



Appeal Decision

Site visit made on 22 January 2018

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2018

Appeal Ref: APP/J2373/Z/17/3188066

Harry Feeny, 251 Vicarage Lane, Blackpool FY4 4XL

- 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 Harrison against the decision of Blackpool Borough Council.
 - The application Ref 17/0429, dated 20 June 2017, was refused by notice dated 6 September 2017.
 - The advertisement proposed is installation of a mobile, free standing point-of-sale unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal submission included revised plans that had been submitted to the Council after it made its decision. The revised plans would materially alter the siting of the proposal and interested parties have not had the opportunity to comment as part of the application subject to this appeal. I, therefore, necessarily determine this appeal on the basis of the plans submitted as part of the application and upon which the Council made its decision, which reflects the siting of the mobile, free standing advertising unit that was in place at the time of my visit.
3. The Regulations, the National Planning Policy Framework (the Framework) 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, taking account of cumulative impacts. The Council has drawn my attention to Saved Policy LQ13 of the Blackpool Local Plan 2001-2016 (LP), adopted June 2006, and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 (CS), adopted January 2016, which it considers to be relevant to the appeal. I have taken the policies into account as material considerations, in so far as they relate to amenity and public safety.

Main Issues

4. The main issues are the effect on amenity, including the character and appearance of the area, and on public safety.

Reasons

5. The appeal site consists of the forecourt of a car dealership that adjoins a section of Vicarage Lane that includes other commercial properties to the north and residential properties immediately to the south. The site has existing signs

located on the façade of the main building which is set back from the road, together with a free-standing totem sign close to the site frontage and its access onto Vicarage Lane. A number of flag signs and a smaller freestanding sign are also located close to the site frontage.

6. The free standing mobile unit has static internal illumination and is double sided with advertisement panels facing in both directions along Vicarage Lane. The advertisements are located approximately 2m above ground level and consist of approximate dimensions of 2.4m height by 3.4 width.
7. A variety of existing signs are located within neighbouring sites and on buildings to both sides of Vicarage Lane, including fascia signs, freestanding signs and totems signs that are visible near to the proposal. However, the advertisements within the mobile unit are significantly bulkier than those immediately surrounding and draw the eye from many vantage points along Vicarage Lane. From those perspectives, the advertisements are dominant features of the street scene that appear out of scale and incongruous relative to surrounding signs close to the road edge. Furthermore, when viewed in cumulative with the nearby signs closest to the road edge and those opposite, the proposal also contributes to visual clutter. The harmful presence of the advertisements would be emphasised when illuminated during periods of darkness, particularly as freestanding signs that are closest to the road edge on the opposite side of Vicarage Lane are non-illuminated. Consequently, the proposed advertisements within the mobile unit as currently sited are dominant and visually intrusive features that harm the visual amenity of the area.
8. The appellant has drawn to my attention that mobile point of sale advertisement units of the type proposed are a common feature of other car dealerships elsewhere in the country. Whilst that may be the case, based upon the evidence before me, I cannot be certain that signs located elsewhere replicate the particular circumstances of the proposal before me. I have, therefore, necessarily considered the appeal proposal on its own merits.
9. Turning to the matter of public safety, Policy LQ13 of the LP indicates that advertisements which would hinder traffic or pedestrians will not be permitted. In that respect, the PPG¹ sets out advertisement considerations affecting public safety on roads, together with the location and main types of advertisement which may cause danger to road users. The advertisements are located close to the road edge of Vicarage Lane, beyond a speed camera and the junction of the site access, and prior to a mini-roundabout when travelling on the nearside carriageway. When taking into account that the mobile unit also consists of static internal illumination, those circumstances reflect a location identified in the PPG as more likely to affect public safety.
10. Notwithstanding the above, the mobile advertisement unit is on a site within a commercial locality, relates to the business and is not on a skyline. Those are circumstances where the PPG indicates that there are less likely to be road safety problems. In addition, the advertisements do not obstruct or impair existing sightlines at the site entrance or traffic signs, signals or the speed camera given its position within the forecourt which is separated from the pedestrian footway by a landscaped verge and railings. Furthermore, the advertisements do not involve moving elements and there are various other

¹ Advertisements - Paragraph: 067 Reference ID: 18b-067-20140306 (Revision date 06 03 2014) & Advertisements - Paragraph: 068 Reference ID: 18b-068-20140306 (Revision date 06 03 2014)

advertisements visible to drivers and pedestrians close to the road edge, junction, speed camera and nearer to the mini-roundabout. In such circumstances, the advertisements do not harmfully distract the attention of drivers and pedestrians taking the appropriate level of care as they travel along Vicarage Lane. I, therefore, consider that the mobile advertisement unit does not harm public safety. However, the absence of concern in that respect does not override the harm identified in terms of visual amenity.

11. I conclude that the advertisements within the mobile unit have a harmful effect on amenity due to their detrimental impact upon the character and appearance of the area. The proposal, therefore, conflicts with Policy LQ13 of the LP, Policy CS7 of the CS and the Framework in that respect.

Other Matters

12. I have taken into account that the proposed advertisements would have commercial and economic benefits for the appellant's business. However, those benefits do not outweigh the identified harm.
13. The appellant has expressed concern with respect to the Council's approach when dealing with the application and prior to the appeal. However, such concerns are not influential factors upon the outcome of this appeal as the proposal is necessarily assessed on the basis of its effect upon amenity and public safety.

Conclusion

14. For the above reasons, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR