

Application Ref: 16/00482/FUL

Proposal: Erection of gate/fence at rear (southern) elevation and erection of a solid panelled gate/fence at the front (northern) elevation of the branch (Part Retrospective)

Site: 1 Church Street, Peterborough, PE1 1XB,
Applicant: Barclays Bank PLC
Agent: Mr Tom Mills
 Stride Treglown
Site visit: 21.03.2016
Referred by: Director of Growth and Regeneration
Reason: The application is of wider public interest
Case officer: Mrs J MacLennan
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Recommendation: Refuse

1 Description of the site and surroundings and Summary of the proposal

Site and surrounding area

The application site is a passageway formed by an undercroft to the Barclays Bank building which is located on the south side of Church Street and runs between nos. 1-3 (Barclays Bank) to the west and no. 8 (Pizza Express (Grade II listed building)) to the east. The site lies within the City Centre Conservation Area boundary. The passageway leads through to the junction with Priestgate and Wentworth Street.

The area is predominantly commercial in character with some residential apartments in Priestgate.

Proposal

The application seeks planning approval for the erection of a 3.5m high solid panelled gate/fence to the north elevation of the passageway (Church Street) and a 3.5m high weldmesh gate/fence at the south elevation to the passageway to the rear (Priestgate/Wentworth Street). The application is part retrospective as the gate at the rear of the branch has already been installed and a weldmesh gate installed at the front of the branch. The latter is proposed to be replaced by a solid panelled fence/gate.

There would be access through the alleyway during Barclays office hours; Monday to Friday 9.00 am to 5.00 pm and Saturday 9.30 am to 3.00 pm. Access would be restricted, through the closing of the gate during non-opening hours.

The application includes a supporting letter from a neighbouring occupier confirming that the alleyway has been chained off at least once per year since she became a resident of the property in 2003.

A concurrent planning application has been submitted and approved for additional fencing within the bank's rear service yard and to enclose an area of undercroft car parking (ref. 16/00480/FUL).

2 Planning History

Reference	Proposal	Decision	Date
11/00625/FUL	Install new fully glazed shop front with auto sliding doors and one additional ATM, remove existing external ramp and regrade pavement to meet threshold within Barclays demise, install new stainless steel handrail to left of entrance, remove existing fascia panel and make good to finishes, install new CCTV camera and install new letterbox through glazing	Permitted	29/06/2011
11/01331/DISCHG	Discharge of conditions C2 (materials) and C3 (entrance ramp) of planning permission ref. 11/00625/FUL dated 29/06/11 (Install new fully glazed shop front with auto sliding doors and one additional ATM, remove existing external ramp and regrade pavement to meet threshold within Barclays demise, install new stainless steel handrail to left of entrance, remove existing fascia panel and make good to finishes, install new CCTV camera and install new letterbox through glazing)	Determined	10/10/2011
16/00480/FUL	Erection of Weldmesh fencing and gates in rear car park and undercroft area – (Part Retrospective)	Permitted	09/05/2016

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

Planning (Listed Building and Conservation Areas) Act 1990

Section 72 – General duty as respects conservation areas in exercise of planning functions.

The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the Conservation Area or its setting, or any features of special architectural or historic interest which it possesses.

Section 66 – General duty as respects listed buildings in exercise of planning functions

The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

National Planning Policy Framework (2012)

Section 4 - Assessment of Transport Implications

Development which generates a significant amount of traffic should be supported by a Transport Statement/Transport Assessment. It should be located to minimise the need to travel/to maximise the opportunities for sustainable travel and be supported by a Travel Plan. Large scale developments should include a mix of uses. A safe and suitable access should be provided and the transport network improved to mitigate the impact of the development.

Section 7 – Good Design

Development should add to the overall quality of the area; establish a strong sense of place; optimise the site potential; create and sustain an appropriate mix of uses; support local facilities and transport networks; respond to local character and history while not discouraging appropriate innovation; create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping. Planning permission should be refused for development of poor design.

Section 8 - Safe and Accessible Environments

Development should aim to promote mixed use developments, the creation of strong neighbouring centres and active frontages; provide safe and accessible environments with clear and legible pedestrian routes and high quality public space.

Section 12 – Conservation of Heritage Assets

Account should be taken of the desirability of sustaining/enhancing heritage assets; the positive contribution that they can make to sustainable communities including economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a new development great weight should be given to the asset's conservation.

Planning permission should be refused for development which would lead to substantial harm to or total loss of significance unless this is necessary to achieve public benefits that outweigh the harm/loss. In such cases all reasonable steps should be taken to ensure the new development will proceed after the harm/ loss has occurred.

Section 12 – Development Affecting Non-Designated Heritage Assets

A balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset. Where the assets is demonstrably of equivalent significance to a Scheduled Monuments it should be subject to the policies for designated heritage assets.

Peterborough Core Strategy DPD (2011)

CS04 – The City Centre

Promotes the enhancement of the city centre through additional comparison retail floor space especially in North Westgate, new residential development, major new cultural and leisure developments and public realm improvements, as well as protecting its historic environment.

CS14 – Transport

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

CS16 – Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

CS17 – The Historic Environment

Development should protect, conserve and enhance the historic environment including non-scheduled nationally important features and buildings of local importance.

Peterborough Planning Policies DPD (2012)

PP02 – Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is

sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 – Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

PP12 – The Transport Implications of Development

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

PP17 – Heritage Assets

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits.

Peterborough City Centre DPD (2014)

CC3 – City Core Policy Area (a) General principles

The Council will seek development of the highest quality which strengthens the area as the retail, leisure, tourism and civic focus for Peterborough and its sub-region. New development must: improve the quality of the public realm; protect important views of the Cathedral; preserve or enhance the heritage assets of the area; and protect and enhance existing retail areas. The Council will also support development which results in a net increase in dwellings, improved connectivity, employment, conservation of historic shop fronts and development which encourages trips into the City Centre.

Peterborough Local Plan 2016 to 2036 (Preliminary Draft)

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this document runs from 15 January to 25 February 2016.

At this preliminary stage the policies cannot be afforded any weight with the exception of the calculation relating to the five year land supply as this is based upon the updated Housing Needs Assessment and sites which have planning permission or which are subject to a current application. Individual policies are not therefore referred to further in this report.

4 Consultations/Representations

PCC Transport & Engineering Services – No objection in principle however the gate is currently positioned on highway land. Request reposition of gate.

PCC Highway Service Delivery Team – Objection – The route between Priestgate and Church Street known in part or in full as ‘Guildhall Walk’ has become established as a public right of way with presumed dedication valid under statute [or common] law. Legal advice was sought in December 2015 shortly after work commenced on site stating “Whilst the land may be in private ownership this does not mean that the public have not acquired highway rights through long use (at common law). By way of background, highway rights can be acquired at common law through the act of dedication by the landowner and acceptance by the public. Dedication can be express or implied, the latter from evidence of the public having used the way uninterrupted, usually for a period of 20 years – I suspect this may be the case here”.

“As a general rule, continued acquiescence in public use by the landowner is likely to be construed as evidence of dedication, unless the landowner has placed notices on the land advising users that use of the land/way is by permission only and as such permission may be revoked by the landowner”.

Comments from members of the Peterborough Civic Society support the view that a right of way has been in existence and in constant use for over 40 years and I am not satisfied that the applicant can provide evidence to the contrary.

PCC Rights of Way Officer – Objection – My comments are similar to those of the Highway Service Delivery Manager for Peterborough City Council and regard the proposals to restrict access to this footpath which has clearly been in existence for many years and its continued use may mean that a public right of way has become established. Evidence that the route was closed at least one day a year will be required in order to satisfy that any use by the public was of a permissive nature.

PCC Sustainable Travel Team – Objection – Regarding the prospect of closing Guildhall Walk, our team would be against closure of the route and would recommend use of an alternative means to tackle the antisocial behaviour at the site. Feedback from pedestrians and cyclists has shown that a considerable number of people find the route to be useful and important for access between Cathedral Square and Priestgate, particularly in light of the Bridge Street cyclist ban.

