

Recommendation Report for Planning Permission

REF NO: BR/15/25/PL

LOCATION: Land Opposite 54 High Street
Bognor Regis
PO21 1SP

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

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE CHARACTERISTICS	Paved footpath with street furniture and trees. Mixed-use developments to one side of footpath.
CHARACTER OF LOCALITY	Mixed use area.
No relevant planning history.	

REPRESENTATIONS

Bognor Regis Town Council - No objection.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Economic Regeneration - Economic Development object to this application. The proposed site for this kiosk is in a narrow, paved area of Bognor Regis High Street where there is already street furniture. We consider this adds nothing to the street scene and that there are far better sites available.

Natural England - No response received.

Drainage engineer - No response received.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Within Town Centre Retail Boundary.
 Within Economic Growth Areas.
 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
WDM2	W DM2 Flood Risk

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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. High Street is a paved road with high pedestrian footfall. The kiosk would be within close proximity to public seating and other street furniture including bus stops, refuse bins and trees, 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 High Street.

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 two defibrillators (according to www.defibfinder.uk) within approximately 85m to the proposed kiosk, and four within 300m 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, 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. It is also noted that there is phone booth near Methodist church further down High street.

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 High Street. Economic Regeneration have recorded their objection to the works as the proposed site for this kiosk is in a narrow, paved area of Bognor Regis High Street where there is already street furniture. The proposed location of the kiosk would not be suitable, and the display panel for advertising would increase the prominence of the kiosk, detracting from the existing shopfronts and it would therefore result in harm the character of the area. It is also noted that the area where the kiosk is proposed is narrow lined with street furniture and trees and the addition of a kiosk in this location will further add to this clutter.

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, and the NPPF.

NEIGHBOURING RESIDENTIAL AMENITY

The kiosk would be located on the land opposite 54 High Street. Due to its scale and its position, the kiosk would not resulted in any overbearing, overshadowing, or overlooking effects.

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.

FLOOD RISK

The management of surface water drainage is of significance to reduce flood risk in the locality. It is noted the drainage engineers have provided no response.

Given that the kiosk is not located within any flood zones and Lindsey catchment area, the proposed works are not thought to increase flood risk in the locality.

For the reasons outlined above, the proposed development would not increase the chances of flooding elsewhere in the District and the proposal is therefore in accordance with policy W DM2 of the Arun Local Plan.

CONCLUSION

The proposed kiosk, by reason of its siting would be at close proximity to existing public seating and street furniture, resulting in additional clutter within the street scene of High Street. 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 and wider area. 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 High Street. 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.