



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/23/3325480

Pavement in front of Romford Railway Station, South Street, Romford, RM1 1SX

- 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 P0157.23, dated 27 January 2023, was refused by notice dated 15 May 2023.
- The development proposed is installation of an open access communication hub unit.

Appeal B Ref: APP/B5480/Z/23/3325481

Pavement in front of Romford Railway Station, South Street, Romford, RM1 1SX

- 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 A0010.23, 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/23/3325480

1. Appeal A is dismissed.

Appeal B Reference: APP/B5480/Z/23/3325481

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. The application form gives the site address as "pavement opposite Romford Tube Station", as did the appeal form. However, the council describes the location as "Pavement in front of Romford Railway Station". This is a somewhat

semantic change, but one that more correctly describes the site's location. I have used this in the headings above.

5. The application forms, for both the application for planning permission and for the consent to display advertisement, described the development as "planning permission and advertisement consent to install an open access communication Hub". The council used the description for the planning application as "Installation of an open access Communication Hub", and for the advertisement, described the proposal as "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

6. 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.
7. 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

8. 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 and within proximity of the railway station.

Reasons

The site

9. The proposed Hub would be located on the footway in the immediate vicinity of Romford Railway Station. This station serves the East Anglia Main Line, the main line into London Liverpool Street Station; the London Overground; and the recently completed east-west cross-London Elizabeth Line. It would be either under, or very nearly under, the bridge carrying the railway across South

Street. At this point the carriageway is restricted by the span of the bridge and the footways are relatively narrow at 5.43m at the site. It is thus a spatially constrained location and one that produces a sense of enclosure. The immediate vicinity is somewhat cluttered, having street light columns, a post box, a tall vertical directions unit, and projecting signs for the various rail lines that are served by the station.

Planning policies

10. 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.
11. 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)"*.
12. 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

13. The description of the site and its environs given in paragraph 9 above demonstrates an enclosed situation where the introduction of the hub unit set at right-angles to the axis of the footway would be a major visual and intrusive feature. For these reasons the proposed hub and display would have a harmful effect on the character and appearance of the area. The advertising screen would be a distraction that would reinforce this conclusion.

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

14. At this point the highway is constrained in width by the railway bridge and appears to be a busy traffic route, particularly for buses, within the town centre enclosed by the ring road of St Edwards Way, Mercury Gardens, Thurloe Gardens, etc. The carriageway and the footpath will no doubt be highly congested, particularly with buses and pedestrians at times of peak travel, when the station would be both accepting incoming passengers as well as disgorging arrivals. In addition, South Street is an internal north-south axis for the town centre, and therefor has a pedestrian footfall beyond those arriving at or leaving the railway station.

15. I note 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. In the circumstances of this site, experience strongly suggests that pedestrians will be prone to step off the footpath onto the carriageway. The intrusive presence of the hub would only be likely to exacerbate this possibility. The distraction of the advertisements would also be likely to add to the risk, both for pedestrians and for drivers. I therefore consider that the proposals would lead 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 lead to an increased risk to pedestrian and highway safety. I have taken account of all other matters raised, in particular I have considered 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