

Recommendation Report for Planning Permission

REF NO: BR/39/19/PL

LOCATION: Butlins
Upper Bognor Road
Bognor Regis
PO21 1JJ

PROPOSAL: Application for Variation of Conditions following the grant of Planning Permission BR/240/16/PL relating to Condition 2 & Planning Permission BR/331/17/PL relating to condition 1 - approved plans

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the variation of the conditions imposed on BR/240/16/PL and BR/331/17/PL that sought to specify the approved plans/drawings. The applicant proposes the following amendments: - A reduction in the height of the flume tower; - Change to the design of the rapid river ride; - Changes to the landscaping and the promenade; - Removal of some windows and rooflights; - Changes to doors; - Changes to some of the proposed materials; and - The addition of louvres to some elevations. No new plant is proposed and there is no change to the overall floorspace of the approved development.
SITE AREA	Approximately 20.9 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development. There are pollarded trees along the Upper Bognor Road frontage and some of these were removed to create the construction access. Along Sea Road there are a number of trees but these are 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

SITE CHARACTERISTICS

park that occupies the land over the culverted Rife.

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 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.

CHARACTER OF LOCALITY

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.

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/331/17/PL	Variation of conditions 2, 8, 12, 14 & 21 imposed under BR/240/16/PL relating to approved plans.	ApproveConditionally 14-03-18
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	ApproveConditionally 05-01-17

gatehouse for guest reception, alterations to site internal road layout & formation of temporary construction access.

Planning permission was granted on the 5th January 2017 under ref BR/240/16/PL 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 and & formation of a temporary construction access.

Conditions 2, 8, 12, 14 and 21 of BR/240/16/PL were subsequently varied in March 2018 in order to amend the approved phasing of the construction programme.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

"No objection"

No other representations.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Economic Regeneration

Environmental Health

WSCC Strategic Planning

Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - No objection and recommend no new conditions. State that the changes are not considered to fundamentally change or alter the scale or nature of development and therefore the likely transport impact that was approved under the extant planning consents is not consider to alter.

ADC ENVIRONMENTAL HEALTH - Following confirmation from the applicant that the changes to the flume height and the rapid river design will have no adverse impact on the acoustic environment, confirmed no objection to the application and recommend no new conditions.

ADC ECONOMIC DEVELOPMENT - No response received.

ADC GREENSPACE - No response received.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
 Class A Road;
 Public Sewers on site;
 Flood Zone 3;
 Buildings of Character on surrounding roads;
 2km Buffer of Bognor Reef SSSI;
 2km Buffer of Felpham SSSI; and
 Bognor Butlins Local Development Order.

DEVELOPMENT PLAN POLICES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TOUDM1	TOU DM1 Tourism related development
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

[Bognor Regis Neighbourhood Plan 2015 Policy 2](#)

Bognor Regis Neighbourhood Plan 2015 Policy 8	Promoting the Seaside Identity
Bognor Regis Neighbourhood Plan 2015 Policy 8A	Pre-Application Consultation
Bognor Regis Neighbourhood Plan 2015 Policy 8B	Design Excellence
Bognor Regis Neighbourhood Plan 2015 Policy 8D	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 Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

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

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 the changes are not considered to result in a scheme which is substantially different from that which has already been approved and although the previous application was determined in accordance with the policies of the previous Local Plan, it is not considered that the changes result in a materially greater impact to the character and appearance of the locality, the safety & convenience of the highway or the amenities of nearby residential properties.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The proposal seeks to vary the originally approved scheme with a number of minor changes to layout and design. However, the scale of the development will be reduced due to the lowering of the flume tower (which is the highest part of the proposed development).

It should be noted that the original planning permission is still valid and indeed has been commenced. Therefore, it is not necessary, despite the change in the policies of the development plan (a new Local Plan was adopted in 2018), to reconsider the whole proposal afresh.

None of the proposed changes are considered to amend the scale or nature of the development and neither are they substantially different to the extant consent. In addition, it has been confirmed that the louvres will have no impact on the acoustic performance of the building and that the changes to the flume height and the rapid river design will have no adverse impact on the acoustic environment. Environmental Health Officers accept these conclusions and as such there is no need to impose new conditions in respect of the control of noise. The application has also been assessed by County Highways who do not consider that the amendments will have any effect on the safety or convenience of the local highway network.

It is therefore recommended that planning permission be granted in accordance with the following replacement plans condition and the two informatives.

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;
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 C Basement Floor Plan;
5128 P201 rev D Ground Floor;
5128 P202 rev D First Floor Plan;
5128 P203 rev C 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 E Proposed Elevations Sheet 1;
5128 P301 rev E Proposed Elevations Sheet 2;
5128 P305 rev D 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 D Proposed Sections;
5128_P111 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; and
9306/02 - Tree Protection Plan.

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

- 2 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.
- 3 INFORMATIVE: All of the conditions imposed on BR/240/16/PL shall remain in force except for conditions 8, 12, 14 and 21 which were replaced by conditions 2, 3, 4 & 5 as imposed on BR/331/17/PL. In addition, condition 1 of BR/331/17/PL (which had previously replaced 2 of BR/240/16/PL) is replaced by the new condition 1 above.