



Appeal Decisions

Site visit made on 27 November 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 13th December 2022

Appeal Ref: APP/J2373/W/22/3304450

Café Chicco, 93-101 Promenade, Blackpool FY1 5AA

- 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 22/0169, dated 11 March 2022, was refused by notice dated 3 May 2022.
 - The development proposed is the retention of an Automated Teller Machine with added security measures.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. An ATM was present on site at the time of my visit. As part of the proposal the panel surrounding the ATM would be black, whereas a white panel with wording has been installed. Therefore, I have determined the appeal on the basis of the submitted plans rather than the scheme that has been installed but note that the non-illuminated ATM signage does not form part of this appeal.
3. 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

4. The main issues are the effect of the proposal on (i) the character and appearance of the area and the non-designated heritage asset; and (ii) community safety, having regard to crime.

Reasons

Character and appearance

5. The site is a café at the ground floor of the locally listed Huntsman building. The upper floors of the building are traditional in character, with projecting end bays, upper floor balconies and a regular arrangement of glazing and columns. At street level it comprises a range of commercial units with a variety of front facias. The appeal site is located at the southern corner of the building, towards the junction with Chapel Street. It features a glazed frontage, with a section of glazing replaced by an ATM and surround.

6. The Huntsman building is a prominent feature in the vicinity. While it is surrounded by a variety of development styles and characters, its corner plot location allows the traditional upper floors to be experienced in their own right, positively contributing to the surrounds. Located close to the junction, the appeal site is a highly visible section of the building within the immediate area.
7. The ATM and surrounding panel fill the space of a full height window, such that they form a noticeable feature, which would be further highlighted within the area by the incongruous vinyl material of the panel or the alternative use of mirrored vinyl. Located in an off-centre position it creates a level of unbalance along the front elevation of the appeal property. While I acknowledge that the installation of glazing would alter the shopfront and widen the pane, it remains that in replacing a significant element of glazing with black vinyl, the proposal reduces the active and open frontage of the unit so as to appear jarring.
8. Even acknowledging that the proposal would remove the wording on the current white panel, the ATM would contribute to an overall busy and disruptive shopfront. In combination with the wide variety of signage and shop front fascia present it would create a sense of visual clutter along the street level of the building. As the only installation of this nature within the wider building, the installation appears incongruous and fails to successfully integrate with the street level commercial frontage and detracts from the historic floors above.
9. I note the proposal would be reversible and would preserve the proportions of the shopfront. I further acknowledge that ATMs are recognisable features within many street scenes. Nevertheless, while present at the precise location proposed it would result in visual harm to both the area and the locally listed building. The National Planning Policy Framework (the Framework) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account. It continues that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
10. 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, aiding the local economy. 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 in this regard. 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 within the immediate area. As such, I find that the public benefits of the proposal do not outweigh harm to the significance of the locally listed building and to the character and appearance of the area.
11. For the reasons given I find that the proposal would have a significant adverse effect on the character and appearance of the area and the non-designated heritage asset. As such, it would fail to comply with Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 (the CS), and Policies LQ1, LQ11 and LQ14 of the of the Blackpool Local Plan 2001-2016 (the LP), which together seek to ensure good design and that alterations to shopfronts will have regard to the character of the street scene and building. While reference is also made to Policies LQ9, BH3 and BH4 of the LP, these relate to

listed buildings, residential and visitor amenity, and public health and safety and as such are not applicable to the main issues of this appeal.

Crime

12. The main parties acknowledge that the site is in an area identified in the 2019 Indices of Deprivation as one of the most deprived Lower Super Output Areas 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 require the demonstration of need.
13. 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 June 2021 with no evidence of reported incidents of crime. 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.
14. The Council raises concerns regarding the lack of proposed security bollards or defensible space ground markings. However, the ATM is in a prominent corner plot, adjacent to a busy road and with good visibility of both Promenade and Chapel 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, with external lighting and CCTV at the site. Additional safety measures such as pin shields would also be installed.
15. As such, 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.
16. 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 Policies CS7 and CS12 of the CS, which seek to ensure that development minimises opportunities for criminal behaviour, creates a safe and secure environment and develops safer neighbourhoods.

Planning Balance and Conclusions

17. 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 significant harm identified with regards to character and appearance of the area and the non-designated heritage asset.
18. 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.

C Rafferty

INSPECTOR