



Over 30 years of success and still planning

WALSINGHAM PLANNING

SPECIALIST PLANNING & DEVELOPMENT CONSULTANTS

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

Our ref. TE/B0158/18
PP ref. PP-07277766

05 February 2019

Planning Services
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
BN17 5LF

Dear Sir/Madam,

Planning Portal ref. PP-07277766

BUTLINS RESORT, BOGNOR REGIS

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

Original planning application ref. BR240/16/PL

Please find enclosed an application submitted under Section 73 of the Town and Country Planning Act for minor material amendments to planning permission BR240/16/PL dated 05 January 2017, and subsequent 'minor material amendment' (MMA) BR/331/17/PL to the original permission dated 14 March 2018.

This application seeks to vary the wording of a condition attached to planning permission BR240/16/PL dated 05 January 2017 and a condition attached to 'MMA' BR/331/17/PL dated 14 March 2018 in order to affect a number of small design changes to the approved development.

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 original consent and 5 to the MMA. However on the basis of the substitutions proposed only a single condition will need to be varied on each decision notice:

- Original PP Condition 2 (development to be carried out in accordance with approved drawings)
- MMA Condition 1 (development to be carried out in accordance with approved drawings)

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



Walsingham Planning Limited, Company Reg No. 09402985 VAT No. 245 9002 16
Registered Office: Bourne House, Cores End Road, Bourne End, Bucks SL8 5AR

Also offices in Kewstford and Bristol

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.

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 amendments to the approved scheme, we consider the changes to be minor – the end result is a development which is not substantially different to the scheme which was approved in January 2017 – and therefore the changes can be considered under the 'minor material amendment' mechanism.

The description of development will remain unchanged, and the commentary and conclusions reached by the Council in approving the original main application in January 2017 remain the same.

The end result – a 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 – is being built. All that this application proposes are minor changes to the design and appearance of the building which have developed over the course of construction.

Background

Planning permission was granted on 05 January 2017 for the demolition of existing swimming pool building & re-instatement of the vacated site as landscaped area; demolition of the existing staff & guest accommodation (1,005 bedspaces); erection of a 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 (ref. BR240/16/PL).

An 'MMA' was approved on 14 March 2018 for amendments to the phasing of construction of the new swimming pool building comprising the variation of a number of conditions relating to the approved plans (ref. BR/331/17/PL).

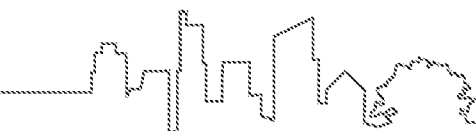
These permissions form the extant consent for the site.

Pre-commencement conditions have been discharged and construction of the new replacement pool has been underway for some time.

For the avoidance of doubt, the previous 'MMA' (ref. BR/331/17/PL) dealt with all of the phasing revisions including the decked car park and landscaped areas. This current MMA is to affect minor design changes to the approved scheme.

The Proposed Minor Material Amendments

This application proposes minor material amendments to reduce the height of the flume tower, adjust the design of the rapid river ride, changes to the landscaping and promenade, removal of some windows and rooflights, changes to doors, adjustments to some of the proposed materials, and the addition of louvres.



The proposed alterations to the scheme are not considered to amend the scale or nature of the development and are not substantially different to the extant consent. Indeed, the reduced height of the flume tower will make it less visible than the approved scheme. The other changes are largely concerned with the relocation or removal of windows and doors, or the addition of louvres to some elevations.

It has been confirmed that the louvres will have no impact on the acoustic performance of the building and therefore the approved acoustic report remains accurate and up to date. No new plant is proposed.

There is no change in the overall floorspace of the approved development.

There is nothing proposed by this application which would warrant a different conclusion being reached from the approval in January 2017. As such this minor material amendment application is considered appropriate in accordance with National Planning Practice Guidance.

Updated drawings

This 'Minor Material Amendment' application seeks to substitute a number of approved drawings with the same number of new revision drawings to affect the minor changes.

Condition 1 of the March 2018 'MMA' (ref. BR/331/17/PL) decision notice lists out the new drawing numbers which form the approved scheme. This supersedes Condition 2 on the original decision noticed from January 2017.

Condition 1 of the MMA (ref. BR/331/17/PL) states:

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

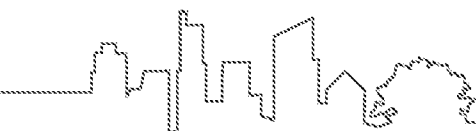
It is proposed to substitute the following **approved** drawings:

- 5128 P200 Rev B Basement Floor Plan
- 5128 P201 Rev C Ground Floor Plan
- 5128 P202 Rev C First Floor Plan
- 5128 P203 Rev B Roof 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 P405 Rev B Proposed Sections

With the following **proposed** drawings:

- 5128 P200 Rev C Basement Floor Plan
- 5128 P201 Rev D Ground Floor Plan
- 5128 P202 Rev D First Floor Plan
- 5128 P203 Rev C Roof Plan
- 5128 P300 Rev E Proposed Elevations Sheet 1
- 5128 P301 Rev E Proposed Elevations Sheet 2
- 5128 P305 Rev D Proposed Site Elevations
- 5128 P405 Rev D Proposed Sections

The following **proposed** drawings are to be added to the decision notice (they are not substitutions). They show the flues and louvres amendments highlighted as clouds on the drawings for ease of reference:

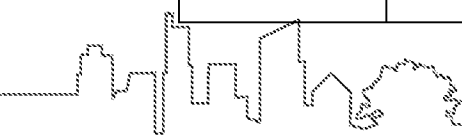


- 5128 1301 Rev M Elevations – sheet 1
- 5128 1302 Rev M Elevations – sheet 2
- 5128 1303 Rev D North Elevation – sheet 1
- 5128 1304 Rev E North Elevation – sheet 2
- 5128 1305 Rev D South Elevation – sheet 1
- 5128 1306 Rev B South Elevation – sheet 2
- 5128 1307 Rev C East Elevation
- 5128 1308 Rev C Entrance and Cafe Elevation
- 5128 1309 Rev C West Elevation – sheet 1
- 5128 1310 Rev B West Elevation – sheet 2

Proposed Condition Rewording

The schedule below sets out the text of Condition 1 on the MMA decision notice (Ref. BR/331/17/PL) we are seeking to vary and proposes amended wording in red, with any text to be deleted struck through:

Condition no.	Proposed wording
1	The development hereby approved shall be carried out in accordance with the following approved plans:- 5128 P101 rev B Location plan and existing site plan 5128 P102 rev B Proposed Site Plan Phase 1 5128 P102 rev C Proposed Site Plan Phase 1 5128 P103 rev B Proposed Site Plan Phase 2 5128 P104 rev B Existing Site Plan Starfish Quay 5128 P105 rev B Proposed Site Plan Phase 1 5128 P105 rev C Proposed Site Plan Phase 1 5128 P106 rev B Proposed Site Plan Phase 2 5128 P107 rev B Existing Site Plan Existing Splash 5128 P108 rev B Proposed Site Plan Phase 2 5128 P110 rev A Entrance Site Plan ~~5128 P200 rev B Basement Floor Plan~~ 5128 P200 rev <u>C</u> Basement Floor Plan ~~5128 P201 rev C Ground Floor~~ 5128 P201 rev <u>D</u> Ground Floor ~~5128 P202 rev C First Floor Plan~~ 5128 P202 rev <u>D</u> First Floor Plan ~~5128 P203 rev B Roof Plan~~ 5128 P203 rev <u>C</u> 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 P300 rev <u>E</u> Proposed Elevations Sheet 1 ~~5128 P301 rev D Proposed Elevations Sheet 2~~ 5128 P301 rev <u>E</u> Proposed Elevations Sheet 2 ~~5128 P305 rev C Proposed Site Elevations~~ 5128 P305 rev <u>D</u> 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 P405 rev <u>D</u> Proposed Sections 5128 <u>P111</u> rev A Proposed Site Plan - Phase 3 5128 1301 Rev M Elevations – sheet 1 5128 1302 Rev M Elevations – sheet 2 5128 1303 Rev D North Elevation – sheet 1 5128 1304 Rev E North Elevation – sheet 2 5128 1305 Rev D South Elevation – sheet 1 5128 1306 Rev B South Elevation – sheet 2 5128 1307 Rev C East Elevation 5128 1308 Rev C Entrance and Cafe Elevation 5128 1309 Rev C West Elevation – sheet 1 5128 1310 Rev B West Elevation – sheet 2 Car Park Phasing A Car Park Phasing B Car Park Phasing C Car Park Phasing D Car Park Phasing E 16_100_PL200A Phase 1 Landscape Masterplan 16_100_PL201 Phase 2 Landscape Masterplan 16-100-P101B Detailed Planting Proposals to Boundaries Phase 1 16-100-P102 Detailed Planting Proposals to Boundaries Phase 2 9306/02 - Tree Protection Plan
--	--

Summary and Conclusion

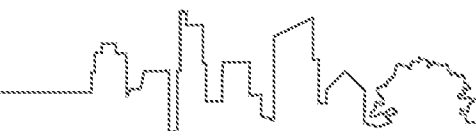
The revised drawings do not result in a scheme which is *substantially different* from that which has already been approved.

The minor changes to the scheme and the drawings do not materially affect the planning permission, indeed the description of development remains unchanged. The end result remains a new swimming pool at the Butlins Resort Bognor Regis.

No information previously required through conditions is removed, indeed most conditions have been discharged and development is well underway and nearing completion. This application is made in the context of minor changes to the scheme over the course of construction which need to be rationalised through the submission of a formal application to update some of the approved drawings.

The details and safeguards set out in the suite of conditions on the decision notices 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, and that the appropriate safeguards and controls will remain in place.

All this application seeks to do is rationalise a number of minor design changes to the approved scheme, which in turn requires a number of approved drawings to be updated and a number of new drawings added to the decision notice.



We look forward to receiving confirmation that the application has been validated. Please do not hesitate to contact me should you require any further information.

Yours faithfully,



Tom Edmunds MPlan MRTPI
Consultant

