

Appeal Decisions

Site visits made on 14 May 2024

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2024

All Appeals

- The appeals are made by Infocus Public Networks against the decisions of Peterborough City Council.
- All the applications are dated 24 August 2023.

Appeals A, C, E, G and I

- The appeals are made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The development proposed in each appeal is the replacement and upgrade of an existing illuminated and advertised enclosed telephone kiosk with a multifunctional communication Hub including advertisement display.

Appeals B, D, F, H and J

- The appeals are made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The advertisement proposed in each appeal is integrated into the Communication Hub unit and comprises an LCD portrait screen that will be used to show static illuminated content that is remotely changed via a secure ISDN line to the communication device.
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Appeal A Ref: APP/J0540/W/23/3334168

Pavement outside 34 Long Causeway, Peterborough PE1 1YJ

- The application Ref 23/01132/FUL was refused by notice dated 19 October 2023.
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Appeal B Ref: APP/J0540/H/23/3334169

Pavement outside 34 Long Causeway, Peterborough PE1 1YJ

- The application Ref 23/01133/ADV was refused by notice dated 19 October 2023.
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Appeal C Ref: APP/J0540/W/23/3334170

Pavement outside 19-21 Bridge Street, Peterborough PE1 1HJ

- The application Ref 23/01130/FUL was refused by notice dated 24 October 2023.
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Appeal D Ref: APP/J0540/H/23/3334171

Pavement outside 19-21 Bridge Street, Peterborough PE1 1HJ

- The application Ref 23/01131/ADV was refused by notice dated 24 October 2023.
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Appeal E Ref: APP/J0540/W/23/3334172

Pavement outside 59c Bridge Street, Peterborough PE1 1HA

- The application Ref 23/01136/FUL was refused by notice dated 24 October 2023.
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Appeal F Ref: APP/J0540/H/23/3334173

Pavement outside 59c Bridge Street, Peterborough PE1 1HA

- The application Ref 23/01137/ADV was refused by notice dated 24 October 2023.
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Appeal G Ref: APP/J0540/W/23/3334174

Pavement outside 61 Bridge Street, Peterborough PE1 1HA

- The application Ref 23/01138/FUL was refused by notice dated 19 October 2023.
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Appeal H Ref: APP/J0540/H/23/3334176

Pavement outside 61 Bridge Street, Peterborough PE1 1HA

- The application Ref 23/01139/ADV was refused by notice dated 19 October 2023.
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Appeal I Ref: APP/J0540/W/23/3334177

Pavement outside 32 Cowgate, Peterborough PE1 1NA

- The application Ref 23/01140/FUL was refused by notice dated 1 November 2023.
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Appeal J Ref: APP/J0540/H/23/3334178

Pavement outside 32 Cowgate, Peterborough PE1 1NA

- The application Ref 23/01141/ADV was refused by notice dated 1 November 2023.
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Decisions

1. Appeals A, C, E, G and I, each concerning a proposed multifunctional communication Hub, are dismissed.
2. Appeals B, D, F, H and J, each concerning a proposed integrated advertising display, are dismissed.

Preliminary Matters

3. The ten appeals addressed here involve five proposals for a multifunctional communication Hub and five related proposals to display a static illuminated advertisement as an integral part of each Hub. The appellant is the same in all the appeals and all the sites are situated in central Peterborough within the City Centre Conservation Area. For these reasons, the ten appeals are dealt with in this single decision document, although each case is considered on its individual merits.
4. The description of the proposed Hub in each case is for the replacement of an existing telephone kiosk. However, there are currently no kiosks at any of the five sites. For this reason, despite the description of the proposal, I have dealt with the appeals as involving a new Hub and integrated advertisement in each case.

Main Issues

Appeals A, C, E, G and I

5. The first or sole reason for refusal is the same for each of the proposals. Accordingly, the main issue for each appeal is whether the proposed
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communication Hub would preserve or enhance the character or appearance of the Peterborough City Centre Conservation Area.

6. An additional reason for refusal is provided for Appeal G. For this appeal the second main issue is the effect of the proposal on highway safety.

Appeals B, D, F, H and J

7. The first or sole reason for refusal is the same for each of the proposals for an illuminated advertisement. Accordingly, the main issue for each is the effect of the advertisement on the visual amenity of the area, with particular regard to the Peterborough City Centre Conservation Area.
8. An additional reason for refusal is provided for Appeal H. The second main issue for this appeal is the effect of the proposed advertisement on public safety.

Reasons

9. The proposed Hub is the same in each case, comprising a slim design with the advertising panel on one side and telephony and related services on the other. For the avoidance of repetition in each appeal, I have had regard to the full range of services that would be provided, including an integral defibrillator, free Wi-Fi, device charging and public messaging capabilities. I note also that the unit screens are powered by solar energy.
10. The proposed advertisement in each case is the size of a standard six sheet advertisement with the luminance level adjusted via a light sensor to less than 600cdm² at night.
11. The Peterborough City Centre Conservation Area comprises the historic core of the city centre, including the medieval Cathedral and Precincts, and other landmark buildings such as the Church of St John the Baptist and the Guildhall. The City Centre Conservation Area Appraisal indicates that despite having retained the essentially medieval layout the city centre is dominated by 19th and 20th Century buildings, with a small number of examples surviving from earlier periods. Commercial activities are evident throughout the area, reflecting its city centre location. The appeal proposals have been considered against this context, but specific matters are referred to in the consideration of each appeal site.
12. Policies LP16 and LP19 of the Peterborough Local Plan 2016-2036 (2019) are relevant to all the appeals. Policy LP16 states that all development proposals are expected to positively contribute to the character and local distinctiveness of the area, and to respect the context of the site and surrounding area. Policy LP19 requires that development must respect the local character and distinctiveness of the area in which it would be situated, particularly in areas of high heritage value, with particular emphasis on the protection of designated heritage assets and their settings.

13. As the main issues for all the appeals involve the effect on a designated heritage asset and in Appeals I and J the effect on an asset's setting is raised, I am particularly mindful in my consideration of the proposals of the statutory requirements for decision makers to have special regard to the desirability of preserving the setting of a listed building; and that in exercising planning functions in conservation areas special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area¹.

Appeals A and B

14. Bridge Street, Long Causeway and Cathedral Square comprise the primary north-south axis through the city centre and include the commercial core and principal public spaces found within the conservation area. The site of the proposed Hub is within Long Causeway, just north of Cathedral Square.
15. Long Causeway and Bridge Street share a similar character and appearance. They are wide pedestrianised streets with typically three and four storey buildings to either side with ground floor retail and other commercial uses. The width of the street allows for pedestrian access either side of a linear central area that includes mature London Plane trees with street furniture beneath these. The street furniture is generally discreet and unobtrusive, in the form of cycle hoops, seating around trees, waste bins and lampposts. This enables a good degree of openness within the street scene and largely unimpeded views of Cathedral Square, approaching it along Long Causeway.
16. The communication Hub would be positioned within the central area and would not, therefore, impede the pedestrian thoroughfares. Due to its height, width and overall solidity it would, however, be the most prominent feature within its immediate setting. The only comparable feature is an apparently redundant telephone kiosk nearer to Cathedral Square, but this is in an unobtrusive position between a utilities cabinet and a small outdoor food booth. There is also a smaller advertisement board to the north further away from Cathedral Square.
17. The new Hub, by contrast, would be in a much more open and prominent position, relatively close to the square. Due to its overall size and visibility, it would contrast unfavourably with the more discreet forms of furniture that are characteristic in the street scene. Moreover, it would impede and detract from the currently open views of Cathedral Square approaching along Long Causeway from the north. As such, despite the commercial city centre location, it would have an undue presence in its setting, appearing as an incongruous and uncharacteristic feature.
18. The predominant form of advertisement is fascia signs to the shopfronts, most of which appear not to be illuminated. While this is a city centre location with predominantly commercial and retail uses, the immediate and wider area have very few examples of the type of advertisement proposed, reflecting the open character of the street scene and the sensitivity of the historic setting focused

¹ Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

on the cathedral, the square and associated heritage assets. Therefore, the advertisement integrated with the Hub would be an uncharacteristic and prominent feature that would detract from the character and appearance of the conservation area. The fact that the illumination levels would be limited at night and that the advertising panel could be used for emergency and other public messaging does not outweigh the harm to the visual amenity of the conservation area.

19. Therefore, for these reasons, I find that the proposed Hub would fail to preserve the character and appearance of the City Centre Conservation Area. The National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation². Based on the above findings, I consider the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.
20. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal³. In this regard, the Framework indicates that communications infrastructure is essential for economic growth and social well-being⁴. Although I recognise that the proposed Hub would make a positive contribution to these aims, including through the range of communications and other features already referred to, the public benefits arising from them are not sufficient either individually or as a whole to outweigh the harm to the heritage asset that is afforded considerable weight.
21. Accordingly, for the above reasons, I conclude with regard to Appeal A that the proposed Hub would not preserve the character and appearance of the Peterborough City Centre Conservation Area. Consequently, the proposal is contrary to Policies LP16 and LP19 of the Peterborough Local Plan 2016-2036, as described above.
22. I conclude with regard to Appeal B that, for the reasons given, the proposed advertisement would have an unacceptably harmful effect on the visual amenity of the area. I have taken into account Policies LP16 and LP19 of the Local Plan in so far as they are material. Given that I have concluded that the proposal would harm the visual amenity of the area it therefore conflicts with these policies.

Appeals C and D

23. The proposed Hub would be located in Bridge Street, south of Cathedral Square, but relatively close to it. Bridge Street shares the same overall character and appearance as Long Causeway, described above, and the Hub would be positioned within the central area with the pedestrian thoroughfares to either side.

² Paragraph 205.

³ Paragraph 208.

⁴ Paragraph 118.

24. There are substantive gaps between the pairs of trees with limited street furniture grouped under them, resulting in an open and spacious street scene. The principal exceptions to this are the presence of an existing Hub structure relatively close to the north of the appeal site; and a fixed advertising board immediately to the west of the position of the proposed Hub.
25. Given that these are the only features of their type within this part of the street, they are not characteristic nor do they reflect the appearance of the other street furniture, which is more discreet and unobtrusive. Consequently, the addition of a further Hub structure in this setting would not only be uncharacteristic of this part of the conservation area, but due to its prominence, solidity and presence it would harmfully disrupt the openness of the street scene. This would be apparent both in its own right and particularly in combination with the existing Hub and advertising board.
26. Non-illuminated shopfront fascia signs are the predominant form of advertisement. Aside from the uncharacteristic existing Hub and advertising board, as in Long Causeway the lack of free-standing advertisements reflects the open character of the street scene and the sensitivity of the historic setting close to Cathedral Square. Therefore, there is no reasonable basis for me to find differently to Appeals A and B where the advertisement integrated with the Hub would be an uncharacteristic and prominent feature that would detract from the character and appearance of the conservation area. Moreover, the advertisement would in combination with the existing free-standing advertisements result in a form of visual clutter within the otherwise open setting. The controlled illumination and the screen's potential use for public messaging are not sufficient reasons to overcome the harm to the visual amenity of the conservation area.
27. Accordingly, for the above reasons, the proposed Hub would fail to preserve the character and appearance of the City Centre Conservation Area. The harm resulting from the proposal would be less than substantial but should be afforded considerable weight given what the Framework says about the importance of conserving heritage assets.
28. I have had full regard to the importance of communications infrastructure for economic growth and social well-being, reflected in the Framework; and the range of communication and other features that the Hub would provide. However, these are the same as the proposal in Appeals A and B, and therefore there is no reasonable basis to find differently in this case. Consequently, the public benefits arising from the various features of the Hub are not sufficient either individually or as a whole to outweigh the harm to the heritage asset.
29. Therefore, for the reasons given, I conclude with regard to Appeal C that the proposed Hub would not preserve the character and appearance of the Peterborough City Centre Conservation Area. Consequently, the proposal is contrary to Policies LP16 and LP19 of the Peterborough Local Plan 2016-2036.
30. With regard to Appeal D, I conclude for the reasons given that the proposed advertisement would have an unacceptably harmful effect on the visual

amenity of the area. Policies LP16 and LP19 of the Local Plan are relevant in so far as they are material and, given the conclusion on Appeal D, the proposal conflicts with these policies.

