



Appeal Decision

Site visit made on 08 February 2024

By Terrence Kemmann-Lane JP DipTP FRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 23 February 2024

Appeal Ref: APP/B5480/W /23/3325490

Pavement to the front of 29 Station Road, Upminster, RM14 2SJ

- 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 JCDecaux UK Ltd against the decision of Havering London Borough Council.
- The application Ref P0151.23, dated 27 January 2023 , was refused by notice dated 15 May 2023.
- The development proposed is installation of an open access communication hub.

Appeal B Ref: APP/B5480/H/23/3325491

Pavement to the front of 29 Station Road, Upminster, RM14 2SJ

- 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 JCDecaux UK Ltd against the decision of Havering London Borough Council.
 - The application Ref A0006.23, dated 27 January 2023, was refused by notice dated 15 May 2023.
 - The development proposed is 2 x internally illuminated LCD advertisement displays.
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Decisions

Appeal A Reference APP/B5480/W/23/3325490

1. Appeal A is dismissed.

Appeal B Reference: APP/B5480/H/23/3325491

2. Appeal B is also dismissed.

Preliminary matters

3. As set out above, there are two appeals on this site. Appeal A relates to the physical structure and Appeal B to the advertisement display that it would carry. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two developments together, except where otherwise indicated.
4. As far as appeal B is concerned, the application form described the proposal as "advertisement consent to install an open access Communication Hub". The council changed this to "Advertisement consent for 2 x internally illuminated

LCD advertisement displays". I have adopted the council's description since it more accurately describes the proposals.

Description of the proposed unit and display

5. The proposed communications hub, subject of appeal A, would have a height of approximately 2.63m by 1.3m wide, with a side profile measuring 0.3m. The communication side of the unit includes a projecting canopy made of solar panels that power the light within the unit. The Hub is activated via a 32 inch touchscreen above a defibrillator cabinet, which is a standard feature on all the appellant's units. This side of the Hub also includes a charging point, emergency service line and local news channels. It incorporates free telephone calls to landlines and a range of other connectivity functions including Wi-Fi access. A touchpad is positioned at 1m from the ground to provide easy access for wheelchair users and the screen is designed with high contrast colours to assist the partially sighted. The integral defibrillator is said by the appellant to be unique to the Hub unit.
6. The advertisement display, subject of Appeal B, would be elevated by 530mm above the pavement. The advertisement face is integral to the Hub Unit design and comprises an ultra HD LCD screen for outdoor use making it visible in direct sunlight and able to automatically adjust to ambient changes. The screen can show both static and dynamic content which changes every 10 seconds. The images shown on the screen would change in a repeated sequence. In addition to commercial messages, the screen would be used to display local community messaging via the council's communication channel or could be used as a platform to promote local safety campaigns.

Main Issues

7. In respect of the advertisement appeal, my consideration of this case is confined to the issues of amenity and public safety. The main issues in both these cases are: i) the effect of the proposed hub and display on the character and appearance of the area; and ii) whether the proposals would lead to increased risk to pedestrian and highway safety.

Reasons

The site

8. The proposed Hub would be located on the footway in front of 29 Station Road. This building is part of terrace of between 2 and 4 storeys, with the ground floors in retail, restaurant and similar uses. It appears that some of the upper floors in the terrace are in use as offices, but a representation tells me that the upper floors of No 29 are in residential use. The paved area between the face of this part of the terrace and the kerb to the carriageway is some 8.4m across.
9. However, I am also told that the area immediately in front of the buildings is not part of the public footway. I observed that there is demarcation in the brick paviours used in this area which appear to show the limit of the public area. There are street trees in front of Nos 25 and 29 Station Road, the inner planting area of which is on this boundary. The inner side of the hub would be just inside the area of the public footway. Since the hub would have its main

operational and advertising faces orientated facing up and down the road, the width of the hub would reduce the width of the public footway to 2.3m.

