



Appeal Decision

Site visit made on 18 January 2023

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2023

Appeal Ref: APP/J2373/W/22/3304554

Hot Stuff, 25 QUEEN STREET, BLACKPOOL, FY1 1NL

- 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 22/0175, dated 11 March 2022, was refused by notice dated 6 May 2022.
 - The development proposed is retention of an Automated Teller Machine with additional security measures & non-illuminated signage.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of an Automated Teller Machine with additional security measures at Hot Stuff, BLACKPOOL, FY1 1NL in accordance with the terms of the application, Ref 22/0175, dated 11 March 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with approved Drawing no. E023992 rev 1, except in respect of details showing the non-illuminated surround sign and logo panel.
 - 2) Notwithstanding the submitted details, a scheme for the provision of security measures shall be submitted to the Local Planning Authority within three months of the date of this decision. This scheme shall include details of white-box marking on the ground around the ATM to demarcate an area of defensible space for users, and provision of anti-ram raid bollards.

Unless the scheme of security measures is implemented within 3 months following its approval by the Local Planning Authority, use of the ATM shall cease until such time as the approved security measures have been implemented.

The approved scheme of security measures shall be implemented in full and shall thereafter be retained and maintained as such.

Procedural Matters

2. The ATM has been installed, but without all of the proposed security measures. I have therefore treated the appeal as being partly retrospective.
3. Details of the existing and proposed signage around the ATM are shown on Drawing Nos CSS 0004 rev 1 and NW0014. The signage was included within the original application, but its approval would require advertisement consent, rather than planning permission, and so these elements of the scheme were

the subject of a separate decision notice. The appeal before me relates solely to the Council's refusal of planning permission for retention of the ATM, and does not include the refusal of advertisement consent. I have therefore treated the signage as being outside the scope of this appeal, and have removed reference to it from the decision above.

4. Since the Council made its decision on the appeal proposal, it has progressed the Local Plan Part 2: Site Allocations and Development Management Policies (emerging Local Plan Part 2). The Council has advised that the Local Plan Part 2 is to be adopted imminently, at which time it will replace all of the saved policies contained within the former Blackpool Local Plan (2001-2016). In its officer report, the Council has indicated that Policies DM22 and DM27 of the Local Plan Part 2 are particularly relevant to this appeal. Given the advanced stage of plan preparation, I have given very substantial weight to these policies.
5. As the proposal is in a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

6. The main issue is whether the proposed retention of the ATM preserves or enhances the character or appearance of the Extended Town Centre Conservation Area (CA).

Reasons

7. The CA includes a large area of the town centre, extending to the sea front. The historical development of this area, which largely took place from the mid nineteenth century onwards, is linked to Blackpool's rapid expansion as a tourist destination.
8. The appeal site is located in the lower section of Queen Street, closest to the seafront. Along this part of Queen Street, tourist accommodation in the form of lodging houses once lined the street, but most of the buildings have since been converted to shops and other leisure uses. Significant alterations have taken place to many of the buildings, particularly at ground and first floor levels. However, evidence of the former lodging houses, which generally took the form of three storey town houses with large bay windows, can still be seen in the upper floors of many of the buildings.
9. The lower part of Queen Street is now lined with a variety of commercial uses, particularly food and drink outlets, and there are a number of vacant units. The commercial units along this part of Queen Street vary significantly in their scale and appearance. Some of the shop fronts and leisure units are sensitively designed, but there are also examples of poor quality frontages with brash signage, particularly towards the lower end of the street, closest to the seafront.
10. The evolving patterns of land use along Queen Street are evident through its built form, and are reflective of the wider evolution of Blackpool as a tourist destination. The intact remains of the former lodging houses above more modern commercial development afford evidential, historical and communal significance to this part of the CA.

11. The ATM which is the subject of this appeal is sited in the shop window of a hot food takeaway, known as Hot Stuff. The unit has bright and modern signage, but the shop front itself is simple and unfussy in appearance. The ATM is of modest size, proportionate to its function. It does not form a dominant feature on the shop front, and its insertion has not resulted in the removal of original or good quality design features. As it is sited within a panel of mirrored glass, the ATM is viewed against reflected images, and does not appear as an obtrusive or prominent feature, either on the building itself or within in the wider streetscene. Although not sited on a large frontage, in other respects the proposal complies with the specific requirements for ATMs in shopfronts, contained within Policy DM22 of the emerging Local Plan Part 2.
12. The ATM is sited on a modern shopfront and is not particularly noticeable or obvious within the wider streetscene. On its own, the effect of the proposal on the character and appearance of the CA is minimal. However, I acknowledge the Council's concerns about the cumulative impact of small changes, and agree that such alterations, which can include the insertion of ATMs into shopfronts, can be harmful to the CA.
13. Two other shops along this lower section of Queen Street have also ATMs installed. With their illuminated surrounds, and siting on solid white panels, those ATM units appear larger and more obvious in the streetscene than the appeal facility. The nearby ATMs contribute to their host shopfronts having a somewhat cluttered appearance, which is exacerbated by excessive signage.
14. The appeal site is separated from the next nearest ATM by a large commercial unit with a wide canopy. This limits the extent that the two ATM units are viewed together, but in any case, the appeal ATM is not a conspicuous feature in the streetscene. Even taking account of the other ATMs nearby, does not contribute to harmful visual clutter along this part of Queen Street.
15. I acknowledge that, given the close proximity of 2 other ATMs, cash is readily available, so there is no convincing need for the facility. However, there is nothing in any policy which limits the number of ATMs in any one area, and the appeal ATM not an unexpected facility in a commercial area such as this.
16. Taking account of the above considerations, I find that the proposal has a neutral effect on the character and appearance of the CA. As it does not cause harm to the significance of the CA, it is not necessary to apply the balancing test contained in paragraph 202 of the National Planning Policy Framework (the Framework), which requires that any harm should be weighed against public benefit.
17. I conclude that the proposed retention of the ATM preserves the character and appearance of the Extended Town Centre Conservation Area. It complies with Policy LQ10 of the Local Plan and Policy DM27 of the emerging Local Plan Part 2, both of which are concerned with development in conservation areas. The appeal proposal is also consistent with Local Plan Policies LQ11 and LQ14, which together require that applications for alterations, including to shop fronts, have regard to the character of the building and the street scene.
18. The proposal is well designed, of an appropriate scale, and is accessible to people with disabilities. Measures to minimise opportunities for criminal behaviour are proposed as part of the scheme, and can be secured by an appropriate condition. As such, the appeal proposal complies with parts 1a., d.

and e. of Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2016. It is consistent with Framework section 8, which promotes healthy and safe communities, and with the requirements for well designed places set out in Framework section 12.

19. Core Strategy Policies CS7 and CS8 support development which enhances the character and appearance of the area and the CA, and Local Plan Policy LQ1 requires all new development to make a positive contribution to the quality of its surrounding area. As its effect on the surrounding area is neutral, the proposal does not fully comply with the policies in this respect. However, the requirement to enhance is difficult to achieve with a small scale, functional item such as an ATM, which nonetheless provides an useful public service, and is a common and expected sight within a commercial area. The proposal is therefore acceptable despite this minor policy conflict.
20. I have identified no conflict with Local Plan Policy BH3, which is concerned with protecting the amenity of those occupying residential or visitor accommodation, or with Policy BH4, which protects public health and safety.

Conditions

21. This appeal proposal follows an earlier application to retain the ATM, which was refused due to concerns that the installation could provide opportunities for criminal activity. To address these issues, additional security measures are proposed as part of the current scheme, including pin shields, a painted privacy zone and wall light. The appellant has advised that there is an existing CCTV covering the shopfront, but that the other measures have not yet been installed.
22. The Council has suggested a condition requiring details of the security measures to be submitted and implemented in full. With minor wording changes to improve its enforceability, I agree that the suggested condition is necessary to safeguard both users of the ATM, and the facility itself, against criminal activity.

Conclusion

23. The appeal proposal preserves the character and appearance of the CA. It is consistent with the development plan, the Framework and s72(1) of the 1990 Act. The appeal is therefore allowed, subject to the conditions.

R Morgan

INSPECTOR