



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/22/3305072

Footpath outside 31C 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 Telecommunication PLC) against the decision of Blackpool Council.
 - The application Ref 22/0334, dated 11 April 2022, was refused by notice dated 17 June 2022.
 - The advertisement proposed is two digital 75 inch LCD display screens, one on each side of the Street Hub unit.
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Appeal B Ref: APP/J2373/W/22/3305075

Footpath outside 31C 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 Mr James Browne (British Telecommunication PLC) against the decision of Blackpool Council.
 - The application Ref 22/0342, 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 allowed and express consent is granted for two digital 75 inch LCD display screens, one on each side of the Street Hub unit as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the attached Appeal A Schedule of Conditions.
2. Appeal B is allowed and planning permission is granted for 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 at Footpath outside 31C Whitegate Drive, Blackpool FY3 9AA in accordance with the terms of the application, Ref 22/0342, dated 11 April 2022, subject to the conditions set out in the attached Appeal B Schedule of Conditions.

Procedural Matter

3. There are two appeals relating to the same 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.

Main Issues

4. The main issue in respect of Appeal A is the effect of the proposed advertisements on visual amenity.
5. The main issues in respect of Appeal B are the effect of the proposal on a) the character and appearance of the area and b) 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, including the retail unit and café immediately adjacent to the appeal site. This gives the locality a strong commercial character. The appeal site makes a neutral contribution to the RHCA.
7. Street furniture in the immediate locality of the appeal site is limited to a phone box and street lighting column. As such, the area does not have a cluttered feel. The proposed street hub unit would replace the existing phone box, albeit in a new, close by location. Whilst it would not result in a reduction of street furniture in total, it would nevertheless not result in any increase in this locality therefore it would not be an overbearing addition. It would be of a slimmer design and smaller footprint to the existing phone box and would be viewed in association with the commercial backdrop. Thus, it would be in keeping with this commercial setting.
8. The advertisements proposed to each side of the street hub unit would be of a digital format. They would therefore be clearer and have the ability to change often, compared to the poster advertisements on the existing phone box. Nevertheless, advertisements are readily apparent in the surrounding commercial setting albeit there is not an over proliferation of them. As such, the proposed advertisements would not appear incongruous in this location and features of the display could be appropriately controlled via conditions to safeguard the character of the area.
9. Accordingly, the proposed street hub and advertisements would preserve the character and appearance of the RHCA. Therefore, the advertisements proposed in Appeal A and the development proposed in Appeal B would not result in harm to the visual amenity/character and appearance of the area and thus would accord with Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy (2012-2027) (January 2016) (the CS) and saved Policies LQ1 and LQ10 of the Blackpool Local Plan 2001/2016 (June 2006) (the BLP), along with the National Planning Policy Framework (the Framework).
10. Collectively, these policies and guidance seek to ensure that proposals are appropriate in the street scene in terms of design and siting and that they preserve and respect the built heritage of Blackpool, including conservation areas. For similar reasons, the advertisements in Appeal A and the development in Appeal B would accord with saved Policies LQ13 and LQ2 of the BLP respectively.

11. Whilst all of the aforementioned 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.

Highway safety

12. There is a signal-controlled pedestrian crossing point within close proximity to the appeal site to the south. Pedestrians seeking to cross Whitegate Drive would likely utilise this to cross this part of the highway. Therefore, it seems to me that the concerns regarding driver visibility of pedestrians crossing the road relate to those crossing the junction at Leeds Road.
13. The proposed street hub would be sited close to the Whitegate Drive carriageway edge. It would however be a generous distance from the junction with Leeds Road and would have a limited footprint. Additionally, vehicles would already be travelling a considerable distance from the carriageway edge due to the on-street parking bays. Therefore, drivers travelling in a northerly direction and seeking to make the turn off from Whitegate Drive into Leeds Road would have sufficient time and space to observe any pedestrians and alter their driving accordingly.
14. Therefore, the development proposed in Appeal B would not result in harm to highway safety and thus it complies with saved policy AS1 of the BLP, along with 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.

Conditions

15. In the event that the appeals were allowed, the Council recommended attaching conditions relating to the time limit and plans list. Altering these for each appeal accordingly, I consider that these conditions are necessary in the interest of certainty.
16. In respect of Appeal A, the five standard conditions as set out in the Regulations will apply. Additionally, to prevent the proposed advertisements from appearing overly distracting and to protect the visual amenity of the area, I have attached conditions relating to the display and transition of images. These reflect the proposed list of conditions included within the appellant's evidence.
17. In respect of Appeal B, I have also added a condition requiring the removal of the existing BT phone box before the installation of the proposed street hub, as this reflects the proposal and ensures there would be no excess clutter.

Conclusion

18. In respect of both Appeal A and Appeal B, the proposals accord with the development plan taken as a whole and there are no other material considerations to suggest that the decisions should be made other than in accordance with the development plan. Therefore, for the reasons given above, and having had regard to all other matters raised, both appeals should be allowed.

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

H Ellison
INSPECTOR

Appeal A Schedule of Conditions

1. The minimum display time for any advertisement shall be 10 seconds and the change between advertisement images shall take place over a period no greater than one second with no sequencing, fading, swiping or merging of images.
2. The advertisements shall only display static images and shall not display any moving images, animation, intermittent or full motion video images.
3. A mechanism shall be in place so that if the installation breaks down it freezes the image to avoid any flashing error messages or pixilation.
4. No content on the advertisements shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.
5. The intensity of the illumination of the advertising unit and display permitted by this consent shall be no greater than 600 cd/m2 between the hours of dusk (local sunset time) and dawn (local sunrise time).

Appeal B Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: BT STREETHUB BLP-209 REV A and the Elevational Plan, Scale 1:20@A3.
3. Prior to the commencement of the installation of the proposed BT street hub, the existing BT phone box, as referenced as 'existing telephone call box' on approved plan BT STREETHUB BLP-209 Rev A shall be removed and the land restored to a condition which matches the footway immediately surrounding it.