

Recommendation Report for Planning Permission

REF NO: BR/292/20/PL

LOCATION: Butlins
Upper Bognor Road
Bognor Regis
PO21 1JJ

PROPOSAL: Erection of temporary enclosed buildings to accommodate performance stage and seating for a temporary period of 1 year.
(January 2021- amended description: plans now include mechanical ventilation system/external plant equipment). Re-consultation.
This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The temporary building would consist of the main temporary structure (approx. 65m length, 40m width, 10.5m height) and adjoining smaller structure to the east (approx. 20m length, 20m width, 6.6m height). It provides approx. 3000sqm of floorspace. The main structure would be constructed of aluminium columns with Kingspan panels in shades of grey and non-opening fixed glass panels with white PVC framing and the Butlins lettering/logo in red. The roof would be gently curved and consist of aluminium trusses and white PVC fabric. An external fenced area will be located at the rear/south of the building for use by performers, and would be where the utility compound would be located. The building includes a ventilation system with plant located externally around the building. The smaller structure would have a pitched roof and be constructed of the same materials as the main structure.

Internally the layout consists of a stage and 172 tables each with 5 chairs, to accommodate an audience of 860 guests in the main structure. The smaller structure accommodates a bar and WCs.

The applicants advise this temporary venue is required to accommodate guests to the resort to allow for social distancing with ventilation to provide a 'Covid-secure' environment for entertainment shows. The applicants confirm the provision of this venue will not increase visitor capacity on site beyond pre-Covid lockdown levels but get it closer to its normal capacity (increase from c.3,200 to 4,000, pre-Covid levels c.5,000) by allowing for social distancing measures. The applicants agreed to amend the description of development from 3 years to a 1 year temporary permission for allow for noise monitoring to be undertaken during that period. The

SITE CHARACTERISTICS

proposed opening hours would be 9am - 11pm daily.

The site is the Butlins holiday and entertainment resort at Bognor Regis. The area of the resort in question (the site) is the site of the former swimming pool building which is currently under demolition and some surrounding hardstanding.

It is located in the south-west part of the resort, with Promenade Road, the Butlins boundary and the sea Promenade beyond to the south, the Atlantic Bay Guest Car Park and guest accommodation directly to the west and resort buildings to the north and east.

CHARACTER OF LOCALITY

Urban coastal. This part of Bognor Regis is dominated by the Butlin's Resort, its buildings (including the large 'Skyline' pavilion structure, new swimming pool building, high rise hotels and lower rise guest accommodation), car parking and green landscaping. To the south, the site borders Bognor Regis Promenade adjacent to the sea. The nearest residential properties are to the west along Sea Road, north-west along Upper Bognor Road and to the west at Gloucester Road and The Esplanade. Further west is the Bognor town centre. To the north is the Upper Bognor Road and Mead Lane Conservation Area and Hotham Park Grade II listed park.

Permission was granted on 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. Conditions 1 and 13 of BR/240/16/PL and condition 1 of BR/39/19/PL were varied in December 2020 (BR/212/20/PL) to amend the site entrance plan.

REPRESENTATIONS

Bognor Regis Town Council -
No objection.

34 letters of objection, summarised as follows:

- Strong objections to increase in noise pollution for local residents. Unneighbourly, affects peoples quality of life inside their homes and enjoyment of their gardens.
- More suitable locations in Butlins (further from residences) could accommodate the development.
- Sound proofing will not be adequate to prevent noise escaping and impacting on local residents.
- Amount of days and hours of proposed entertainment at new venue is unacceptable.
- Noise can be heard from Butlins, especially at night. Will be unbearable if concerts/live music are on until 11pm every night and inappropriate in a residential area. Likely that people leaving venue would cause further noise/disturbance too. No objection to noise until 9pm but with children etc. after 10pm becomes a disturbance.
- Noise Impact Assessment readings undertaken during lockdown so not a true reflection of normal

levels on resort nor the noise level the new stage building would have to operate at to counteract other noise in the resort.

- Question validity of noise monitoring point used for Noise Impact Assessment as that part of Gloucester Rd is busier with faster traffic whereas the traffic travelling past Compass Point flats will be travelling more slowly because of the 90 degree corner in the road and thus will be quieter at this point.
- Question who will monitor the noise levels formally.
- Revised plans add potential additional noise nuisance in form of external plant in direct line of sight of Compass Point flats with no noise screening.
- With usual south westerly winds, noise from Butlins is amplified to surrounding areas.
- Felpham some distance from Butlins is no longer a quiet place due to Butlins noise, do not want situation made worse.
- Complaints about outdoor stages in 2020, which were too loud, went on past 10pm, noise impacts unacceptable and interfered with peoples sleep (including children and the elderly) and caused significant nuisance. Environment Agency recorded sound levels and concluded it was unacceptable.
- Butlins have poor history of noise pollution prevention over decades, as recorded by the number of noise complaints to Butlins and Council's Environmental Health reporting line.
- Unsure if proposals result in more traffic generation but would not want a worsening of current issues on Upper Bognor Road roundabout with traffic queuing into Butlins.

4 letters of support (including from the Bognor Regis Regeneration Board):

- Great idea and plan.
- Great for community and visitors.
- Support this application as long as it is limited to 3 years.
- Scale and mass of temporary building imposes no greater visual impact on area including seafront than the former swimming pool building and is in keeping with existing buildings on-site.
- Operation of entertainment in an enclosed building likely to result in less noise disturbance than outdoor stages in summer 2020.
- Proposals will not increase the overall capacity of the resort beyond pre-Covid capacity so unlikely to have increased impact on local road network.
- Location of building will not impact current site access arrangements or on-site parking capacity.
- No increase to impermeable surfaces and will not affect surface water drainage and flood capacity.
- Construction Management Plan routes construction traffic to avoid impact on the town centre and limits are placed on delivery times and construction hours.
- Benefits to local economy as a result of proposals; employees being able to return to work, wider spending benefits for the town and its businesses from increased visitors, supports the place-branding values for Bognor Regis as a holiday town/resort.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in Conclusions section of report.

In addition:

- Complaints about outdoor stages in 2020, which were too loud, went on past 10pm, noise impacts unacceptable and interfered with peoples sleep (including children and the elderly) and caused significant nuisance. Environment Agency recorded the sound levels and concluded it was unacceptable.

Officer comment: For clarity, the application proposes a temporary structure/building which includes an indoor stage, audience and bar areas internally.]

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:**CONSERVATION OFFICER:**

No objection. Proposals would not cause harm to the setting & significance of the various heritage assets in local area.

ENVIRONMENTAL HEALTH:

No objection, subject to the use of conditions granting 1 year temporary permission, conditions to monitor and control noise impacts, compliance with a Construction Management Plan, and to control construction/deliveries location and hours and lighting.

WSCC HIGHWAYS:

No objection. The proposals would not have an unacceptable impact on highways safety or result in 'severe' cumulative impacts on the operation of the highways network, would accord with para 109 of the NPPF. Recommend condition to ensure compliance to final Construction Management Plan.

LEAD LOCAL FLOOD AUTHORITY:

No objection. Current mapping shows site at low risk of surface water and ground water flooding. ADC Drainage Engineers and Environment Agency should be consulted.

ENVIRONMENT AGENCY:

No objection. Strongly recommend use of flood resistance and resilience measures and consideration given to whether users can safely access and exit a building in a flood event, evacuation procedures, and the need for adequate flood warnings.

ADC DRAINAGE ENGINEER:

No objection, subject to a condition to secure compliance with surface water drainage drawings.

SOUTHERN WATER:

No objection. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised and must accord with SW's stand-off distances from public sewer pipes. Drainage strategy report states proposed foul flows from the building are reduced from the contribution flows (under its former use as the swimming pool building) and there is no objection to this in principle.

ADC COASTAL ENGINEER:

No objection. Provision of general information for interest of applicant.

NATURAL ENGLAND:

No comments. Refer LPA to standing advice for assessing impacts on protected species. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

SUSSEX POLICE:

No major concerns with proposals. Additional measures to mitigate against identified local crime trends and site specific requirements should be considered. With regard bar area, applicants are strongly advised to consult with Police Licensing at Sussex Police. Alcohol should not be stored on site or if it is, consideration given to siting of CCTV and intruder alarm. Only other concern potential to disturb amenity

of neighbouring residential properties from performances, applicants need to ensure issue is sensitively handled to ensure disturbance late into night to is kept to a minimum.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in Conclusions section of report.

POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary

Flood Zone 2 & 3

Pagham Harbour SPA/Ramsar 400m-5km Zone B buffer zone

2km of Bognor Reef and Felpham SSSIs

CIL Zone 4

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.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

SDSP1	SD SP1 Sustainable Development
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
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
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
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVSP1	ENV SP1 Natural Environment

Bognor Regis Neighbourhood Plan 2015 Policy 1

Delivery of the Vision

Bognor Regis Neighbourhood Plan 2015 Policy 6

Key gateways and promotion of sustainable travel

Bognor Regis Neighbourhood Plan 2015 Policy 7

Promotion of tourism and beach service points

Bognor Regis Neighbourhood Plan 2015 Policy 8A Design Excellence

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

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 policies contained within the Bognor Regis Neighbourhood Plan are relevant in 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 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

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

CONCLUSIONS

PRINCIPLE OF DEVELOPMENT/TOURISM DEVELOPMENT:

Arun Local Plan policy SD SP2 states new development should be focussed in the Built-up Area Boundary. Policy SD SP1(a) seeks to promote and enable development which supports the main coastal town of Bognor Regis' role as a main service, employment, retail and social centre, which includes enabling development that supports Bognor Regis as a holiday centre. Policy TOU SP1 encourages sustainable tourism development where it protects as well as promotes the main tourism assets and sets

out a number of criteria for tourism growth. Policy TOU DM1 supports proposals for development, including expansion, which are likely to attract visitors provided that it meets certain criteria including (a) are in accessible locations; (b) are accompanied by workable and realistic travel plans; (c) address visitor management issues; and (d) achieve good design.

Policy 8d (Butlins resort) of the Bognor Regis Neighbourhood Plan states the "enhancement and development of this major tourist destination on this site will be encouraged subject to compliance with other policies in this plan". Policy 7 states "the Neighbourhood Plan recognises the crucial importance the tourist industry has for the Bognor Regis economy. Where proposals comply with other policies in this plan, development of new and existing tourist facilities will be supported, as a crucial part of improving Bognor Regis as a visitor destination."

The site is in the Built-up Area Boundary, and the development supports and protects a key tourism asset in the Bognor Regis and supports the towns role as a holiday centre. The development is acceptable in principle, subject to meeting all other Development Plan policies, in accordance with Arun Local Plan policies SD SP2, SD SP1(a), TOU SP1 and TOU DM1 and Bognor Regis Neighbourhood Plan policies 8d and 7.

VISUAL AMENITY:

Arun Local Plan policy TOU DM1 states proposals for visitor attractions/facilities, which includes expansion, will be supported provided they, amongst other things, (d) achieve good design. ALP design policy D SP1 states that developments should seek to make efficient use of land but reflect the characteristics of the site and local area in various respects. ALP policy D DM1 sets out the aspects for form and design quality of new development, including character, layout and scale. Policy 8a of the Bognor Regis Neighbourhood Plan states that major developments shall demonstrate 'excellence in design' and that a central part of this is responding to and integrating with local surroundings. The Council's adopted Design Guide SPD (2020) provides guidance on good design practice for development in the District.

The scale, form, design and materials of the temporary buildings would be broadly in keeping with the general scale and appearance of other buildings in the resort. The materials would be appropriate and reflect the temporary nature of the structures. Given their location in the resort, although readily visible from the seafront Promenade and upper levels of surrounding residential properties, the structures would be read in the context of the other buildings within the resort, and would not appear visually prominent nor out of character. Whilst the proposals would not be exceptional in design terms nor demonstrate excellence in design the structures would be temporary not permanent features and would integrate sufficiently with their surroundings.

The building would be accessed via level ramps to allow for wheelchair/buggy access and would need to accord with Building Regulations for accessible buildings.

Regarding designing out crime and crime prevention, Sussex Police confirmed they have no major concerns with the proposals but that additional measures to mitigate against identified local crime trends and site specific requirements should be considered. With regard the bar area, the applicants are strongly advised to consult with Police Licensing at Sussex Police. Alcohol should not be stored on site or if it is, consideration given to siting of CCTV and intruder alarm.

The proposals reflects the character of the site and would have an acceptable impact on the visual amenity of the area, in accordance with the NPPF and Arun Local Plan policies TOU DM1, D SP1 and D DM1 and Bognor Regis Neighbourhood Plan policy 8a.

HERITAGE:

Arun Local Plan policy HER SP1 requires that development proposals must conserve or enhance the historic environment, which includes the highest protection being given for designated heritage assets including listed buildings/structures, their settings and Conservation Areas. ALP policy HER DM1 seeks to protect the settings of listed buildings. ALP policy HER DM3 requires that development preserve or enhance the character or appearance of Conservation Areas. Policy 1 of the Bognor Regis Neighbourhood Plan requires that proposals for major developments must identify the significance of any affected heritage asset and assess any harm and benefit.

