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## Appeal Decisions

Site visit made on 25 February 2025

**by Helen Hockenhull BA (Hons) B.PI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13<sup>th</sup> March 2025

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### **Appeal A Ref: APP/J2373/W/24/3355899**

#### **24-26 Bank Hey Street, Blackpool**

- 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 In Focus Network Limited against the decision of Blackpool Borough Council.
  - The application Ref is 24/0493.
  - The development proposed is the installation of a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator.
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### **Appeal B Ref: APP/J2373/W/24/3355901**

#### **24-26 Bank Hey Street, Blackpool**

- 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 In Focus Network Limited against the decision of Blackpool Borough Council.
  - The application Ref is 24/0494.
  - The development proposed is the display of a 1.8m x 1m LED advertisement screen.
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### **Appeal C Ref: APP/J2373/W/24/3356044**

#### **9-19 Abingdon Street, Blackpool**

- 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 In Focus Network Limited against the decision of Blackpool Borough Council.
  - The application Ref is 24/0491.
  - The development proposed is the installation of a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator.
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**Appeal D Ref: APP/J2373/W/24/3356046**

**9-19 Abingdon Street, Blackpool**

- 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 In Focus Network Limited against the decision of Blackpool Borough Council.
- The application Ref is 24/0492.
- The development proposed is the display of a 1.8m x 1m LED advertisement screen.

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**Appeal E Ref: APP/J2373/W/24/3356059**

**61-71 Church Street, Blackpool**

- 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 In Focus Network Limited against the decision of Blackpool Borough Council.
- The application Ref is 24/0489.
- The development proposed is the installation of a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator.

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**Appeal F Ref: APP/J2373/W/24/3356061**

**61-71 Church Street, Blackpool**

- 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 In Focus Network Limited against the decision of Blackpool Borough Council.
- The application Ref is 24/0490.
- The development proposed is the display of a 1.8m x 1m LED advertisement screen.

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**Appeal G Ref: APP/J2373/W/24/3356063**

**19 Adelaide Street West, Blackpool**

- 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 In Focus Network Limited against the decision of Blackpool Borough Council.
- The application Ref is 24/0487.
- The development proposed is the installation of a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator

**Appeal H Ref: APP/J2373/W/24/3356065**

**19 Adelaide Street West, Blackpool**

- 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 In Focus Network Limited against the decision of Blackpool Borough Council.
  - The application Ref is 24/0488.
  - The development proposed is the display of a 1.8m x 1m LED advertisement screen.
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**Appeal I Ref: APP/J2373/W/24/3356066**

**13-19 Bank Hey Street, Blackpool**

- 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 In Focus Network Limited against the decision of Blackpool Borough Council.
  - The application Ref is 24/0485.
  - The development proposed is the installation of a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator.
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**Appeal J Ref: APP/J2373/W/24/3356071**

**13-19 Bank Hey Street, Blackpool**

- 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 In Focus Network Limited against the decision of Blackpool Borough Council.
  - The application Ref is 24/0486.
  - The development proposed is the display of a 1.8m x 1m LED advertisement screen.
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**Decisions**

1. All appeals A-J are dismissed.

**Procedural Matters**

2. The above appeals A-J are made by the same appellant for the same form of development, the installation of a modern multifunction Hub unit featuring an integral advertisement and defibrillator. The proposals relate to five individual sites and for each development planning permission and advertisement consent is required. All but one of the locations, is located within the Blackpool Town Centre Conservation Area (CA). All the appeals have heritage implications being located within the setting of nearby listed buildings.
  3. As the appeals are intrinsically linked, to avoid repetition I deal with them all in one decision letter. Nevertheless, I consider each proposal on its individual merits.
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4. In respect of Appeals B D, F, H and J, the Advertisements Regulations require that decisions are made only in the interest of amenity and public safety. Only in appeal D is there a reason for refusal relating to public safety.

### **Main Issues**

5. The main issues with respect to appeals A-F are:
- whether the proposal preserves the setting of nearby listed buildings, and
  - whether the proposal preserves or enhances the character or appearance of the Blackpool Town Centre CA.
6. With respect to appeals G and H the issues are:
- whether the proposal preserves the setting of nearby listed buildings, and,
  - the effect on visual amenity/character and appearance of the area.
7. Additionally, in relation to appeals C and D, a further issue is the effect on public safety.

