Recommendation Report for Planning Permission

REF NO: **BR/331/17/PL**

LOCATION: **Butlins**
Upper Bognor Road
Bognor Regis
PO21 1JJ

PROPOSAL: **Variation of conditions 2, 8, 12, 14 & 21 imposed under BR/240/16/PL relating to approved plans.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the variation of conditions 2, 8, 12, 14 and 21 imposed under reference BR/240/16/PL in order to amend the approved phasing of the construction programme.
SITE AREA	Approximately 20.9 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development. There are pollarded trees along the Upper Bognor Road frontage, where some will be removed to create the construction access. Along Sea Road there are a number of trees but this is outside the application boundary on highways land.
BOUNDARY TREATMENT	The red line boundary relates to the whole resort, however the proposed development is located on the east side of the site. The Sea Road boundary has existing trees and landscaping along the Butlin's boundary and there is also landscaping and trees outside the site on Highway land which forms a small informal green space along Sea Road. To the Upper Bognor Road boundary there is security fencing with pollarded trees along the full boundary. There are also 5 residential properties to the north-west corner where the back gardens adjoin the Butlin's site. Within the site there is an extensive surface car park that occupies the land over the culverted Rife.
SITE CHARACTERISTICS	The Proposed development is located within the confines of the extensive Butlins Resort. The total site has 1792 accommodation units for both staff and guests which provide 7234 bed spaces. The proposal will require the demolition of

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vacant chalets and chalets used as staff accommodation at the eastern part of the site. These are older 2 storey units formed in long rows at a high density. The demolition of these units will reduce the total accommodation on site to 1506 units (6046 bed spaces). It is stated that subject to a future planning application the intention would be to increase the bed spaces back to current levels.

The development site is formed between the Rife which is culverted under the car park on the west; Upper Bognor Road to the north-west; Sea Road to the south-east; and to the south, buildings associated with the river management of the Rife. The Boundary with Upper Bognor Road and Sea Road has security fencing with hedging/trees that provide some existing screening along the road frontages.

CHARACTER OF LOCALITY

The local area is dominated by the Butlin's resort. At the roundabout on Felpham Way/Upper Bognor Road the Ocean Hotel, approximately 25m high, is next to the main visitor entrance to the resort. Upper Bognor Road has security fencing and trees along the south side of the road and to the north, the rear gardens of properties accessed from Kingsmead. There is significant landscaping along the north side of Upper Bognor Road.

The character of Sea Road changes significantly with mainly white painted Victorian terraced properties along the east side of Sea Road between Snooks Corner and the sea wall which forms the elevated promenade. There are glimpses into the resort which has the 1950s rows of two storey holiday blocks now used as staff accommodation.

RELEVANT SITE HISTORY

BR/240/16/PL	Demolition of existing swimming pool building & re-instatement of vacated site as landscaped area; demolition of existing staff & guest accommodation (1,005 bedspaces); erection of new swimming pool building with external slides & river ride; associated landscaping; new pedestrian links; alterations to existing car parks areas; proposed decked car park; new gatehouse for guest reception, alterations to site internal road layout & formation of temporary construction access.	ApproveConditionally 05-01-17

Planning permission was granted for the demolition of the existing swimming pool building a reinstatement 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

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construction access under reference BR/240/16/PL on the 5th January 2017.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No Objection.

No letters of representation received or registered online at time of writing recommendation report.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Parks and Landscapes

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

GREENSPACE

Further to submission of revised drawings 16-100-01 Rev E and 16-100-P101A re landscape condition 21, we reiterate our consultation comments of 13/12/2016 and also confirm that the detail now summited has taken into account our recommendations of those comments and has amended and added to the landscape scheme accordingly. The additional planting now proposed to the area adjacent to Plot No 62 by the rife is suitable for location and a welcome addition to which we would now agree.

The detail regarding the Thuja plicata 'Atrovirens' is still shown as supplying these as clear stem of 1.8-2.0m and we again reconfirm that these would be required as branched to ground level and not clear stem in order to afford the greatest screening benefit.

Assuming that our previous comments re tree protection and preservation and the timely implementation of these works are still adhered to; including the revised phased planting timescales now proposed. We confirm that we have no further comment or any objection to the proposals as submitted under this application BR/331/17/PL as a variation to the landscape condition imposed under BR/240/16/PL.

WSCC STRATEGIC PLANNING

The application is a Section 73 application seeking the variation of conditions 2, 8, 12, 14 and 21 of planning permission BR240/16/PL. Through the Section 73 application the applicant is purely seeking changes to the phasing of construction and not the proposed development itself.

Previously as secured with the original permission there were to be three phases and the following car parking provision associated with each phase:

· Phase 1 - 472 car parking spaces
· Phase 2 - 477 total guest, staff and contractor spaces
· Phase 2a - 489 total guest, staff and contractor spaces

There are currently 558 car parking spaces within this area of the resort. In light of the proposed change

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in phasing of the construction works the following phasing and car parking spaces are proposed:

· Start - 558 spaces
· Phase A (until 5th Nov 2018) - 472 spaces
· Phase B (5th Nov - 16th Nov) - 355 spaces
· Phase C (19th - 30th Nov 2018) - 306 spaces
· Phase D (3rd - 14 Dec 2018) - 319 spaces
· Phase E (17th Dec 2018 - 25th Feb 2019) - 395 spaces
· Completion of Phase 1 - 558 spaces

The above figures do include 50 spaces in Gloucester Road car park and it should also be noted that phase E appears to provide a total of 420 spaces on drawing 5128 P105 Rev C; rather than the above quoted 395. The proposed reduction of spaces from phase B onwards coincides with the resorts least busy period during the winter and the largest reduction in car parking spaces occurs for just over a month between early November and mid-December. Therefore the reduction in available car parking spaces during the construction period, from that previously approved, is not considered to have a severe impact which would warrant a reason for refusal.

The Highway Authority has no objections to the proposed variation to conditions 2, 8, 12, 14 and 21 of planning permission BR240/16/PL.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary
Policy SITE2

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

DEV34	Tourist Accommodation and Attractions
GEN12	Parking in New Development
GEN21	Renewable Energy
GEN32	Noise Pollution
GEN33	Light Pollution
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality
D SP1 Design
QE DM1 Noise Pollution
QE DM2 Light Pollution
SD SP1 Sustainable Development

Bognor Regis Neighbourhood Plan 2015 Policy 2 Promoting the Seaside Indentity

Bognor Regis Neighbourhood Plan 2015 Policy 8 Pre-Application Consultation

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Bognor Regis Neighbourhood Plan 2015 Policy 8A	Design Excellence
Bognor Regis Neighbourhood Plan 2015 Policy 8B	Car Parking
Bognor Regis Neighbourhood Plan 2015 Policy 8D	Butlin Promenade frontage & Gloucester Road Car Park Site

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

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 principle of development has been established by planning approval BR/240/16/PL. Therefore, the key considerations in the determination of this application for the variation of conditions 2, 8, 12, 14 and 21 of BR/240/16/PL is the impact of the proposed phasing upon highway safety and parking capacity during development.

VISUAL AND RESIDENTIAL AMENITY

The proposed development is unchanged from that originally approved under reference BR/240/16/PL and as such there are no additional considerations beyond those identified in the original determination of the application.

HIGHWAYS AND PARKING IMPACTS

The application proposes the variation of conditions 2, 8, 12, 14 & 21 and concerns the proposed phasing for the implementation of the development. The original application proposed three phases (Phase 1, 2 and 2a) and saw a minimum of 472 parking spaces provided during development. Whilst, there are currently 558 parking spaces in this area of the resort.

The variation of condition proposes a change to the phasing of the development which would see the total number of parking spaces provided during development reduced. However, this reduction in the parking provision coincides with the resorts least busy period (during the winter) with the largest reduction in parking provision occurring for just over a month between early November and mid-December.

This variation to the phasing has been the subject of consultation with WSCC Strategic Planning who have raised no objection on the basis that the proposed variation is "not considered to have a severe impact which would warrant a reason for refusal."

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LANDSCAPING
The proposed variation has also incorporate amendments to the phasing of the proposed landscaping scheme. This has been the subject of consultation with the Council's Greenspace Team who have raised no objection to the proposed variation. The consultation response from Greenspace stated that they have "no further comment or any objection to the proposals as submitted under this application BR/331/17/PL as a variation to the landscape condition imposed under BR/240/16/PL."

SUMMARY
The proposed variation of condition will allow for a change to the phasing of development previously approved under reference BR/240/16/PL. This will impact upon the parking provision during development as well as landscape implementation. The proposed variations have been the subject of consultation with the Council's Greenspace Department and WSCC Strategic Planning and no objections have been raised. The development is unchanged from that previously approved under reference BR/240/16/PL beyond the change in phasing and as such it is recommended that the application is approved subject to the below 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.

RECOMMENDATION

APPROVE CONDITIONALLY

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

5128 P101 rev B Location plan and existing site plan
5128 P102 rev B Proposed Site Plan Phase 1
5128 P102 rev C Proposed Site Plan Phase 1

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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
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
9306/02 - Tree Protection Plan

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

2 The Construction Management Plan, dated September 2016 prepared by AECOM and addendums 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.

Reason: In the interests of amenity and highway safety in accordance with policy GEN7 of the

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Arun District Local Plan.

3 The Car Park Phasing Plans (Car Park Phasing A, Car Park Phasing B, Car Park Phasing C, Car Park Phasing D and Car Park Phasing E) prepared by Kier Construction, 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.

Phase 2 shall not commence until further plans have been submitted to and approved by the Local Planning Authority setting out the phasing and programme up to the completion of Phase 2.

Reason: To provide car-parking for the use in accordance with policy GEN12 of the Arun District Local Plan.

4 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 P105 Rev C. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy GEN12 of the Arun District Local Plan.

5 Landscaping (hard and soft) shall be carried out in accordance with the details shown on plan (16_100_PL200A Phase 1 Landscape Masterplan) and (16-100-P101B Detailed Planting Proposals to Boundaries Phase 1) during construction and up to completion of Phase 1, and (16_100_PL201 Phase 2 Landscape Masterplan and plan 16-100-P102 Detailed Planting Proposals to Boundaries of Phase 2) upon completion of the 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.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

6 INFORMATIVE: All of the conditions imposed on BR/240/16/PL shall remain in force except for conditions 2, 8, 12, 14 and 21 which are replaced by conditions 1, 2, 3, 4 & 5 above.

7 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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