

PLANNING APPLICATION REPORT

REF NO: BR/64/23/PL

LOCATION: Town Hall
Clarence Road
Bognor Regis
PO21 1LD

PROPOSAL: Application under Regulation 3 for a wall mounted defibrillator and associated housing. This application affects the setting of a Listed Building and is in CIL Zone 4 (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to install a wall mounted defibrillator and associated housing.
SITE CHARACTERISTICS	The site is a Grade II Listed building built in 1929. The building has a symmetrical splayed design with central spur to rear in Flemish bond brickwork with brown brick and stone dressings. It is three storeys high, and is a well planned and well detailed example of a small town hall of the inter-war period. It is of architectural and historical significance.
CHARACTER OF LOCALITY	Town Centre location. Grade II Listed Building War Memorial to front. The surrounding area is characterised by mixed commercial, retail and residential use.

RELEVANT SITE HISTORY

BR/65/23/L	Listed building consent for a new wall mounted defibrillator and associated housing.	
BR/324/18/L	Listed building consent to mount 2 No. Blue Plaques to exterior of balcony.	ApproveConditionally 13-03-19

Relevant planning history noted. BR/65/23/PL does not need to be determined by this Committee and will be determined following this meeting under delegated powers.

REPRESENTATIONS

Bognor Regis Town Council - No objection

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC CONSERVATION OFFICER

It is noted from reviewing the heritage statement that the positioning of the unit has been carefully considered, and a careful balance needs to be achieved between the unit being readily visible in a public location against any potential harm to the heritage asset where it is to be located.

The size of the unit, per-se is not really an issue, based on the scale of the building it is to be attached to. The unit would be visible on the front elevation, partly based on its colour. It is not clear how the electricity will be supplied to the equipment, and if any cabling etc. would be visible on the external elevation. Any works to create points of access for cabling should be made via the existing mortar and not the bricks themselves.

The defibrillator and housing would be potentially visible, based on its colour, in the setting of the nearby grade II listed War Memorial. This is when viewed in the junction of Belmont Street and Clarence Road. There is potential for it to be partially hidden from view as a result of the existing planting around the memorial itself.

On balance, the proposal would have a minor negative impact on the heritage assets and the setting of the memorial.

Conclusion

The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF (2021). The level of harm is considered to be on the lower end of the scale.

You will need to consider the public benefits that the development may achieve as part of your assessment of the application, along with the contents of section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

ADC ESTATES MANAGER

No response.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary
Grade II Listed Building

DEVELOPMENT PLAN POLICIES

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

DDM1 D DM1 Aspects of form and design quality

DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment

[Bognor Regis Neighbourhood Plan 2015 Policy 1](#) Delivery of the Vision

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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 would not have a materially adverse impact on the residential amenities of nearby properties, nor would it have a significant adverse impact upon the established character of the surrounding area.

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 other than the public benefits identified below.

CONCLUSIONS**PRINCIPLE**

The key policies are D DM1, D DM4, and HER DM1 of the Arun Local Plan, and guidance set by the

Arun Design Guide.

Bognor Regis has a 'made' Neighbourhood Development Plan, of which Policy 1 is of relevance. Policy 1 relates to 'delivery of the vision' and requires proposals to identify the significance of any affected heritage asset and assess any harm and benefit.

DESIGN AND VISUAL AMENITY

The proposal seeks the installation of a wall mounted defibrillator, in associated housing, to the front elevation. This will be clearly visible from the principal elevation, and public realm.

The defibrillator will be on the corner of the western side of the front elevation, situated 0.9m above ground level. The housing will be yellow, and measure 0.465m by 0.435m. Due to its colour, it will stand out against the building, and have some impact on visual appearance. Given its small scale in comparison to the rest of the building, and the public benefit it will provide, the harm to visual amenity will be minor and acceptable. It will have no adverse impact on the composition or appearance of the street scene, nor be unduly harmful to the character of the area.

By virtue of its small scale and use, the works are in accord with the Arun Design Guide.

The proposal will have no adverse harm on visual amenity and remains in keeping with the general character of the area. This is in accord with D DM1 and D DM4 of the Arun Local Plan, and the Arun Local Plan.

RESIDENTIAL AMENITY

By virtue of its small scale, use and location, the defibrillator will have no adverse impact on residential amenity, and will not result in any overbearing or overshadowing.

This is in accord with D DM1 and D DM4 of the Arun Local Plan, and the Arun Design Guide.

HERITAGE ASSETS

The application concerns external works to a grade II listed building. Given the building's listed status, any alterations should protect and enhance the special historic and architectural character of the building and preserve its setting.

Policy HER DM1 set out criteria for which proposals must meet in order to be acceptable. These include preservation or enhancement of the building, protecting its architectural and historical integrity, as well as its special interest. Additionally, because the listed building is a significant heritage asset, proposals should protect the setting of these buildings.

Para 194 of the NPPF requires the LPA to identify the significance of the heritage asset affected by a development. The property is a 1900s grade II listed building. Its architectural and historical features are set out above. The building is considered to be of architectural and historical significance.

Para 195 requires the LPA consider the significance of the impact upon that heritage asset. The proposal seeks a wall mounted defibrillator and associated housing to the principal elevation of the Town Hall. This will be situated on a corner of the western side of the front elevation, situated 0.9m from ground level and measuring 0.465m by 0.435m. The housing for the defibrillator is to be yellow and will be clearly visible as part of the front elevation from the public realm. This will have some impact on the significance of the heritage asset and subsequently the surrounding memorial to the north of the hall. Given the scale of the proposal in relation to the building, the harm is considered to be less than substantial, and the overall negative impact will be minor.

The proposal would cause less than substantial harm in accordance with paragraph 202 of the NPPF (2021), however there are public benefits of the proposal that would outweigh the harm to the heritage asset. Providing a defibrillator to the area will be of great public benefit, in terms of providing an emergency health service which could potentially save a life. The harm caused to the visual appearance of the property due to the colour of the housing is of limited negative impact in comparison to the benefit this service offers.

Section 16 (2) of the Listed Buildings Act 1990 states that in considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The proposal in this case will have less than substantial harm on the special architectural and historic interest of the asset, and preserves the building and its setting. The less than substantial harm is outweighed by the public benefit.

The proposal would not adversely harm the significance of the heritage asset and as is in accordance with HER DM1 and HER SP1, Para 202 of the NPPF, and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

SUMMARY

The development accords with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

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 and Block Plan Dwg No 1241/04
- Proposed Part Ground Floor, Front & Side Elevations and Defibrillator Dwg No 1241/02

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

- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. 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.

BACKGROUND PAPERS

The documents relating to this application can be viewed on the Arun District Council website [by going to https://www.arun.gov.uk/weekly-lists](https://www.arun.gov.uk/weekly-lists) and entering the application reference or directly by clicking on [this link](#).

BR/64/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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