



Appeal Decisions

Site visit made on 2 July 2019

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 21 August 2019

Appeal A Ref: APP/J0540/W/18/3207506

OS Pret a Manger, 2-3 Queensgate Shopping Centre, Long Causeway Peterborough PE1 1NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Nathan Still and Infocus Public Networks Ltd against the decision of Peterborough City Council.
 - The application Ref 18/00782/PRIOR, dated 30 April 2018, was refused by notice dated 25 June 2018.
 - The development proposed is the installation of an electronic communications apparatus.
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Appeal B Ref: APP/J0540/W/18/3207530

OS TSB, 30-31 Long Causeway, Peterborough PE1 1XP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Nathan Still and Infocus Public Networks Ltd against the decision of Peterborough City Council.
 - The application Ref 18/00776/PRIOR, dated 30 April 2018, was refused by notice dated 25 June 2018.
 - The development proposed is the installation of an electronic communications apparatus.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. As set out above there are two appeals which differ only in their location within the street. I have considered each proposal on its individual merits, except where otherwise indicated.
4. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed developments solely on the basis of

their siting and appearance, taking into account any representations received. My determination of these appeals has been made on the same basis.

5. Following the Council's determination of the applications, a revised version of the National Planning Policy Framework (the Framework) was published in July 2018. The parties have had the opportunity to make comments on the revisions to the Framework as part of the appeal process. Whilst the Government made further revisions to the Framework in February 2019, those changes have no particular bearing for the determination of these appeals.
6. The Peterborough Local Plan 2016 to 2036 (2019) (the new Local Plan) has been adopted by the Council since the appeal was lodged. The parties have had an opportunity to comment on the new Local Plan in relation to the case during the appeal process. The policies within the Peterborough Core Strategy Development Plan Document (2011), Peterborough Planning Policies Development Plan Document (2012) and Peterborough City Centre Development Plan Document (2014) are therefore no longer extant. The appellant has had the opportunity to comment on the policies while in draft form. The changes made to the draft policies as they appear within the new Local Plan have no particular bearing for the determination of this appeal.

Planning Policy

7. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. Nonetheless, I have had regard to the policies of the development plan and any related guidance and the Framework only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

8. The main issues are: -
 - The effect of the appearance of the proposed development on its surroundings, including heritage assets (Appeal A and Appeal B), and: -
 - The effect of the siting of the proposed development on pedestrian movement (Appeal A only) and public safety (Appeal A and Appeal B).

Reasons

Appearance (including heritage assets)

9. The appeal sites both lie just outside the City Centre Conservation Area (the CA). In both cases the proposed kiosk would be close to a Grade II listed building (32-33 Long Causeway) and a locally listed building (24-27 Long Causeway). The significance of the CA derives from the grouping of heritage assets, and the historic development of the City. The character and appearance of the CA in this street is of a mix of buildings of various scales and design, with both modern and more traditional buildings. Within the more traditional buildings commercial uses occupy the ground floor, exhibiting modern shop facades below more traditional architecture.
10. The appeal sites are located in Long Causeway which is a pedestrianised shopping street in the city centre, outside the entrance to Queensgate, a large shopping centre. Amongst other street furniture in the immediate vicinity of the

appeal site there are several bench seats, lamp posts, litter bins and public art. There are also several street trees, some currently quite small, protected by tree cages. During my site visit I observed that there were also chairs outside cafés close to the site. Overall the area is characterised by its busy and vibrant commercial environment with passing pedestrians and people using the seating provided to rest and eat. The street furniture in the area is generally low in height and forms a coordinated design that gives the street scene a sense of openness.

