



Appeal Decisions

Site visits 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/22/3305082

Footpath adjacent 125 Church Street, Blackpool FY1 1HZ

- 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 22/0329, dated 11 April 2022, was refused by notice dated 17 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/22/3305090

Footpath adjacent 125 Church Street, Blackpool FY1 1HZ

- 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 22/0347, 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 Matter

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.

Main Issues

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

Reasons

Visual amenity/character and appearance

5. The appeal site is within the Town Centre Conservation Area (the TCCA). Its significance is derived from the tourism, cultural and entertainment provision within the core of Blackpool, along with its uniform terraces and grand public buildings. The appeal site makes a neutral contribution towards the character of the TCCA.
6. The footway is wide at this point and street furniture is very limited, thus giving the immediate locality a spacious feel. I appreciate that the proposal would be a replacement for an existing telephone box. However, the existing is sited in a more discreet location on Alfred Street and adjacent to a stretch of other elements of street furniture, thus it is inconspicuous. Although the proposal would not result in an overall increase of features in this locality, it would nevertheless introduce a piece of visual clutter on part of the footway which is currently clear of such features, thus detracting from the existing spacious characteristics of the footway.
7. The proposed advertisements would exacerbate the street hubs prominent siting as the display of digital images would further draw the eye to it. They would appear as dominant and incongruous additions in this setting.
8. Consequently, the advertisements proposed in Appeal A and the proposed development in Appeal B would fail to preserve the character and appearance of the TCCA and thus would cause harm to the visual amenity/character and appearance of the area. 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).
9. 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.
10. 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 TCCA. The Framework advises that such harm should be weighed against the public benefits of the proposals. I shall address this below.

Public safety

11. Due to the generous width of the footway in this locality, the proposed street hub and its integrated advertisements would be set a substantial distance from the kerb and thus from passing vehicles. As such, it would not interfere with

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

drivers visibility of pedestrians or other vehicles, when turning out of Alfred Street onto Church Street or when traversing along Church Street in either direction. Even taking into consideration the digital format of the advertisements and lack of other street furniture in this locality, by virtue of its set-back positioning, it would not present a harmful distraction to drivers.

12. Nevertheless, the proposed street hub would be sited in a relatively central position on the footway and at a right angle to it, such that approaching pedestrians would have to navigate around it when walking along this stretch of footway. It would therefore be an unacceptable obstruction to the free flow of pedestrians.
13. Accordingly, whilst the proposed advertisements in Appeal A would not harm public safety, the proposed street hub in Appeal B would present an obstruction and thus would fail to 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.

Other Considerations

14. 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, amongst others. 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.
15. 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.
16. Paragraph 199 of the Framework advises that great weight should be given to the conservation of designated heritage assets. This is irrespective of whether 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 TCCA.

Conclusion

17. 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, both appeals should be dismissed.

H Ellison
INSPECTOR