### **Reasons**

#### *Background*

8. The appeals relate to five multifunction Hub units with an integral advertisement display and defibrillator in different locations within the town centre of Blackpool.
9. The street hubs have the capability to provide ultra fast WiFi, free public calls to landlines, wayfinding, device charging, rapid connection to emergency services, public messaging and also a platform for other technologies to capture environmental data such as air quality. The units are approximately 2.6 metres high and 1.3 metres wide and have a large LCD display on each side capable of displaying digital advertising.
10. With the exception of Appeals G and H, the units are located with the Blackpool Town Centre CA which centres on the historic civic core of Blackpool. It includes a number of key listed buildings such as the Winter Gardens, Blackpool Tower, the Grand Theatre and St John's Parish Church. The CA is the civic, commercial and entertainment heart of the town comprising a mix of buildings of different styles, types and ages from the mid-19<sup>th</sup> century to present day. Its significance is derived from the tourism, cultural and entertainment provision within the core of the town along with its uniform terraces and grand public buildings.
11. I observed on my site visit that there are a number of existing multifunction hubs in the town centre. I understand that these were supported by the Council because they replaced older telephone boxes and therefore did not add to street furniture in those locations. The appeals before me do not replace any existing structures.
12. The Council's Signage Supplementary Planning Document (SPD) is relevant to the appeals before me. It states in paragraph 12.1 that the Council will not normally support applications for the display of advertisements on listed telephone kiosks or on telephone kiosks in conservation areas.

### *Appeals A and B*

13. The appeal site is located to the side of Nos 24-26 Bank Hey Street, at its junction with Victoria Street. This is a pedestrian route lined by retail and commercial premises. There is existing street furniture in the form of seating, lighting, litter bins, planters and a free-standing totem advertisement display. At the end of the street is a view of the Grade II\* listed Winter Gardens, and the Grade I listed Blackpool Tower lies to the south west. The proposal therefore lies in the setting of these listed buildings and also within the Town Centre CA.
14. The proposed hub is sited to the northern side of the street. It would form a comparatively large structure, constructed in modern materials which would not look out of place against the modern shopfronts adjacent to it. Its siting to one side of the pedestrian route maintains the clear vista towards the Winter Gardens. I acknowledge that the pedestrianised street in this location is wide and the hub, sited in line with existing seating and bins, would cause no impediment to pedestrian movement. However, the proposal would add further clutter to an area which already has a significant amount of street furniture. The digital advertisement would be very noticeable, particularly in lower light levels and at night. This would increase the prominence of the facility in the street scene and impact negatively on the setting of the Winter Gardens, the Tower and the character and appearance of the CA.
15. Given the above, I find that Appeals A and B would fail to preserve the setting of nearby listed buildings and fail to preserve or enhance the Blackpool Town Centre CA. The harm would be localised and cause less than substantial harm to the significance of the heritage assets.

### *Appeals C and D*

16. The appeal site is located outside 9-19 Abingdon Street. The area has a mix of town centre uses including shops, cafes, amusements and leisure facilities. There is existing street furniture in the form of bins, bollards, lighting columns and road signs. The site is within the Town Centre CA and in the setting of the Grade II listed Post Office, the Grade II listed telephone boxes which are functional and the locally listed Abingdon Street Market which has recently been refurbished. The Grade II\* Winter Gardens and Grade II listed St John's Church are to the south of the site.
17. I note that there is an existing modern telephone hub displaying advertisements approximately 30 metres away on Birley Street and there is an existing defibrillator at the premises of Blackpool Coastal Housing, immediately next to the appeal site.
18. The hub is proposed to be sited to the western side of Abingdon Street. The street is a shared pedestrian space and is used by taxis and service vehicles. The proposal would form a relatively large structure when compared to the existing street furniture and lighting columns in the vicinity. Its size along with its illumination and moving images would result in it being a prominent incongruous feature in the street scene. Looking south down Abingdon Street, a view of the front of the listed Winter Gardens can be achieved. The proposal would be particularly prominent in views towards it, impacting negatively on its setting. In the context of other nearby listed and locally listed buildings, including the Post Office and Abingdon Street Market, due to its siting and prominence, the proposal would cause harm to their setting as well as harm to the character and appearance of the wider CA.

