



Appeal Decision

Site visit made on 8 February 2024

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2024

Appeal A Ref: APP/B5480/W/23/3325488

Pavement to front of 24 Station Lane, Hornchurch, RM12 3NJ

- 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 P0152.23, 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/23/3325489

Pavement to front of 24 Station Lane, Hornchurch, RM12 3NJ

- 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 A0004.23, 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/23/3325488

1. Appeal A is dismissed.

Appeal B Reference: APP/B5480/H/23/3325489

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 descriptions since they more accurately describe 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 24 Station Lane. At this point, Station Lane runs south to Hornchurch Station, but to the north it bifurcates around an island, which forms a one-way roundabout in the local road system, the northern limb of which is High Road (A124) that carries the eastbound flow. Number 24 is at the southern point where Station Lane runs north-west. The island is formed around a large restaurant complex. The whole of this rotary system forms the heart of Hornchurch shopping centre. Coming from the south, along Station Lane, immediately before the bifurcation, is Appleton Way, running south and accessing a residential area.
9. The appeal site is at the point where the 2-way north going element of Station Lane joins the rotary part of the system. Here there are give-way markings on the carriageway, immediately before which is a pedestrian crossing to a triangular traffic island. This island is then joined to the other elements of Station Lane by 2 more pedestrian crossings. To the north of the give-way marking is a ghost island that separates a length of bus stops from other traffic.

10. On the pavement, in the immediate vicinity of the point where the hub would be sited, are a pair of cycle bars, followed by 2 street trees and other street furniture. At the back edge of the footway are 3 and 4 storey terraces with shops and what appear to be residential flats above.

Planning policies

11. 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.
12. 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)"*.
13. 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

14. As can be seen from the description of the site and its surroundings given in paragraphs 8 to 10 above, the site is set at a busy gyratory system, in the immediate vicinity to pedestrian crossings and a length of bus stops. The street furniture is restrained and appears carefully thought out as part of a recent improvement to the streetscape. I consider that the proposed hub and its advertisement display would look distinctly out of place on this site, so that it would be harmful to the character and appearance of the area.

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

15. 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).

16. The point at which the hub is proposed to be sited is where Station Lane bifurcates around an island development with a large building mainly occupied by a restaurant. As is depicted in paragraph 9, there are give-way lines, pedestrian crossings and a length of bus bays from which general traffic is diverted by a ghost island. The advertising screen would face the give-way lines and pedestrian crossing. These features and others that I have described lead me to the view that the appeal proposal would be a distraction, leading to an increased risk to pedestrian and highway safety.

Conclusions

17. 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 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. I have taken account of all other matters raised, in particular the benefits of the proposal in 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.
18. 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