

Recommendation Report for Planning Permission

REF NO: BR/170/13/

LOCATION: The Esplanade
opposite Cavindish House
Bognor Regis

PROPOSAL: The proposed works consists of monitoring and recording wastewater flows from the combined sewerage system where they spill to the environment. Level monitoring equipment is placed within a Combined Sewer Overflow (CSO) manhole and together with recording equipment housed within a GRP roadside kiosk, data is transmitted via telemetry to SWS. Erection of a permanent roadside monitoring kiosk (1250mm h x 1150mm w x 500mm d).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

The roadside kiosk is to be sited on the raised pavement in a position almost opposite the entrance to Norfolk Street. It is sited between an existing lamp post and black general waste bin and a black parking meter with adjacent "Pay Here" sign. The associated manhole is within the road at the junction with Lennox Street.

TOPOGRAPHY The sea front is flat albeit raised above the adjacent flat road by around half a foot.

TREES None of any significance affected by the proposed development.

BOUNDARY TREATMENT Some of the adjacent amusement rides are enclosed by low blue painted railings but the sea front is otherwise open to the beach and to the road.

SITE CHARACTERISTICS This is a wide section of pavement to The Esplanade and is part of the Bognor Regis seafront. As set out above, the location already features an existing lamp post, a black general waste bin, a black parking meter and a "Pay Here" sign.

CHARACTER OF LOCALITY This is the Bognor Regis sea front. The southern side of The Esplanade is open to the beach and is populated by many small rides, kiosks and other related development. There are a number of existing street paraphernalia along the seafront.

RELEVANT SITE HISTORY

BR/170/13/

BR/6/87	To site children's mini boating pool on the beach opposite Lennox Street	ApproveConditionally 05-03-1987
BR/160/92	Application under Regulation 5 of the Town & County Planning General Regulations 1976 to locate 1no.static unit sub-divided into 3no.adjacent to the fishermans area and 6no.mobile units on the foreshore/promenade.	Deemed Perm Cnd 12-08-1992
BR/306/92/A	1no.single sided information/noticeboard containing small element of advertisements related to local businesses.	Apprvd/Cond ADV 08-01-1993
BR/34/93	To create illuminations fixed to existing lamp standards - 25 promenade side 17 adjacent	ApproveConditionally 19-05-1993
BR/81/93	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for sea wall improvements	Deemed Perm Cnd 14-07-1993
BR/188/93	Erection of beacon on permanent site	ApproveConditionally 30-12-1993
BR/76/96	Proposed childrens amusement rides and pay kiosk with associated enclosure railings	ApproveConditionally 13-05-1996
BR/55/07/	Application for amendments to Conditions 2, 3 & 5 of permission BR/76/96 - to operate between the hours of 10.00 - 21.00 on any day, to operate from the 1st March to 31st Oct & to allow for the erection of a bouncy castle slide or any other activity to 7.2m in height away from nearby residential properties.	ApproveConditionally 25-04-2007
BR/163/07/	Decking construction for events and other activities.	ApproveConditionally 13-07-2007
BR/309/49	Photo kiosk	No Objection 12-12-1949
BR/309/49/A	Hut for cash desk	Approve 04-06-1954
BR/491/76	Erection of kiosk for photographic concession	ApproveConditionally 15-09-1976
BR/6/80	6 pits for trampolines	Withdrawn 07-01-1980

BR/170/13/

BR/1032/81	Proposed re-siting of spacewalk and 6 trampolines	ApproveConditionally 02-12-1981
BR/785/82	Ren of temp BR/1032/81 for spacewalk & 6 trampolines	ApproveConditionally 27-10-1982
BR/677/83	Renewal of temporary planning permission BR/758/82 for proposed re-siting of spacewalk and 6 trampolines	ApproveConditionally 31-08-1983
BR/847/84	Renewal of temporary planning permission BR/677/83 for proposed re-siting of spacewalk and six trampolines for 2 year	ApproveConditionally 14-11-1985
BR/589/85	Renewal of temp p p BR/847/84 for proposed re-siting of spacewalk and 6 trampolines	ApproveConditionally 25-11-1985
BR/33/86	Installation of 6 coin operated telescopes	ApproveConditionally 12-03-1986
BR/27/86	Siting of Juvenile Boat Carousel	ApproveConditionally 12-03-1986
BR/386/86	Renewal of temporary planning permission BR/589/85 for proposed re-siting of spacewalk and 6 trampolines	ApproveConditionally 27-10-1986

None.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - OBJECTION. The Committee felt a kiosk in this area along the seafront would be unsightly and over intensive as there are already a number of objects cluttering the street scene here and this would provide a further eye sore for tourists and locals. This installation would conflict with the recent Public Realm project and Seafront Strategy Action Plan which seek to reduce street scene clutter. Members suggested a more appropriate location may be Lennox Street, Norfolk Street or Waterloo Square where there is more space.

Comments on Representations received:

Comments noted. The applicant's agent has been informed of this objection and it is understood that they may be able to relocate the kiosk by utilising wireless data technology but at the time of writing, no written correspondence has been received in reply to the concerns raised.

CONSULTATIONS

Southern Water Planning
Economic Regeneration

Consultations responses received:

Southern Water - no objection.

Council's Economic Regeneration Officers - We would strongly object to both the location and

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the design of this equipment. The current location is in an area that is likely to be redeveloped in line with the Council's Seafront Strategy. The aim of the Strategy is to make the seafront a more attractive place for visitors; this equipment will do nothing towards that aim. We would suggest that a better location would be on the western side of the Pier, in a less visually obvious position.

Comments on Consultation responses:

Comments noted. The applicant's agent has been informed of this objection and it is understood that they may be able to relocate the kiosk by utilising wireless data technology but at the time of writing, no written correspondence has been received in reply to the concerns raised.

POLICY CONTEXT

Designation applicable to site: Within the Built Up Area Boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [GEN7](#) The Form of New Development

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to:

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and an adverse impact on

the established character of the seafront.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

This proposal is for essential waste water monitoring equipment which will monitor flows from the system to the environment. It is therefore in the public interest. Furthermore, the kiosk is of a design that is common to many streetscenes. However, this particular streetscene is very popular with holidaymakers and other visitors to the town and it is considered that it is vital to maintain/improve its visual quality and not to clutter it unnecessarily. The council is currently drawing up a Seafront Strategy and one of the Strategy's aims will be to reduce street scene clutter in order to boost the visual appearance of the sea front.

This location already has a number of items which clutter the streetscene and the seafront strategy will seek to reduce such clutter. The applicant has not been able to provide evidence that the kiosk has to be sited in this location and indeed, it has been suggested that it could be sited elsewhere.

Policy GEN7 requires that new development allow for the safe movement of pedestrians (vii). With regard to this, given the high kerb nature of this location, it is not considered that it is an appropriate place to cross the road and so the kiosk would not particularly obstruct pedestrian flows. GEN7 also requires that new development creates attractive places & spaces with the needs of people in mind and respects & enhances local distinctiveness (ii). It is considered that the application should be refused because it is further clutters the sea front streetscene and thus detracts from the attractiveness of the location.

HUMAN RIGHTS ACT

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.

RECOMMENDATION

REFUSE

- 1 The proposed equipment by virtue of its location and design would appear as an incongruous feature cluttering the streetscene and would be detrimental to the visual quality of the seafront in this location and would not be in accordance with the National Planning Policy Framework or Policy GEN7 of the Local Plan.
- 2 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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 for the refusal, approval has not been possible.