

Thorpe Lea Road (both bungalows). This area measured a depth of 31 metres and a width of 16 metres. Both numbers 66 and 68 have flank boundary fencing to a height of 1.8 metres. Number 68 had a side extension to the bungalow the flank wall of which formed a part of its western flank boundary. The majority of the site was essentially flat other than for an initial shallow down slope of the land from Thorpe Lea Road. A dense wide area of vegetation which was comprised of trees and bushes extended in a southerly direction along the western boundary of the site. The rear boundary fences of the residential properties at numbers 68 to 72 (even) Thorpe Lea Road formed the northern boundary of the site with a length of vegetation to the front of the fencing. Mature shrubs and bushes were present along the rear boundaries of numbers 68 to 72. The eastern boundary of the site was delineated by an established footpath that flanked close to the western boundary of the principally 3 metre high walled western boundary of the Railworld site which was comprised of land that was significantly higher than the application site. Five mature, evenly spaced, poplar trees were sited in a line along the eastern boundary of the site close to the footpath with 3 other poplars scattered along the same alignment to the north. The southern boundary of the site was essentially open although further to the south was a row of trees that flanked either side of an established footpath/cycleway that connected the city centre to Ferry Meadows via the rowing lake. Beyond the western boundary of the site was a large area of open space including playing fields. The immediate area of Thorpe Lea Road was dominated by bungalows.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the principle of development, the impact of the use of the road and additional traffic generation upon the amenities of the residents of Thorpe Lea Road, the impact of the use of the road on highway safety, the impact of the road and its use upon fauna and flora, the impact of the road upon public open space provision and the flood risk implications. The recommendation was one of approval.

Members were advised that in relation to public open space, these areas were usually protected from development however, there were exceptions to the rule as in this case. It was felt that the loss of open space was acceptable due to the provision of adequate compensatory open space elsewhere by the application, secondly the development would not detract from the use and enjoyment of the remaining open space as it was not used extensively due to its condition. Finally the development would not result in a shortfall of open space in this area.

In terms of the access, a development of this scale would not usually require the submission of a traffic assessment but the applicant had chosen to submit some. The views of Highways Officers was that the design, width and alignment of the proposed road itself met with the Council's Design Standards and in terms of the design, width and alignment of the road to which it connects, e.g. Thorpe Lea Road, the junctions and road widths were all capable of accommodating the additional traffic safely that would arise.

The junctions would become marginally busier but it was not felt that they would become unsafe and would not go over capacity.

In terms of flora and fauna, there were potentially greater crested newts at the Railworld site but Natural England had indicated that the colony would not be adversely impacted by this proposal. However, there were suggested conditions relating to mitigation in the construction process. There would be the loss of two poplar trees, however the Tree Officer had not objected to the loss of these trees.

With regards to flood risk, there had been no objection to the application raised by the Environment Agency which had considered the Flood Risk Assessment which had been submitted by the applicant. Planning Officers had tested the proposal in terms of flood risk and it was highlighted that the application passed the necessary exceptions test because the road would not result in any additional flood risk for existing development and the development that the road was designed to serve was not situated at flood risk and also pedestrian and cycle dry access would be provided via River Lane.

Members' attention was drawn to additional information contained within the update report. A correction to the recommendation on page 40 of the committee report was highlighted. A S106 was not required as the provision of compensatory open space could be secured by condition as stated in Condition 11.

One further letter of objection had been received from a local resident outlining numerous planning issues and an additional letter had been received from the residents of 68 Thorpe Lea Road, this letter was attached to the update report. Councillor Samantha Dalton had also submitted a written objection to the proposal and this was contained in full in the update report.

