Local Planning Authority Appeal Statement

Proposal: Installation of an internally illuminated digital Advertised Communication Hub Unit with Defibrillator

Location: Pavement o/s, 44-50 High Street, Eastleigh, SO50 5LE

Local Authority Reference(s): F/24/98496 & A/25/98752

Planning Inspectorate Reference(s): APP/W1715/W/25/3363428 & APP/W1715/Z/25/3363430

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1.0 Introduction

1.1 This statement sets out the particulars of the Council's case in respect of the planning appeals referenced APP/W1715/W/25/3363428 & APP/W1715/Z/25/3363430 lodged by JC Decaux on behalf of Infocus Public Networks Limited. The appeal is made following the refusal of planning permission and advertisement consent on 20th December 2024 and 7th February 2025 under Local Planning Authority references F/24/98496 & A/25/98752 respectively.

1.2 The Local Planning Authority advises that the previously forwarded Officer Reports together with matters of clarification and responses to the Appellant Appeal Statement, as set out herein, form the basis of the Local Planning Authority's Statement.

1.3 By way of correction, it is noted that the appellant's appeal form indicates that the application site is within Somerset, which it is not, being in Hampshire.

2.0 Background

2.1 Appeal matter APP/W1715/W/25/3363428 was validated as a full planning application on 14th November 2024 and was refused planning permission on 20th December 2024.

2.2 Appeal matter APP/W1715/Z/25/3363430 was validated as an application seeking advertisement consent on 16th January 2025 and was refused consent on 7th February 2025.

2.3 Both submissions were refused for a single reason, which are similar, differing only to reflect the application types, and were as set out below.

Full planning application (F/24/98496) reason for refusal;

1. **The proposed development would reduce the flexibility of space enjoyed by pedestrian users and create an obstruction to the flow of pedestrian movements to the Town Centre to an unacceptable extent. As such this is in conflict with**

the principles of policies DM1 and E3 from the Eastleigh Local Plan (2016-2036)

Advertisement application (A/25/98752) reason for refusal;

1. **The proposed advertisement sign would reduce the flexibility of space enjoyed by pedestrian users and create an obstruction to the flow of pedestrian movements to the Town Centre to an unacceptable extent. As such this is in conflict with the principles of policy DM1 from the Eastleigh Local Plan (2016-2036).**

2.4 Relevant Development Plan policies are set out within the reasons for refusal but are also discussed and expanded upon within the delegated Officer Reports.

3.0 Appeal Site and Surroundings

3.1 The hub unit is proposed to be sited on the pavement of the High Street commercial area immediately outside of a Pet Corner shop, and in close proximity to a bin. Street furniture at this section of the High Street is predominantly limited to attractive cast metal lighting, bins, parking metres, and highway signs. By virtue of their low height, or slender dimensions, these do not have a significant presence in the street, which has wide pavements and parking, with its purpose as a commercial area with associated footfall expressed. The character of the area is further enhanced by a number of trees and planters, and by modest advertisements that are not highly illuminated.

3.2 The Council are currently engaged in a major consultation programme about the future of the Town Centre and how to maximise the potential for regeneration, including a trial pedestrianisation of the High Street.

4.0 Statement of Case

4.1 In expanding upon the reasons for refusal, the delegated Officer Reports identify, in summary, that the scheme would cause harm through;

- The reduction in the width of the footway, restricting pedestrian ease of movement, and thus enjoyment of the space.
- Restriction to visibility for pedestrians and vehicles, which in itself is a safety implication.
- Reducing the flexible use of the space and introducing clutter.

Comments Upon the Appellant's Appeal Statement

4.2 At page 3 of 4 of the Apellant's Statement under '1. Grounds of Appeal', at the first bullet point it is indicated that the proposal complies with Development Plan policy *"by maintaining a sensitive siting process, with the aim to deliver significant public benefits whilst ensuring that any perceived harm is mitigated".*

4.3 It is not known what assessment stages the appellant's sensitive siting process involved. It is not clear if other sites were explored, why the sites chosen were chosen in preference to others, or why the chosen design was identified with reference to the local context. As set out within the Council's reason for refusal, the Council consider that the proposal is harmful.

