

Recommendation Report for Planning Permission

REF NO: BR/263/18/PL

LOCATION: St Josephs
Albert Road
Bognor Regis
PO21 1NJ

PROPOSAL: Application for variation of conditions following grant of planning permission BR/348/16/PL relating to Condition 2 (Block plan & smoking shelter) and Condition 9 (smoking shelter materials)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application originally proposed to relocate the smoking shelter to a location behind Walton House (shown on drawing 129/2.010 Rev 06), alter the size & design of the smoking shelter, enable use of the shelter by up to 6 people during 10pm to 7am and extend the permitted hours of the conservatory. Following an objection from Environmental Health, the applicant agreed to maintain the approved hours of the conservatory and maintain the 2 person restriction on the smoking shelter. The application now proposes only the relocation of the smoking shelter and slight amendments to its design and size.

The originally approved smoking shelter was 2.4m long, 1.8m wide, 2.4m high and constructed with timber posts, vertical larch boarding, 150mm gravel boarding at the base and with a GRP roof. The new smoking shelter is 2.52m long, 1.56m wide, 2.52m high and constructed with powdercoated steel posts, vertical hit & miss timber boarding and with a polycarbonate roof.

BOUNDARY TREATMENT

Mix of medium walls (circa 1.5m), low fences (circa 1m) and hedges.

SITE CHARACTERISTICS

The site is occupied by Butlins and used as staff accommodation associated with the resort. It is understood that Butlins have an ownership interest in most of the buildings within the square shaped 'block' formed by Albert Road to the west, Walton Road to the north, Walton Avenue to the east and the large flatted building (Esplanade Grande) to the south. These buildings include St Josephs, Essex House (1-3 Walton Road), Blackbird Cottage, Las Arenas, Beach Lodge, Walton Walls and Walton House. The exception is the property known as Pearlfishers which is in separate ownership. This block of land is hereafter referred to as the 'complex'.

This application relates only to St Josephs, part of Essex House (1-3 Walton Road), Blackbird Cottage and two pieces of land east of Las Arenas & Beach Lodge including the stand alone conservatory and kitchen (hereafter referred to as the application site).

CHARACTER OF LOCALITY

The St Josephs 'complex' is bound by roads on all sides, bar the south, where it is neighboured by a six storey block of flats, which adjoins the seafront. These flats overlook the site. The Butlin's resort is approximately 300m to the east of the site and within a short walking distance. Bognor Regis Railway Station is approximately 600m to the North West of the site.

RELEVANT SITE HISTORY

BR/341/17/PL	Variation of condition 2 imposed under BR/348/16/PL relating to approved plans to increase number of bedspaces from 91 to 102.	ApproveConditionally 12-03-18
BR/348/16/PL	Change of use of St Joseph's, Essex House (1 & 2 Walton Road) & Blackbird Cottage including on-site stand alone conservatory building, from a care home (Class C2 use) to a House in Multiple Occupation (HMO) to provide team member accommodation for up to 90 team members on behalf of Butlin's Bognor Regis, together with an on-site manager accommodation, two car parking spaces (one disabled space), a minibuss parking space, a designated cycle store for 20 spaces, a designated bin store, smoking shelter & associated landscaping.	ApproveConditionally 02-03-17

Planning Permission was granted by BR/348/16/PL for the:

"Change of use of St Joseph's, Essex House (1 & 2 Walton Road) & Blackbird Cottage including on-site stand alone conservatory building, from a care home (Class C2 use) to a House in Multiple Occupation (HMO) to provide team member accommodation for up to 90 team members on behalf of Butlin's Bognor Regis, together with an on-site manager accommodation, two car parking spaces (one disabled space), a minibuss parking space, a designated cycle store for 20 spaces, a designated bin store, smoking shelter & associated landscaping".

This permission was varied by BR/341/17/PL which allowed for occupation by 102 team members.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Bognor Regis Town Council

Bognor Regis Town Council originally objected: "As a result of the noise, disturbance and smells resulting from the proposed hours of operation. These material considerations have been cause for complaint."

Following amendment the Town Council provided the following new comments: "Having considered the changes to Planning Application BR/263/18/PL at the Planning and Licensing Committee Meeting held 29th January 2019, Members were minded to continue to OBJECT to the application on the grounds of noise, disturbance and smells resulting from the relocation of the smoking shelter."

18 letters of objection:

- (1) Increased noise from conservatory harmful to amenity of Esplanade Grande Flats;
- (2) History of complaints regarding excessive noise at the premises & mismanagement of the site;
- (3) Residents already subjected to loud partying after the permitted conservatory occupation period; and
- (4) Hours of use of the conservatory should be reduced.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Town Council objection is noted and will be considered within the report's conclusions.

The objections from local residents all relate to the extension of hours of use of the conservatory and this no longer forms part of the application.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

ADC ENVIRONMENTAL HEALTH - State that:

(1) No objection to intended increase in size and location of smoking shelter provided the time restrictions are applied (no use between 22.00 and 07.00). Request the western side of the shelter which faces towards the rear of Las Arenas is made of solid construction to reduce noise break out. When constructing the shelter the applicants should note at least 50% of the shelter construction should be open, so with a roof there should only be one other wall. Stated that the other conditions in relation to the shelter should remain; and

(2) Raise concerns in relation to the extended conservatory hours as there is a potential for noise break out from this construction which may affect residents of neighbouring properties. Would not support extended hours unless acoustic consultant can confirm other measures can be employed to prevent any potential nuisance.

COMMENTS ON CONSULTATION RESPONSES:

The Environmental Health comments were put to the applicant who responded to retract their request for an extension to the conservatory hours and also to retract the request for the use of the smoking shelter by 6 people.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
No Public Sewer; and
Adjacent to a Building of Character (Walton Wells).

DEVELOPMENT PLAN POLICES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
HSP4	H SP4 Houses in multiple occupation
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

Bognor Regis Neighbourhood Plan 2015 Policy 6 Key gateways and promotion of sustainable travel

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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

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 on the amenity of the adjoining residential properties.

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 lies in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it is in accordance with other policies of the Local Plan covering such issues as design/visual amenity, heritage and residential amenity/noise.

Policy SD SP1 of the ALP states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)." The application concerns an approved site in a highly sustainable location within walking and cycling distance of a range of shops, facilities and services including bus stops, a large food store, a railway station and the Butlins resort. Staff members already contribute to the local economy by using local shops etc.

The proposal is considered accord with policies SD SP1 and SD SP2 of the Arun Local Plan.

DESIGN & VISUAL AMENITY:

The proposal is to relocate the smoking shelter from between Las Arenas and Blackbird Cottage to a position between Blackbird Cottage and Walton House. The new shelter will be slightly different in size and design.

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area"; and

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

The changes to the design of the shelter are not considered to be materially harmful to the character of the site or the visual amenity of the locality. The structure although slightly different will still have a bus

shelter form to it and retains a similar appearance to the existing due to the use of timber boarding. The new location of the shelter is such that it will not be visible from the streetscene and although potentially of greater visibility from the rear windows of Esplanade Grande, is not considered to be harmful to their visual amenity. The proposal is considered to be in accord with policy D DM1.

HERITAGE ASSETS:

It is clear from historical mapping that the part of St Josephs which fronts Walton Road along with 1-3 Essex House date back at least to 1897/98. Only the more recent Walton Walls to the east (added post 1943) has any form of historical protection (as a Locally Listed Building of Character).

The smoking shelter will not be located adjacent to Walton Walls and being at the rear of Walton Walls will in fact be two houses away. In this position it is not considered that there will be any harm to this Building of Character. There are no other heritage issues to consider.

NOISE & RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

Policy QE DM1 seeks to protect against the impacts of new noise generating development. It states: "Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required."

Policy QE DM3 concerns air pollution. However, it only provides guidance in respect of major or industrial development and as such, is not relevant to this application.

The relocation of the smoking shelter will move it from a central position located in and amongst the existing built parts of the complex to more of a fringe position on the eastern edge. It will be slightly closer to the rear of Esplanade Grande (14.5m as opposed to 16.5m) and directly adjacent to the rear of Walton House. Walton House is within the control of the applicant. The smoking shelter that was in use by the Sisters before BR/348/16/PL was approved was located in a similar location against the boundary with Pearlfishers.

The use of the smoking shelter remains as per restrictions imposed by BR/348/16/PL and BR/341/17/PL in that it can only be used by 2 people at a time between 10pm and 7am (no restriction on use outside those times). Environment Health officers did not raise concerns with the relocation of the shelter and their comments about design were solely in respect of the then proposal to allow use by 6 people during night hours. All of the objections were in respect of the use of the conservatory.

It is not considered that a smoking shelter used by 2 people is likely to result in harm to residential amenity by reason of excessive noise or odour. It is considered the proposal accords with the relevant policies of the Local Plan.

SUMMARY:

This application seeks permission to relocate an existing bus stop style smoking shelter to a new location elsewhere in the site. The structure will be slightly different in size and materials. It is not considered that the shelter will give rise to a material increase in any existing visual or residential harm and for this reason, the application is recommended for approval subject to the following conditions.

In addition to the requested changes to the conditions imposed on BR/348/16/PL, it has been necessary to update some of the other conditions which relate to the continued use of the site.