Councillor Nick Arculus, Ward Councillor, addressed the Committee. In summary the concerns highlighted to the Committee included:

- Why was an application for an infrastructure project being submitted in isolation to any substantive planning development?
- There was reference to a deed of a grant of a right of way of 1990 referred to in the committee report which was, in itself an immaterial planning consideration
- In the deed, the Council had granted a right of access across the land in favour of the development. This deed expired at the end of July 2011 and that was the reason for the isolated application
- The deed required that a roadway be completed by the end of July 2011
- The reason that the application was being submitted, was to make it more difficult to refuse any application subsequently submitted for the Railworld site
- The application should be considered on its own merits
- With regards to flood risk assessment and contents of the report highlighted that the roadway did pose a flood risk because it would affect the drainage on the piece of land. The reply in the summary highlighted that the test had been passed as the advantages were that it would open up a brownfield site. That was a complete irrelevance as no future proposals should be considered
- Were the risks posed by the road outweighed by the advantages with regards to flood risk
- With regards to public open space, the land replacing the lost open space was already used as public open space, therefore there was no gain to local residents
- The removal of this piece of land would mean a reduction in open space land in the area. This was contrary to Policies LNE06 and LNE08
- This land was located in the area of best landscape within the Nene Valley. Development should not be built on it which would adversely impact on that area of designation unless there were substantial merits in the application
- The application considered in isolation from any other application was without merit as it was just for a roadway which led nowhere, serves no properties and was of no benefit to the local community or the city at large

- With regards to the impact on flora and fauna, there was no advantage to losing any in the area. There was no advantage in building a road across an area of best landscape
- With regards to road safety, there could be no comment made on possible traffic generation as the road went nowhere and therefore would generate no traffic
- If the application was approved and the road built, if there was no subsequent application submitted, there would simply be a road left leading nowhere, serving nobody, which had impacted on public space and impacted on the flora and fauna in the area
- It would have been preferable for an application for development to have been submitted at the same time as the infrastructure serving it
- There was no reason why an application for infrastructure could not be deferred until an application for development was submitted
- It would be impossible to assess whether the road would be adequate, or what impact it would have on the traffic flow in the area, prior to knowing how many houses the road was going to serve
- If infrastructure was approved then it would be difficult to object to any application on infrastructure grounds

Mr Phillip Pumphrey, an objector and local resident, addressed the Committee. In summary the concerns highlighted to the Committee included:

- The application should not be granted without details being provided of what was to be built at the end of it
- If built at ground level, it would do nothing to improve the flood protection of the existing homes. It could be built above flood risk level and offer considerable improvement for flood protection
- The proposal contravened several Planning Policies
- It was to be built on land which was mown by the city contractor
- What would the traffic impact be? It was not known how many homes were to be built on the site

Mr William Swann, an objector and local resident, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The scheme should not be considered without the further consideration of what may be proposed on the site at a later date
- The proposal was contrary to Policies DA2, LNE5, LNE8, CS19 and CS20
- The report presented by the Planning Officers seemed to be in favour of the applicant

Mr Stephen Lee, an objector and representative of the Thorpe Gate Residents Association, addressed the Committee. In summary the concerns highlighted to the Committee included:

- The whole development was preferred to be seen rather than it being fragmented
- There was no traffic on a road that led to nowhere. Therefore, this was a major flaw in the proposals as how could this be a planning issue?
- The access road led into the playing fields and there was concern that there may be encampments of vagrants appearing on the public fields on either side of the roadway. A form of fencing to prevent this occurring would be required
- The area was coming under pressure from a number of developments

Mr Simon Smith, a Chartered Planner representing Railworld, addressed the Committee. In summary the issues highlighted to the Committee included:

- Railworld and its development partner had been working with the Council for a number of years to bring forward the development of the former power station yard at River Lane
- A scheme had been prepared for a high density development to be served by River Lane, this scheme comprised 288 flats in 5 blocks together with 20 houses. The scheme had been opposed
- Following advice from the Planning Officers, a small revised scheme consisting of executive homes, not yet subject to a planning application, had been devised. This was to be served by a new access by Thorpe Lea Road and a care scheme for the elderly to be served by River Lane
- A review of alternative accesses had subsequently been undertaken
- Subsequently an application for an access road had been submitted
- Because of the issues with the first scheme, the developer had been reluctant to commit more monies towards a comprehensive planning application where there might be a risk of the new guidance being withdrawn
- It was a material planning consideration for a scheme to be deliverable, therefore it made sense to implement a road before the developer committed more funding
- Subject to the Committee's decision it would be known whether the project would be deliverable. A planning application would be prepared for the new scheme and which, if approved, would enable the development of derelict land in a location where residents would not be dependent on cars. A development had been sought for this area for some time, therefore it would not make sense for the development to not go ahead. A significant regeneration of the south site of Railworld was also sought going forward

Members expressed concern at the road being built prior to any development. The Planning Officer addressed the Committee in response to these queries and further concerns raised by the speakers and stated that it was understandably difficult for the road to be considered separately from any housing development, however, the situation was not unusual and did happen. The issue of the deed of access was not a material planning consideration that could be taken into account and therefore could not be used to determine the application. With regards to the concerns around the road being granted planning permission, being built and then left for many years, Members were advised that similarly if a single application was received for the road and the housing, there would be nothing to stop the developer doing a similar thing by building the road and then not finishing the housing development.

The previous scheme had been extremely dense and had been proposed to be solely served by the access on River Lane, the scope of highways changes and the impact this would have had on the surrounding area would have been vast and therefore the development was not viable. However, there was a significant amount of brownfield land that needed to be put to good use and therefore the split in the development had been proposed to be served by two accesses. The development sought was a high value, but low traffic generating scheme. This scheme would be in line with the Council's own initiative to increase the number of executive homes provided. The location was perceived to be ideal being close to the centre of the city, close to amenities and close to the mainline railway station. Railworld had shown commitment to the scheme, a lot of work had been undertaken on the previous scheme and Railworld had taken on board the suggestions for the changes to the scheme in order to make the development viable.



Members were advised that if they were solely concerned at the prospect of the road being built and then left, a condition could be imposed to say that if the road was not utilised within 5 years the road should be removed and the land reinstated to its previous use. The cost of this reinstatement would fall to the developer.

Members expressed concern at the loss of the green public space in the area. The Planning Officer addressed the Committee and stated that the land was brownfield land and was not in a particular good state. The land needed to come into some beneficial use. There would be some detrimental impact to the open space, but this open space was more beneficial for its visual impact rather than for sport and recreation use. The developer had stated that they would provide further open space in return for developing this site.

Members expressed further concern at what the road may be used for prior to any further application being submitted, for example travellers. The Planning Officer responded and stated that a gate could be provided along the road's entrance point and addition when the road was open for use it had been proposed that it would be fenced either side to prevent vehicular access to the land either side.

The Planning Officer further advised the Committee that if it was minded to refuse the application, thought had to be given as to the reasons for refusal and whether future development on the site would be prejudiced by this decision. If the road was to be approved and the Committee did not like the proposal, then planning consent could be refused. The building of a road did not automatically mean that planning consent would have to be given for any development.

Following debate and further questions to the Planning Officer a motion was put forward and seconded to refuse the application as it was contrary to Policies LNE8, LNE11 and CS19 with respect to open space. In the absence of the residential application coming forward with regards to the current application the loss of public open space would be detrimental to the area at this stage, however, if an application was to come forward for both it would be considered afresh. The motion was carried by 6 votes, with 2 voting against.

**RESOLVED:** (6 for, 2 against) to refuse the application, against officer recommendation.

**Reasons for decision:**

In the absence of sufficient information relating to the proposals for the adjacent land that would be served by the road, there was insufficient justification for the need for the road to pass through the area of public open space which also formed part of the Nene Valley and Area of Best Landscape designations in the adopted development plan. As such the proposed road was contrary to Policies LNE 5 & 8 of the Adopted Peterborough Local Plan (First Replacement) 2005 and Policy CS19 of the Core Strategy all of which sought to protect the designated areas from inappropriate development.

The meeting was adjourned for ten minutes.