11. The appeal schemes each propose a telephone kiosk of contemporary design and solid form which would be of a scale and mass much greater than the adjacent street furniture. Each proposed telephone kiosk would be visible in some views against the background of the buildings within the CA, including the Grade II listed building and the locally listed building, when passing along the street or seated at some of the benches. Each kiosk would dominate the street furniture in its location which would neither preserve nor enhance the character or appearance of the area. I therefore conclude that the siting and appearance of each of the proposed kiosks would be harmful to the character and appearance of their surroundings, with particular regard to the surrounding CA, and the settings of the Grade II listed building and the locally listed building. Further, the form of the proposed kiosks would be out of keeping with the existing street furniture and each would introduce an additional structure that would erode the current sense of openness and would not conform or relate to the geometric layout of the coordinated scheme that is in place. This lack of conformity would, in this case, amount to harm.
12. In both cases the Council has referred to Policies LP6, LP16 and LP19 of the new Local Plan. These policies, amongst other things, seek to promote a high quality public realm, with particular focus on the pedestrian environment in the City Centre, and protect heritage assets. The Council also refers to Paragraph 131 of the National Planning Policy Framework 2012. This has been replaced in the current Framework by Paragraph 192 which, amongst other things, requires that account be taken of the desirability of new development making a positive contribution to local character and distinctiveness. Whilst these prior approval appeals have not been determined on the basis of Section 38(6) of the Planning and Compulsory Purchase Act 2004, these policies are relevant to the planning judgement to be made on this main issue and I have found that both of the proposals would be contrary to these policies.

Siting

13. In the case of Appeal A, the proposed telephone kiosk would lie on a busy pedestrian thoroughfare on the frontage of a busy shopping centre, roughly mid-way between two existing benches. This area is on a desire line for pedestrians wishing to cross between one side of Long Causeway and the other to access shops, or enter or leave the shopping centre. The size and position of the kiosk would leave a substantial width of footway to either side vacant. However, people sitting on the benches, particularly if accompanied by young children in pushchairs would be likely to occupy a substantial part of these gaps, further reducing the available space for pedestrians to pass through. I therefore find that the siting of the proposed kiosk would form an unreasonable obstruction and inconvenience to pedestrians.

14. In the cases of both Appeal A and Appeal B the police and the Closed Circuit Television (CCTV) Manager at the City Council have raised concerns that the proposed telephone kiosks would obstruct or block surveillance by CCTV, encouraging antisocial behaviour, and affect the control of football crowds. Little substantive evidence has been provided to demonstrate how either of the proposed kiosks would affect surveillance by the CCTV camera network.
15. During my site visit I observed a CCTV installation at the entrance to Queensgate which would provide a view of each of the sites and their vicinity. Neither structure, of itself, would be likely, by virtue of its size and construction, to create a significant additional obstruction to the area under surveillance by the camera; whether specifically football crowds or more generally. I therefore conclude, in both cases, that the siting of the proposed kiosk would not result in harm to public safety as a result of the obstruction of views from CCTV surveillance cameras.
16. In the case of Appeal A, whilst I have not found that the siting of the development would have a harmful effect on public safety I have found that the development would have a harmful effect on pedestrian movement. The Council has referred to Policies LP6 and LP13 of the new Local Plan. These policies, amongst other things, seek to ensure that appropriate provision is made for safe, convenient access, prioritise access for pedestrians, improve the public realm with a particular focus on the pedestrian environment and promote travel security through improvements to CCTV. Whilst this prior approval appeal has not been determined on the basis of Section 38(6) of the Planning and Compulsory Purchase Act 2004, these policies are relevant to the planning judgement to be made on this main issue and I have found that the proposed development is contrary to these policies in regard to its effect on pedestrian movement. However, I have found that the proposal complies with the aim of Paragraph 91 of the Framework which requires that planning decisions should aim to achieve places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
17. In the case of Appeal B I find that the siting of the proposed kiosk would not have a harmful effect on public safety. Paragraph 91 of the Framework requires that planning decisions should aim to achieve places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Whilst this prior approval appeal has not been determined on the basis of Section 38(6) of the Planning and Compulsory Purchase Act 2004, this policy is relevant to the planning judgement to be made on this main issue and I have found that the proposed development complies with this policy.

Other Matters

18. Paragraph 116 of the revised Framework makes it clear that applications for telecommunications equipment should be determined on planning grounds only and that the need for an electronic communications system should not be questioned. I have determined the appeals on that basis.
19. The proposed developments would each provide a wheelchair accessible facility and a public communication service, and the revised Framework offers support for advanced high quality and reliable communications infrastructure. However,

these benefits would not, in either case, outweigh the harm that I have identified in relation to the main issues.

Conclusion

20. For the reasons given above I conclude that both appeals should be dismissed.

I Dyer

INSPECTOR