



Appeal Decision

Site Visit made on 9 March 2021

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 29th March 2021

Appeal Ref: APP/J2373/W/20/3263654

King Street, Blackpool FY1 3EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (Generally Permitted Development) England Order 2015 (as amended).
 - The appeal is made by HUTCHISON 3G UK LTD against the decision of Blackpool Borough Council.
 - The application Ref 0/0415, dated 16 July 2020, was refused by notice dated 13 September 2020.
 - The development proposed is Erection of an 15m high Monopole with associated cabinet and ancillary works.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4), require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. Consequently, I have had regard to policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are relevant to siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area.

Reasons

5. The telecommunications equipment would be sited in the footway between King Street and the East Topping Street car park. It would be close to the Town Centre Conservation Area (the CA), the boundary of which runs north to south on the western edge of the car park and extends eastwards along Church Street and Caunce Street. The CA includes the historic civic and commercial centre, together with surrounding urban areas. In this regard, Topping Street and Church Street were originally built predominantly as resort lodging houses before being progressively converted to retail and business uses. The significance of the CA derives in part from the variation in architectural styles

and ages of buildings arising from the development and evolution of the resort. Notable buildings include the nearby Grade II listed Stanley Buildings, which is a good example of a 1930s faience-clad building, and the Grade I listed Blackpool Tower which dominates the skyline over a wide area.

6. The monopole would be in a mixed commercial and residential area. By virtue of its siting to the rear of the wide footway, it would not obstruct pedestrians. However, it would be a conspicuously tall feature in an open location. It would be nearly twice as tall, and considerably more bulky, than nearby lighting columns and it would tower over the surrounding townscape. It would not be discreetly sited and it would not be screened or assimilated into the street scene. By virtue of its size and prominent siting, it would appear out of scale and it would be a dominant and incongruous feature.
7. Where proposals affect conservation areas, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In this case, the monopole would be prominent in views of the CA from the public domain looking towards Church and Caunce Streets. The contemporary and bulky monopole would be a discordant feature that would not make a positive contribution to the historic townscape setting of the CA. Nevertheless, it would result in less than substantial harm to the CA as a whole.
8. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 directs decision makers, in considering whether to grant planning permission for development which affects a listed building or its setting, 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. The statutory duty does not apply to prior approval applications, for which planning permission is granted by Article 3(1) of the GPDO. However, when assessing the siting and appearance of proposal, it is necessary to consider the impact on the setting of any listed building.
9. The proposal would affect the setting of the nearby Stanley Buildings and the more distant Blackpool Tower. The overly large monopole, including its bulky array, would detract from and compete visually with both the listed buildings. The adverse effect of the proposal on the setting of the Stanley Buildings would be felt over a relatively small area. However, Blackpool Tower is a dominant and consistent landmark in the town centre and beyond. Consequently, and having regard to the submitted zone of theoretical visibility, the harm to the setting of the Tower would be experienced over a wide area. I am required to give this harm considerable importance and weight in the planning balance, which I will return to later in this decision.
10. Therefore, the proposal would harm the character and appearance of the area, including the setting of designated heritage assets. Although not determinative, it would conflict with Policies LA1, LQ10 and LQ15 of the Blackpool Local Plan Part 1: Core Strategy (2012-2027) Adopted January 2016 and saved Policies CS7 and CS8 of the Blackpool Local Plan 2001-2016 Adopted June 2006. These require, among other things, that development should be appropriate in terms of its height and scale, avoiding unacceptable visual intrusion, preserving and enhancing the setting of heritage assets and contributing positively to the quality of the surrounding environment.

Other Considerations and Planning Balance

11. The Framework acknowledges that high quality and reliable communications infrastructure is essential for economic growth and social well-being. It supports the expansion of communications networks including 5G, but it advises that the number of masts and sites should be kept to a minimum and the use of existing masts, buildings and structures is encouraged.
12. On the basis that the area suffers from poor access to digital services, the proposal would benefit residents and businesses including through improved connectivity facilitating technological innovation and increased productivity and efficiency. I also note the suggestion that if the appeal was allowed, there would be no need for additional monopole installations in the area in the future.
13. The evidence, including the Site Specific Supplementary Information, states the proposal is the only viable solution in this area. However, while 4 alternative locations were discounted for various reasons, the Council considers 1 of these locations would result in less visual harm. The Council did not respond to the pre-application consultation, but it had only 2 days to respond before the application was submitted which was not a reasonable timescale. Therefore, and taking account of the lack of adequate early engagement, it has not been demonstrated that a satisfactory level of coverage could not be achieved in another location where a monopole would not have such an adverse visual impact. This is a material consideration to which I attach significant weight.
14. The Framework advises that where proposals would result in less than substantial harm to the significance of designated heritage assets, including their setting, great weight should be given to their conservation. Accordingly, the less than substantial harm to the setting of the CA and listed buildings is of considerable importance and weight. The harm must be weighed against the public benefits of the proposal, which in this case would be improved communications coverage. However, particularly given the evidence in relation to the availability of alternative sites, the benefits do not outweigh the harm. The proposal would fail to preserve the setting of the heritage assets. It would conflict with the relevant policies in the development plan and the Framework.

Conclusion

15. There would be social and economic benefits arising from the improvement in the communications network, and this is a factor that weighs in favour of the proposal. Conversely, the proposal would harm to the character and appearance of the area, with consequent conflict with the development plan. Furthermore, the evidence does not make a convincing case that no suitable alternative sites exist, and this weighs against the proposal.
16. For the reasons set out above, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR