



Appeal Decision

Site visit made on 25 October 2022

by Helen Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2022

Appeal Ref: APP/J2373/Z/22/3298465

Land at Festival Leisure Park, land on the north side of Rigby Road (facing Seaside Way), Blackpool, FY1 5EP

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal of express consent.
 - The appeal is made by Austringer Capital Limited against the decision of Blackpool Council.
 - The application Ref 22/0052, dated 25 January 2022, was refused by notice dated 21 March 2022.
 - The development proposed is the display of 2 freestanding 3m x 6m internally illuminated LED digital advertisement boards.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description I have used above is taken from the Council's Decision Notice. It differs from that originally stated on the submitted application form in that it is more specific to the nature of the development. I have used this in the banner heading in the interest of clarity.
3. The National Planning Policy Framework (the Framework) sets out that advertisements should be subject to control only in the interests of amenity and public safety. I note that the Council has not raised any issues regarding public safety and this matter did not form part of the reasons for refusal. On the basis of the submitted evidence and my observations during the site visit, I see no reason to disagree with this conclusion.
4. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal the Council's policies have not therefore, by themselves, been decisive.

Main Issue

5. Given the above, the main issue is the effect of the proposal on the visual amenity of the surrounding area, including the setting of the Grade I listed Blackpool Tower.

Reasons

6. Festival Leisure Park includes a cinema, gym and food outlets and is bounded

- to the west by Seaside Way, the main route into Blackpool from the M55 motorway. Seaside Way is constructed on a former railway line and is elevated in relation to the surrounding land.
7. The proposed digital display would be sited within the grounds of the Leisure Park. It is proposed to be approximately 9.7 metres high so that the top of the display boards would be just below the height of the existing 6 metre high lighting columns on the road.
 8. As a result of its elevated nature, views from Seaside Way are generally of the upper floors and generally flat roofscape of surrounding development. The two most significant features looking north, are the Grade I listed Blackpool Tower and the telecommunications mast immediately to the north of the appeal site. The proposed displays would be highly visible in this context not just because of their location but because of their height relative to surrounding development given the elevated nature of Seaside Way.
 9. Looking towards the south, the advertisement would be seen with the telecommunications mast in the foreground and against the backdrop of Blackpool Football Ground, a large arena with floodlighting columns. From this direction I do not consider that the appeal proposal would cause harm to the visual amenity of the area.
 10. However, looking to the north, I acknowledge that the display boards would be seen against the backdrop of the telecommunications mast. However, due to their height, the display boards would be seen breaking the skyline. At night when illuminated they would form significantly prominent features adversely affecting the visual amenity of the streetscene. The appellant has argued that the signage would only become visible approximately 100 metres from the site. I accept that Seaside Way rises over Rigby Road immediately south of the appeal site which obstructs views of the appeal site. Nevertheless, whilst the visibility would be short when travelling in a car, for pedestrians, those using the car park, or residents opposite the site, the views would be much more significant.
 11. Seaside Way is a Key Resort Gateway. Policy CS22 of the Core Strategy seeks to achieve environmental enhancement of such corridors. The proposed display boards would form incongruent features, failing to meet the objectives of this policy.
 12. In terms of the wider area, the appeal proposal is unlikely to be visible from residential properties to the north of the Leisure Park due to the presence of the gym building. To the west properties generally have gable ends to the road or secondary windows so that the amenity from these properties would be unlikely to be affected. The proposal may be visible from residential properties to the south of Rigby Road, but this is likely to be limited. In any event, the illuminance of the display and the scrolling rate of images could be controlled by planning conditions so there would be no adverse impact on amenity.
 13. Given the context of the area, whilst there are lighting columns and some directional road signs, they do not dominate the streetscene. The display boards would not in my view add to visual clutter. However, they do not relate well to the host site, not being mounted on existing buildings or other structures.

14. Viewed from within the Festival Leisure Park, the display boards would appear as discordant structures, due to their size and height, nearly 10 metres above ground level. They would be particularly prominent as they would be seen against the skyline and not against existing development.
15. I note the Council's Signage Supplementary Planning document (SPD) adopted in 2018. In paragraph 8.5 it states that the Council will consider applications for digital signage where there has been pre-existing signage of a similar size. Clearly this is not the case here.
16. The display boards would also be seen in the context of the Grade I listed Blackpool Tower. Built in 1891-1894, imitating the Eiffel Tower, the 518 feet tower with ballroom, circus and roof garden forms a unique structure, recognised as being of historic and cultural importance. The significance of this designated heritage asset, within the context of this appeal, derives from its aesthetic contribution to the street scene and as a landmark feature of the historic town centre.
17. Views of Blackpool Tower can be achieved from numerous locations in the town, and it can be seen in the backdrop to many developments. However, as a result of the open elevated views from Seaside Way, the appeal scheme would appear as an incongruous feature in the context of this heritage asset.
18. At night, when the Tower is lit, the proposed display would form a competing structure, visually undermining the dominance of the Tower in strategic views. As such it would impact negatively on its wider setting. I acknowledge that the display would not be seen directly blocking the view of the Tower and would be lit in accordance with the recommendations of the Institute of Lighting Professionals. However, it this would do little to reduce its prominence in the same vista as the Tower.
19. Having regard to the localised impact of the proposal on the significance of the heritage asset, I consider the harm to be less than substantial, but nevertheless of considerable importance and weight. Under such circumstances, paragraph 196 of the Framework advises such harm should be weighed against the public benefits of the proposal.
20. I agree with the appellant that Seaside Way is designed with visitors to the Town in mind. The appellant suggests that the appeal scheme would provide advertising to visitors, informing them of the attractions and facilities on offer. I recognise this could be beneficial to both visitors and businesses. However, on balance I do not consider that the benefits of additional signage outweigh the harm to the visual amenity of the area and the setting of the listed Tower.
21. To this extent the proposal would not accord with the requirements of Policies CS7, CS8 and CS22 of the Core Strategy, saved Policies LQ1, LQ7, LQ9 and LQ13 of the Blackpool Local Plan 2001-2016 or the Council's Signage SPD. These policies seek to achieve a high standard of design and amenity, environmental enhancement of Key Resort Gateways and conserve and enhance the heritage of the town.

Conclusion

22. For the reasons given above, and having had regard to all other matters raised,

I dismiss this appeal.

Helen Hockenhull

INSPECTOR