

Recommendation Report for Planning Permission

REF NO: BR/163/25/PL

LOCATION: Pavement o/s Nationwide
44 High Street
Bognor Regis
PO21 1SP

PROPOSAL: Removal of associated existing BT payphone(s) and kiosks and installation of 1 No BT Streethub unit. This application affects the setting of listed buildings and is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

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| DESCRIPTION OF APPLICATION | The application seeks to remove a payphone and replace with 1.No BT Streethub unit. |
| SITE CHARACTERISTICS | Paved footpath with street furniture and trees. Mixed-use developments to either side of the road. |
| CHARACTER OF LOCALITY | Town centre high street with some residential accommodation on upper floors. |

REPRESENTATIONS

Bognor Regis Town Council provided no objection.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Note.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Economic Regeneration - No objection, as this is based on replacing an existing asset to a more modern kiosk.

WSSC Highways - No objection subject to illuminance levels.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary

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

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|--------|--|
| DDM1 | D DM1 Aspects of form and design quality |
| HERDM1 | HER DM1 Listed Buildings |
| HERSP1 | HER SP1 The Historic Environment |

PLANNING POLICY GUIDANCE:

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|------|-------------------------------------|
| NPPF | National Planning Policy Framework |
| NPPG | National Planning Practice Guidance |

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 it does not result in harm upon the character of the area, amenity or heritage assets.

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.

BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain (BNG) as it is below the de minimis threshold.

CONCLUSIONS**DESIGN AND VISUAL AMENITY**

The application seeks permission for the installation of 1No. Streethub Kiosk. The kiosks are for advertising purposes and would portray static advertising images. It does also provide free phone calls

and wi-fi. It can display real time information such as weather or traffic news.

The structure will replace an existing telephone box, albeit it will be taller. The kiosk structure would have a height of 2.9m, depth of 0.35m and a width of 1.2m. It would be constructed of galvanised steel with a powder coated aluminium exterior. The kiosks display for advertising will be tempered and toughed laminate glass on either side of the kiosk.

The kiosk would be within close proximity to public seating and other street furniture including bus stops, refuse bins and trees. Whilst this does somewhat add to existing street clutter, in this case, it is sited in replacement of an existing telephone box and would take up less space on the footway than compared to existing telephone box and is slimmer than the existing structure.

The Streethub advertisements will be more visible during the hours of darkness or in dull conditions due to the advertising screen although, its appearance would not be out of keeping with this stretch of road which is well lit by streetlights and window displays.

A total of 4.2m of pavement is retained in this specific location which ensures there is ample room for pedestrians.

The proposed location of the kiosk in this case, is acceptable and the display panel for advertising would not detract from the existing shopfronts and it would not result in harm upon the character of the area and is therefore it complies with ALP policy D DM1 and the NPPF.

NEIGHBOURING RESIDENTIAL AMENITY

The kiosk would be located on the pavement outside No.44 High Street. Due to its scale and position, the kiosk would not result in any overbearing and overshadowing impacts.

The display screen would introduce some additional light however the illuminance levels will be conditioned at 300cd/m² which is recommended by WSCC Highways.

The proposal would not result in harm upon neighbouring amenity in accordance with ALP policy D DM1.

HERITAGE ASSETS

Policy HER DM1 seeks to protect listed buildings. The William Hardwicke Pub is approximately 75m to the east of the kiosk and is Grade II listed. There are buildings of character directly to the east and whilst the kiosk is in closer proximity to these non-designated assets, policy HER DM2 specifically relates to the alterations or extension of these buildings. As the kiosk does not result in alterations, the proposal is acceptable with regards to the non-designated assets.

The kiosk is to be in an established urban setting that already accommodates a variety of street furniture. The submitted photomontage demonstrates that the unit would be read in the context of this existing street furniture and the surrounding commercial frontages.

Due to the minor scale of the development and the separation between the kiosk and heritage asset, the proposal would not result in harm upon the significance of the listed building.

The proposal would not result in adverse harm in compliance with ALP policy HER DM1 and the NPPF.

CONCLUSION

The proposed kiosk would not result in harm upon the character of the area, nor upon amenity or heritage assets and complies with relevant policy. The development is therefore recommended or approval subject to conditions.

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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

- Location Plan - 001 Rev A
- Proposed Site Plan - 002 Rev A
- Proposed StreetHub Elevations - 003 Rev A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

- 3 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 4 **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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the NPPF.