

Recommendation Report for Planning Permission**REF NO:** BR/251/13/**LOCATION:** 45 High Street
Bognor Regis**PROPOSAL:** Replacement of 1No. external self-service ATM machine**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The replacement external self-service ATM machine will be affixed to the same part of the 'shop front' and will use the same aperture. Essentially the new ATM is an upgrade over the existing machine.
TOPOGRAPHY	Flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Open to the footpath of Bognor Regis High Street
SITE CHARACTERISTICS	The site is a three storey building with white rendered elevations. The ground floor has a glazed shop front with an ATM to front.
CHARACTER OF LOCALITY	The site is located within the town centre of Bognor Regis, a predominantly commercial area.

RELEVANT SITE HISTORY

BR/87/93/A	Individual illuminated lettering, 1 no. internally illuminated double-sided projecting sign, 1 no. internally illuminated nameplate to night safe.	Apprvd/Cond ADV 14-05-1993
BR/234/93/A	2 internally illuminated signs inside the shopfront.	Apprvd/Cond ADV 19-11-1993
BR/231/93	Refurbishment of existing Midland Bank branch including replacement of shopfront and formation of disabled access at main entrance.	ApproveConditionally 19-11-1993
BR/190/94	Installation of TV aerial on rear wall of property	ApproveConditionally 30-09-1994
BR/241/96	3 No. air handling units to rear roof at first	ApproveConditionally

floor

28-11-1996

BR/192/97/A 1 no. internally illuminated projecting box sign Apprvd/Cond ADV

21-10-1997

BR/87/10/A Installation of 1no. non-illuminated above & below reciprocity signage to existing ATM ApproveConditionally
01-06-2010

None.

REPRESENTATIONS

Representations received:

None recieved.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area;
Building of Special Character; and
Class B Road.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN2 Built-up Area Boundary
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 visual and residential amenity.

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 considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

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 seeks to replace the existing ATM with an upgraded model. There are no changes to the 'shop front' other than the slight difference in the design of this model. As such, the proposed replacement ATM is considered to have only a very minor material impact on the appearance of the building and does not result in any harm to any nearby residents. It is therefore recommended that the application is approved, subject to the following 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 for 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 it has been determined that its approval would not result in any negative impact 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).

As such, there is no need for any mitigation measures to be implemented.

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: "Block & Location Plans" Ref 130096-PL-03-Rev A; "Location Plan, Existing Plan, Elevation, Section and Photo" Ref 130096-PL-01; and "Proposed Plans, Section & Elevations" Ref 130096-PL-02.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 **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 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 National Planning Policy Framework.