Paragraph 190 of the NPPF requires the LPA to identify and assess the significance of any heritage assets affected by a proposed development. There are a number of heritage assets around the Butlins complex. These include the Upper Bognor Road and Mead Lane Conservation Area, Hotham Park Grade II listed park and an important and imposing set of principally late 18th century buildings fronting Upper Bognor Road, which were built by Sir Richard Hotham as part of the original plan to make Bognor Regis attractive as a holiday resort. A number of these buildings are designated heritage assets (listed).

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset 'great weight' should be given to the heritage assets conservation. Para 196 states that where proposals would lead to 'less than substantial harm' to the significance of a heritage asset, this harm should be weighed against the public benefit of the proposal. The existing Butlins complex is large in scale and there a number of buildings within the complex that are located between the proposed development site and the various heritage assets. The Council's Conservation Officer confirmed there would be no inter-visibility between the heritage assets and the development site and, as such, the proposals would not cause any harm to the setting of the various heritage assets in the local area and thus no harm to the significance of any heritage assets.

The proposals would conserve the historic environment, including listed buildings, their settings and Conservation Area, and would preserve the character and appearance of the nearby Conservation Area, in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, and policies HER SP1, HER DM1 and HER DM3 and Bognor Regis Neighbourhood Plan policy 1.

RESIDENTIAL AMENITY:

Arun Local Plan Policy D DM1 requires new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. Policy QE SP1 states the Council requires 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. Policies QE DM1, DM2 and DM3 seek to protect residents from noise, light and air pollution. Policy TOU DM1 supports proposals for tourism development, including expansion, which are likely to attract visitors provided that it meets certain criteria including (c) address visitor management issues. Paragraph 127 (f) of the NPPF states that development should have a high standard of amenity for existing and future users.

The applicants advise that the temporary buildings would provide a 'Covid-secure' venue for daily entertainment for resort guests and will have capacity for an 860 person audience in the main stage structure. The proposed opening hours of the venue would be 9am - 11pm daily. There would be no openable windows or rooflights within the structures. External plant units and flues (serving the ventilation system) are also proposed around the outside of the building.

A Noise Impact Assessment (NIA) was submitted. The nearest residential properties to the site include those along Gloucester Road and the eastern end of The Esplanade (including 'Compass Point') flatted

development. During the course of the determination period of the application, the noise information has been updated by the applicant to respond to the Council's Environmental Health Officer's comments, including the provision of a revised NIA, an entertainment and leisure activity schedule for the venue, a 2021 calendar of events for the site including the temporary venue, and an Activity Usage Plan statement. Environmental Health reviewed the further information, and confirmed they have no objection to the proposals on noise grounds, subject to the use of conditions to monitor and control noise impacts. This includes a Management Plan for patrons accessing and egressing the venue to address visitor management issues in respect of potential noise and disturbance. Sussex Police raised the matter of potential to disturb amenity of neighbouring residential properties from performances, and applicants need to ensure issue is sensitively handled to ensure disturbance late into night to surrounding areas is kept to a minimum. The conditions recommended by EH regarding hours for use of the venue/access and egress of patrons and a Management Plan would address these concerns. It is recommended to only allow a 1 year temporary permission (instead of 3 years) to allow for noise monitoring to be undertaken during that period (including by the Council's Environmental Health team). EH have suggested a number of conditions regarding compliance with an approved Construction Management Plan, construction hours, deliveries location and hours, and lighting. This seeks to control any noise, light and air pollution impacts. Although the applicant has stated there would be no openable windows or rooflights within the structures, this is not specified in the drawings so a planning condition will be applied to ensure this.

Given the proposed venue's location within the complex, it is concluded it would not result in any loss of amenity with regard outlook, light levels or privacy.

Subject to a temporary permission for 1 year being granted, and the use of planning conditions, the proposals would not have an unacceptable impact on residential amenity, in accordance with the NPPF and policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3, and TOU DM1.

HIGHWAYS AND PARKING:

Regard should be had to para 109 of the NPPF which states: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". Arun Local Plan policies T SP1 and T DM1 relate to matters of safe and suitable site access, parking provision and encouraging sustainable modes of transport. Policy 6 of the Bognor Regis Neighbourhood Plan requires major developments must demonstrate... no severe cumulative transport impact.

The applicants confirm the proposed venue would not increase visitor capacity on the site beyond pre-Covid lockdown levels but get it closer to its normal capacity, and there would be no additional traffic generation, congestion or parking requirements as a result. They advise the temporary nature of the venue which consists prefabricated components would significantly reduce the construction period (to around 3 weeks) and reduces construction activities.

The Local Highways Authority (West Sussex County Council) confirm it is considered the proposals would not have an unacceptable impact on highways safety or result in 'severe' cumulative impacts on the operation of the highways network, and so would accord with para 109 of the NPPF. They confirm no objection, subject to a condition to ensure compliance with the final Construction Management Plan, submitted during the course of the determination period on the application.

Subject to a condition to secure compliance with the Construction Management Plan, the application would have an acceptable impact on highways safety and operation and parking in accordance with the NPPF, and policies T SP1 and T DM1 of the Arun Local Plan and policy 6 of the Bognor Regis Neighbourhood Plan.

FLOODING & DRAINAGE:

The site is in Flood Zone 2 & 3. In accordance with the NPPF, a Sequential Test (which seeks to direct new development to areas with lowest risk of flooding) would ordinarily be required for sites in Flood Zones 2 & 3 and where a Sequential Test has not already been done for development of the type proposed on the site (which it has not). The development would not be 'exempt' development given it would result in 3000sqm of commercial/leisure floorspace. Arun Local Plan policy W DM2 details that planning permission will be granted when "the sequential test in accordance with the NPPG has been met".

Paragraph 33 of the NPPG refers to a "pragmatic approach being taken in the application of the Sequential Test, to the availability of alternative sites as follows:

"For individual planning applications where there has been no sequential testing of the applications in the development plan the area to apply the Sequential Test across will be defined by local circumstances. When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises, it might be impractical to suggest there are more suitable alternative locations for that development elsewhere".

In this case, the extension to this existing business needs to be located on the site, and the applicant had reviewed alternative sites off-site but close by and they were in the same flood zone i.e. not lower risk areas. It is impractical to suggest there are more suitable alternative locations elsewhere and, as such, a Sequential Test is not required in this instance on the basis of para 33 of the NPPG.

A Flood Risk Assessment (FRA) was submitted. With regard to potential flooding from tidal sources, the FRA concludes the presence of sea defences (maintained by the Environment Agency) immediately to the south protect the site from the English Channel and tidal flooding. With regard fluvial flooding, the FRA confirms that the nearest local watercourse (Aldingbourne Rife) terminates with an outfall to the sea during low tide together with a non-return system and pumped outfall (i.e. mechanically managed) during high tide events. In the case of waves overtopping the sea wall or a breach in the sea defences, the FRA states that users of the proposed temporary building will be evacuated to areas of the wider site elevated above 4.5m AOD. The FRA states as the new building will be used for current guest numbers on the Butlins resort, the existing emergency evacuation procedures remain valid. The FRA concludes that pluvial, sewage, groundwater and surface water flooding risk is low. The Environment Agency confirm they have no objection. They strongly recommend the use of flood resistance and resilience measures (e.g. special construction materials, physical barriers flood doors, and raised electrical fittings). They advise the NPPG states that in determining whether a development is safe, the ability of users to safely access and exit a building during a flood event and evacuate needs to be considered, which includes the use of adequate flood warnings. A condition is to be added to secure compliance with the FRA, and include flood resistance and resilience measures in the design of the building, and to accord with existing emergency evacuation procedures for the site (which should include being registered for the EA flood warnings).

The Council's Drainage Engineer confirmed they would expect to see a 50% betterment of existing surface water run off rates (if infiltration is not possible), to accord with the LLFA's policy. Policy W DM3 of the Arun Local Plan refers to the need to incorporate sustainable urban drainage features into development and Policy 8a of the Bognor Regis Neighbourhood Plan states that major development proposals should adopt the principles of sustainable urban drainage, where appropriate. The Council's Drainage Engineer confirm the proposals are now acceptable with respect of the surface water drainage proposals, further to amended drawings to address comments being provided during the determination period of the application, and a condition is recommended to secure compliance with the final surface

water drainage drawings.

Southern Water comment that the Drainage Strategy Report states the foul water flows from the new building are reduced (compared to its former use as the swimming pool building) and there is no objection to this in principle. Southern Water confirm 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. It is noted that 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 for a connection to the public foul sewer. A condition is recommended to secure compliance with the foul drainage drawings. Informatives will be added to reflect SW's advice.

Subject to conditions, the proposals would not increase flood risk on the site or elsewhere and would be appropriately drained, in accordance with the NPPF, NPPG and Arun Local Plan policies W DM2 and W DM3 and policy 8a of the Bognor Regis Neighbourhood Plan.

