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Bourne House, Cores End Road
Bourne End, Bucks, SL8 5AR

Our ref. TE/B0169/17

08 December 2017

David Innes
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
BN17 5LF

Dear David,

Planning Portal ref. PP-06589755

BUTLINS RESORT, BOGNOR REGIS

S.73 Application for variation of a condition following grant of planning permission

Original planning application ref. BR240/16/PL

I write on behalf of the applicant to submit a planning application at Butlins Resort Bognor Regis which seeks to vary the wording of a number of conditions of planning permission BR240/16/PL dated 05 January 2017 in order to amend the approved phasing of the construction programme.

The description of development on the original decision notice is as follows:

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.

A total of 27 conditions are attached to the consent, 5 of which will need to be varied in order to allow the phasing to be amended. These conditions are:

- Condition 2 (development to be carried out in accordance with approved drawings)
- Condition 8 (compliance with CMP and Addendum)
- Condition 12 (compliance with car park phasing plans)
- Condition 14 (no occupation prior to completion of car parking provision)
- Condition 21 (compliance with landscaping plan)

This application is being submitted in accordance with the National Planning Practice Guidance and is in line with current government initiatives to encourage development.

The Guidance advises that an application for minor material amendments can be made through a S.73 application to change a condition listing approved plans. A S.73 application also provides the mechanism for alterations to the wording of conditions.



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Whilst there is no statutory definition of a 'minor material amendment' it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved (Paragraph: 017 Reference ID: 17a-017-20140306).

This requires a local authority to consider whether the resulting development approved as part of the MMA application process is not substantially different from that which has previously been approved.

In the case of the proposed amendment to the phasing at Butlins Resort, we consider the changes to be minor – the end result is a development which is the same as that which was approved in January 2017 – and therefore the changes can be considered under the 'minor material amendment' mechanism. No changes are proposed to the end result of the development which has been previously approved, it is merely the phasing of construction which needs to be altered.

The Minor Material Amendment

This 'Minor Material Amendment' application seeks to amend the approved phasing drawings which form part of planning permission BR240/16/PL dated 05 January 2017. A knock-on effect of amending the approved phasing is that it becomes necessary to vary the wording of a further 4 conditions in order to amend the 'trigger point' for compliance with plans which would be affected by a new construction programme.

Condition 2 of the planning permission states:

"The development hereby approved shall be carried out in accordance with the following approved plans..."

Additional architectural drawings for a new 'phase' of development are being added to the decision notice. These are:

- 5128 P102 rev **C** Proposed Site Plan Phase 1
- 5128 P105 rev **C** proposed site plan phase 1

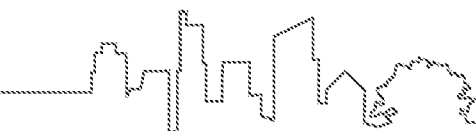
With regards to construction and landscape drawings, it is necessary to supersede the following **approved** drawings:

- Kier SK/MEH/10 - Nov 16 Rev C - Car Park Phasing Plan - Phase 2
- Kier SK/MEH/11 - Nov 16 Rev C - Car Park Phasing Plan - Phase 1
- Kier SK/MEH/12 - Nov 16 Rev A - Car Park Phasing Plan - Phase 2a
- 16_100_01E - Landscape Master Plan
- 16_100_P101A - Detailed Planting Plan

With the following **proposed** drawings:

- 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

The newly reworded Condition 2 is set out in full below.



In practical terms, 'phase 1' at the start of the process will be amended to introduce a new phase. A new "phase 1" shows a completed swimming pool with temporary surface level car park surrounding it. A new "phase 2" is, in effect, the old phase 1. That is, it shows the completed decked car park and landscaped garden.

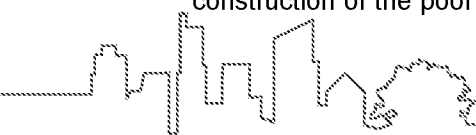
Previously, an Addendum CMP was submitted and approved which updated the phasing in the originally submitted 'main' CMP. The following phasing is now proposed, shown on the enclosed plans:

- Start – there are currently 558 spaces in the area concerned.
- Phase A – total number of spaces temporarily drops to 472 as previously approved
 - This is all guest parking. During peak periods staff parking is provided either within the Gloucester Road Car Park, or car sharing, or a resort shuttle service as per the current approved CMP
 - This is the longest period, covering the majority of the project from commencement up until 05/11/18
- Phase B – total number of Spaces 355
 - This is 100% guest parking. Arrangements for staff are as above
 - Covers only a 2-week period from 05/11/18 to 16/11/18
 - Programmed to coincide with the resort's least busy period, consisting for the most part of weekend events only
- Phase C – total number of spaces 306
 - This is 100% guest parking. Arrangements for staff are as above
 - Covers only a 2-week period from 19/11/18 to 30/11/18
 - As above, this has been programmed to coincide with the resort's least busy period of the year
- Phase D – total number of spaces 319
 - All guest parking as above
 - Covers only a 2-week period from 03/12/18 to 14/12/18
 - This is still the least busy period at the resort, with weekend events only
- Phase E – total number of spaces 395
 - All guest parking as above
 - Covers a period from 17/12/18 up to 25/02/19
 - Resort hits its lowest occupancy numbers in January
- Completion of new Phase 1 – parking for 558 spaces is reinstated
- New Phase 2 (the original Phase 1) – construction details will be provided for the final phase of development, which will need to be subsequently approved by the Council prior to completion.

