



Appeal Decision

Site visit made on 7 November 2023

by Anthony J Wharton BArch RIBA RIAS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2023

Appeal Ref: APP/J2373/Z/23/3319041

188 Promenade, Blackpool FY1 1RJ

- 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 ARM Capital against the decision of Blackpool Council.
 - The application Ref 22/0973, dated 12 December 2022, was refused by notice dated 26 January 2023.
 - The advertisement proposed is, Installation of a single digital billboard.
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Decision

1. The Appeal is dismissed. See formal decision below.

The appeal site and the surrounding area

2. The appeal site forms the gable wall of No 188 Promenade which is a three-storey end-of-terrace property with a basement. It is currently in use as permanent residential flats. The open site, immediately to the north, formerly housed a hotel at 190-194 Promenade and this was demolished some years ago.

3. The open land is now in use as a pay and display car park and to the north of that, on the corner of Banks Street, there is a block of flats overlooking the car park. Opposite the appeal site, on the western side of the Promenade is the tramway, a small crazy golf site and the locally listed Metropole Hotel, which lies within the Town Centre Conservation Area (TCCA). The Council indicates that the appeal site forms part of the setting of the Grade I listed building, Blackpool Tower, on its approach from the north. The site itself does not lie within the TCCA.

The proposed advertisement

4. The proposal is for a single marketing screen measuring 6m in width and 3m in height. It would be fixed to a steel frame of the same size and would be positioned on the gable wall of No 188, 4m above ground level. The screen would be used to show advertisements from a back-lit LED screen.

5. It is indicated that *'the position and size of the advertisements will not change, only the means by which the messages are shown'*. It is also stressed, on behalf of the appellant, that no moving images would be shown on the screen; that all advertising would be static imagery and that the displays could also be used *'for urgent information if required by the Council such as, for example, Covid information'*.

The Advertisement Regulations

6. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the regulations); the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to

control only in the interests of amenity and public safety. The provisions of the development plan and any other relevant factors can be taken into account but only in so far as they are material considerations.

7. The Council does not consider that there are any issues relating to public safety and I have no reason to disagree. I have, therefore, dealt with the appeal on the basis of the effect of the proposed advertisement on amenity.

Relevant Policies which are material considerations

8. These are found within the Core Strategy (CS) Part 1 and the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (DM). Relevant CS policies are CS7 (Quality of Design) and CS8 (Heritage). Relevant DM policies are DM19 (Strategic Views), DM24 (Advertisements), DM26 (Listed Buildings), DM27 (Conservation Areas) and DM28 (Non-designated heritage assets).

9. The National Planning Policy Framework (NPPF) is also a major material consideration. Section 12 seeks to achieve well-designed places and notes that the quality and character of places can suffer when advertisements are poorly sited and designed. It also indicates that LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset). The national Planning Practice Guidance (PPG) expands upon, and offers clarity on, the points of policy set out in the NPPF, including guidance on advertisements, the conservation of the historic environment and design.

Reasons

The Main Issue

10. The main issue is the effect of the proposed advertisement on amenity, having regard to the settings of the Grade I listed Blackpool Tower, and the adjacent Town Centre Conservation Area (TCCA).

11. Having walked and driven in a southerly direction along this section of the Promenade, I share the LPA's concerns about the effect that an advertisement of this size and type would have on the visual amenity of this part of Blackpool. When driving or walking south the Grade 1 listed Blackpool Tower, as well as the locally listed Metropole Hotel, are distinctly visible. During my visit I viewed the site during the day and after hours.

12. As indicated by the Council's Built Heritage Manager, the advertisement screen would be highly visible in this location and, therefore, would form part of the setting of the listed Tower and the TCCA. The manager stresses that because the sign will be illuminated it would detract from the Tower's status as a landmark building and particularly when the Tower itself is illuminated. Having seen the Tower in daylight and illuminated at night I can only agree with this assessment. I consider that the prominent illuminated sign would significantly conflict visually with the clear intended dominance of the Tower.

13. Policy CS8 supports proposals that enhance the setting and views of heritage assets and strengthens the existing townscape character created by historic buildings, through appropriate design. Policy DM24 relates to advertisements and

states that advertisements must preserve the character and amenity of the area and heritage assets and conservation areas.

14. In my view the proposed advertisement would weaken the existing townscape created by the Tower and would detract from the significance of this nationally recognised landmark which dominates Blackpool's skyline and is the focus of the leisure industry and the historic environment in Blackpool, being seen from across the Fylde Coast.

15. Policy DM19 relates to strategic views and confirms that views of Blackpool Tower along main transport corridors leading into the Town Centre are of strategic importance and should be protected and enhanced. Policy DM26 confirms that proposals which would cause harm to a listed building, or its setting, will only be permitted where this is clearly justified and outweighed by public benefits. In this case there are no public benefits.

16. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It also confirms that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. In Blackpool there cannot be any more important heritage asset than the Tower itself.

17. I agree with the Council that the introduction of a large digital advertisement with a significant presence in the street scene that would appear obtrusive and at odds with the character of the area and would have a negative impact on the setting of the Town Centre Conservation Area, the locally listed Metropole Hotel and would be harmful to visual amenity in general.

18. There is no doubt in my mind that the screen would detract from the Tower's status as a landmark building, particularly in the evening when the Tower is illuminated as the LED screen would conflict between the intended dominance of the Tower and the prominence of the screen. As indicated by the Council no justification for the LED screen has been provided, and there are no public benefits which would outweigh the less than substantial harm identified to the setting on Blackpool Tower and the immediate TCCA.

19. I also share the Council's concerns about the effect that the proposed advertisement would have on residential amenity in this particular location. During my visit I was able to walk down Banks Street and across the frontage of the block of flats known as Regent Court. On the Banks Street elevation there are numerous habitable room windows which look out across the open area of the car park

20. The position and size of the proposed advertisement means that it would not only be highly visible from the highway and the Town Centre Conservation Area but also from these residential properties on the other side of the car park. There would only be approximately 45m between the habitable room windows and the screen. I consider that the screen would be far too close to these windows and that it would be seriously detrimental to the outlook of many residents.

21. In conclusion I find that the proposed advertisement in this particular location would have an unacceptable impact on visual amenity. I agree with the LPA that the nature of the advertisement as a digital LED screen is not appropriate for the

character of the area and the large scale of the sign means that it does not assimilate with its surroundings. I do not consider, therefore, that Advertisement Consent should be granted for the sign as proposed and so the appeal must fail.

Other Matters

22. I acknowledge that during the Illuminations period it could be considered that the advertisement could be perceived as additional illuminated signage in this particular location. However, the Illuminations themselves are part of Blackpool's heritage and are to be expected when approaching the Tower and the TCCA. In fact, instead of detracting from the character and appearance, unlike the proposed advertisement, they contribute positively to the night time experiences in this part of Blackpool.

23. In reaching my decision I have taken into account all of the other matters raised by and on behalf of the appellant. However, none of these have sufficient weight to alter my conclusion on the main point at issue. Nor is any other factor of such significance so as to change my decision that the appeal should be dismissed.

Formal Decision

24. The Appeal is dismissed and Advertisement Consent for the proposed advertisement is not granted.

Anthony J Wharton

Inspector.