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:

Location Plan dwg. 129/2.000 Rev 07;
Block/Site Plan dwg. 129/2.010 Rev 06;
Ground Floor Amendments Plans dwg. 129/2.050 Rev 03;
1st Floor Amendments Plans dwg. 129/2.051 Rev 03;
2nd Floor Amendments Plans dwg. 129/2.052 Rev 03;
3rd Floor Amendments Plans dwg. 129/2.053 Rev 03;
Proposed East & North Elevations - Blackbird Cottage dwg. 129/2.210 Rev 03;
Proposed West & South Elevations - Blackbird Cottage dwg. 129/2.209 Rev 03;
St Josephs: Proposed West Elevation Plan dwg. 129/2.208 Rev 05;
St Josephs: Proposed East Elevation Plan dwg. 129/2.207 Rev 03;

St Josephs: Proposed North Elevation Plan dwg. 129/2.205 Rev 03;
 St Josephs: Proposed South Elevation Plan dwg. 129/2.206 Rev 03;
 Essex House: Proposed South Elevation Plan dwg. 129/2.202 Rev 03;
 Essex House: Proposed W & E Elevations Plan dwg. 129/2.203 Rev 03;
 Essex House: Proposed North Elevation Plan dwg. 129/2.204 Rev 03;
 Landscape Plan dwg. 129/2.105 Rev 02;
 Proposed Ground Floor plan dwg. 129/2.030 Rev 12;
 Proposed First Floor Plan dwg. 129/2.031 Rev 12;
 Proposed Second Floor Plan dwg. 129/2.032 Rev 11;
 Proposed Third Floor Plan dwg. 129/2.033 Rev 11;
 Conservatory: Proposed South & West Elevation Plan dwg. 129/2.211;
 Conservatory: Proposed East & North Elevation Plan dwg. 129/2.212;
 Construction Management Plan ref 129/4.002 Rev 01;
 Vehicular Movement Plan ref 129/4.003 Rev 00;
 Smoking Shelter Floors & Elevations plans dwg. P129/SK01 Rev 02 (13/09/18); and
 Schedule of Materials Ref P129 Rev 03.

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

- 2 When the premises cease to be occupied by Bourne Leisure (Butlins), the House in Multiple Occupation (HMO) use hereby permitted shall cease and any subsequent use of the site would require a further planning permission.

Reason: In granting permission, the Local Planning Authority has had regard to the particular circumstances relating to the proposal and to the mitigation measures proposed by Butlin's in accordance with policy D DM1, QE SP1, QE DM1 and QE DM2 of the Arun Local Plan.

- 3 The bin stores as provided in accordance with the approved plans and drawings shall be permanently retained.

Reason: To safeguard the appearance of the site and the amenities of the area in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 4 The car parking spaces as constructed in accordance with the site plan (ref 129/2.010 Rev 04 - approved by BR/341/17/PL) shall be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policies D DM1 and T SP1 of the Arun Local Plan.

- 5 The covered and secure cycle parking spaces as constructed in accordance with the drawings approved by BR/341/17/PL shall be permanently retained and maintained.

Reason: In the interests of highway safety and the adequate provision of cycle parking facilities in accordance with policies D DM1, T SP1 and T DM1 of the Arun Local Plan.

- 6 The Applicant shall continue to monitor, report back to WSCC and subsequently revise the approved travel plan (JMP/ST17469 Rev 3 - February 2017) as necessary in accordance with section 9.0 of the approved Travel Plan document.

Reason: To encourage and promote sustainable transport in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

- 7 The proposed external alterations which comprised of brickwork to subdivide existing windows, brickwork to convert doors into windows, brick work or timber to bin stores, the repair of rendered walls and the new smoking shelter shall be constructed in accordance with

the submitted Schedule of Materials Ref P129 Rev 02 except, in the case of the smoking shelter, in accordance with drawing P129/SK01 Rev 02 (13/09/18).

Reason: In the interests of amenity in accordance with policies D DM1 and D SP1 of the Arun Local Plan.

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The development permitted by this planning permission shall only be carried out in accordance with the submitted Acoustic Assessment Report by RBA Acoustics (Ref 7727/AAR-Rev 4, 08/01/18) and the "St Joseph's, Essex House (1-2 Walton Road) and Blackbird Cottage Management Plan" by Butlins (both as approved by BR/341/17/PL) and in particular the following noise mitigation measures detailed within these documents:

Acoustic Report:

