

Recommendation Report for Planning Permission

REF NO: BR/119/22/PL

LOCATION: Butlins
Upper Bognor Road
Bognor Regis
PO21 1JJ

PROPOSAL: New reception kiosk and alterations to car park layout. This application is in CIL Zone 4 (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	All of the works set out and described by the plans have been implemented in association with BR/307/20/PL. This application seeks to confirm that the changes can be retained permanently.
SITE AREA	21 hectares.
TREES	None affected by the development.
SITE CHARACTERISTICS	The development is within the confines of the Butlins holiday and entertainment resort. The area in question is in the eastern part of the resort, with the car queuing area on existing hardstanding adjacent to the Rife watercourse, the Butlins boundary and residential properties at 52-62 Upper Bognor Road, and with the new kiosk building proposed in the existing car park area to the east of the Splash pool building.
CHARACTER OF LOCALITY	Urban coastal. This part of Bognor Regis is dominated by Butlin's, its buildings (including the large 'Skyline' pavilion structure, recent swimming pool building, high rise hotels and lower rise guest accommodation), car parking, outdoor attractions, and landscaping. To the south, the site borders Bognor Regis's promenade adjacent to the sea. To the south-east are residential properties on Sea Road. To the north and north-east are residential properties along Upper Bognor Road and the Upper Bognor Road and Mead Lane Conservation Area and Hotham Park Grade II listed park. To the west there are residential properties along Gloucester Road and The Esplanade. Further west is the Bognor town centre.

RELEVANT SITE HISTORY

BR/307/20/PL	Erection of a new reception kiosk for a temporary period of 1 year and alterations to car queuing arrangements and car park layout. This application is in CIL Zone 4	ApproveConditionally 23-03-21
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zero rated as other development.

BR/212/20/PL	Variation of condition 1-plans condition following BR/39/19/PL to substitute entrance site plan, 5128 P110 Rev B & condition 13 -to substitute new entrance site plan, 5128 P110 Rev B following BR/240/16/PL.	ApproveConditionally 04-12-20
BR/39/19/PL	Application for Variation of Conditions following the grant of Planning Permission BR/240/16/PL relating to Condition 2 & Planning Permission BR/331/17/PL relating to condition 1 - approved plans	ApproveConditionally 26-04-19
BR/331/17/PL	Variation of conditions 2, 8, 12, 14 & 21 imposed under BR/240/16/PL relating to approved plans.	ApproveConditionally 14-03-18
BR/240/16/PL	Demolition of existing swimming pool building & re-instatement of vacated site as landscaped area; demolition of existing staff & guest accommodation (1,005 bedspaces); erection of new swimming pool building with external slides & river ride; associated landscaping; new pedestrian links; alterations to existing car parks areas; proposed decked car park; new gatehouse for guest reception, alterations to site internal road layout & formation of temporary construction access.	ApproveConditionally 05-01-17

Permission was granted on 5th January 2017 (BR/240/16/PL) for the demolition of the swimming pool, the reinstatement of a vacated site as landscaped area, demolition of staff & guest accommodation, erection of new swimming pool building with external slides & river ride, associated landscaping, new pedestrian links, alterations to existing car parks areas, proposed decked car park, new gatehouse for guest reception, alterations to site internal road layout and formation of a temporary construction access.

Conditions 2, 8, 12, 14 and 21 of BR/240/16/PL were then varied in March 2018 (BR/331/17/PL) in order to amend the approved phasing of the construction programme. Condition 2 of BR/240/16/PL and condition 1 of BR/331/17/PL were also varied in April 2019 (BR/39/19/PL) to amend some details of the approved plans. Conditions 1 and 13 of BR/240/16/PL and condition 1 of BR/39/19/PL were then varied in December 2020 (BR/212/20/PL) to amend the site entrance plan to include a new check-in kiosk and car queuing system.

This arrangement did not prove effective and BR/307/20/PL was submitted for a larger check-in kiosk, located further into the site, to allow for more cars to queue and a more practical, quicker check-in process using an office-based approach, rather than the use by staff of hand-held devices as guests waited in their cars as was previously applied for/approved and trialled. This was approved in March 2021 for a temporary period of 1 year and has expired. The works approved have all been implemented

and remain in situ, presently in breach of condition 1 on BR/307/20/PL.

REPRESENTATIONS

Bognor Regis Town Council state no objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

NATURAL ENGLAND: no response received but advised in respect of BR/307/20/PL that had no comment.

ENVIRONMENT AGENCY: no objection and recommend no conditions.

SOUTHERN WATER: no objection. Advise that the exact position of the public sewers must be determined on site by the applicant before the layout of the development is finalised and must accord with SW's stand-off distances from public sewer pipes. A public sewer may cross the site and if a sewer is found during construction works an investigation to ascertain its ownership must be undertaken before further works take place. A formal application would be required by the developer to SW for a connection to the public foul sewer.

WSCC HIGHWAYS: no objection subject to a condition to ensure compliance with the submitted Guest Check-in Queue Management Plan and Method Statement. Advise that the permanency of the existing proposal will ease access and traffic on the roundabout/highway in relation to access to the site. There are no changes to the access from the highway itself and no loss of parking spaces on the site. Therefore, no conflict with paragraph 111 of the NPPF.

WSCC LEAD LOCAL FLOOD AUTHORITY: no comments and advise consulting the district drainage engineer.

ADC DRAINAGE ENGINEERS: changes should be designed and constructed in accordance with Building Regulations.

ADC ENVIRONMENTAL HEALTH: no comment. Advised in respect of BR/307/20/PL of the need for a condition to ensure compliance with the submitted Queue/Guest Check-in Management Plan, submitted Construction Management Plan and to limit construction hours.

COUNCILS ECOLOGIST: no response received but advised in respect of BR/307/20/PL of the need for a bat sensitive lighting scheme and inclusion of bat/bird boxes for biodiversity net gain.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within the Built-Up Area Boundary.

North of site - Upper Bognor Road and Mead Lane Conservation Area, Hotham Park Grade II listed park and listed late 18th century buildings fronting Upper Bognor Road.

Flood Zones 2 & 3.

2km Buffer of Bognor Reef SSSI.

2km Buffer of Felpham SSSI.

CIL Zone 4; and

Bognor Butlins Local Development Order.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

SDSP2	SD SP2 Built-up Area Boundary
TOUDM1	TOU DM1 Tourism related development
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVSP1	ENV SP1 Natural Environment
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM5	ENV DM5 Development and biodiversity

Bognor Regis Neighbourhood Plan 2015 Policy 7 Promotion of tourism and beach service points

Bognor Regis Neighbourhood Plan 2015 Policy 8D Butlin Promenade frontage & Gloucester Road Car Park Site

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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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. Relevant policies of the Bognor Regis Neighbourhood Development Plan were considered when this application was first granted.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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.

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 complies with relevant Development Plan policies in that, the development would be acceptable in principle, and subject to planning conditions, would have an acceptable impact on the visual and residential amenity of the area, local heritage, highways and parking, flooding and drainage, and protected sites for nature conservation. The proposals would accord with all necessary legislation in this respect, and policies contained within the Development Plan which include the Arun Local Plan and Bognor Regis Neighbourhood Development Plan.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

This application seeks to make permanent changes authorised for a 1-year period by BR/307/20/PL. No new development is proposed and the previous report went into detail as to the implications and impacts of the proposals. Furthermore, there have been no material changes in planning policy since the previous decision. As such, it is unnecessary to re-assess the proposals in respect of principle, design, highway safety, flooding/drainage or biodiversity.

The temporary permission was imposed by the council in order enable the Local Planning Authority to review any noise & disturbance impacts on the local area and the residential amenity of local occupants over a reasonable period.

