



Appeal Decision

Site visit made on 11 June 2019

by C Beeby BA (Hons)

an Inspector appointed by the Secretary of State

Decision date: 25th September 2019

Appeal Ref: APP/J0540/W/19/3221876

Staniland Way, Werrington, Peterborough PE4 6NA

- 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 John Livock on behalf of KREAM Ltd against the decision of Peterborough City Council.
 - The application Ref 18/00667/FUL, dated 13 April 2018, was refused by notice dated 14 September 2018.
 - The development proposed is removal of landscaping adjacent to Tesco on the south side. Erection of two single storey shop units. New landscaping proposed to suit new layout. Kerb dropped along Sutton Court to allow delivery access to shops and three point turn exit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Policies from the Peterborough Core Strategy (2011) and the Peterborough Planning Policies Development Plan Document referred to by the Council in its decision notice have been superseded by policies from the Peterborough Local Plan ("PLP") of July 2019, which has been adopted since the appeal was submitted. In light of this, I have sought views from the main parties in writing on the relevance of the new Local Plan to the case.
3. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed. Nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on public safety.

Reasons

Character and appearance

5. The appeal site comprises two raised beds which contain landscaping, trees and an adjacent area of hardstanding. They are separated by a central path, and lie within the Werrington Centre retail precinct.
6. The precinct has a spacious and relatively verdant appearance which results from its well-spaced built form, the level of provision of open areas and the regular landscaping elements included in its design. The raised beds of the appeal site make a positive contribution to this appearance through their generally low level planting, which allows for views over them and through the precinct's central area out towards similar structures and further planting on its opposite side.
7. The precinct's main area comprises central raised beds and seating, with surrounding walkways which pass various businesses. The open corners at either side formed by the appeal site and its opposite area provide visual relief from the significant built form of the surrounding shops and businesses. They also serve to prevent any sense of enclosure which may otherwise be present.
8. The scheme proposes the removal of the raised beds and their replacement with two single storey shop units. The units are proposed for retail, professional services or food and drink uses. Whilst glazing would allow for limited views through the new units, the new buildings would significantly reduce the points from which views from the car park area through the centre of the precinct would be available. A majority of these views would contain a significant massing of built form due to the alignment and scale of the new buildings, and their proximity to existing large-scale built form to either side. Harm to the area's spacious appearance would result.
9. The development would additionally have a significant enclosing effect on the appearance of the precinct's central area, as it would fill much of the space at one of its open corners with substantial built form. It would consequently result in an impression of filling in such space, rather than "rounding off" of the precinct. The verdant setting which the site currently contributes to this space would be harmed, and the reduction in natural form would increase the built-up appearance of the space.
10. Some limited areas of new landscaping are proposed, however these would generally only be visible from the carpark side of the proposal. Few natural elements would be provided on the precinct side. Whilst elements of the proposal's design are intended to compensate for the loss of landscaping involved, the "green walls" included on the buildings would be artificial, as would the climbing "plant" elements attached to roof trellising. These would lack the natural appearance of the current landscaping, and would consequently fail to maintain the area's verdant quality.
11. I acknowledge representations on the desirability of regenerating the Werrington Centre, however I consider that the harm to the centre's spacious and verdant appearance which the proposal would involve would not contribute positively to such an aspiration.
12. The proposal would cause unacceptable harm to the character and appearance of the area, with resulting conflict with Policy LP16 of the PLP, which states that proposals will be required to demonstrate that they respect the context of the site and surrounding area. They should additionally respond appropriately to

existing natural features that contribute positively to local character and distinctiveness, and existing views into, out of or through the site.

Public safety

13. The proposal would result in the retention of the current layout of paths which run through and around the site.
14. The rear elevation to Unit B, and one side elevation, would not contain any doors which would be in use by the public. The rear elevation would lie in relatively close proximity to the adjacent path. A path would also pass between the side elevation and a garden wall. Both of these paths would have a more enclosed character than is currently the case, due to the proximity of the substantial built form of the new units.
15. This sense of enclosure would be particularly apparent to users of the path alongside the unit's rear elevation, because part of the path is formed by a covered walkway running alongside business units, and the roof to this is tiled. This currently results in an area with less natural light than the remainder of the path, however the area still has a spacious and reasonably appealing quality due to the low level planting of the adjacent appeal site and the openness which this provides. A reasonable level of natural surveillance is also available across the appeal site by those passing between the carpark and the supermarket or other precinct businesses, due to the low level of the site's current features.
16. The rear walkway would have natural surveillance only from windows in one half of Unit B for the business' opening hours. If the unit were not in active use (and the evidence suggests that the centre as a whole generally has some unoccupied units at any one time), the level of surveillance available would be reduced to that provided by visitors and staff at the limited number of businesses within the relevant area of the precinct. These businesses could not be relied on to provide natural surveillance or a sense of activity at times of day when path users may feel more vulnerable, for example during the hours of darkness and outside standard business hours, when footfall is likely to reduce. The proposed building would reduce levels of light and increase the sense of enclosure along this route.
17. Whilst a level of lighting provision could be expected along the route as it is a public area, this would not counteract the sense of being hidden from view for some distance which would result from the proximity of the new unit. This would be undesirable in an area which has been subject to antisocial behaviour issues for some time, according to the evidence of several parties, including the police. I am unconvinced by the submission that the narrowing of views through the development would encourage greater exploration of the precinct's centre, due to the issues identified above.
18. Paths around Unit A would generally pass areas where a reasonable level of footfall or surveillance could be expected, due to their proximity to the carpark, a supermarket with long opening hours which is likely to attract a substantial number of visitors, and the main entrance and external seating to Unit B.
19. I acknowledge the submission that the use of a closed circuit television system could support public safety around the appeal site. However, recourse to such measures does not indicate a proposal which constitutes good design, and

neither am I convinced that it would render the enclosed walkways identified more attractive. Accordingly, this suggestion does not overcome the public safety concerns identified above.

20. I note the support of the police for the proposal. However, my decision is based on an impartial assessment of the planning merits of the scheme. Whilst I have taken their response into account, I am not bound to reach a similar view.
21. I acknowledge that elements of the proposal's design are intended to discourage some types of antisocial behaviour, however these would fail to address the personal safety concerns which I have identified above.
22. In view of my concerns regarding the proposal's effect on the path to the rear of Unit B, I conclude that the proposal would cause harm to public safety. This harm would be limited, due to the relatively short length of path to which my concerns relate and the generally acceptable effect of the proposal on other paths surrounding the site. Nevertheless, conflict consequently arises with Policy LP16 of the PLP, which states that proposals should be safe and designed to minimise crime and antisocial behaviour.

Other Matters

23. In refusing permission for character and appearance reasons the Council relies in part on Policy LP17 of the PLP. However, this policy concerns the effect of development proposals on the living conditions of existing occupiers of nearby properties and future occupiers of the development concerned. I therefore consider that the policy has limited relevance to the question of the effect of the proposal on the character and appearance of the area. As a result, I attach limited weight to the relevance of Policy LP17 of the PLP in determining the appeal.
24. I have taken account of both the submissions of officers in recommending approval and the views of the Council's Planning Committee in refusing it. Notwithstanding these, I have considered the proposal on its own merits.
25. I have had regard to other matters raised, including concerns about the scheme's effect on highway safety, living conditions and cycle facilities. However, as I am dismissing the appeal on the main issues for the reasons given above, I have not pursued these matters further.

Conclusion

26. For the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR