

Recommendation Report for Planning Permission

REF NO: BR/212/20/PL

LOCATION: Butlins
Upper Bognor Road
Bognor Regis
PO21 1JJ

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks permission for the variation of condition 1 (approved plans) and condition 13 (construction of new site access) imposed on BR/240/16/PL (which permitted the replacement of the swimming pool building and associated works including a new site access/internal road layout), to substitute the site entrance plan. The application seeks permission to vary condition 1 (approved plans) of later VOC application BR/39/19/PL, to substitute the site entrance plan.

The approved site entrance plan (5128 P110 rev A) showed the expansion of the inward-bound traffic internal road facilitated by a change from single width to double width, and a new temporary check-in kiosk, allowing an additional 23 cars to be stacked to queue within the site entrance area before being checked in and entering the rest of the site.

The application includes a site entrance plan (5128 P110 rev B), which shows the expansion/widening of the inward-bound traffic road to 2 lanes to allow an additional 23 cars to wait in the entrance area of the site. There are minor differences to the approved plan in terms changes to the timber sleepers to be retained or removed, and the siting, scale and form of the temporary check-in kiosk. A Management Plan for check-in of guests at the resort has been provided.

SITE AREA

Approximately 21 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

There are pollarded trees along the Upper Bognor Road frontage and some of these trees were removed to create the construction access. There is a line of trees (appear to be willows) just outside the boundary of the site along the River Rife which is located nearby to the inward-bound traffic lane and where the proposed temporary check-in kiosk would be located.

BOUNDARY TREATMENT	The boundary with Upper Bognor Road and Sea Road has security fencing with hedging/trees that provide some screening along the road frontages.
SITE CHARACTERISTICS	The development is in the confines of the Butlins holiday and entertainment resort. The site is between the Rife which is culverted under the car park on the west; Upper Bognor Road to the north-west; Sea Road to the south-east; and to the south, buildings associated with the management of the Rife.
CHARACTER OF LOCALITY	The area is dominated by the Butlin's Resort. At the roundabout on Felpham Way/Upper Bognor Road, the Ocean Hotel, approximately 25m high, is next to the main visitor entrance to the resort. Upper Bognor Road has security fencing and trees along the south side of the road and to the north, there are the rear gardens of properties accessed from Kingsmead. There is significant landscaping along the north side of Upper Bognor Road. The character of Sea Road changes significantly with mainly white painted Victorian terraced properties along the east side of Sea Road between Snooks Corner and the sea wall, which forms the elevated promenade. There are glimpses into the resort which has the 1950s rows of two storey holiday blocks now used as staff accommodation.

RELEVANT SITE HISTORY

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 the 5th January 2017 (BR/240/16/PL) for the demolition of the swimming pool building, a reinstatement of vacated site as landscaped area, demolition of 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 and & formation of a temporary construction access.

Conditions 2, 8, 12, 14 and 21 of BR/240/16/PL were 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 varied in April 2019 (BR/39/19/PL) to amend some details of the approved plans.

REPRESENTATIONS

Bognor Regis Town Council - no objection.

No other representations were received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS:

No objection, and do not recommend any new conditions.

ENVIRONMENTAL HEALTH:

No objection. Suggest informative for signage at entrance to avoid vehicles idling with engines on.

ECONOMIC DEVELOPMENT:

No response received.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary;
Class A Road;
Public Sewers on site;
Flood Zone 3;
Buildings of Character on surrounding roads;
2km Buffer of Bognor Reef SSSI;
2km Buffer of Felpham SSSI; and
Bognor Butlins Local Development Order.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
QESP1	QE SP1 Quality of the Environment
DDM1	D DM1 Aspects of form and design quality
ENVDM4	ENV DM4 Protection of trees

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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.

The Bognor Regis Neighbourhood Plan has been made and policies 2, 8, 8A, 8B and 8D are considered relevant to the determination of this application.

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 the changes are not considered to result in a scheme which is substantially different from that which has already been approved and although the previous application was determined in accordance with the policies of the previous Local Plan, it is not considered that the changes result in a materially greater impact to the character and appearance of the locality, the safety & convenience of the highway or the amenities of nearby residential properties.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

The proposal seeks to vary the originally approved scheme with a number of minor changes to the approved internal road layout and temporary kiosk, and proposes a new Management Plan, to facilitate

more efficient guest check-in and help to avoid/reduce times when the nearby Felpham/ Upper Bognor Road roundabout has traffic queuing waiting to get into the main Butlins site entrance.

The original 2016 planning permission is still valid and indeed has been commenced. It is not necessary, despite the change in the policies of the development plan (a new Local Plan was adopted in 2018), to reconsider the whole proposal afresh.

The changes under this application are relatively minor and would not be substantially different to nor fundamentally amend the scale or nature of the development approved under the extant consent.

County Highways raise no objection. They observe the changes are proposed to improve the existing guest check-in procedure and associated traffic flows, to reduce impact on the roundabout just outside the main resort entrance. They conclude the variation of the arrangements is acceptable in transport terms. It would accord with the NPPF, and Local Plan policies T SP1 and T DM1 in this respect.

Environmental Health raise no objection, but recommends an informative to secure signage at the main site entrance to encourage non-idling of vehicles with their engines on, to aid local air quality. An informative will be added accordingly. The proposals accords with the NPPF and Local Plan policies D DM1 and QE SP1 with regard protection of the environment and neighbouring residential amenity.

There is a line of third party trees just outside the boundary of the site along the rife which is located nearby to the inward-bound traffic lane and where the temporary check-in kiosk would be located. The proposed expansion/widening of the tarmac/traffic lane and inclusion of a temporary kiosk was approved in 2016, subject to conditions to adhere to the submitted Tree Protection Plan and Arborocultural Report. Under this application, the temporary kiosk is shown as re-sited and larger than that approved. Since the kiosk is shown in the confines of the site, and given the approved Tree Protection Plan shows the site boundary as the location of the tree protection fencing, it is concluded the proposals would not deviate from the tree protection provisions made in the 2016 approval. These trees would still be retained and protected, as required by Local Plan policy ENV DM4.

It is therefore recommended that planning permission be granted in accordance with the following replacement plans condition and the two 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.

RECOMMENDATION

APPROVE CONDITIONALLY

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

5128 P101 rev B Location plan and existing site plan;
 5128 P102 rev B Proposed Site Plan Phase 1;
 5128 P102 rev C Proposed Site Plan Phase 1;
 5128 P103 rev B Proposed Site Plan Phase 2;
 5128 P104 rev B Existing Site Plan Starfish Quay;
 5128 P105 rev B Proposed Site Plan Phase 1;
 5128 P105 rev C Proposed Site Plan Phase 1;
 5128 P106 rev B Proposed Site Plan Phase 2;
 5128 P107 rev B Existing Site Plan Existing Splash;
 5128 P108 rev B Proposed Site Plan Phase 2;
 5128 P110 rev B Entrance Site Plan;
 5128 P200 rev C Basement Floor Plan;
 5128 P201 rev D Ground Floor;
 5128 P202 rev D First Floor Plan;
 5128 P203 rev C Roof Plan;
 5128 P204 rev D Car Park Ground Floor Plan;
 5128 P205 rev E Car Park First Floor Plan;
 5128 P206 rev A New temporary kiosk plan;
 5128 P250 rev B Existing Splash Basement Plan;
 5128 P251 rev B Existing Splash GF Plan;
 5128 P252 rev B Existing Splash FF Plan;
 5128 P300 rev E Proposed Elevations Sheet 1;
 5128 P301 rev E Proposed Elevations Sheet 2;
 5128 P305 rev D Proposed Site Elevations;
 5128 P306 rev E Car Park Elevations;
 5128 P307 Car Park Elevations Without Context;
 5128 P308 rev B Car park cladding and screening detail;
 5128 P350 rev B Existing Splash Elevations;
 5128 P355 rev B Chalet Photograph Sheet 1;
 5128 P356 rev B Chalet Photograph Sheet 2;
 5128 P357 rev B Chalet Photograph Sheet 3;
 5128 P358 rev B Chalet Photograph Sheet 4;
 5128 P405 rev D Proposed Sections;
 5128_P111 rev A Proposed Site Plan - Phase 3;
 5128 1301 Rev M Elevations - sheet 1;
 5128 1302 Rev M Elevations - sheet 2;
 5128 1303 Rev D North Elevation - sheet 1;

5128 1304 Rev E North Elevation - sheet 2;
 5128 1305 Rev D South Elevation - sheet 1;
 5128 1306 Rev B South Elevation - sheet 2;
 5128 1307 Rev C East Elevation;
 5128 1308 Rev C Entrance and Cafe Elevation;
 5128 1309 Rev C West Elevation - sheet 1;
 5128 1310 Rev B West Elevation - sheet 2;
 Car Park Phasing A;
 Car Park Phasing B;
 Car Park Phasing C;
 Car Park Phasing D;
 Car Park Phasing E;
 16_100_PL200A Phase 1 Landscape Masterplan;
 16_100_PL201 Phase 2 Landscape Masterplan;
 16-100-P101B Detailed Planting Proposals to Boundaries Phase 1;
 16-100-P102 Detailed Planting Proposals to Boundaries Phase 2; and
 9306/02 - Tree Protection Plan.

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

- 2 The permanent access to the site shall be retained in situ in accordance with the approved site plan drawing number 5128 P110 Rev B and shall be operated only in accordance with the Method Statement and Management Plan (received 08/09/2020) hereby approved.
- 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.
- 4 INFORMATIVE: All of the conditions imposed on BR/240/16/PL shall remain in force with the exception of:
 - Conditions 8, 12, 14 and 21 which were replaced by conditions 2, 3, 4 & 5 as imposed on BR/331/17/PL.
 - Condition 13 is replaced by the new condition 2 above.
 - Condition 1 of BR/39/19/PL (which had previously replaced condition 2 of BR/240/16/PL) is replaced by the new condition 1 above.
- 5 INFORMATIVE: The applicant is encouraged to consider the installation of signage at the main site entrance to encourage the non-idling of vehicle engines when waiting to enter the site. This may fall under deemed advert consent or separate express advert consent may be required.