The Town Council raise no objections to making this permission permanent, there have been no local resident objections (despite notices being placed near residential properties on Upper Bognor Road & Sea Road) and no consultees have raised concerns. The council is not in receipt of any planning compliance complaints concerning the site and the Environmental Health has not raised any concerns. On this basis, there is no case to suggest that the changes to the Butlins site have resulted in any adverse impacts on the amenity of the local area or on nearby residential occupiers.

Permanent approval would accord with para 11c of the NPPF and so the proposal is recommended for

approval 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 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 as it is 'other' development.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:

- Site Location Plan Dwg No 2014-WOO-MPN-BOG-BOG-DR-A-0001 Rev A.
- Proposed Site Plan Dwg No. WOO-MPN-BOG-DR-A-0003 Rev A.
- Check-in Kiosk drawing Dwg No. WOO-MPN-BOG-DR-A-0100 Rev A.
- Proposed External elevations Dwg No. WOO-MPN-BOG-DR-A-0301 Rev A.
- Car Park Operation Plan Dwg No. WOO-MPN-BOG-DR-A-0010 Rev C; and
- Proposed Guest Car Parking allocation Dwg No. WOO-MPN-BOG-DR-A-0012 Rev A.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3, T SP1, T DM1, W DM2, W DM3, ENV SP1, ENV DM1 and ENV DM5 of the Arun Local Plan.

- 2 The vehicle queuing and kiosk check-in arrangements related to this application shall continue to be undertaken in strict accordance with the details set out in the Car Park Operation Plan (drawing no. WOO-MPN-BOG-DR-A-0010 Rev C, as received 21/06/22) and the "Method

Statement and Management Plan to inform the processing of guest check-in at the resort" (as received 25/05/22).

Reason: To minimise noise and disturbance and air quality impacts and protect the residential amenity of local occupants, in accordance with the National Planning Policy Framework, and policies D DM1, QE SP1, QE DM1 and QE DM3 of the Arun Local Plan.

- 3 Any construction works not having already taken place in association with the previous temporary permission shall be undertaken in strict accordance with the details set out in the Construction Phase Plan (prepared by Bentley Rowe and as received 02/02/2021).

Reason: To ensure acceptable impacts on highways safety and the operation of the highways network, and to ensure acceptable impacts on the residential amenity of local occupants, in accordance with the National Planning Policy Framework and policies T SP1, T DM1, D DM1, QE SP1, QE DM1, QE DM2, and QE DM3 of the Arun Local Plan.

- 4 Unless already installed in association with the previous temporary permission, the bird and bat boxes shown on the approved Car Park Operation Plan (drawing no. WOO-MPN-BOG-DR-A-0010 Rev C) shall be installed on completion of the development hereby permitted and shall be retained in situ and maintained in good working condition thereafter.

Reason: To ensure the development would result in a net gain in biodiversity, in accordance with the Environment Bill, National Planning Policy Framework, and policy ENV DM5 of the Arun Local Plan.

- 5 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.
- 6 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555.
- 7 INFORMATIVE: The applicant is advised that it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. The applicant must ensure that any public sewers are protected from the development and must abide by Southern Water's stand off distances. Further details can be found here: southernwater.co.uk/media/3011/stand-off-distances.pdf.
- 8 INFORMATIVE: Surface water drainage should be designed and constructed to comply with building regulation requirements. Infiltration should be fully investigated, if however it is found that infiltration does not work controlled discharge to ordinary watercourse will be required. The applicant should be aware that any proposals to discharge flows to a watercourse require Ordinary Watercourse Land Drainage Consent prior to works. Arun District Council requires 3m clearance between any structure and the bank of an ordinary watercourse and 3m clearance between any structure and a culverted ordinary watercourse. This is to ensure that no construction will occur that will limit the current or future landowners ability to conduct maintenance to the watercourse in line with their responsibilities under the Land Drainage Act 1991.