- (1) Use of the rear garden/smoking shelter will be restricted to 2 people at a time between 22:00 to 07:00 hours and St Joseph's residents will be encouraged to keep conversation to a minimum during these times. Signage will be used to instruct this and will be overseen by site management;
- (2) The windows, including rooflights, belonging to the rooms located on the south facing elevation of St. Joseph's, which overlook Las Arenas (room numbers 0.14, 0.17, 0.18 and 0.20) will be sealed shut;
- (3) The use of the entrance located on Walton Avenue will be restricted between 19:00 - 07:00 hours. Residents will instead be advised to use the remaining entrances located on Walton Road and Albert Road;
- (4) The use of the conservatory located in the rear garden area will be restricted to between 08:00 and 19:00 hours;
- (5) The shuttle bus will operate between the hours of 07:00-10:00 and 18:00-23:30 and will be of a low noise (hybrid or electric powered) type vehicle;
- (6) Shuttle bus drivers will be instructed to switch off the engine during pick-up and drop-off;
- (7) St. Joseph's residents will be required to wait indoors for the shuttle bus between the hours of 19:00 and 07:00 hours. Signage will be used to instruct this and will be overseen by site management;
- (8) No more than three visits per hour to St. Joseph's will be made by the Shuttle bus;
- (9) An online booking system will be in place to ensure there are no unnecessary trips between the two sites. This will be monitored and subject to review as required;
- (10) An acoustic barrier formed of a solid material with a minimum surface density of 10kg/m² and approximately 2m high/5m in length, will be installed to the southern boundary of the driveway in order to provide acoustic screening to Las Arenas as shown on the submitted Block/Site Plan ref 129/2.010 Rev 03; and
- (11) Both communal rooms S3.01 and E2.08 can be used 24 hours a day/7 days a week providing they are well managed and have a noise management plan in place. Loud electronically amplified music should not be allowed in these spaces and signage should be displayed requesting residents not to shout and to keep raised speech minimal, particularly if the rooms are at high capacity.

Management Plan:

- (1) New team members who live on the resort to sign an Accommodation Agreement which sets out rules and regulations concerning the use of accommodation;
- (2) Setting of a quiet time between 22:00 hours and 07:00 hours including no loud music and no gathering of residents in groups;
- (3) Access will be from the main (front) entrance to each building from Albert Road, Walton

Road and Walton Avenue accordingly - all other exits will be alarmed and can only be used in the event of a fire or drill;

(4) There will be no access to Blackbird Cottage via Walton Avenue between the hours of 7pm - 7am;

(5) Team members will not be permitted to allow visitors to stay overnight in their accommodation;

(6) All visitors to St Joseph's, Essex House (1-2 Walton Road) and Blackbird Cottage must be pre-authorised by the Team Accommodation Manager and will be signed in/out;

(7) A 3 strikes rule will be applied to the Accommodation Agreement and if a team member breaches the agreement 3 times, their agreement will be terminated and they will be required to leave their accommodation;

(8) A Team Accommodation Manager will reside on site and will be supported by a dedicated resort safety team providing 24-7 cover from the main resort; and

(9) No personal deliveries will be made to the team accommodation.

The mitigation measures shall be fully implemented prior to occupation and adhered to permanently thereafter. There shall be no deviation from these mitigation measures without approval in writing from the Local Planning Authority.

Where it is not possible for reasons of ventilation to seal shut windows (including rooflights) belonging to the rooms located on the south facing elevation of St. Joseph's, which overlook Las Arenas, additional noise mitigation measures should be agreed in writing with the Local Planning Authority and implemented prior to the occupation of the St Josephs building.

Reason: In the interests of the amenities of the area and of neighbouring residential properties in accordance with policies D DM1, QE SP1, QE DM1, QE DM2 and QE DM3 of the Arun Local Plan.

- 9 The development hereby permitted shall incorporate those measures to minimise the risk of crime as set out in the letter from the Sussex Police Crime Prevention Design Adviser dated 31/01/17 and as received in response to Application BR/348/16/PL. These measures shall then be retained permanently and maintained in good working order.

Reason: In the interests of reducing the fear of and opportunity for crime in accordance with Policy D DM1 of the Arun Local Plan and the National Planning Policy Framework.

- 10 No external lighting shall be installed on the site other than in accordance with the submitted External Lighting Statement by CDI (December 2016, rev 1). The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area and of neighbouring residential properties in accordance with policies D DM1 & QE DM2 of the Arun Local Plan.

- 11 All bathroom/en-suite windows within the building shall continue to be glazed with obscured glass or be fitted with obscure glazing film which shall be permanently retained thereafter

Reason: To protect the amenities and privacy of the adjoining properties in accordance with policies D DM1 and AE SP1 of the Arun Local Plan.

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

- 13 **INFORMATIVE:** This property will, when occupied, become a House in Multiple Occupation and will need to comply with the relevant fire safety and fitness for occupation standards under current Housing Acts. The applicant is advised to contact our Environmental Health Private Sector Housing Team for further information.