The Chairman addressed the Committee and advised Members that there was a speaker in attendance registered to speak against item 5.4. As there were no speakers registered against item 5.2, it was proposed to vary the order of the agenda to consider 5.4 item next. Members agreed to vary the order of the agenda.

#### **5.4 10/01735/R3FUL – New classroom block and plant room, new entrance canopy, extension to classroom and the demolition of two classrooms at Longthorpe Primary School, Bradwell Road, Netherton, Peterborough**

Permission was sought for the erection of a new 6 classroom block and plant room, a new entrance canopy, an extension to an existing classroom, construction of a corridor extension and the demolition of two existing classrooms.

The site was situated within Longthorpe, an area 1.5 miles to the east of the city centre. The school itself occupied a site of 2.95 hectares and was surrounded on all sides by residential development. Currently the school was enclosed by 1.8 metre weld mesh fencing and the schools field was unenclosed and available for public use. There was also an area of public open space to the east of the school site.

The school was comprised of predominantly 1970's buildings of utilitarian design. The majority of the buildings were constructed from red brick with brown concrete roof tiles. The school had a dedicated car park with 21 standard spaces and 1 disabled space.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the impact of the proposal on occupiers of the nearby dwellings, the impact of the design on the character of the area and the impact on the transportation network. The recommendation was one of approval.

The Committee was advised that when the application was originally received, it included the fencing off of part of dual use open space area. This part of the proposal had subsequently been dropped from the application.

There were patio doors proposed as part of the extension. These had been provided as the designers received bonus points from the Department for Education for allowing children to move straight from the classroom into the outdoors environment. However, given the close proximity of the elevation to the back fences of residents, that being 10 metres, Planning Officers proposed the deletion of the patio doors from the scheme and the implementation of a single door. This had been suggested due to concerns regarding noise affecting local residents during the summer months, when the doors would be open. The Planning Officer advised the Committee that if it did not agree with that condition, it could be removed as part of its decision on the application.

The Committee was advised that Officers were recommending approval as the design of the development was considered to be acceptable, the large classroom block proposed to be constructed would not cause any unacceptable overshadowing or be overbearing to the adjacent dwellings on Bradwell Road and the siting of the new play area adjacent to the classroom block was not materially different to the existing arrangement. In terms of traffic, there would be no increase in pupil numbers over what was there already and therefore there were no reasonable grounds for the suggested inclusion of additional car parking etc.

Members' attention was drawn to additional information contained within the update report. There had been a comment received from Councillor Samantha Dalton stating that she acknowledged the removal of the fencing part of the application, but a condition was sought highlighting that any future application for fencing should go through the planning process for review and discussion. The Planning Officer advised that it was not possible to apply the suggested condition retrospectively to existing use as they could only relate to the proposed development. In the event of a

future application for fencing off the dual use playing field, the application would be brought to the Committee for determination.

Mr David Worth, an objector and local resident, addressed the Committee and stated that his previous reasons for wishing to address the Committee had been in relation to the fencing which had subsequently been deleted from the application. Mr Worth had no further comments at that time.

The Highways Officer addressed the Committee and expressed concern at the lack of a condition regarding a Construction Management Plan. There had been complaints recently received about school sites that were being expanded and the construction traffic association with those expansions.

Following debate, a motion was put forward and seconded to approve the application with the additional highways condition requiring a Construction Management Plan. The motion was carried unanimously.

**RESOLVED:** (Unanimously) to approve the application, as per officer recommendation subject to:

1. The conditions numbered C1 to C5 as detailed in the committee report
2. An additional Highways condition requiring a the completion of a Construction Management Plan

**Reasons for the decision:**

Subject to the imposition of the conditions, the proposal was 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 6 classroom block was of a type that was common within schools throughout the city and would not significantly harm the character of the area and wider views and the impact of the extensions could be mitigated by the use of appropriate materials
- The 6 classroom block would not cause unacceptable overshadowing or be overbearing to the adjacent dwellings on Bradwell Road
- The siting of a new playground area between the proposed 6 classroom block and the properties of Bradwell Road was not materially different to the existing situation and was unlikely to result in unacceptable levels of additional noise or antisocial behaviour
- There would be no increase in pupil numbers and therefore there would be no additional demand for parking and no negative impact on any element of the transportation network
- The proposal would not harm the protected tree to the front of the school and the loss of a small section of hedge could be mitigated for a replanting condition

The proposals were therefore considered compliant with PPS1 and Policies DA2 and T1 of the Peterborough Local Plan (First Replacement).