The proposed closure of the road outside of Barclays' office hours (below) would pose a significant restriction to cyclist and pedestrian access around this part of the City Centre. Furthermore we would query whether the temporary closure of the street at night could lead to permanent closure in the future. An alternative approach of transforming to make the area more attractive would be more agreeable from a sustainable travel perspective. This could deter anti-social usage, and ameliorate the experience of Barclays employees using the area.

PCC City Centre Services - No one has any objection to the proposal as such. However the fence makes it look rather like a prison gate and is rather ugly.

PCC Conservation Officer - The gate and fence that has been erected is harmful to the character and appearance of the city centre conservation area. It is proposed to clad the fence and railings to match the adjacent brickwork. This is taken to mean the light stone / cream coloured panels to the ground floor Church Street elevation of the building. No details are provided and the use of matching panels would be acceptable from a heritage consideration, rather than the Clapham stone used to the upper elevations. However, if the closure of the passageway is achieved it is important that the cladding provided a uniform appearance across the gate and railings. This could be achieved by the gate not having an opening mechanism on the north side and hinges not exposed. The mesh may not provide a firm or sound elevation on which to fix the panels and a secondary frame may be required to the fence / gate. The setback distance of the fence should allow a secondary framing system to be applied and still provide a necessary set back between both buildings. Alternatively, the current structure could be replaced with a purpose build frame for the panels. The precise detail of the method, type and finish of the cladding can be conditioned.

The proposed mesh gates to the southern end of the passageway would be viewed from Priestgate. They would be seen adjacent to a weld mesh fence and gates that are the subject of a separate planning application for the retention of the mesh fence and gates already installed to close off the undercroft of the building. Gates as proposed would not be out of character with the location.

One on the interests of a place is the permeability of its public realm and having a variety of footpath routes and passageways. The passageway has been refurbished in recent years which has improved its character and appearance, and more can be done to reduce anti-social activity, littering and graffiti. For example by providing a short fencing along the eastern section of wall to remove the building dog-leg.

Police Architectural Liaison Officer (PALO) – No objection – Consultations have taken place with the local police and local authority rough sleeper team and I am aware of the problems in this

area which has resulted in this requirement to fence off. I have provided advice previously and fully supportive of this application. My understanding is that the bank will leave access gate open during daytime for the public to have access and it will be closed after work. I have said previously this should be reviewed in six months' time to establish if this stops all the anti-social behaviour. If it has not the Police would support a full closure. At this time I have no further comments to make.

Peterborough Civic Society – Objects - Guildhall Walk is a long-established public thoroughfare for pedestrians and cyclists on foot. We strongly believe that it has acquired Public Right of Way status by reason of continuous usage over a substantial period of time. So we contest that the route has been periodically chained off. We see no means of fixing a chain to chain off the walkway and have not come across anyone who has seen it chained off. The proposal could conflict with section 31 of the Highways Act 1980.

The proposal to only open the route during bank opening hours to be unacceptable.

There is photographic and map evidence that this route dates from before the existing building was erected. And it is impossible to imagine that at the time of its construction the route was kept open voluntarily. It would have been incorporated into the redevelopment because it had become well established as a public thoroughfare.

The resulting appearance of adding cladding to an existing ungainly weldmesh fence would be visually unacceptable in the heart of the City Centre Conservation Area.

We consider that the combination of a gate and fixed fence would be a deterrent to the proper use of the Walk. It would look especially foreboding from within the Walkway. Had the part-time closure been acceptable in principle, then the gates would have needed to be full-width, fully retractable, substantial and attractively designed folding gates in order to be compatible with the quality of the Conservation Area.

Sustrans – Objects – In combination with the Queensgate Arcade for a very long time, and we understand probably for hundreds of years, it has been a valuable north-south route across the city centre for people on foot or bicycle. We understand that it has the name of Guildhall Walk, which suggests it has been in use as a walking route for a very long time. The city council will no doubt be able to find old street plans to confirm this.