4.4 Also within the first bullet point is an indication that the proposal complies with the NPPF as it would meet the needs of the present and future generations. No evidence of need for the illuminated advertisement, or electronic infrastructure is provided. It is noted that there are permitted development allowances for defibrillators, and thus need could be delivered in other less intrusive/impactful ways. The planning balance is, however, considered further below.

4.5 The appellant second bullet point indicates, without evidence, but by way of reference to Transport for London guidance, that the proposal can be accommodated without obstructing pedestrian or vehicle movement, referencing the size of the pavement as 4.2 metres in this location (the width of the proposed unit not being referenced, but shown as 1.338 metres on

submitted plan 'Communication Hub – Unit Elevations') and a set back from the carriageway of 0.6 metres. This would reduce the effective width of the pavement (the structure and the offset from the kerb) by a significant 46.14%.

4.6 Transport for London (TfL) guidance is not considered to be relevant to the consideration of the proposal. The application site is not located in London. TfL guidance, even in London would only apply to TfL streets, i.e. the streets where public transport operates, and only where adopted as guidance by a London Borough. TfL guidance in any event would not override the need for planning permission, or consideration of relevant pedestrian and/or highway implications for any such proposal on its merits and against relevant local and national planning policy. The TfL guidance does not explicitly state that in all scenarios will such proposals be acceptable. There may well be scenarios in London for example that do not relate to commercial areas, where pedestrians may step out to crossroads, there may be railings, or dual carriageways/busy roads where crossing is not possible. Furthermore, the single page provided of a 338 page Streetscape Guidance document for London, does not consider the document as whole, including statements elsewhere within the guide, such as *"designers should also consider pedestrian flows to determine appropriate placements"* (page 247) and with multiple references to the importance of cohesion and holistic design approaches, such as within the introduction (page 6), *"To highlight the design considerations required for appropriate layout, material selection, application and maintenance, and to reinforce best practice design principles, ensuring that a high quality approach to street design is implemented across London."* Conversely, the proposal is a speculative proposal, that does not appear to have undertaken any site specific design appraisal, and seeks to impose a standard designed unit without consultation with, or consideration of, the Council approach to the street, or the Council future direction for holistic town centre enhancements for the user.

4.7 The Appellant's third bullet point suggests that by being a hub the proposal consolidates multiple functionalities thus reducing the number of structures on the pavement. The logic here is not followed. None of the offerings, other than the illuminated advert within the proposed unit appear to require a location within the pavement. CCTV, Wi-Fi and defibrillators could all be located discretely on buildings, as CCTV and Wi-Fi already are. 4G and 5G is freely available in the town centre. In terms of telephony, ONS data

(https://www.ons.gov.uk/aboutus/transparencyandgovernance/freedomofinformationfoi/percentageofhomesandindividualswithtechnologicalequipment) indicates that in 2022 93% of households had access to a mobile phone. BT are closing call boxes due to a decrease of 97.5% in use between 2002 and 2019 (page 3)[1]. Notwithstanding this, there is a public payphone 180 metres north of the proposed site at the public square to the north of the junction of High Street and Leigh Road. A town information board is also located approximately 15 metres south of the application site.

5.0 Planning Balance

5.1 The applicant Planning Statement sets out the anticipated benefits of the proposal. It is stated that, *"The available benefits include free calls to landlines and charities, free wi-fi and device charging, wayfinding via the 32" touchscreen and instant access to the emergency services when needed. However, one of the most important features is the inbuilt defibrillator, which is accessible 24 hours a day."* These are all clearly public benefits. However, as set out above, other than the illuminated advertisement, these do not necessitate a location within the footpath. The benefits of free wi-fi, wayfinding, and access to emergency services are minor by virtue of significant access to private mobile phones, free wi-fi already in existence, wayfinding already present (in close proximity) and a call box within the vicinity. The delivery of a defibrillator would be a public benefit of more weight, and whilst one does exist at the British Heart Foundation store approximately 80 metres to the north, this is not always open, and one does also exist less than 400 metres distant (at Eastleigh House – the council offices), that is an approximate five minute walk. There are also three within the Swan Centre and one at the Railway Station.

5.2 The significant harms to the public realm and safety are as set out within the Council reason for refusal and delegated Officer Report. These are considered to significantly and demonstrably outweigh the public benefits of the proposal, in particular noting that the key benefit, the provision of a defibrillator, could be achieved by other means without the associated harms.

