



Appeal Decisions

Site visit made on 1 November 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 8th December 2022

Appeal Ref: APP/J2373/W/22/3296532

Bargain Beer, 8A Dickson Road, Blackpool FY1 2AA

- 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 Cardtronics UK Ltd, trading as Cashzone, against the decision of Blackpool Council.
 - The application Ref 21/1073, dated 22 December 2021, was refused by notice dated 4 February 2022.
 - The development proposed is the retention of an Automated Teller Machine.
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Appeal B Ref: APP/J2373/H/22/3296533

Bargain Beer, 8A Dickson Road, Blackpool FY1 2AA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Cardtronics UK Ltd, trading as Cashzone, against the decision of Blackpool Council.
 - The application Ref 21/1074, dated 22 December 2021, was refused by notice dated 4 February 2022.
 - The advertisement proposed the retention of internally illuminated automated teller machine surround and internally illuminated "logo" panel.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. The two appeals relate to the same site and to each other. I have considered each proposal on its individual merits, but as they raise similar issues I have dealt with the cases in a single decision letter. I have also used the Council's descriptions as provided in the decision notices. These are more accurate and comprehensive than that those set out in the application forms.
4. An ATM and signage were present at the site at the time of my visit. As part of the proposal the panel surrounding the ATM would be black, whereas a white panel has been installed. Therefore, I have determined the appeal on the basis of the submitted plans rather than the schemes that have been installed.
5. The Regulations, National Planning Policy Framework (the Framework) and Planning Practice Guidance state that advertisements should be subject to control only in the interests of public safety and amenity. For the purposes of Appeal B I have taken into account Policies CS7 and CS8 of the Blackpool Local

Plan Part 1: Core Strategy 2012-2027 (the CS), and Policies LQ1, LQ10, LQ13 and BH3 of the Blackpool Local Plan 2001-2016 (the LP). These seek to protect amenity and so are material in this case but are not determinative in reaching a decision on Appeal B.

6. The emerging Blackpool Local Plan Part 2 underwent examination in December 2021. While I have considered the policies referred to, I am mindful that the plan has yet to be found sound and therefore cannot be afforded full weight.

Main Issues

7. The main issues in respect of Appeal A are (i) whether the proposal preserves or enhances the character or appearance of the Town Centre Conservation Area; and (ii) the effect of the proposal on community safety, having regard to crime.
8. The main issue in respect of Appeal B is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

Conservation Area; Visual Amenity

9. The site is a retail unit at the junction of Dickson Road and Queen Street, within the Town Centre Conservation Area (CA). The surrounding part of the CA comprises buildings of different styles and designs. This section of Dickson Road is defined primarily by three storey properties with street level commercial uses and varied shopfront signage and advertisements that are largely appropriately constrained within the frontages so as to not overwhelm the properties at street level.
10. Due to its corner nature, the site is highly visible in the immediate area. The ATM and surrounding panel fill a space similar to a full height window, such that its installation is a noticeable feature in the street. In addition, the vinyl material of the panel serves to highlight the prominence of the ATM in the vicinity. Similarly, due to its location the proposed signage is also readily experienced in the surrounds. Its illumination is a conspicuous element in the immediate setting that serves to further signal its presence.
11. From Dickson Road the proposals are experienced primarily in the context of the appeal property frontage, which features a wide array of signage. While an advertisement was present at the site prior to the installation of the proposals, this more closely matched the design and style of the current frontage. However, the introduction of the proposals, both individually and in combination, contribute to a busy and visually disruptive shopfront. They protrude from the property and fail to match the flat, matte signage prevalent at the site, appearing visually jarring. In addition, while the black panel surrounding the ATM would reflect the colour scheme of the unit, viewed with the already covered windows it would result in an overall oppressive frontage. This would be at odds with the generally more constrained nature of shopfront signage and advertisements within this section of the CA.
12. The appellant has suggested a willingness to remove the illumination of the proposed signage. While this would go some way to reducing its prominence, the addition of the signage would nevertheless continue to appear as an

- additional element of clutter that would fail to harmonise with the appeal property and current signage, appearing out of place in the context of the site.
13. The proposals preserve the main shop front along Dickson Road and the proportions of the appeal property, and ATMs are recognisable features within many streetscenes. Nevertheless, for the reasons given I find that the proposals result in visual harm. However, this harm is localised to one part of the CA, in an area with a range of development and varied signage. As such, the visual harm to the significance of the CA is less than substantial. The Framework confirms that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
 14. I acknowledge that the ATM offers a public benefit by providing cash to the community and services to those that do not have access to online banking. I also note its accessible design. However, other ATMs are within short walking distance. As such, even acknowledging that it has been well-used, there is little evidence that the proposal would result in any significant benefit to the local economy. While the appellant refers to the potential removal of other ATMs and bank closures, there is no substantive evidence that this would be the case. As such, I find that the public benefits of the proposal do not outweigh the less than substantial harm to the character and appearance of the CA.
 15. With regards to Appeal A, for the reasons given I find that the proposal would neither preserve or enhance the character or appearance of the CA. In this regard it would fail to comply with Policies CS7 and CS8 of the CS, and Policies LQ1, LQ10, LQ11 and LQ14 of the LP, which together seek to ensure good design that conserves and enhances the significance of conservation areas and positively contributes to the surrounding environment, and that alterations to shopfronts will have regard to the character of the street scene and building. While reference is also made to Policies BH3 and BH4 of the LP, these relate to residential and visitor amenity and public health and safety and as such are not applicable to the main issues of this appeal.
 16. With regards to Appeal B, for the reasons given I find that the proposed advertisement would have a harmful impact on the visual amenity of the area.

Crime

17. The main parties acknowledge that the site is in area identified in the 2019 Indices of Deprivation as the third most deprived Lower Super Output Area in terms of crime. As such, the Council contends that a need for the ATM should be demonstrated, quoting Goal 2 and Policy CS12 of the CS. However, neither of these policies requires the demonstration of need in this regard.
18. The Council further alleges that the proposal has the potential to encourage or increase incidences of crime by presenting an opportunity for criminal activity. An ATM has been installed at the site since March 2021 with no evidence of reported incidents of crime at this location. In addition, the appellant has provided information detailing that there has been limited incidents of crime at ATMs within nearby postcodes which, on the evidence, are not regular targets for criminal activity.
19. The ATM is in a prominent corner plot, adjacent to a busy road and with good visibility of both Dickson Road and Queen Street. Accordingly, it benefits from a

good level of natural surveillance. Reference is made to the black vinyl screen offering reflections to the ATM users, while additional safety measures would be installed, to include pin shields, security mirrors, a privacy zone and CCTV.

20. Accordingly, notwithstanding the identified deprivation within the area, the location of the proposal does not appear to be inherently unsuitable in terms of increasing the risk of crime. On the basis of the evidence before me, the proposal would not therefore encourage or increase crime in this area.
21. For the reasons given, the proposal would not have a significant adverse effect on community safety, having regard to crime. As such, it would not conflict with Goal 2 and Policy CS12 of the CS, which seek to ensure that development creates a safe and secure environment and to develop safer neighbourhoods.

Planning Balance and Conclusions

22. With regards to Appeal A, I have found that the proposal would not have a significant adverse effect on community safety, having regard to crime. However, this does not outweigh the harm identified with regards to the failure of the proposal to preserve or enhance the character or appearance of the CA. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.
23. With regards to Appeal B, for the reasons given above, the appeal should be dismissed.

C Rafferty

INSPECTOR