

Recommendation Report for Planning Permission

REF NO: BR/166/25/PL

LOCATION: Pavement o/s Iceland
72-74 High Street
Bognor Regis
PO21 1SJ

PROPOSAL: Removal of existing BT Phone Kiosk and installation of 1 No new BT Street Hub, incorporating 2 No digital 1.905m internally illuminated LCD advert screens. This application may affect the setting of a listed building and is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to remove a payphone and replace with 1.No BT Streethub unit.
SITE CHARACTERISTICS	Paved footpath with some street furniture. Surrounding development consists mainly of shops to the ground floors with residential accommodation above.
CHARACTER OF LOCALITY	Town centre location.

RELEVANT SITE HISTORY

BR/167/25/A	Removal of existing BT Phone Kiosk and installation of 1 No new BT Street Hub, incorporating 2 No digital 1.905m internally illuminated LCD advert screens.
-------------	---

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 - Advice with conditions suggest regarding illuminance levels.

- The location is not anticipated to result in an obstruction to pedestrians utilising the footway, nor to result in an obstruction to vehicular visibility for vehicles travelling on High Street.

Economic Regeneration - No objection.

Environmental Health - No objection.

Conservation Officer - No harm.

- The location lies adjacent to the boundary of the Conservation Area and in close proximity to a Listed Building and other designated heritage assets. The immediate setting of the proposed unit is dominated by a large modern building which does not contribute positively to the character or significance of the surrounding heritage assets. The new structure would be read more in the context of this modern development, and is therefore unlikely to appear visually intrusive.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment

PLANNING POLICY GUIDANCE:

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

The structure will replace a telephone box in Queensway, 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 proposed kiosk would be on a section of wide pavement near to the junction of Queensway, and adjacent to a road sign. The immediate surroundings are generally uncluttered, and free of typical urban street furniture, however the site still reads clearly as an urban setting. The hub would be set approximately 0.5m from the edge of the footpath, and given the pavement's width at this location, around 7.1m would remain available for pedestrian movement. Considering the generous spacing around the kiosk and its height being lower than the adjacent road sign, the proposal is not considered to cause harm to the character of the area.

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.

It is proposed to remove a phone box from the highway verge outside no 63 Queensway. Despite this not being physically or visually linked with the application site, we welcome the removal of a redundant phone box from an area with a greater proportion of residential accommodation in the locality.

The 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 on the pavement outside a retail shopfront operated by a supermarket chain. The area is busy with shoppers and adjacent to a main through road in the town centre. 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 night time illuminance levels will be conditioned at 300cd/m² which is recommended by WSCC Highways.

The hub will enable users to make free telephone calls and is fitted with both a microphone and speaker system. Users have the option to connect personal headphones to the device. The submitted design statement explains that the technology within the hub creates a localised "sound cloud", providing a reasonable conversational volume for users in close proximity whilst ensuring minimal to no noise is perceptible at a greater distance. Average volume levels are stated as 65dB at a distance of 3m from each Street Hub, which is comparable to the sound of a normal conversation. Therefore, the use of the hub for telephone calls is not considered likely to cause disturbance to residents in nearby buildings.

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

HERITAGE ASSETS

Policy HER DM3 relates to conservation areas and state that proposals must protect and if possible, enhance the setting of each. The site is to the immediate east of the Bognor The Steyne and Waterloo Square Conservation Area, separated from the area by a busy highway.

Policy HER DM1 relates to Listed Buildings and state that proposals must preserve and if possible, enhance the historic character, qualities and special interest of the building. Not be detrimental to the historic integrity of the building's exterior or interior and where possible enhance the setting of the building. Nos. 61 to 65 High Street, opposite site, are Grade II Listed Buildings.

HER DM2 relates to Locally Listed Buildings and controls the loss or alterations to these buildings. The buildings on the local list are; Bognor Regis Methodist Church, The Unicorn Public House and Nos. 67 & 69 High Street. The hub does not involve the loss or alteration to any of these buildings and is therefore not of particular relevance to this application. The Locally Listed Buildings will not be considered further.

Chapter 16 of the NPPF paragraphs 207 and 208 relates to identification and assessment of the significance of the heritage asset, the weight given to the conservation of the asset and its weight against public benefits of the proposal. The applicant has provided a Design and Access Statement which includes details regarding the heritage assets in the area.

The Conservation Area comprises a mix of building styles and scales, with the Bognor Regis Methodist Church acting as a key architectural landmark. Streets such as Norfolk Street and Little High Street provide a contrast to the more formal character of the main square. The wider setting of the Conservation Area is varied, incorporating The Queensway to the north-east and other urban and suburban development to the north and west.

The Grade II Listed Building, originally constructed as a single house in the early 19th century, is a three-storey stuccoed structure featuring distinctive architectural detailing. Although modern shopfronts have been introduced at ground level, the building retains much of its historic character.

This Listed Building is of architectural and historic significance. Its prominent corner position at the junction of Lennox Street and High Street, together with its relationship to nearby locally listed buildings and Little High Street, contributes positively to its setting. However, the wider historic context has been eroded by modern alterations to the High Street, changes to the road layout, and surrounding development such as The Queensway.

The kiosk is to be in an established urban setting that already accommodates a variety of large modern buildings and other street furniture. The submitted photomontage demonstrates that the unit would be read in the context of this existing 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 or the setting of the Conservation Area.

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.