
Appeal Decisions

Site visit made on 1 February 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2023

Appeal A Ref: APP/J2373/H/22/3304846

Footpath outside 19 Whitegate Drive, Blackpool FY3 9AA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr James Browne, British Telecommunications PLC, against the decision of Blackpool Council.
 - The application Ref 22/0316, dated 11 April 2022, was refused by notice dated 14 June 2022.
 - The advertisement proposed is two digital 75 inch LCD display screen, one on each side of the Street Hub unit.
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Appeal B Ref: APP/J2373/W/22/3304847

Footpath outside 19 Whitegate Drive, Blackpool FY3 9AA

- 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 Ms Bella Noakes, British Telecommunications PLC, against the decision of Blackpool Council.
 - The application Ref 22/0341, dated 11 April 2022, was refused by notice dated 30 May 2022.
 - The development proposed is the removal of existing BT phone box and installation of a proposed replacement BT Street hub and associated display of advertisement to both sides of the unit.
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Decisions

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

Procedural Matters

3. There are two appeals relating to the site. Appeal A is against the refusal of advertisement consent and Appeal B is against the refusal of planning permission. As they are by the same operator, are intrinsically linked and raise similar issues, to avoid repetition I have dealt with both in a single decision letter. I have nevertheless considered each on their own merits.
4. For the avoidance of doubt, the site address and applicant details in the banner headings above are taken from the respective application forms.

Main Issues

5. The main issues in respect of both Appeal A and Appeal B are the effect of the proposals on a) visual amenity/character and appearance, and b) public/highway safety.

Reasons

Visual amenity/character and appearance

6. The appeal site falls within the Raikes Hall Conservation Area (the RHCA) whose significance is partly derived from the largely unaltered original grid street pattern of attractive suburban residential properties. Whitegate Drive is one of the main routes through the RHCA and contains an array of businesses. The immediate street scene therefore has a strong commercial character. By virtue of its footway characteristics, the appeal site makes a neutral contribution to the RHCA.
7. There are various elements of street furniture in close proximity to the appeal site, including a bus shelter, refuse bin, bicycle stands, bollards and street lighting columns, amongst others. At the time of my site visit, I also observed high levels of off-street parking occurring along the immediate stretch of footway. Collectively, these features and activity give this part of the street scene a busy feel.
8. The proposed street hub would be sited close to the bicycle stands. It would therefore extend the already lengthy stretch of street furniture, thus adding further visual clutter in this locality. In combination with the existing features, it would be an overbearing addition which would substantially detract from the visual appearance of the area.
9. The proposed advertisements which are proposed to both sides of the street hub would be of a digital format. By virtue of their method of display, which would be crisper and more readily apparent than non-illuminated advertisements, along with the cluttered effect the street hub unit would have, they would appear overly dominant and incongruous in this locality.
10. The proposal would replace an existing phone box within the same streetscape. It would also be of a more slender, modern design. However, the existing phone box is located on the opposite side of the highway and it does not contain any digital advertisements. It is an inconspicuous feature and does not have a negative effect on the street scene.
11. Therefore, although the proposed street hub and advertisements would result in a decluttering of the opposite side of the highway where the existing phone box is located, they would nevertheless result in an increased proliferation of clutter on the opposite side where presently, the level of street furniture is very high. The proposed removal of the existing phone box is not therefore mitigation for the harm that would be caused by the proposed street hub and advertisements in this location.
12. Consequently, the advertisements proposed in Appeal A and the proposed development in Appeal B would fail to preserve the character and appearance of the RHCA and thus would cause harm to visual amenity. Both elements would therefore conflict with Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy (2012-2027) (January 2016) and saved Policies LQ1 and LQ10 of the Blackpool Local Plan 2001/2016 (June 2006) (the BLP). The proposal's would also conflict with advice in chapters 12 and 16 of the National Planning Policy Framework (the Framework).

13. Whilst these policies and guidance are not decisive in respect of Appeal A, as the Regulations¹ make clear that advertisements should be subject to control only in the interests of amenity and public safety, I have taken them into account as material considerations. Collectively, these policies and guidance seek to ensure that advertisements and developments are appropriate in the street scene in terms of design and siting and that they preserve and respect the built heritage of Blackpool, including its conservation areas. For similar reasons, the advertisements in Appeal A and the development in Appeal B would fail to accord with saved Policies LQ13 and LQ2 of the BLP respectively.
14. Due to the scale of the proposals, and as the harm caused would be localised, they would cause less than substantial harm to the significance of the RHCA. The Framework advises that such harm should be weighed against the public benefits of the proposals. I shall address this below.

Public/highway safety

15. The proposed street hub would be sited close to the carriageway and a pedestrian crossing point. Whilst the street hub would have a slim design and limited footprint, its proposed siting would hinder driver visibility of pedestrians crossing at this point, when travelling in a northerly direction along Whitegate Drive. Added to this, the proposed advertisements would distract drivers in this sensitive location, where driver awareness needs to be high.
16. Accordingly, both Appeal A and Appeal B would result in harm to public/highway safety and would conflict with Policy AS1 of the BLP, and paragraph 111 of the Framework, which seek to ensure that the safety needs of all affected by the development are met and that the proposal does not have an unacceptable impact on highway safety. Whilst this policy and guidance is not decisive in respect of Appeal A, for the reasons given above, they are nevertheless material considerations.

Other Considerations

17. The proposed street hub would provide a number of public benefits, including free public calls, Wi-Fi, public information, device charging, expanded phone network coverage, emergency call button, local wayfinding and charity helplines. It has also been suggested that the local authority would be provided with advertising space/screen time which could be used to promote services and display public information.
18. The Framework, at paragraph 114, provides support for advanced, high quality and reliable communications infrastructure as, as noted, it is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). However, it seems to me that there are a number of other street hubs across Blackpool which would provide the benefits listed above. Furthermore, I am not convinced that this is the only location and manner in which the development could take place. This therefore limits the weight I afford to the public benefits arising from this development, which in practical terms would only be very modest.
19. Paragraph 199 of the Framework advises that great weight should be given to the conservation of designated heritage assets. This is irrespective of whether

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Consequently, the public benefits of the proposal would not outweigh the identified harm to the RHCA.

20. My attention has been drawn to excerpts from other appeal decisions that appear to relate to similar proposals however no further details have been provided. Nevertheless, I am not convinced that they would be directly comparable to these appeals as they would not reflect the specific context of the appeal site and the positioning of other street furniture, as well as the heritage asset. They therefore have limited bearing on my consideration of this appeal.

Conclusion

21. Taking all the above into consideration, the proposals in Appeal A and Appeal B would be contrary to the development plan when read as a whole and there are no other considerations, including the approach in the Framework, which indicates that a decision should be made other than in accordance with it. Therefore, the appeals should be dismissed.

H Ellison
INSPECTOR