Appeals E and F

31. The site of the proposed Hub and advertisement is close to the southern end of Bridge Street near to Bourges Boulevard. This part of the street is broadly similar in character and appearance to the site of the Hub in Appeal C. However, there is a substantive gap between the first pair of trees closest to Bourges Boulevard and the next pair to the north, with only lampposts in the space between the trees. Consequently, this part of the street has a particularly open and spacious appearance, enabling largely unimpeded views into one of the principal streets in the conservation area approaching from the south across Bourges Boulevard.
32. The Hub would be located a relatively short distance in front of the second pair of trees to the north of Bourges Boulevard. There are a number of fixed advertising boards to the north of the appeal site. However, these are positioned in less prominent locations than would be the case with the Hub, nor do they have the same solidity and presence as the Hub would have. There is an existing Hub and advertising column directly next to the first pair of trees adjacent to the entrance to Bridge Street close to Bourges Boulevard. However, unlike the proposed Hub, these do not impinge directly on the open area between the pairs of trees. Furthermore, these existing structures should not be seen as positive precedents for a further prominent structure as cumulatively they would serve to detract from the overall character and appearance of the conservation area.
33. Due to its position in the most prominent and open area in this part of the street, and due to its overall size and presence, the new Hub would detract from the open character of the street scene. Moreover, it would be particularly apparent in the open views into the main part of the conservation area approaching from the south, including impeding some views of the side of the Town Hall's portico.
34. As is the case in the previous appeals, non-illuminated shopfront fascia signs are the predominant and most characteristic form of advertisement. As already noted, there are examples of advertising boards, the existing Hub with an integrated advertisement and the nearby advertisement column. However, it has been found that the Hub would be located such that it would harmfully detract from the open character and appearance of this part of the conservation area. The advertisement would, therefore, further draw attention to the location and harmful effects of the Hub and would add to the harm that would result from the structure in this prominent, open location. Moreover, seen in combination with the advertisement on the existing Hub, the cumulative effect would further detract from the character and appearance of this part of the conservation area. The controlled illumination and the screen's potential use for public messaging are not sufficient reasons to overcome the harm to the visual amenity of the conservation area.

35. Accordingly, for the above reasons, the proposed Hub would fail to preserve the character and appearance of the City Centre Conservation Area. Consistent with the findings in the other appeals, the harm caused would be less than substantial, but should be afforded considerable weight as in the earlier cases, based on the Framework's requirements already referred to.
36. As in the earlier appeals, I have had full regard to what the Framework says about the importance of communications infrastructure for economic growth and social well-being. I acknowledge also and have taken account of the full range of communication and other features that the Hub would provide. However, these are the same as the proposals in the first two pairs of appeals, and consequently there is no reasonable basis to find differently in this case. Consequently, as in those cases the public benefits arising from the various features of the Hub are not sufficient either individually or as a whole to outweigh the harm to the heritage asset.
37. Accordingly, for the above reasons, I conclude for Appeal E that the proposed Hub would not preserve the character and appearance of the Peterborough City Centre Conservation Area. As such, it is contrary to Policies LP16 and LP19 of the Peterborough Local Plan 2016-2036.
38. I conclude for the reasons given that the advertisement proposed in Appeal F would have an unacceptably harmful effect on the visual amenity of the area. Policies LP16 and LP19 of the Local Plan are relevant in so far as they are material and, given the conclusion on this appeal, the proposal conflicts with these policies.

