
Appeal Decisions

Site visit made on 31 October 2022

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2022

Appeal A Ref: APP/J0540/W/22/3293130

Footpath at OS Poundland, The Hereward Cross Shopping Centre, Broadway, Peterborough PE1 1TA

- 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 Ms Bella Noakes on behalf of British Telecommunication PLC against the decision of Peterborough City Council.
 - The application Ref 21/01371/R4FUL, dated 23 August 2021, was refused by notice dated 23 December 2021.
 - The development proposed is removal of existing BT phone box and installation of a proposed replacement BT street hub and associated display of advertisement to both sides of the unit.
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Appeal B Ref: APP/J0540/H/22/3293126

Footpath at OS Poundland, The Hereward Cross Shopping Centre, Broadway, Peterborough PE1 1TA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Ms Bella Noakes on behalf of British Telecommunication PLC against the decision of Peterborough City Council.
 - The application Ref 21/01397/ADV, dated 23 August 2021, was refused by notice dated 23 December 2021.
 - The development proposed is two digital LED display screens, one on each side of the amended InLink unit.
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Decisions

1. Appeal A is allowed and planning permission is granted for the removal of existing BT phone box and installation of a replacement BT street hub at Footpath at OS Poundland, The Hereward Cross Shopping Centre, Broadway, Peterborough, PE1 1TA in accordance with the terms of the application, Ref 21/01371/R4FUL, dated 23 August 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby approved shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Site Plan - BT Streethub PTB-214 Rev A

Existing and Proposed Views PTB-214

Digital Kiosk Proposal

2. Appeal B is allowed and express consent is granted for two digital LED display screens, one on each side of the amended InLink unit. The consent is for 5 years from the date of this decision, and is subject to the five standard conditions set out in the Regulations.

Procedural Matters

3. As set out above, there are two appeals on this site. Appeal A relates to an application for planning permission and Appeal B relates to advertisement consent. The description provided on the application for Appeal A also makes reference to the proposed advertisements. However, as consent for these lies outside of the scope of this appeal, I have amended the description of Appeal A to omit reference to them.

Main Issues

4. The main issue in respect of Appeal A is the effect of the proposed development on the character and appearance of the area, including whether it would preserve the setting of Peterscourt, a Grade II listed building.
5. In respect of Appeal B, the main issue is the effect on amenity.

Reasons

Appeal A

6. The appeal site lies outside of, but close to the northern and eastern extents of Peterborough City Centre Conservation Area (PCCCA), and due to this proximity, is within the setting of it. It also lies outside of Park Conservation Area (PCA) which is located to the north, beyond the northern extent of PCCCA.
7. Furthermore, although the appeal site is located some distance from it, Peterscourt, a Grade II listed building would be experienced and appreciated from this location. Consequently, the appeal site also lies within the setting of this listed building.
8. The Council, within the provided Officer's Report, also indicated that the proposed structure would affect a non-designated heritage asset, however it is not specified which particular asset would be affected, nor does this form part of the reason for refusal. Accordingly, I have not considered this issue any further.
9. The significance of PCCCA is primarily derived from key landmark buildings, important civic spaces and squares, and the historic street pattern of the city centre. Peterscourt is a large red brick Grade II listed building, with distinctive fenestration and chimneys, and a somewhat collegiate character. The listing description indicates that the significance of the listed building is derived mainly from the doorway, which was relocated from London Guildhall.
10. Built development in the immediate vicinity of the appeal site is commercial in character and of a modern construction. The appeal site is located towards the edge of a busy retail area which is characterised by a high level of commercial activity and both illuminated and non-illuminated associated signage. Further to the east of the appeal site, the character of the area changes as the road

widens in the vicinity of the Grade II listed Peterscourt and the level of retail provision reduces.

