REPORT UPDATE

Application No: BR/56/14/

Reason for the Update / Changes

Agenda page: 64

Reason for Update/Changes:

Bognor Regis Town Council objection: Concerned at impact a well would have on the appearance of the seafront area as this had the potential to make the street scene appear cluttered. Concerns were also raised that the well may encourage littering and attract other anti-social behaviour. Comment was made that if this application was accepted , it may even set a precedent for other s to apply for something similar. The Committee were keen to highlight the fact that the Town Council does support the work of the Lions Club.

Officers Comment:

Objection noted. The impact of the notice is considered in the main report and the recommendation of the report is not changed as a result of the representation.

The Council as landowner have the power to control other structures through both planning and landlord controls.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

BR/56/14/

Recommendation Report for Planning Permission

REF NO: **BR/56/14/**

LOCATION: Land on the Promenade
Near the Foreshore Station
Bognor Regis

PROPOSAL: Charity Wishing Well

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is to erect a wishing well on the promanade opposite Kings Court. The purpose of the wishing well is to collect charity money for the Rotary Clubs. The height is 2.5m x 900mm in width.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	N/A

TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Flint cobbled sea wall.
SITE CHARACTERISTICS	The site is on the promanade between the foreshore station and an ice cream kiosk. The wishing well is proposed to be sited between the two benches.
CHARACTER OF LOCALITY	Sea front tourist location. Residential flats opposite.

RELEVANT SITE HISTORY

BR/103/11/DEM	Prior notification for demolition of public shelter	No Objection 26-05-2011
BR/249/12/	Retrospective planning permission for a permanent siting of a mobile catering unit	Withdrawn 20-03-2013
BR/33/86	Installation of 6 coin operated telescopes	ApproveConditionally 12-03-1986

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council:
Awaited

Others:
None

Comments on Representations received:

None

CONSULTATIONS

Engineering Services Manager
Engineers (Coastal Protection)
Estates Manager
Economic Regeneration

Consultations responses received:

Estates Management:
Awaited.

Economic Regeneration:
Awaited
Comments on Consultation responses:

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary
Policy Site 2

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	SITE2	Bognor Regis Town Centre Regeneration
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		

PLANNING POLICY GUIDANCE

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 215 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 agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
The policies within this published version of the plan are at an advanced stage as they have been

agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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

PRINCIPLE:
The site is within the built up area boundary where development is acceptable in principle subject to normal development control criteria such as visual amenity. The site is on the promanade and is within the Bognor Regis Town Centre Regeneration site and part of the Seafront Regeneration area which has a Victorian design theme for all concessions along the seafront.

NATIONAL PLANNING POLICY FRAMEWORK:
Paragraph 18 states that the Government is committed to securing economic growth in order to create jobs and prosperity.

Paragraph 58 states that design should respond to local character and history and reflect the identity of local surroundings and materials. Paragraph 59 states that local planning authorities should consider using design codes where they could help deliver high quality outcomes.

For the reasons given below it is considered that the proposal is in accordance with this government policy.

POLICY SITE 2 BOGNOR REGIS TOWN CENTRE REGENERATION:
This policy states that the Council will support proposals which will regenerate the town. A public Realm handbook was produced in December 2001 which set out strategies for urban design and other elements in respect of the public areas of the town. The object of the policy is the "long

term economic and physical regeneration and renewal". As part of this strategy, the Bognor Regis Seafront Regeneration committee produced a livery for the seafront concessions which had a Victorian theme. The proposed wishing well is designed in accordance with this theme.

Currently, the Public Realm project is a work in progress, and any significant changes in design along the seafront would be reflected in the licence and subject to the controls of the licence as will other similar units.

It is therefore considered that the proposal is in accordance with this policy.

EMERGING POLICY D SP1 DESIGN:
This policy states that all development proposals should be of good quality and demonstrate a high standard of design. Development proposals should be derived from a thorough site analysis and context appraisal. As stated above, the design is in accordance with this policy as the unit conforms to the Victorian seafront design scheme.

VISUAL AMENITY:
The unit is designed in the style of existing seafront kiosks, with Victoriana details along the canopy and is blue powder coated galvanised steel with a grey fibre glass roof. The design is consistent with the seafront design and therefore does not result in any significant loss of visual amenity.

SUMMARY:
The proposed wishing well charity collection point is designed within the Victorian livery required for the seafront, it is proposed to generate collections for local charities which will benefit the local community. It is therefore recommended that the application is approved subject to the following conditions.

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 (family and private 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 none of the following impacts (negative, Neutral or positive) 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).

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 and block plan and elevations and materials plan.

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.