Appeals G and H

City Centre Conservation Area

39. This is the southernmost of the appeal sites with the proposed Hub located directly next to the railings running parallel to Bourges Boulevard. The orientation of the Hub and advertisement would be on an east-west axis, rather than north-south as in the previous appeals.
40. As noted for Appeals E and F, there is an existing Hub and advertising column directly next to the first pair of trees at the entrance to Bridge Street, immediately to the north of the site of the proposed Hub. These existing structures are positioned either side of the pair of trees and this position, together with the bollards in front of the pedestrian access to either side of the central area presents a degree of uniformity in views approaching Bridge Street across Bourges Boulevard. However, these existing structures also impinge upon views into one of the principal streets in the conservation area and detract from the otherwise largely open and uncluttered street scene.
41. The proposed Hub would be side-on in views approaching across the main road and, as such, its slim profile would reduce the visual impact. Nonetheless, it would still be a prominent addition in this location, particularly in closer views. Moreover, consistent with the finding in the previous appeals, the existing structures should not be seen as positive precedents for a further prominent

structure as cumulatively they would serve to detract from the overall character and appearance of the conservation area. Consequently, the proposed Hub would have the effect of harmfully detracting from the largely open street scene at the entrance to Bridge Street.

42. The advertisement context is as previously described for Appeal F, with the mainly non-illuminated shopfront fascia signs at the start of Bridge Street and the existing Hub with an integrated advertisement and the nearby advertisement column. Despite the different siting and orientation of the Hub it would nonetheless be relatively close to the site of the Hub and advertisement in Appeals E and F; and, as with those appeals, it has been found that the Hub would harmfully detract from the open character and appearance of this part of the conservation area. Consequently, there is no reasonable basis to find differently from Appeal F with regard to the effects of the advertisement.
43. Therefore, the advertisement would also further draw attention to the location and harmful effects of the Hub and would add to the harm that would result from the structure in this prominent location. Moreover, seen in combination with the existing free-standing advertisements, the cumulative effect would further detract from the character and appearance of this part of the conservation area. The controlled illumination and the screen's potential use for public messaging are not sufficient reasons to overcome the harm to the visual amenity of the conservation area.
44. Accordingly, for the above reasons, the proposed Hub would fail to preserve the character and appearance of the City Centre Conservation Area. As for the previous appeals, the harm caused would be less than substantial, but is of considerable weight.
45. I have had full regard to the importance of communications infrastructure for economic growth and social well-being, as set out in the Framework. I also acknowledge and have taken account of the full range of communication and other features that the Hub would provide. However, these are the same as the proposals in the other pairs of appeals considered above, and consequently there is no reasonable basis to find differently in this case. Consequently, as in those cases the public benefits arising from the various features of the Hub are not sufficient either individually or as a whole to outweigh the harm to the heritage asset.
46. Therefore, for these reasons, I conclude for Appeal G that the proposed Hub would not preserve the character and appearance of the Peterborough City Centre Conservation Area. Consequently, it is contrary to Policies LP16 and LP19 of the Peterborough Local Plan 2016-2036.
47. For the advertisement proposed in Appeal H I conclude for the reasons given that it would have a materially harmful effect on the visual amenity of the area. I have taken into account Policies LP16 and LP19 of the Local Plan in so far as they are material. Given that I have concluded that the proposal would harm the visual amenity of the area it therefore conflicts with these policies.

Highway and public safety

48. The position and orientation of the proposed Hub means that the principal possible effect on the free flow of pedestrians would be those walking parallel to Bourges Boulevard. However, the footpath here is of sufficient width that the Hub would not cause an obstruction. Pedestrians approaching in either direction along Bridge Street to cross the busy main road would use the light-controlled crossing, which is well-separated from the position of the Hub. As such, the Hub would not impede those using Bridge Street either physically or visually. Given that the advertisement would be integrated as part of the Hub the same reasoning applies with regard to any possible effects on pedestrian safety.
49. Bourges Boulevard is a busy dual carriageway, which carries a relatively high volume of traffic. However, it is not unusual for drivers to experience this type of advertisement within a busy city centre environment, either as a free-standing advertisement or integrated into a bus shelter or other structure as proposed here. Moreover, the illumination would be within recommended levels for this type of location. As such, the advertisement would not be a distraction to drivers such that it would undermine public safety.
50. Therefore, taking these findings as a whole, the proposed Hub and integrated advertisement would not result in material harm to highway and public safety. Consequently, the proposal is not contrary to Policy LP13 of the Local Plan, concerning the effects of development proposals on transport and highway use.

