

Recommendation Report for Planning Permission

REF NO: BR/13/25/PL

LOCATION: Land opposite 19 London Road
Bognor Regis
PO21 1PQ

PROPOSAL: Installation of 1 No. new communications kiosk with integrated defibrillator and advertising display. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	None of any significance affected by the proposed development.
SITE CHARACTERISTICS	Paved public highway with street furniture and mixed-use developments on either side.
CHARACTER OF LOCALITY	Commercial use.

No relevant planning history.

REPRESENTATIONS

Bognor Regis Town Council - No response received.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

West Sussex County Council - The Local Highway Authority (LHA) does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

If the Local Planning Authority (LPA) are minded to approve the application, the mentioned conditions and informative should be applied.

Economic Regeneration - No response received.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Within Town Centre Retail Boundary.
 Within Economic Growth Areas.
 Within proximity of Southern Water Sewer Lines.
 Pagham Harbour Zone B.
 Within an area with potentially high groundwater levels.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1 D DM1 Aspects of form and design quality

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

DESIGN AND VISUAL AMENITY

The current application seeks permission for the installation of a communication kiosk with a defibrillator and advertising display. The kiosk structure would have a height of 2.5m, a depth of 1.09m and a width of 0.7m. The internal structure would be constructed from stainless steel with a black steel powder coated outer cladding. The kiosk would also have a 1.6m by 0.9m Liquid Crystal Display (LCD) for advertising which would be recessed behind a 9mm toughened laminated safety glass. A side panel with glazing is proposed.

Internally, the kiosk would contain a telephone and a defibrillator. It is acknowledged that the current kiosk is a modern example of existing telephone booths. However, it is important to address the requirement of such kiosks in the proposed locations. London Road is a paved road with high pedestrian footfall. The kiosk would be within close proximity to public seating and other street furniture including a lamp column, refuse bin and tree, and as such the proposed kiosk would add to the existing equipment, resulting in a cluttered appearance within the street scene and detracting from the existing shopfronts along this part of London Road.

During the course of the application, the applicant submitted a statement which included some details regarding the requirements for defibrillators, stating that the locations have been selected to support the provision of defibrillators. According to Resuscitation Vol.167, Oct 2021, there is a 37.1% chance to save a life if the person is suffering from cardiac arrest and is within a 100m radius of the defibrillator, a 22% chance to save a life if the person is within a 200m radius of the defibrillator and a 12.8% chance of survival if the person is within a 300m radius of a defibrillator. In terms of time, survival rate was 35.2% for people receiving AEDs within 5 minutes, 36.6% between 5 minutes to 10 min, and 28.4% for longer than 10 minutes. Notwithstanding this, it is noted that there are at least four defibrillators (according to www.defibfinder.uk) located within approximately 350m to the proposed kiosk, two of which are within 100m (1 minute walk) of the proposed location. As such, it has not been demonstrated that there is a requirement for another in this location.

The proposed kiosk would also contain a public call box. The applicant has stated that the locations were selected to ensure a suitable base level of coverage of telephony across Arun DC. The covering letter submitted in support of the application states that public call boxes can provide a safety net for people without access to a landline or working mobile phone. In areas with poor mobile coverage or without a phone, a public call box can be the only option for making calls, including to the emergency services. Notwithstanding this, further research via Ofcom shows that 5G mobile signal is likely for the majority of mobile phone providers in this location, thus poor mobile phone coverage does not exist in this location.

The Integrated Digital Display is for advertising purposes and would portray static advertising images that would change every 10 seconds. The kiosk is proposed in a cluttered retail area with advertising/hoardings on either sides of London Road. The LHA have recorded no objection to the works, however as the location of the kiosk would not be suitable, and the display panel for advertising would increase the prominence of the kiosk and the proposal would result in harm to the character of the area.

For the reasons outlined above, the proposed development would result in demonstrable harm to the character and appearance of the street scene and is therefore contrary to Arun Local Plan policy D DM1, the Arun Design Guide and the NPPF.

NEIGHBOURING RESIDENTIAL AMENITY

The kiosk would be located on the land opposite 19 London Road. Due to its scale and its position, the

kiosk would not result in any overbearing, overshadowing, or overlooking effects to neighbouring amenity.

The proposal is in accordance with policy D DM1 of the Arun Local Plan in that it would not result in unduly harmful adverse overshadowing, overlooking or overbearing effects on neighbouring properties.

CONCLUSION

The proposed kiosk, by reason of its siting would be within close proximity to existing public seating and street furniture, resulting in additional clutter within the street scene of London Road. The kiosk would be a visually obtrusive form of development, detracting from the existing shopfronts and would result in demonstrable harm to the character of the locality and visual amenity of the street scene. The proposed development is therefore contrary to Arun Local Plan policy D DM1 and the NPPF (2024).

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

REFUSE

- 1

The proposed kiosk, by reason of its siting would be within close proximity to existing public seating and street furniture, resulting in additional clutter within the street scene of London Road. The kiosk would be a visually obtrusive form of development, detracting from the existing shopfronts and would result in demonstrable harm to the character of the locality and visual amenity of the street scene. The proposed development is therefore contrary to Arun Local Plan policy D DM1 and the NPPF.

- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.