The end result is that there are no changes to the scheme which has been previously assessed and approved by the Council. The same development is being built, and there are therefore no reasons why a different view should be taken in this instance.

The reduced parking capacity as a result of the amended phasing is programmed when the resort is at its quietest and at its lowest occupancy. A lower level of parking on site at these times will not create issues like it might during the summer months when parking demand within the resort is at its highest.

Ultimately, Butlins need to continue to operate their resort to cater to guests and staff alike whilst construction of the pool takes place, it is simply not in Butlins' interests to have a resort which cannot



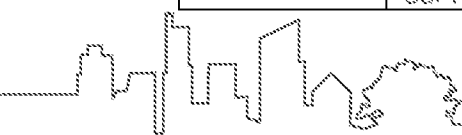
cater to guest and staff parking demand. The phasing plans prepared by Kier have been produced in conjunction with Butlins to ensure there is minimal disruption.

Like before, the levels of parking will return to existing once construction has been completed.

Proposed Condition Rewording

The schedule of conditions below sets out which conditions we are seeking to vary and proposes amended wording to those conditions in red (with any text to be deleted struck through):

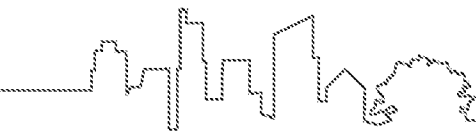
Condition no.	Proposed wording
2	The development hereby approved shall be carried out in accordance with the following approved plans:- 5128 P101 rev B Location plan and existing site plan 5128 P102 rev B Proposed Site Plan Phase 1 ~~5128 P102 rev C Proposed Site Plan Phase 1~~ 5128 P103 rev B Proposed 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 A entrance site plan 5128 P200 rev B basement floor plan 5128 P201 rev C ground floor 5128 P202 rev C first floor plan 5128 P203 rev B 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 D Proposed Elevations Sheet 1 5128 P301 rev D Proposed Elevations Sheet 2 5128 P305 rev C 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 B proposed sections 5128 P111 rev A proposed site plan - phase 3 ~~Kier SK/MEH/10 Nov 16 Rev C Car Park Phasing Plan Phase 2~~ ~~Kier SK/MEH/11 Nov 16 Rev C Car Park Phasing Plan Phase 1~~ ~~Kier SK/MEH/12 Nov 16 Rev A Car Park Phasing Plan Phase 2a~~ Car Park Phasing A Car Park Phasing B Car Park Phasing C Car Park Phasing D Car Park Phasing E



	~~16_100_01E – Landscape Master Plan~~ ~~16_100_P101A – Detailed Planting Plan~~ ~~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~~ ~~9306/02 - Tree Protection Plan~~
8	The Construction Management Plan, dated September 2016 prepared by AECOM and addendum dated November 2016 and January 2017 prepared by Kier is hereby approved. The content of which must be adhered to throughout the entire construction period, with the exception of the phasing plans which have been superseded. Any proposed amendments must be approved in writing by the Local Planning Authority.
12	The Car Park Phasing Plans (~~Kier SK/MEH/10 – Nov 16 Rev C, Kier SK/MEH/11, Kier SK/MEH/12 – Nov 16 Rev A – Nov 16 Rev C~~) Car Park Phasing A, Car Park Phasing B, Car Park Phasing C, Car Park Phasing D, Car Park Phasing E,) prepared by Kier Construction, ~~included as an addendum to the Construction Management Plan~~, setting out the management and provision of car parking during the period of works associated with implementation of the permitted development, are approved. These car park phasing plans shall be adhered to until completion of the works for Phase 1. Further plans will be submitted to the Council for approval setting out the phasing and programme up to the completion of Phase 2.
14	No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan drawing number ~~5128 P106 Rev B~~ 5128 P105 C, retained until the construction of Phase 2. These spaces shall thereafter be retained at all times for their designated purpose.
21	Landscaping (hard and soft) shall be carried out in accordance with the details shown on plan (~~16_100_01 Rev E~~) and plan (~~16-100-P101A~~) (16_100_PL200A Phase 1 Landscape Masterplan) and (16-100-P101B Detailed Planting Proposals to Boundaries Phase 1) during construction and up to the completion of Phase 1, and (16_100_PL201 Phase 2 Landscape Masterplan and plan 16-100-P102 Detailed Planting Proposals to Boundaries Phase 2) upon completion of development. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Pre-Application Discussion

This application is made following discussions you have had with Stephen Brooker to agree the best way to affect the proposed changes to the phasing. It has been agreed that a S.73 'minor material amendment' application should be made which substitutes drawings and varies the wording of a number of conditions.



Summary and Conclusion

No new information is submitted which will alter the approved scheme, and no information previously required through condition is removed. All this application seeks to do is add an additional phase to the construction programme, which in turn requires several approved drawings to be updated.

This would not materially affect the planning permission as the details would still be required to be adhered to over the course of construction and once development is complete. The Council can therefore remain satisfied that all details previously approved (e.g. landscaping plans) will ultimately be complied with. What is proposed is simply a new 'phase' in the construction programme which in turn affects how the end goal is reached. It simply requires the 'trigger point' for compliance with previously approved plans to be amended.

Please do not hesitate to contact me should you require any further information.

Yours sincerely,



Tom Edmunds MPlan MRTPI
Consultant