Until some 4 or 5 years ago cycling was prohibited by a conventional highway-style sign at its Cathedral Square end, though this was removed when its walls and ceiling within the Barclays building was repainted. This also suggests that the city council regarded it then as a highway, and that the owners of the building accepted this.

In the experience of our local employees and walking and cycling contacts the route has always been open to public access between Cathedral Square and Wentworth Street. It has frequently been partially closed by a chain at its access from Wentworth Street, and this has seemingly been to prevent unauthorised motor vehicle access from Wentworth Street to the yard which for many years has been used for private car parking. The chain, which has in recent years been replaced by a pivoted pole barrier, has always allowed a width of some 1.5 metres, used on all days of the week by pedestrians and by some cyclists. This is consistent with an anonymous letter from a nearby resident which states that the route has been "chained off at least once per year since [2003]". In our experience the chain has always allowed sufficient width for walkers and cyclists.

It is the City Council's stated policy to encourage walking and cycling. Indeed, the council has a good reputation for its support of these travel modes. The proposal would be contrary to access and transport policies and would be likely to add to motor vehicle use, air pollution and congestion in the central area.

Bridge Street lies on a strong desire line for north-south cycling through the town centre, but at present cycling is prohibited between 09:00 and 18:00. Guildhall Walk provides cyclists with an

alternative north-south route close to this important desire line, and with appropriate layout changes could be made into a satisfactory cycle route to Bridge Street.

Local Residents/Interested Parties

Initial consultations: 24

Total number of responses: 17

Total number of objections: 14

Total number in support: 3

17 representations have been received – the comments are summaries below:

Objections

- This is a completely unnecessary closure of a passage that should be open for pedestrians and cyclists alike, especially as no cycling down Bridge Street.
- When the gates were erected, I was told by Barclays that it was their land and that they could do what they wanted with it. Since I was sure it was a right of way I alerted Peterborough City Council officers. I am grateful for their prompt action.
- The walkway has not been closed to the public for 40 years.
- A simple chain has been used to partly close off the southern end of the Walk to motor vehicles but space has been left for pedestrians and cyclists
- The chain has since been replaced by a barrier which also only covers sufficient width to prevent entry by motor vehicles.
- The Walk is very well used by the public and is a very useful route to connect Cathedral Square to the rear of W H Smith, etc.
- It is an excellent alternative for cyclists who are banned from cycling along Bridge Street during the daytime
- There has been evidence of anti-social behaviour however, Barclays has carried out excellent improvements to the lighting and décor
- If further improvements were made i.e. upgrade the surfacing, anti-social behaviour would be eliminated
- These gates are an eyesore and close off a historic right of way
- The closure of this walk would make access to Priestgate more difficult
- Its use should be encouraged to prevent Priestgate being further cut off from the city centre.
- I am a church warden at the nearby St John the Baptist Church and this passageway is used by many parishioners
- The letter [confirming the passage way has been chained off once per year] is anonymous and provides no admissible evidence that the Walk has been closed to pedestrians and should therefore be ignored
- The fencing should be removed
- It is possible Peterborough City Council would like to see it closed in the interests of pursuing its objective of maintaining a clean city centre
- The need for a safe and convenient cycle route through the city centre should rank much higher on the city's environmental agenda
- The city council has recently made a substantial investment in new street cleaning machines and these should be very capable in dealing with the antisocial behaviour
- Closing Guildhall Walk would do nothing to resolve anti-social behaviour issues but would cause great inconvenience to many people and increased risk for cyclists for whom Bourges Boulevard and Bishop's Road are the only alternative routes for cycling between Lower Bridge Street and Broadway
- The party that has requested this permission is doing so retrospectively, and has therefore already shown contempt for the planning process and the users of this right of way.
- There doesn't seem to be a valid reason to close it, yet there seems to be great public interest in keeping it open
- This is an incredibly important route for pedestrians, used by hundreds of people each day.
- I have used this route for over 20 years and my family for over 30 years

- I believe that due to the route being unchallenged for this period of time it gives rise to a presumption of dedication under Section 31 of the Highways Act 1980?
- The route has not been closed by the landowner for one day per year.
- My understanding is that any such an interruption (e.g. putting a chain across) would have to be shown to have been both effective in preventing public use and clearly known to the public using the way
- I have used this route on Christmas days, Boxing Days and New Year's Days as well as normal weekdays and weekends.
- On a visual basis I don't believe the fences are sympathetic to the conservation status of the area.
- The rear fence is weldmesh and it will not resolve the litter issue.
- The proposal is contrary to the City Council's Local Transport Plan policy
- Instead of being closed off the route should be opened up as a through route leading to a new crossing off Bourges Boulevard by foot and bike as the nature of the Boulevard is changed.
- In terms of cycling Bridge Street is the obvious main desire line north-south through the City Centre, but Guildhall Walk does at least provide some relief and an alternative at busy times.
- I have no objection to Guildhall Walk being closed at times when cycling is permitted on Bridge Street but this would have to be properly guaranteed.
- This will also put pedestrians at risk late at night forcing them to take ever more circuitous routes.
- The application form claims that this is not a right of way but that assertion is false.
- The only supporting document for the applicants assertion is a dubious, anonymous and non-specific letter solicited from a resident of a nearby flat who could not possibly see the gating that was claimed to have taken place
- There is no evidence to suggest that Guildhall walk was ever gated or chained before the present building was constructed and the step in the facade of the modern building clearly reflects the width of the original course of Guildhall walk.
- The right of way is not on the Council's right of way maps however this does not mean that it is not a right of way
- Barclays has never implemented any of common strategies i.e. signage or closure to advise that it is not a right of way
- The anonymous letter from a nearby resident should be disregarded as the resident has no view of the junction of Guildhall Walk with Guildhall Square
- I have lived and worked in the City for 32 years and in all of that time, Guildhall Walk has never been chained or gated.
- The name and address of the resident of St. James' House has not been disclosed, it should not be admitted as a valid representation. What is the relationship between Barclays Bank and this individual?
- The photograph taken in 2005 demonstrates that there have been neither signs nor fixings for chains to provide any counter-indications as required by the Highways Act 1980
- No details of the alleged chaining are given – dates, times, photographs, notices, etc and there is ample room for doubt because the statement may refer to the vehicular access to the bank rather than the adjacent footpath.
- The proposals therefore constitute an actionable nuisance within a right of way as they prevent it from being used as before
- It is also a criminal offence for any person, without lawful authority, to wilfully obstruct a highway (section 137, Highways Act 1980).
- The applicant seeks to justify closing up the right of way on the basis of "vandalism, substance abuse and anti-social behaviour" but has failed to provide any documentary evidence of this – for example, court proceedings, arrests, complaints, etc.
- The closing of a historic right of way would require that all the other potential solutions should be investigated and exhausted
- The fact that Cambridgeshire Constabulary's Crime Prevention Officer has been consulted and may have ventured an opinion does not override the established rights of Citizens.
- Not only has the applicant obstructed the public right of way by the erection of gates and fences but has also obstructed it by parking cars along the footpath further aggravating the

nuisance.