10. Station Road appears to carry a substantial amount of traffic, at least during the day, including bus routes. There are bus stops immediately before the appeal site, and the junction of Gaynes Road with Station Road is alongside No.29. Gaynes Road itself is heavily trafficked for a side road because it provides access to the car park of an Aldi store.
11. As I have already mentioned, the footway in the vicinity of the appeal site has 2 street trees. In addition there are the bus stops with a shelter, street lamp standard and a street cabinet. It is the length of paving between the beginning of the bus stops and Gaynes Road that I consider is particularly relevant to making the judgements in these appeals; the footway on the other side of Gaynes Road, in front of the Trinity United Reformed Church, is of a different character and separates the appeal site from the commercial section of the road further to the north.

Planning policies

12. Policy 25 of Havering Local Plan 2016-2031 seeks to promote and enhance connectivity by supporting physical infrastructure, whilst Policy 26 promotes high quality design. The Mayor's London Plan 2021 includes Policy D4 – Good Design, and an objective to support the effective use of the public realm to accommodate well designed and suitably located mobile digital infrastructure.
13. These policies and the objective mentioned are consistent with the National Planning Policy Framework (the Framework). Paragraphs 114 states "*Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution)*".
14. In respect of outdoor advertising, Framework paragraph 136 of states that: "*The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.*"

The effect of the proposed hub and display on the character and appearance of the area

15. As can be seen from the description of the site and its surroundings given in paragraphs 8 to 11 above, the site is on a wide paved roadside area, but the public footway is quite narrow. The relevant stretch of footway has existing features, the bus stop, street lighting column, street cabinet and street trees, which at present do not present a cluttered appearance. Indeed, it is an

attractive well organised and paved area. I consider that the hub would add a visually unwelcome element into this street scene.

16. I consider that it is also relevant that there are restaurants immediately near by that might well use the private paving for outdoor tables and chairs. This would be an appropriate use of the area outside the restaurants, adding appropriate services to the public benefit. Since the hub would reduce the width of the public footpath, mentioned at the end of paragraph 9 above, it would result in the public footpath being less commodious for pedestrians, and its presence would be harmful to the character and appearance of the area.

Whether the proposals would lead to increased risk to pedestrian and highway safety.

17. I have noted that the Planning Practice Guidance, in relation to public safety, includes the following statement: *"All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. There are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline."* (Paragraph: 067 Reference ID: 18b-067-20140306).
18. The point at which the hub is proposed to be sited is just beyond bus stops, so that buses will be pulling out into the main stream of traffic at this point. This point is also immediately before the junction of Gaynes Road, via which probably the bulk of the users of the Aldi car park will enter and leave. Thus it is a point where there is potential for vehicle conflict, and where pedestrians are particularly vulnerable, because of the junction. It is also because the public footway would be reduced to just 2.3m if the private paved area were to be used for tables and chairs, which seems a very likely possibility. As a result the possibility of pedestrians stepping into the road is very real. Since the advertisement face of the hub would be in sight of drivers proceeding past the appeal site, I can also see that driver distraction is a valid cause for concern
19. These factors lead me to the view that the appeal proposal would result in an increased risk to pedestrian and highway safety.

Conclusions

20. For the reasons that I have set out above, I consider that the communications hub and the advertisement would have a harmful effect on the streetscene and the character and appearance of the area. In addition the proposed hub and advertisement would be likely to lead to an increased risk to pedestrian and highway safety.
21. I have taken account of all other matters raised, including the views of the Metropolitan Police. In particular I have given weight to the benefits of the proposal incorporating a facility for free telephone calls to landlines and a range of other connectivity functions including Wi-Fi access, and a defibrillator. These are public benefits, but do not outweigh the harms that I have identified.

22. I therefore consider that the proposals of the 2 appeals do not to comply with Policy 26 of the Havering Local Plan 2016-2031, London Plan Policy SI6 and the policies of the Framework taken as a whole. I will therefore dismiss both appeals.

Terrence Kemmann-Lane

INSPECTOR