19. The proposal is sited close to the edge of pavement adjoining the shared surface. Whilst it causes no issues for the free flow of pedestrians, there is the potential for it to obstruct views of oncoming drivers. This would have an adverse impact on pedestrian safety. The Highways Authority have recommended the hub be located at least 1.5 metres from the highway edge. Accordingly, the proposal as submitted causes harm to public safety, contrary to Blackpool Local Plan Part 2 Policy DM41 which requires new development to provide convenient, safe and pleasant pedestrian access.
20. In summary, I have found that Appeals C and D would fail to preserve the setting of nearby listed buildings and fail to preserve or enhance the Blackpool Town Centre CA. The harm would be localised and cause less than substantial harm to the significance of the heritage assets. They would also cause harm to public safety.

#### Appeals E and F

21. The appeal site is located outside no's 61-71 Church Street. This is a pedestrianised route with a number of retail uses, restaurants, cafes and leisure facilities. There is existing street furniture in the form of bespoke lighting columns, bollards and bench seating. I noted on my site visit that some of the cafes and restaurants had external seating and also 'A' frame advertisement boards on the pavement. A modern telephone hub with digital advert is sited on Church Street approximately 60 metres to the west. The site lies in the setting of the Grade II\* Winter Gardens and the Grade II listed St Johns Church.
22. The hub is proposed to be sited to the southern side of Church Street. Church Street is relatively wide and the proposal would have no implications for pedestrian movements. While this part of Church Street has various examples of street furniture, these are small in scale such as bins and bench seating which provides a fairly open and spacious feel to the area. The proposed hub forms a large modern feature. Whilst it would not be out of keeping with the modern shop fronts in the locality, its scale, together with its illumination and moving imagery would result in a prominent and incongruous feature in the street scene. Looking east, the hub is seen with the listed St John's Church and Winter Gardens in the same viewpoint. The proposal would form a discordant feature in this context, adversely affecting the setting of the heritage assets.
23. The presence of a similar hub a short distance to the west raises the question of whether an additional hub is needed on the same street. Should the proposed hub be allowed, cumulatively the two structures with their illumination and digital advertisement would cause harm to the character and appearance of the CA. and the setting of nearby listed buildings.
24. Overall, I find that Appeals E and F would fail to preserve the setting of nearby listed buildings and fail to preserve or enhance the Blackpool Town Centre CA. The harm would be localised and cause less than substantial harm to the significance of the heritage assets.

#### Appeals G and H

25. The appeal site is located to the eastern end of Adelaide Street West, outside No. 19, Waterstones bookshop. This forms a short pedestrianised route leading to the entrance to the Hounds Hill Shopping Centre. The area includes a number of retail premises and Central Methodist Church. The street includes street furniture in the

form of seating, concrete planters, cycle racks and litter bins. The site lies just outside the Blackpool Town Centre CA but in the setting of the locally listed former Woolworths building and the wider setting of the Grade I listed Blackpool Tower.

26. This short pedestrian route is sufficiently wide so that the siting of the hub would cause no impediment to pedestrian circulation. It forms a modern structure which in the context of the adjacent buildings with modern shopfronts would not appear out of place. The street is however already cluttered with a range of street furniture. The addition of another structure, particularly one of the scale proposed, would add to the clutter and adversely affect the character and appearance of the area. The illumination and moving images of the digital advertisements would exacerbate the prominence of the structure in the street scene drawing the eye of an observer. Looking west, the hub would be seen in the foreground to the locally listed Woolworths building and the listed Blackpool Tower causing harm to their settings.
27. In summary, I have found that Appeals G and H would fail to preserve the setting of nearby listed buildings. The harm would be localised and cause less than substantial harm to the significance of the heritage assets. The proposal would also cause harm to the character and appearance of the area

#### Appeals I and J

28. The appeal site is located outside No's 13-19 Bank Hey Street, close to the junction of Victoria Street, round the corner from the site of Appeals A and B. Bank Hey Street forms a pedestrianised area with retail premises, cafes and leisure facilities. Existing street furniture comprises litter bins, bollards, planters, seating and drum shaped advertisement totems. There are existing modern telephone hubs with LED advertisements approximately 60 metres south on Bank Hey Street and 46 metres north. The site is within the Blackpool Town Centre CA and in the setting of the Grade I listed Blackpool Tower.
29. Bank Hey Street is a very busy pedestrianised route and is already cluttered by existing street furniture and advertisement hoardings including existing telephone hubs. An additional hub would add to this clutter. The scale of the proposal together with its illumination and moving images would be highly visible in the street scene. Whilst this modern structure would not be out of place against the brightly painted amusement arcade and shops in the vicinity, it would form a prominent feature adversely affecting the character and appearance of the CA.
30. Looking south down Bank Hey Street, the hub is seen with the Grade I listed Blackpool Tower in its backdrop. Due to the scale and illumination of the hub, it would cause harm to its setting. The harm would be localised and cause less than substantial harm to the significance of the heritage asset.