Appeals I and J

51. The proposed Hub would be located approximately half way along Cowgate, to the west of Cathedral Square. The City Centre Conservation Area Appraisal says that Cowgate has a mixed character of mostly Victorian and later commercial buildings, extending westwards towards the railway. It forms an important part of the 'stone' east-west axis.
52. The Hub would be positioned at the start of an area of pavement that widens out into the road to create a larger pedestrian environment. As such, it would not impede use of the pavement. There is limited street furniture within Cowgate, largely low level planters with no other free-standing permanent structures. The street leads into Cathedral Square and it provides views of the west elevation of Peterborough Cathedral, a Grade I listed building. Moreover, there are a number of other listed buildings within Cowgate, relatively close to the appeal site. These include Nos 34, 42, 44, 46, 48 and 50. As such, the appeal site is within the settings of these designated heritage assets.
53. I note in this regard that the Council's Conservation Officer indicates that the cathedral's west elevation is the most important part of the building and traversing along Cowgate provides the best views of this elevation anywhere in the city. Consequently, the street scene within Cowgate has considerable significance with regard to the setting of the cathedral.

54. The size and prominence of the Hub as a free-standing structure in this location would be uncharacteristic of this part of the conservation area, where street furniture is at a minimum. More significantly, the Hub and the integrated advertisement would be a focal point approaching along the street from the west, which would harmfully detract from the unimpeded views of the cathedral. Moreover, in this sensitive location that is largely devoid of such structures, the undue presence of the Hub would detract from the settings of the other listed buildings.
55. While the street includes advertising associated with the retail and other commercial uses, advertising is in the form of non-illuminated fascia signs. Therefore, the advertisement integrated into the free-standing structure would be a harmful addition, particularly as the changing illuminated images would detract from the setting of the cathedral. The controlled illumination and the screen's potential use for public messaging are not sufficient reasons to overcome the harm to the visual amenity of the designated heritage assets.
56. Consequently, for these reasons, the proposed Hub would not preserve the character and appearance of the City Centre Conservation Area or the settings of Peterborough Cathedral and the other listed buildings referred to above. The resultant harm would be less than substantial but is of considerable weight.
57. I have had full regard to what the Framework says about the importance of communications infrastructure for economic growth and social well-being. I have also taken account of the full range of communication and other features that the Hub would provide. I note in this regard that the Council points to the existing coverage of defibrillators within the city centre, including in close proximity to the appeal site. Furthermore, these features are the same as the proposals in the other pairs of appeals considered above and, therefore, there is no reasonable basis to find differently in this case. Consequently, as in those cases the public benefits arising from the various features of the Hub are not sufficient either individually or as a whole to outweigh the harm to the heritage assets.
58. Therefore, for these reasons, I conclude with regard to Appeal I that the proposed Hub would not preserve the character and appearance of the Peterborough City Centre Conservation Area or the settings of Peterborough Cathedral and Nos 34, 42, 44, 46, 48 and 50 Cowgate. Consequently, it is contrary to Policies LP16 and LP19 of the Peterborough Local Plan 2016-2036.
59. I conclude with regard to Appeal J that, for the reasons given, the proposed advertisement would have an unacceptably harmful effect on the visual amenity of the area. I have taken into account Policies LP16 and LP19 of the Local Plan in so far as they are material. Given that I have concluded that the proposal would harm the visual amenity of the area it therefore conflicts with these policies.

Overall Conclusions

60. For the reasons given, Appeals A, C, E, G and I, each concerning a proposed multifunctional communication Hub, and Appeals B, D, F, H and J, each concerning a proposed integrated advertising display, are dismissed.

J Bell-Williamson

INSPECTOR