



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: 10 March 2023

Appeal A Ref: APP/J2373/H/22/3304942

Footpath outside 18 Church Street, Market Street, Blackpool FY1 1EW

- 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 Ms Bella Noakes (British Telecommunication PLC) against the decision of Blackpool Council.
 - The application Ref 22/0189, dated 4 March 2022, was refused by notice dated 15 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/22/3304943

Footpath outside 18 Church Street, Market Street, Blackpool FY1 1EW

- 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 Telecommunication PLC) against the decision of Blackpool Council.
 - The application Ref 22/0197, dated 4 March 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 18 Church Street, Market Street, Blackpool FY1 1EW in accordance with the terms of the application, Ref 22/0197, dated 4 March 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 and applicant details in the banner headings above are taken from the respective application forms.

Main Issues

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

Reasons

Visual amenity/character and appearance

7. The appeal site is located within the Town Centre Conservation Area (the TCCA) whose significance is derived from the tourist, cultural and entertainment provision within the core of Blackpool, along with the built environment including uniform terraces and grand public buildings. The appeal site makes a neutral contribution towards the TCCA's character.
8. The appeal site is located on Market Street, close to the corner with Church Street. This locality has a strong commercial character. There are other various elements of street furniture immediately adjacent to the appeal site. There is an existing telephone callbox installation, with an advertisement to one side, in situ at the appeal site.
9. The proposed street hub would replace the existing installation. It would have a similar footprint and be of a scale and design reflective of the existing. As it is an already established feature in the street scene, the proposed street hub would not introduce any additional clutter or appear intrusive, even taking into consideration any similar installations on Bank Hey Street as they are a considerable distance away and not read within the same street scene. In combination with others, the proposal would not create a sense of an overconcentration of street hubs in this locality.
10. I appreciate that the proposed advertisements would be of a digital format and thus would be clearer than the existing static images. However, the presence of advertisements in this commercial locality, and an area which also appears to have some late-night uses, would not appear out of keeping or harmful in this context. Furthermore, conditions could be attached to appropriately control the display so as to ensure that the advertisements do not appear overly invasive in the street scene.
11. All of the above leads me to conclude that the proposed street hub and associated advertisements would not result in harm to the visual amenity/character and appearance of the area and thus would preserve the TCCA. Appeal A and Appeal B would therefore accord with Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy (2012-2027) (January 2016) and Policies LQ1, LQ2 and LQ10 of the Blackpool Local Plan 2001/2016 (June 2006) (the BLP). Appeal A would also accord with Policy LQ13 of the BLP.
12. Along with sections 12 and 16 of the National Planning Policy Framework (the Framework), these policies and guidance collectively 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.

13. 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 nevertheless taken them into account as material considerations.

Highway Safety

14. Traffic along this stretch of Market Street throughout a considerable portion of the day is restricted to buses, taxis and authorised vehicles, travelling in one direction towards Church Street. During my mid-day site visit I observed relatively low levels of traffic, which was also travelling at low speeds. Given the restrictions and presence of numerous bus stops and taxi stands, I consider that my observations would be reflective of typical activity in this locality at other times.
15. Near to the appeal site is a pedestrian crossing point at the junction of Market Street with Church Street. This seems the most practical place for pedestrians to cross given the narrow width of the carriageway at this point and the ease for those traversing along Church Street. Given the distance and inset siting of the proposed street hub in relation to the pedestrian crossing point, the proposal would not interfere with driver visibility of pedestrians crossing at this point.
16. Even if pedestrians did seek to cross the carriageway adjacent to the proposed street hub, although it would be positioned close to the kerb there would nevertheless remain good space for pedestrians and drivers to observe one another. Moreover, it would be sited immediately adjacent to a taxi stand thus it is likely that there would typically be parked vehicles along this stretch, thus presenting an obstruction which pedestrians would first have to navigate around before stepping into the path of moving vehicles in the carriageway. At this point, there would be good intervisibility between pedestrians and vehicles, which would likely be travelling at slower speeds.
17. Consequently, the proposal would not interfere with the visibility between pedestrians and drivers such that it would result in a harmful effect on highway safety. The proposal in Appeal B would therefore accord with saved Policy AS1 of the BLP, along with paragraph 111 of the Framework, which 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

18. The Council has provided a list of suggested conditions in the event that the appeals are allowed, which the appellant had the opportunity to comment on. In the interests of certainty, I have imposed the standard conditions relating to the commencement of the development and the approved plans.
19. 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.

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

These reflect the proposed list of conditions included within the appellant's evidence.

Conclusion

20. 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 it. 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-213 REV A and the Elevational Plan, Scale 1:20@A3.