



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: 26.02.2024

Appeal A Ref: APP/B5480/W/23/3325486

Pavement to front of 141 High St, Hornchurch, RM11 3YD

- 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 Mr Martin Stephens, of JCDecaux UK Ltd, against the decision of Havering London Borough Council.
- The application Ref P0153.23, 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/Z/23/3325487

Pavement to front of 141 High St, Hornchurch, RM11 3YD

- 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 Martin Stephens, of JCDecaux UK Ltd, against the decision of Havering London Borough Council.
 - The application Ref A0007.23, 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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Decision

Appeal A Reference APP/ B5480/W/23/3325486

1. The appeal is allowed and planning permission is granted for installation of an open access communication hub at pavement to front of 141 High St, Hornchurch, RM11 3YD in accordance with the terms of the application, Ref P0153.23, dated 27 January 2023, and the plans submitted with it, subject to the conditions set out in the schedule at the end of this decision.

Appeal B Reference: APP/ B5480/Z/23/3325487

2. The appeal is allowed and express consent is granted for 2 x internally illuminated LCD advertisement displays at pavement to front of 141 High St, Hornchurch, RM11 3YD in accordance with the terms of the application, Ref A0007.23, dated 27 January 2023, and the plans submitted with it, subject to the conditions set out in the schedule at the end of this decision.

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 describing 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 down 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 can 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 through the siting and design of the communications hub close to the back-edge of the highway.

Reasons

The site

8. The proposed Hub would be located on the footway outside of 141 High Street which is on the radius of the junction of High Street with North Street. Number 141 is in a 3-storey terrace which has shops and other business premises on the ground floor and flats on the upper 2 floors. The frontages on the other side of High Street and on North Street are of similar scale and in similar uses. North Street enters High Street at an angle, and there is a separate right turn lane for traffic coming from the south-east which is separated from the straight on flow by a traffic island. This junction is controlled by traffic lights which have a filter for right turning traffic and include pedestrian crossing phases. High

Street is designated as the A124 and appears to carry a steady flow of traffic, including a number of bus routes.

Planning policies

9. 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.
10. 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)"*.
11. 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

12. As can be seen from the description of the site and its surroundings given in paragraph 8 above, the site is set at a road junction. However, the pedestrian pavement is reasonably wide, at 5m, although the hub, with its off-set from the kerb, would reduce this to 3m (these dimensions are very marginally rounded down). There is a street lighting column just on the junction side of the site, and a further column just beyond with a street tree and traffic light column in between. Nevertheless, this area is generally free of clutter, and is within an area dominated by shop and commercial frontages. I consider that the hub unit and display would not have a harmful effect on the character and appearance of the area

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

13. The point at which the hub is proposed to be sited is close to the edge of the carriageway at the somewhat complicated junction of High Street with North Street, as described in paragraph 8 above. The advertising panel side of the hub would face towards the junction. Whilst High Street and North Street have steady flows of traffic, this junction is controlled by traffic lights, including a right filter for the separate lane for vehicles coming from the south-east, and with controls for the pedestrian crossings. I therefore consider that this is a well-engineered junction, so that I do not consider that the hub and its

advertisement panel would be likely to lead to increased risk to pedestrian and highway safety.

14. 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).
15. I have also noted the comments from the Metropolitan Police Traffic Management Unit and the consultation response made by Transport for London referred to in the officer's report. But these do not lead me to a different conclusion.

Conclusions

16. For the reasons that I have set out above, I consider that the communications hub and the advertisement would not have a harmful effect on the character and appearance of the area. In addition the proposed hub and advertisement would not be likely to lead to an increased risk to pedestrian and highway safety.
17. I will therefore allow both appeals.

Conditions

18. In respect of appeal A, The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested a number of conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance. I consider that the conditions should be imposed for the following reasons: condition 2 is to ensure community safety and in the interests of general amenity; and condition 3 is to ensure that the site is returned to a satisfactory condition at the end of life of the apparatus.
19. In respect of Appeal B, the council has also suggested conditions; I will impose these for the following reasons: conditions 1 to 5 are required and specified by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007; condition 6 is to meet the recommendations of the Institute of Public Lighting Engineers Technical Report No. 5 (Third Edition) in the interests of living conditions of neighbours and general amenity; conditions 7 is in the interests of sustainability and highway safety and general amenity; conditions 8 to 13 are in the interests of highway safety and general amenity.

Terrence Kemmann-Lane

INSPECTOR

Schedule of Conditions

Appeal A Ref: APP/B5480/W/23/3325486

1. The development to which this permission relates must be commenced not later than three years from the date of this permission.
2. This Communication Hub must be managed in accordance with the agreed Unit Management Plan (v2 September 2022) and must include the ongoing use of a system to identify repeated anti-social number use, with a review after the first three months of installation between police and JC Decaux to assess any issues arising. Any change to the Unit Management Plan should be approved by the local planning authority and the Metropolitan Police Designing Out Crime Team. The Unit Management Plan must remain for the lifetime of the device.
3. The equipment hereby permitted shall be removed from the site when it becomes redundant and the surrounding land made good.

Appeal B Ref: APP/B5480/Z/23/3325487

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:-
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. The degree of illumination during the day should not exceed 2500 Cd/m² and 300 Cd/m² in the hours of darkness.
7. The screen shall be designed so that in the event of breakdown it shall automatically power off to prevent flashing error messages being displayed and shall be so maintained.

8. The main facing advertisement panel (non-kiosk side) shall not display commercial or community messages and shall be powered off between 11:59PM and 06:00AM.
9. No special visual effects of any kind are permitted during the time that any message is displayed. The displayed image must not include animated, flashing, scrolling, intermittent or video elements.
10. No visual effects of any kind to be permitted to accompany the transition between any two successive messages. The replacement image must not incorporate any fading, swiping or other animated transitional method.
11. The minimum time between successive displayed images shall be 10 seconds.
12. The sequencing of messages relating to the same product is prohibited.
13. No advertisement to resemble traffic signals.

End of conditions