
Appeal Decision

Site visit made on 14 August 2017

by S Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 August 2017

**Appeal Ref: APP/J0540/W/17/3175289
62-64 Westgate, Peterborough PE1 1RG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Farooq against the decision of Peterborough City Council.
 - The application Ref 17/00359/FUL, dated 23 February 2017, was refused by notice dated 5 May 2017.
 - The development proposed is garage for storage of taxis.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Construction of the garage has commenced. The building is partially completed but has no roof. At the time of my visit the ground floor of the garage was filled with vehicle items such as tyres and I observed the beginnings of construction of a first floor to store such items.

Main Issues

3. The main issues for this appeal are: the effect of the development as proposed on the comprehensive redevelopment of the wider North Westgate Opportunity Area and the effect of the proposal on the character and appearance of the area taking account of size, scale and design.

Reasons

4. Planning permissions and appeals should be determined in accordance with the development plan¹ unless material considerations indicate otherwise². Policy CC3 of the PPD relates to the City Core as defined on the Policies Map. The appeal site lies within the North Westgate Opportunity Area of the City Core (Site Ref CC3.5) which is identified for mixed use redevelopment by the PPD. Within this area the Council seeks to ensure that individual proposals that would prejudice its comprehensive redevelopment are not permitted.

Effect on comprehensive redevelopment

5. The Council is concerned that granting planning permission for the garage could prejudice the implementation of the redevelopment. The appellant says

¹The development plan for the area includes the Peterborough City Centre Planning Development Document December 2014 (the CCP); the Peterborough Core Strategy Planning Development Document 2011 (the CS) and the Peterborough Planning Policies Planning Development Document 2012 (the PPD).

² Section 38 of the Planning and Compulsory Purchase Act 2004

that the proposed redevelopment of the North Westgate area has been going on in excess of 10 years and that this ongoing saga should not be used as a stopping measure to prevent existing businesses undertaking minor improvements.

6. I acknowledge the difficulties that potential redevelopment may cause existing businesses. I also acknowledge the difficulties of assembling parcels of land for redevelopment. I do not have a detailed history of the envisaged redevelopment of North Westgate. However, I note that the CCP was adopted as recently as December 2014 and that there is an existing planning permission for a mixed use scheme Ref 15/01041/OUT which includes the demolition of all buildings with a few exceptions³. On this basis I consider there is a real prospect that redevelopment could commence within the foreseeable future whether or not commencement has begun on the Queensgate shopping centre improvement or whether the appellant is comfortable or not with the approved redevelopment scheme.
7. The appellant suggests that a temporary planning permission could be granted. To be meaningful such a condition would have to specify demolition of the garage after a certain period. I have carefully considered whether such a condition would meet the guidance in the National Planning Policy Framework (the Framework), the Government's Planning Practice Guidance (the Guidance)⁴ and the relevant Regulations⁵. These require, amongst other things that conditions are fairly and reasonably related to the development proposed. The Guidance says that a condition requiring the demolition, after a stated period, of a building that is clearly intended to be permanent, is unlikely to pass the test of reasonableness.
8. The appellant states that the value of the appeal site as a whole lies in its size and location and that the addition of the garage would not be significant. However, I have little evidence to demonstrate this would be the case.
9. For the reasons set out above I cannot safely conclude that the construction of a garage as proposed would not prejudice redevelopment. Moreover, I do not consider a condition for the removal of the garage building would be reasonable and therefore would be unlawful. Accordingly I conclude that the development as proposed would have an adverse effect on the implementation of the comprehensive redevelopment of the wider North Westgate Opportunity Area in conflict with the requirements of Policy CC3 of the CCP.

Character and appearance

10. The appeal site includes the rear carpark serving the taxi business and the taxi office at Nos 62-64 Westgate. To the east of the taxi carpark is a surface car park (NCP carpark), to the south, across Westgate, is the back of Queensgate Shopping Centre and bus station, and to the north is a further surface car park (RCP carpark). To the immediate west is the Westgate Methodist church, which is a locally listed building. Between the appeal site and the church building are a two storey office building housing the Christian Bookshop and single storey building at the rear of the site used by the Pregnancy Advice Service.

³ Exceptions are Westgate Church, the Brewery Tap, 16-18 (in part), 30-36 Lincoln Road and Lincoln Court

⁴ Paragraph: 003 Reference ID: 21a-003-20140306 onwards

⁵ The Community Infrastructure Levy Regulations 2010 No 948

11. It appears that the premises were originally an old horse depository that was cleared many years ago and left part derelict. It was subsequently used as a carpark. The high walls of a previous two storey building at the rear of the appeal site remained. The brick wall of the garage covers the poor and unsightly walls from views from inside the taxi carpark which is an improvement. However, the partially completed garage due to its height and position is clearly visible above the boundary walls from the surrounding properties including the NCP, the RCP carpark and from the land around Westgate Church. Even though the nearby boundary walls are in a poor state of repair, and have clearly been added to over time, the partially constructed building, due to its height and design, appears incongruous and intrusive.
12. The appellant states that the existing built structure is to be reduced in height. However, it is not immediately evident how the structure could be reduced sufficiently to be below the level of the perimeter walls and not visible outside the appeal site given that I clearly observed the tops of vehicles parked in appeal site from the NCP carpark.
13. For the reasons set out above I conclude the development due to the size, scale and design would adversely affect the character and appearance of the area. Accordingly it would conflict with Policy CS16 of the CS and Policy PP2 of the PPD.

Other Matters

14. The appellant has a successful business and assets including expensive limousines that require protection including from objects that could be thrown over walls into the appeal site. However, there may be other less permanent and less visually intrusive ways of preventing damage to vehicles and so I give this matter relatively little weight in my consideration of this appeal. Whether or not the North Westgate Opportunity Area accommodates a licensed Private Hire Taxi Office with a legal pick up location in the City Centre is a matter for the Council and future developers to resolve.

Conclusion

15. For the reasons set out above, and taking into account all other relevant matters raised, I conclude that the appeal should not succeed.

SHarley

INSPECTOR