Support

- I have just seen the submission from the Peterborough Civic Society and I strongly object to the implication that I am a liar. I stand by my assertion that the alleyway was chained off at least once a year and have agreed to testify as such. I do not give such lightly and would not resort to perjuring myself under any circumstances.
- The Peterborough Civic Society states that there is no means of fixing a chain. They obviously have not looked. There are 2 metal "eyes" (as opposed to hooks) embedded in the wall at the southern end of the alley. I assume that the one on the other side was removed as part of the last refurbishment and not replaced.
- As I have already mentioned the area is used as a convenient place to avoid parking charges which causes inconvenience and annoyance to valid users.
- The area is a constant mess due to the people who use it as a thoroughfare dropping litter and it is frequently used as a toilet. In close proximity to eating establishments.
- For too long, the state of the passageway has been a filthy disgrace and not fit to use by employees of the Bank or other pedestrians.
- The alarmist views of The Civic Society and Sustrans are unfounded as the walkway would not be closed permanently only at a time when it would be used for the purpose for which it was not intended e.g. anti-social behaviour and as a night shelter.
- What an excuse from the cycling fraternity that because cycling is banned in Bridge Street then it is deemed to be acceptable to ride through the walkway. They can always push their bikes along Bridge Street.
- I have lived right next to this area for several years and it is always unkempt and dirty. We frequently have human faeces in the area and it is used as a urinal.
- It is private land but people who have no business there use it to avoid parking fees and park their vehicles, blocking access & egress for residents, workers and service vehicles.
- I have seen some discussion in the press etc regarding the rough sleepers who use the area and find it amazing that people think that it is acceptable to have people sleeping in an area where there are no public toilets or other hygiene facilities.
- The area is littered with cigarette ends and other rubbish which people using the area as a short cut have dropped there with no consideration for others.
- I am also aware that at least one of the businesses around Cathedral Square use the area to dump bin bags so they do not have to pay for rubbish removal.
- There are currently 21 residential flats which back onto the area, with a further 2 developments in progress and more planned. This will add 39 residential units to the area and the occupiers of these properties are entitled to have a reasonable level of cleanliness in their area and should not have to suffer antisocial behaviour, excrement and evidence of drug abuse etc.
- I do not believe that the proposed fencing detracts from the area and it can only help to resolve the problems that current beset it.
- Nor do I believe that the minor inconvenience of people not being able to walk through the area during out of office hours is a valid argument against the proposals.

5 Assessment of the planning issues

Background

The application arises from the unauthorised erection of a metal fence and gate to close off the northern entrance to Guildhall Walk.

Public Right of Way

An objector has provided a photograph showing the junction between Guildhall Walk and Cathedral Square before the present building was constructed in the 1960s. The objector states that there is no evidence to suggest that Guildhall Walk was ever gated off before the present building was erected. It goes on to state that the former lane was widened to create a vehicular access to the bank where previously it was only wide enough to accommodate a footpath.

Comment has been made that a public passageway, albeit narrower, previously existed. However, there is photographic evidence that shows a single storey wall set back from the Church Street entrance and an extract from the 1900 and 1920 Ordnance service maps show there was no through way. The Conservation Officer has reviewed the planning history to the site and confirmed that the current building was constructed in late 1960s. The development created a 12ft wide passageway off Church Street though to Priestgate.

There is clear evidence submitted by objectors to this application that the passageway has been used by members of the public for a number of years and therefore a public right of way may have been established. The passageway does not appear on the Council's "Definitive Map and Statement" however it does not follow that a route that is not shown on them is not a public right of way.

Section 31 of the Highways Act 1980 establishes a statutory presumption of dedication where the common law test for a public right of way can be established for a period of 20 years without interruption. This can be rebutted by evidence that there was no intention during that period for it to become a public right of way for example by the erection of a notice stating that use of the route is permissive or by restricting access to the extent that any use by the public was of a permissive nature only.

In addition to the statutory presumption (s.31) a right of way may be established under common law where there is insufficient evidence to satisfy the full 20 year use however the use must be such to lead to the conclusion that the landowner intended to dedicate; a more subjective test.

An objector has provided examples of the use of gating to prevent a right of way coming into existence, such as the gating off at Westgate Arcade every Christmas and the closing of all but one gate off Minster precincts for the same reason. It is stated by the objector, who asserts familiarity with the passageway, that none of these methods have been used by the applicant in respect of Church Walk.

Other comments have been made regarding use of the passageway, for example, a former employee of Barclays states they remember an email being circulated each year regarding the closure of the passageway and a nearby resident has confirmed its closure.

The effect of development (in this case the erection of gates/fences) on a public right of way is a material planning consideration. The status of this passageway is in dispute as evidenced by the conflicting views of the applicant, objectors and supporters; however that question is not for determination as part of this application. Should planning permission be granted this would not override the rights of way issue which would remain as a separate legal matter to be resolved outside of the planning process.

Closure of Access

Notwithstanding the public right of way issues, it is clear that the passageway is a well-used route and has been so for many years. The passageway provides a clear, direct route from Cathedral Square to Priestgate and Wentworth Street for both pedestrians and cyclists. The passageway provides a link to the city centre when cycling is prohibited along Bridge Street.

There have been a number of objections to the restricted opening of the passageway from members of the public, Sustrans and the Highways Service Delivery Manager.

Planning policy CS14 of the Adopted Peterborough Core Strategy seeks to promote sustainable modes of travel in order to support aspirations for Peterborough's Environment Capital status. Improving connectivity and reducing the need to travel by car is considered to be a key element to the enhancement of the city centre. This is also encouraged by section 4 of the NPPF along with section 8 which seeks to promote healthy communities.

Policy CC3 of the Adopted Peterborough City Centre Plan seeks to improve connectivity for

pedestrians and cyclists. Guildhall Walk provides a link from Priestgate to the city centre and is well used by residents and visitors to the city.

Policy CS4 of the Adopted Peterborough Core Strategy focuses on the importance of the pedestrian environment and connections to Cathedral Square.

The closure of the passageway would reduce connectivity to the city centre and therefore the proposal is contrary to planning policy.

Vulnerability to crime/antisocial behaviour

It is acknowledged that the passageway is used by rough sleepers and is regularly subject to incidents of anti-social behaviour including drug use, graffiti and so on. The applicant states that this results in a challenging environment for bank staff who are repeatedly required to organise clearing and cleaning of such areas. This is not disputed. The passageway is secluded and lacking in natural surveillance. It is noted that the restricted access to Guildhall Walk is supported by the police.

It is, however, considered that the abuse of the passageway is in part due to its layout, in particular the 'dog-leg' which provides a secluded area. If a short length of fencing were to be erected along the eastern section of the wall to remove the 'dog-leg' this may go some way to removing the problems with anti-social behaviour.

In addition CCTV monitoring of the passageway would provide surveillance of the area and may act as a deterrent.

It is considered that the use of the passageway is a management problem which could be resolved by alternative measures rather than closing it.

The anti-social incidents currently experienced within the passageway do not, in the Council's view, outweigh the impact on the pedestrians and cyclists who regularly use the route as a connection to the city centre and beyond.

Impact on the character and appearance of the adjacent Listed Building and Conservation Area

The proposed works have been discussed with the Conservation Officer. It is agreed that the existing weldmesh fence currently in situ would detract from the character and appearance of the Conservation Area.

It is proposed that the fence would be panelled in a material and colour that would match the existing blockwork on the adjacent Barclays front façade.

The rear gates are screened by adjacent buildings and would only be visible from glimpsed views to the rear of Barclays from Priestgate. The rear gates would match the recently approved fencing to the car parking area.

The Conservation Officer considers that from a heritage consideration the proposed enclosure to the north and southern entrances to the passageway works can be supported with a condition requiring the submission of detailed drawings and detail of the method, type and finish of the cladding of the fence and gate.

Notwithstanding the above, the Conservation Officer considers that part what makes a place interesting is the permeability of its public realm and having a variety of footpath routes and passageways. The passageway has been refurbished in recent years which has improved its character and appearance, and more can be done to reduce anti-social activity, littering and graffiti.

Therefore, it is considered from a heritage point of view that the works will not have an adverse impact on the character and appearance of adjacent the listed building, or the appearance of the Conservation Area subject to a condition regarding appropriate use of materials.

6 Conclusions

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reason given below.

7 Recommendation

The case officer recommends that Planning Permission is **REFUSED**

The proposal would result in the closure of a route which is well used by pedestrians and cyclists as an accessible link to the city centre. Sustainability and the encouragement of alternative modes of transport is one of the City Council objectives for achieving Environment Capital status and the health and wellbeing of residents is also a Council priority. The closure of the passageway would reduce connectivity to the city centre and would remove an important route for cyclists and pedestrians and would contradict the objectives for sustainability and the encouragement of healthy communities. Hence the proposal is contrary to policies CS4 and CS14 of the Adopted Peterborough Core Strategy DPD and policy CC3 of the Adopted Peterborough City Centre Plan and sections 4 and 8 of the National Planning Policy Framework.

Copies to Cllrs Hussain, Amjad Iqbal and Jamil