



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/23/3325484

Pavement to front of 35 High Street, Hornchurch, RM11 1TP

- 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 P0154.23, dated 27 January 2023, was refused by notice dated 15 May 2023.
- The development proposed is installation of an open access communication hub unit with defibrillator.

Appeal B Ref: APP/B5480/Z/23/3325485

Pavement to front of 35 High Street, Hornchurch, RM11 1TP

- 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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Decisions

Appeal A Reference APP/B5480/W/23/3325484

1. Appeal A is dismissed.

Appeal B Reference: APP/B5480/Z/23/3325485

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 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 with defibrillator", 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

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 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 35 High Street, a shop unit within a row of shops, restaurants and similar businesses. The proposed site is within the radius of the access to a car park, primarily serving a sizeable Lidl store on the other side of the access. In the immediate vicinity that is a tall totem sign for Lidl, a street light column and a street cabinet. A short distance away is a substantial tree in the footway, planters, and a bus stop. Almost immediately opposite the car park entrance is the junction of Abbs Cross Gardens with High Street, serving a wide residential area. High Street is designated the A124, and appears to carry a steady flow of traffic.

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, there are currently a number of items of street furniture in the immediate area, together with softer items such a planter and the street tree. The appeal proposal would place the hub immediately next to the tall Lidl totem sign, the lighting column and the street cabinet. Not only does this indicate an unfortunate cluster of objects that would exist with the proposed hub, but the hub would line up, or nearly so, with the Lidl totem and they would have the same orientation across the footpath. The unsatisfactory nature of the situation, if the hub were in place, is not because the Hub would add to obstructions to the pavement, since the width is given as 13.63m, but because I consider that the cluster of objects would form a most unsatisfactory relationship that would be harmful to 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 and within the radius of the car park access as it joins the High Street. The advertisement face of the hub would look across this access road. In addition, in terms of potential driver distraction, there is the junction immediately opposite the site, which means that particular care should be taken in allowing any extra distracting elements in a driver's view when negotiating this stretch of the highway.
14. 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).

15. In the circumstances of this site, the intrusive presence of the hub would be likely to aggravate the possibility of the advertising screen on the hub distracting drivers. The distraction of the advertisements would also be likely to add to the risk for pedestrians who are crossing the car park access road, going to or coming from Lidl and the other premises on each side of the site. I therefore consider that the proposals would lead to an increased risk to pedestrian and highway safety.

Conclusions

16. 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.
17. 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