PAGHAM HARBOUR SPA/RAMSAR & LOCAL SSSIs:

Arun Local Plan policy ENV SP1 states the Council will promote the preservation , restoration and enhancement of biodiversity and the natural environment, including protecting designated and non-designated sites (which includes Ramsars, SPAs, and SSSIs).

Policy ENV DM1 requires that designated sites of biodiversity and geological importance (including SSSIs) will be protected, unless there is strong justification for not doing so.

ALP policy ENV DM2 requires that new development must not have a detrimental impact on Pagham Harbour Ramsar and SPA, and requires that new residential developments or any development likely to have an impact within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution toward the management of Pagham Harbour and/or create accessible natural open green spaces to serve the area to mitigate any impacts.

Given the nature of the proposals which consists of new commercial/leisure floorspace on an existing leisure resort and not residential development, and would not result in increased recreational disturbance to the harbour from an increased population, nor pollution impacts, it is concluded the proposals would be unlikely to have any impact on Pagham Harbour and would accord with policy ENV DM2. Natural England do not need to be consulted on non-residential development in respect of Pagham Harbour. The LPA conclude an Appropriate Assessment does not need to be undertaken in this case as the proposals would be unlikely to result in any impact and thus would have no adverse effect on the integrity of the Pagham Harbour Ramsar and SPA.

The site is in 2km of the Bognor Reef and Felpham SSSIs and is very close to the Bognor Reef SSSI. Natural England have been consulted accordingly, and confirm they have no comments to make. NE confirm the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. Given the nature of the proposals, which would not result in increased guest numbers on the wider resort than normal levels and would not lead to increased visitors to the area, the LPA concludes the proposals would be unlikely to have any impact on the SSSIs and would accord with policies ENV SP1 and ENV DM1.

The proposals would not have an adverse impact on designated sites for conservation and would preserve the natural environment, in accordance with the relevant legislation, and policies ENV SP1, ENV DM1 and ENV DM2 of the Arun Local Plan.

SUMMARY:

The proposals have been assessed to have an acceptable impact, subject to planning conditions, 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 Arun Local Plan and Bognor Regis Neighbourhood Development Plan.

The application is therefore recommended for approval, subject to the following planning 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 structures and use permitted shall be in place and in use for a temporary period of 1 year from the date of this planning permission. After such time, the structures hereby permitted shall be removed and the land restored to its former condition, unless agreed in writing with the Local Planning Authority in the form of a planning application to extend planning permission for a further period.

Reasons: In order to limit the time period for which planning permission is granted to enable the Local Planning Authority to review the special circumstances under which this permission

is granted and review the noise impacts on the local area and residential amenity of local occupants over a reasonable period and to limit any noise impacts, in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

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

- Site Plan (drawing no. 2015-WOO-BOG-00-DR-A-001 Rev E)
- Block Plan (drawing no. 2015-WOO-BOG-00-DR-A-100 Rev G)
- Floor Plan (drawing no. 2015-WOO-BOG-00-DR-A-102 Rev C)
- Roof Plan (drawing no. 2015-WOO-BOG-00-DR-A-108 Rev A)
- Facade elevations (drawing no. 2015-WOO-BOG-00-DR-A-402 Rev G)
- Front elevations (drawing no. 2015-WOO-BOG-00-DR-A-401 Rev G)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with the National Planning Policy Framework, policies D SP1, D DM1, HER SP1, HER DM1, HER DM3, QE SP1, QE DM1, QE DM2, T SP1, T DM1, W DM2, W DM3, ENV SP1, and ENV DM2 of the Arun Local Plan and policies 1, 6, 7, 8a and 8d of the Bognor Regis Neighbourhood Plan.

- 3 The construction works (and any associated demolition works) shall be undertaken in strict accordance with the Construction Management Plan ('Safe System of Work and Construction Phase Plan', prepared by Star Group Live Ltd, Version F, dated 4 March 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, policies T SP1, T DM1, QE SP1, QE DM1, QE DM2, and QE DM3 of the Arun Local Plan, and policy 6 of the Bognor Regis Neighbourhood Plan.

- 4 The buildings hereby approved shall have no openable windows or rooflights at any time.

Reason: To protect the residential amenity of local occupants, in accordance with the National Planning Policy Framework, and policies QE SP1, QE DM1, QE DM2, and QE DM3 of the Arun Local Plan.

- 5 The development hereby permitted shall be undertaken in accordance with the approved surface water and foul drainage drawings: Proposed Drainage Layout (Drawing no. 500 Rev B), Drainage Details (Drawing no. 511 Rev B), Drainage Details (Drawing No. 512 Rev B) and Drainage Details (Drawing no. 513 Rev B).

Reason: To ensure that surface water and foul water is adequately drained and that the development would not result in increased flood risk, in accordance with policies W DM2 and W DM3 of the Arun Local Plan and policy 8a of the Bognor Regis Neighbourhood Plan.

- 6 The development hereby permitted shall be undertaken in accordance with the mitigation measures set out in the Flood Risk Assessment (prepared by Crouch Waterfall, dated November 2020), and shall be subject to existing flood warning and evacuation procedures set out in the Flood Emergency Plan for the Butlins site.

Reason: To ensure flood risk is suitably managed, in accordance with the National Planning Policy Framework and policy W DM2 of the Arun Local Plan.

- 7 No construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no work on Sunday or recognised public holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1, QE DM1 and QE DM3 of the Arun Local Plan.

- 8 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 and QE DM4 of the Arun Local Plan.

- 9 The external lighting for the development hereby permitted shall accord with the details set out in the 'Butlins External Lighting - Temporary Venues Technical Note (prepared by Star Group Live Ltd. dated 03 March 2021. The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 and QE DM2 of the Arun Local Plan.

- 10 Commercial deliveries related to the venue hereby approved that are delivered via the main Butlins entrance off Upper Bognor Road shall be between the hours of 06:00 - 20:00. No commercial deliveries related to the venue hereby approved and no commercial goods being loaded, unloaded, stored or otherwise handled in relation to the venue hereby approved shall be via the Gloucester Road Butlins site entrance outside the hours of 07:00-19:00 Monday to Friday, 08:00-18:00 hours Saturday or at any time on Sunday or public holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 and QE DM1 of the Arun Local Plan.

- 11 The use of the temporary venue hereby permitted shall not take place except between the hours of 0900 - 2300 hours Monday to Thursday, 0900 - 23:30 hours Friday and Saturday, and 0900 - 2300 hours Sunday and recognised public holidays, and all amplified sound/music and live music at the venue hereby permitted shall cease by 22:30 hours Monday to Thursday, 23:00 hours Friday and Saturday, and 22:30 hours Sunday and recognised public holidays. Patrons must egress the venue hereby approved strictly no later than by 2300 hours Monday to Thursday, by 23:30 hours Friday and Saturday and by 2300 hours Sunday and recognised public holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 and QE DM1 of the Arun Local Plan.

- 12 The noise level emitted from the temporary venue hereby permitted shall not exceed 5 dB expressed in terms of an A-Weighted, 15 min Leq above background noise levels at any time between 0900 - 2300 hours Monday to Thursday, 0900 - 23:30 hours Friday and Saturday, and 0900 - 2300 hours Sunday and recognised public holidays, as measured at the specified noise monitoring points. Background noise levels shall be taken within 2 hours of the event.

Please refer to the following documents (Site Plan and photographs of Noise Monitoring Locations, received date 08/03/2021) for the specific noise monitoring points. For the avoidance of doubt, the noise level shall include music noise, event noise, people noise and any other noises arising from the venue. Records from the noise monitoring shall be detailed in the logbook and made available to the Local Planning Authority on request. Noise measurement must be taken at a height of 1.2-1.5m above the ground, and at least 3.5m away from any reflecting surface other than the ground. Weather conditions that may affect noise measurements must be recorded in the logbook and provided to the Local Planning Authority on request.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 and QE DM1 of the Arun Local Plan.

- 13 The noise level emitted from the temporary venue hereby permitted shall not exceed 70dB at any time within the 63Hz and 125Hz octave frequency (low frequency) when measured as a 15 min Leq at the specified noise monitoring points.

Please refer to the following documents (Site Plan and photographs of Noise Monitoring Locations) for the specific noise monitoring points. Records from the noise monitoring shall be detailed in the logbook and made available to the Local Planning Authority on request. Noise measurement must be taken at a height of 1.2-1.5m above the ground, and at least 3.5m away from any reflecting surface other than the ground. Weather conditions that may affect noise measurements must be recorded in the logbook and provided to the Local Planning Authority on request.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 and QE DM1 of the Arun Local Plan.

- 14 Sound level meters used for the assessment of noise in relation to this application shall conform to BS 61672-1, Class 1, for free-field application and sound calibrators to BS EN 60942, Class 1. To demonstrate conformity of the measuring system, sound level meters and calibrators shall have valid certificates of conformity to the above British Standards. These certificates are to be made available to the Local Planning Authority on request.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 and QE DM1 of the Arun Local Plan.