#### *Conclusion on heritage matters.*

31. I have found that in all appeals, there would be less than substantial harm to designated heritage assets, either through failing to preserve the setting of nearby listed and locally listed buildings or failing to preserve or enhance the character or appearance of the Blackpool Town Centre CA.

32. Paragraph 212 of the Framework advises that when considering potential impacts of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Whilst I have found less than substantial harm, it is nevertheless of considerable importance and weight. Paragraph 215 of the Framework advises such harm should be weighed against the public benefits of the proposal.
33. I acknowledge that the hubs would provide an efficient, reliable and free to use public service funded by the advertising revenue. They could be helpful in giving out public safety messages and the incorporation of a defibrillator would be of significant public benefit.
34. However, I am aware from my site visit and also from the evidence of the Council, that there are a number of existing hubs in the town centre, some of which are very close to the appeal sites. It is therefore clear that these facilities already exist, providing a public service. Therefore, the benefit of additional hubs must be reduced accordingly.
35. I understand that the existing hubs were permitted by the Council as they replaced older telephone kiosks on the main tourist routes from the railway station through the town centre to Central Pier and the Promenade. They did not therefore add to street clutter in the CA.
36. The Council also advises that there are a number of defibrillators located within the town centre in close proximity to the five sites the subject of these appeals. Therefore, the installation of further defibrillators whilst supported in principle, would provide only moderate public benefit.
37. The Framework supports advanced high quality reliable communications however these must be sited in appropriate locations. The Council's SPD on Signage clearly states that advertisements on telephone kiosks in CA's will not be supported. Therefore, with exception of appeals G and H, which are just outside the CA, the appeal proposals would be contrary to this guidance.
38. Given the above, I conclude that the public benefits of the proposals do not outweigh the harm to the designated and locally listed heritage assets. The proposals would conflict with the objectives of the Framework, Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy and Policies DM17, DM26 and DM27 of the Blackpool Local Plan Part 2: Development Management Policies. These policies seek to provide well designed public spaces and conserve and enhance the historic environment.

### **Other matters**

39. The Council has brought my attention to a number of other appeals for similar hubs within the town centre which have been dismissed. Whilst I am aware of these, I have considered the appeals before me on their individual merits.
40. The Council's Community Protection Officer and the Police Architectural Liaison Officer raise concerns about anti-social behaviour with members of the public congregating around the facility to charge phones and use the Wifi. The size and design of the hubs is also such that they could be used to hide behind and prevent natural surveillance.

41. Anti-social behaviour is a problem in many town centres. The presence of existing street furniture, in particular advertising totem signs and existing hubs in Blackpool, also have the potential to create similar issues. I am not persuaded that the appeal proposals would exacerbate the situation in the town centre.

### **Planning Balance**

42. I have found that the proposals would fail to preserve the setting of nearby listed and locally listed buildings and would cause harm to the character and appearance of the town centre and the CA. The proposals would conflict with the objectives of the Framework, Policies CS7 and CS8 of the Blackpool Local Plan Part 1: Core Strategy and Policies DM17, DM26 and DM27 of the Blackpool Local Plan Part 2: Development Management Policies.
43. Appeals B, D, F, H and J, seek advertisement consent. As they cause harm to amenity, the proposals would conflict with Policy DM24 of the Local Plan Part 2 which confirms that advertisements will be considered having regard to their size, design, position, range of visibility, illumination and location and any cumulative impacts with existing advertisements. Appeals B, F, H and J also conflict with the Council's Signage SPD, which does not support advertisements on telephone kiosks in CA's. Appeals C and D also cause harm to public safety contrary to Policy DM41 of Blackpool Local Plan Part 2 which requires new development to provide convenient, safe and pleasant pedestrian access.
44. I conclude that the adverse impacts of the proposals are not outweighed by the public benefits, particularly as there are other hubs in town centre providing the same communication facilities and other defibrillators are available. The proposals conflict with the development plan and there are no other material considerations which indicate that the appeals should be determined otherwise than in accordance with it. Accordingly, planning permission and advertisement consent should be refused.

### **Conclusion**

45. For the reasons given above, and having had regard to all other matters raised, I dismiss all appeals A-J.

*Helen Hockenhull*

INSPECTOR