[1] https://business.bt.com/help/article/phone-line-and-services/payphones/payphones-service-levels-closures/

6.0 Other Matters

6.1 The submitted 'Infocus Communication Hub – Hub Detail' document indicates "Daytime limit level 2000 Cd/m2 and night time level 600Cd/m2", which is supported by the submitted 'Communication Hub Unit Management Plan' document (v2 September 2022) (at page 11 of 12) where it is indicated that the screens would emit a luminance level of 600 candelas at night, but daytime luminance is not referenced. The submitted Planning Statement, however, indicates that the intensity of the illumination shall not exceed 300Cdm/2. The submitted application form, indicates 600 Cd/m2. Whilst the inconsistencies are noted, the Council are of the view, without prejudice to its position, as set out within the suggested conditions, that should the appeal be allowed, the lower level of illuminance should be applied.

6.2 The submission is speculative, whereas, as noted at paragraph 3.2, Eastleigh Borough Council are seeking to deliver a cohesive design approach to the town centre public realm in a well thought out and integrated way. Eastleigh Borough Council and Hampshire County Council wish to consider the design and locations for all public realm paraphernalia that best fits with the wider look and feel and contributes to the place-making in a co-ordinated manner. A piecemeal and speculative submission does not achieve this objective. Furthermore, it is key that given the public realm location and ownership (as acknowledged by the applicant in serving notice), and that both Councils object to the proposal, that standard advert condition 1 cannot be complied with, as this states that, *"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".* Therefore, such a condition would be ultra vires.

7.0 Conclusion

7.1 The Council maintains that the proposed development would result in an unacceptable impact on pedestrian movement, visual amenity, and the overall quality of the public realm within the Town Centre. While the proposal offers some public benefits, these are either already available through alternative means or could be delivered in less intrusive ways. The speculative nature of the application, lack of site-specific justification, and conflict with adopted policies DM1 and E3 of the Eastleigh Local Plan (2016-2036) reinforce the Council's

position. As such, the appeal proposals fail to demonstrate that the benefits outweigh the clear and demonstrable harm, and the Council respectfully requests that both appeals be dismissed.

Suggested Planning Application Conditions – Appeal APP/W1715/Z/25/3363428

1 The development hereby permitted shall start no later than three years from the date of this decision.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall be implemented in accordance with the following plans numbered: Location Plan, Communication Hub – Unit Elevations.
Reason: For the avoidance of doubt and in the interests of proper planning.

3 The materials to be used must match as closely as possible, in type, colour and texture those listed in the application form.
Reason: To ensure a satisfactory visual appearance in the interest of the amenities of the area.

Suggested Advertisement Conditions – Appeal APP/W1715/Z/25/3363430

1 The development hereby permitted shall be implemented in accordance with the following plans numbered: Location Plan, Communication Hub – Unit Elevations.
Reason: For the avoidance of doubt and in the interests of proper planning.

2 This consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.
a) No advertisement to be displayed without the permission of the owner of the site (this includes land or buildings where the advertisement is displayed), or any other person with an interest in the site entitled to give permission.
b) The siting or display of an advertisement is prohibited if it endangers anyone using any highway, railway, waterway, dock, harbour or aerodrome (civil or military), or would obscure or hinder the ready interpretation of any traffic sign, railway sign or aid to navigation by water or air. It also prohibits the siting or display of an advertisement that would hinder the operation of any device used for the purpose of security or surveillance (such as closed-circuit

television cameras), or for measuring the speed of any vehicles (speed cameras or other speeding measuring devices).

c) The advertisement and any land or building used for the purpose of its display to be maintained in a reasonably clean and tidy condition so that it does not impact the visual amenity of the site.

d) Any structure or hoarding used for the display of advertisements to be maintained in a safe condition that does not endanger the public.

e) Following the removal of advertisement the site shall be left in a condition that does not endanger the public and in a reasonably clean and tidy condition so that it does not impact the site's visual amenity.

Reason: To comply with the advertisement regulations.

3 The illumination of the consented sign shall be no greater than 300 candela per square metres. The advertising screen shall be turned off each day and remain turned off between 11:59 p.m. and 6:00 a.m. of the following day.

Reason: In the interests of highway safety/amenity and the general amenities of the area.