**5.2 10/00966/FUL – Replacement shop canopy at 98 Dogsthorpe Road, Peterborough**

The proposal was for the erection of a canopy to the front of a retail shop. It was to replace an existing unauthorised smaller canvas style canopy that had been refused planning permission.

The proposed canopy was to the front towards Dogsthorpe Road. It was proposed to cover the majority of the area of hardstanding to the front of the shop to a width of 6.1 metres and a forward projection from the shop front of 3.4 metres. The roof was proposed to be of a shallow 22 degree sloping mono-pitch design with the highest end being 3.6 metres, fixed to the building, and the lower end 2.3 metres. The frontage of the canopy would be set back approximately 1 metre from the back edge of the pavement.

The canopy was to have a glazed roof to be supported by a dark green painted metal framework comprising of 8 metal columns. The canopy would be open on three sides. The character and features of the building would remain unaffected by the canopy addition.

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

The established retail unit was a 2 storey Victorian end of terrace with a distinctive and ornate Dutch gable. The property was located within a predominately residential area comprising terraced, semi-detached and detached properties with strong building lines to the north and south. The application property was located at the crossroads junction of Dogsthorpe Road and St Martins Street. There were commercial units on three of the corners of the junction with a residential property at the north east corner. The building had a strong character and appearance. A travel shop adjoined the application property. There was an existing unauthorised lightweight canvas top canopy currently erected to the front of the shop front measuring 5.8 metres wide with a projection of 2.5 metres. This was used to display fruit and vegetables.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the impact of the proposed canopy upon the character and appearance of the area and the building itself, the impact of the proposed canopy upon residential amenity and the impact of the proposed canopy upon highway safety. The recommendation was one of approval.

Members were advised that a similar scheme had been refused by the Planning Committee, contrary to Officer recommendation. The applicant had subsequently appealed against the refusal and the Local Authority had been successful in the appeal. The scheme before Members today was almost identical to the previously refused scheme, however, the design which had been submitted was almost the same as one detailed in the design guide for canopies. This design guide had previously been approved by the Planning Committee. Members were advised that they were perfectly entitled to still go against the recommendation of approval, as they had done on the previous scheme, even though the scheme fitted in with the design guide.

The refused scheme was outlined to Members in comparison to the current scheme. Members were advised that the only change was that the roof pitch had changed by 2 degrees.

The Chairman addressed the Committee and stated that question was not whether the canopy design was acceptable, as it clearly was, it was whether the canopy was right for that particular shop in that particular area.

Members requested input from the Highways Officer with regards to visibility. The Highways Officer addressed the Committee and stated that the canopy was at a height which would not affect visibility.

Following debate and questions to the Planning Officer in relation to another premises in close proximity with a similar canopy, a motion was put forward and seconded to approve the application. The motion was carried by 6 votes, with 2 voting against.

**RESOLVED:** (6 for, 2 against) to approve the application, as per officer recommendation subject to:

1. The conditions numbered C1 to C3 as detailed in the committee report
2. The informatives numbered 1 and 2 as detailed in the committee report

**Reasons for the decision:**

Subject to the imposition of the conditions, the proposal was 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 was 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 highway safety

The proposal was therefore considered to comply with Policies DA1, DA2, DA21 and T1 of the Peterborough Local Plan (First Replacement), including the Peterborough City Council Canopy Design Guide (2009).

13.30 – 16.10  
Chairman

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