11. Consequently, the appeal site, with its modern immediate surroundings, lies at a point of intersection between the retail area which is predominantly located within PCCCA and contains a number of historic buildings, and the non-retail area around the listed building to the east.
12. The proposed streethub and associated advertisements would be located within a wide area of pavement fronting a taxi rank and would replace an existing telephone box. Adjacent to the site is a lighting column, and in the wider vicinity there are signposts, a mature tree, railings, electric vehicle charging points, and a bus stop incorporating illuminated advertisements.
13. The proposed street hub would be larger than the existing telephone box, which it would replace, in terms of both height and width. Although it would be a slimmer structure, it would nevertheless appear as prominent within the streetscene. However, although prominent and containing illuminated advertisements, it would not be visually intrusive or incongruous, as it would be located within an immediate context of more modern development and existing street furniture, and within a commercial area with a significant level of existing signage, including illuminated signage.
14. Although there is other existing street furniture evident, and the character of the appeal site is that of a busy city centre urban environment, the fact that the proposed development would replace an existing street furniture item means that it would not lead to an excess of structures, such that it would lead an unacceptable level of street clutter.
15. As a result, with respect to Appeal A, the proposed structure would have only a neutral effect on the setting of PCCCA and would therefore preserve its character and appearance. Although illuminated, the size of the proposed streethub, and the distance from the listed building means that the setting of that heritage asset would be preserved.
16. The Council has raised concern with regards to the effect of the proposed streethub upon the character and appearance of PCA. However, I consider that the distance between the appeal site and PCA, and the significant level of intervening development, mean that it would not result in harm to the significance of this conservation area or its setting.
17. Consequently, the proposed streethub would comply with Policies LP16 and LP19 of the Peterborough Local Plan (PLP) and Paragraphs 197, 199 and 202 of the National Planning Policy Framework, which together, and amongst other factors, seek to ensure proposals positively contribute to the area and conserve and enhance the setting of heritage assets.
18. Concern has been raised with regards how much weight can be afforded to public benefits of the proposal, with regards to the comparative levels of commercial advertising and public information displayed on the streethub, and the provision of wi-fi access. However, as I found that the proposed streethub would accord with the development plan in any case, this is not determinative in my consideration.

Appeal B

19. The proposed advertisements would be digitally illuminated and would appear as undoubtedly modern features within the local area. However, having regard to my reasoning above, they would not appear incongruous in a city centre location characterised by commercial development and signage, and where there are a number of existing street structures. Consequently, with respect to Appeal B the proposed advertisements would not be harmful to the amenity of the area. I have taken into account PLP Policies LP16 and LP19 which are material in this case. Given I have concluded that the proposal would not harm amenity, the proposal does not conflict with these policies.
20. While the Council considers that the hub unit would bring only limited benefits, I have considered only the question of amenity and, in any event, have concluded that the proposed advertisements would not be harmful.

Other Matters

21. Interested parties have raised the issue of potential cumulative impacts of several hubs within the locality, however, I have not been provided with specific details of other similar developments that have been granted approval. I was able to see on my site visit that some existing streethubs are already located within the city centre, however none appeared to be in close proximity to the appeal site. Accordingly, I afford this concern little weight.
22. I have also taken account of concerns raised in representations relating to highway safety. However, the Council are satisfied that the proposed streethub and associated advertisements would not pose a risk to public safety, and I have not been presented with any substantive evidence that would lead me to a different conclusion.

Conditions

23. With regards to Appeal A, I have attached the standard time limit condition, and, in the interests of certainty, I consider it necessary to attach a condition specifying the approved plans. With regards to Appeal B, the Regulations set out five standard conditions, and it is therefore unnecessary for them to be repeated or reattached.

Conclusion

24. The proposed streethub would accord with the development plan as a whole, and there are no material considerations that would lead me to reach a decision other than in accordance with it. I therefore conclude that Appeal A should succeed. In addition, I have found that the proposed advertisements would not be harmful to the amenity of the area, and therefore Appeal B succeeds also.

C Harding

INSPECTOR