



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: 1 March 2023

Appeal A Ref: APP/J2373/H/22/3305026

Footpath outside 19 Squires Gate Lane, Blackpool FY4 1SN

- 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 22/0328, dated 11 April 2022, was refused by notice dated 16 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/22/3305028

Footpath outside 19 Squires Gate Lane, Blackpool FY4 1SN

- 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 22/0339, 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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Decision

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 19 Squires Gate Lane, Blackpool FY4 1SN in accordance with the terms of the application, Ref 22/0339, dated 11 April 2022, subject to the conditions set out in the attached Appeal B Schedule of Conditions.

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 is taken from the respective application forms.

Main Issues

5. The main issue with respect to Appeal A is the effect of the proposed advertisements on visual amenity.
6. The main issues with respect to Appeal B are the effect on the character and appearance of the area and highway safety.

Reasons

Visual amenity/character and appearance

7. There are various elements of street furniture along this stretch of Squires Gate Lane between Rutherford Place and Sandridge Place. These includes cycle stands, a bus shelter, highway signage, phone box, refuse bin, post box, bench and street lighting columns. Nevertheless, most of these features are concentrated to the west of the bus shelter.
8. The part of the footway immediately surrounding the appeal site is of a very generous depth and there is a large amount of space to the front of the units within the terrace. There would be good separation between the proposed street hub and the cycle stands, and there are limited remaining features to this side of the bus shelter. By virtue of these factors, although the proposal would add an additional piece of street furniture to this side, taking into consideration the proposed removal of the existing telephone box, it would not result in additional visual clutter to this part of the street scene in total. It would also not be an intrusive or dominant feature given the width of the footway and its design and scale, which is largely reflective of the existing bus shelter.
9. The proposed advertisements would be readily apparent due to their clear, digital format and their siting on the footway. Nevertheless, the street scene has a broad aspect due to the width of the carriageway and the set back positioning of the buildings. Additionally, the ground floor units of the adjacent terrace are in commercial use. Therefore, the advertisements would not appear as incongruous or overly prominent features in this setting.
10. Accordingly, the proposed street hub and advertisements would not cause harm to the visual amenity/character and appearance of the area. Appeal A and Appeal B would therefore accord with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy (2012-2027) (January 2016) (the CS) and saved Policy LQ1 of the Blackpool Local Plan 2001/2016 (June 2006) (the BLP). Appeal A and Appeal B would also accord with saved Policies LQ13 and LQ2 of the BLP respectively, along with section 12 of the National Planning Policy Framework (the Framework). Collectively, these policies and guidance seek to ensure that proposals are appropriate in the street scene in terms of design and siting.
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

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

be subject to control only in the interests of amenity and public safety, I have nevertheless taken them into account as material considerations.

Highway safety

12. The eastbound carriageway is wide at this stretch adjacent to the appeal site. Drivers would be a considerable distance from the kerb due to the designated bus stop and on-street parking bays and there would also be some additional space on the footway between the edge of the street hub and the kerb. Collectively, these factors would result in generous space between the proposed street hub and passing vehicles, thus providing suitable visibility between drivers and any pedestrians attempting to cross Squires Gate Lane at this point. The proposal would not therefore harmfully obstruct driver's vision. It would have a similar relationship that the existing bus shelter has with passing vehicles.
13. Accordingly, the proposed street hub in Appeal B would not result in harm to highway safety and thus accords with Saved Policy AS1 of the BLP which, along with paragraph 111 of the Framework, aims 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

14. The Council has recommended attaching conditions relating to the time limit and plans list, in the event that the appeals are allowed. Altering these for each appeal accordingly, these conditions are necessary in the interest of certainty.
15. 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.
16. 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

17. With regards to 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 regard to all other matters raised, both appeals should be allowed.

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-201 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 to be removed (18m approx.)' on approved plan BT STREETHUB BLP-201 Rev A shall be removed and the land restored to a condition which matches the footway immediately surrounding it.