- 15 The 'rating' level of noise emitted from the proposed plant, machinery and equipment installed at the venue shall not exceed the measured background sound level when assessed by a competent acoustician using BS 4142:2014+A1:2019, at any adjoining or nearby noise sensitive premises during the night time period (23:00 - 07:00). A test to demonstrate compliance with this condition shall be undertaken by a competent acoustician / consultant and must be recorded in a logbook and provided to the Local Authority on request.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 and QE DM1 of the Arun Local Plan.

- 16 The 'rating' level of noise emitted from the proposed plant, machinery and equipment installed at the venue shall not exceed the measured background sound level when assessed by a competent acoustician using BS 4142:2014+A1:2019, at any adjoining or nearby noise sensitive premises during the day time period (07:00 - 23:00). A test to demonstrate compliance with this condition shall be undertaken by a competent acoustician / consultant and must be recorded in a logbook and provided to the Local Authority on request.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 and QE DM1 of the Arun Local Plan.

- 17 The access and egress of patrons using the venue hereby permitted shall be proactively managed in strict accordance with the 'Temporary Venue Patron Access and Egress Management Plan', dated March 2021.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 and QE DM1 of the Arun Local Plan.

- 18 Butlin's Noise Management Plan shall be updated to include the venue hereby permitted and the noise conditions relating to it.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 and QE DM1 of the Arun Local Plan.

- 19 Details of all noise complaints received by the applicant in relation to the venue hereby permitted and subsequent corrective actions taken by the applicant shall be recorded in a logbook specific to the venue and made available to the Local Authority on request. If investigations by Arun District Council conclude that noise from the venue is causing unreasonable impact to local residents (based on failure to accord with noise limits set out in conditions 12, 13, 15 and 16), the applicant shall provide a scheme of mitigation, to be agreed by the Local Planning Authority and subsequently implemented by the applicant.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 and QE DM1 of the Arun Local Plan.

- 20 Any sound amplification system (PA system) to be installed at the venue hereby approved shall have a noise limiter (with control of noise as separate frequencies) with a sound limiting device. All amplified entertainment taking place in the venue shall use this system, and no other PA system shall be used in this venue. Details of the type of noise limiter, number of noise limiter(s), who has control of the noise limiter(s), who resets them if triggered, what level they are reset at, who ensures they have not been tampered with shall be recorded in the logbook specific to the venue and be available on request by the Local Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 and QE DM1 of the Arun Local Plan.

- 21 A noise propagation test shall be carried out prior to first commercial use of the venue hereby permitted in order to set appropriate control limits for the sound amplification system and noise limiter. The results of the test shall be recorded in the logbook and made available to the Local Authority on request.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 and QE DM1 of the Arun Local Plan.

- 22 Sound checks at the venue hereby approved are permitted only during the following times: 0900 - 2230 hours Monday to Thursday, 0900 - 2300 hours Friday and Saturday, and 0900 - 2230 hours Sunday and recognised public holidays and shall not last more than 15 minutes.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 and QE DM1 of the Arun Local Plan.

- 23 There shall be a named manager responsible for the venue hereby permitted, details of whom shall be recorded in the logbook. The logbook shall be available on request to the Local Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 and QE DM1 of the Arun Local Plan.

- 24 INFORMATIVE: The applicant is advised that sanitary provision should be in accordance with the guidelines set out within the Arun District Council document entitled: 'Provision of sanitary accommodation in food businesses'.
- 25 INFORMATIVE: The applicant is advised that the revised Noise Management Plan should include the following 'Butlin's are to pro-actively inform the local residents of proposed events and times for performances which are to take place in the temporary venue
- 26 INFORMATIVE: The applicant is advised that the business is required to submit a 'Food Registration Form' to the Environmental Health department 28 days before opening the temporary venue. Further advice can be given to the business, for example, on the internal layout of the food premises. If the applicant would like further advice please contact the Environmental Health Service on (01903) 737755.
- 27 INFORMATIVE: The applicant must 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.
- 28 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.
- 29 INFORMATIVE: Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer. To make an application visit: southernwater.co.uk/developing and please read the New Connections Services Charging Arrangements documents which are available on the website via the following link: southernwater.co.uk/connection-charging-arrangements.
- 30 INFORMATIVE: With regard bar area, applicants are advised to consult with Police Licensing at Sussex Police. Alcohol should not be stored on site or if it is, consideration given to siting of CCTV and intruder alarm.