Recommendation Report for Planning Permission

REF NO: **BR/49/14/**

LOCATION: Butlins Skyline Ltd
Upper Bognor Road
Bognor Regis West Sussex

PROPOSAL: Erection of a traditional helter skelter - resubmission of BR/94/13

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Permission is sought for a free-standing conical helter skelter measuring 12m in height. The structure is painted orange and cream in colour. BR/49/13 sought retrospective permission for the retention of a conical helter skelter measuring 15m tall and approximately 9.5 metres wide. However, this was removed from the site and therefore the application was withdrawn.
SITE AREA	Approximately 154 square metres (set within the wider campus of approximately 1814 square metres).
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.8 metre high green painted railing fence.
SITE CHARACTERISTICS	The site is within an existing holiday resort complex accessed from a roundabout on the A259. The Shoreline Hotel was completed in 2005, the Ocean Hotel in 2009, and most recently the Wave Hotel opened in July 2013. These form parts of the overall masterplan for the redevelopment of the site, to replace 2 storey chalets with modern accommodation. The application site itself is located almost in the centre of the site to the east of the dodgems, go kart track. The Ocean Hotel lies directly to the north. Prior to the erection of the Helter Skelter the area of ground was used for car parking of approximately 30 vehicles.
CHARACTER OF LOCALITY	The application site is surrounded by part of

the existing complex.

To the west is Hotham Park and Wood.
To the north is the University of Chichester.
There are a number of private residence along Upper Bognor Road approximately 100 metres to the north east of the proposed Helter Skelter.

RELEVANT SITE HISTORY

BR/316/02/	Demolition of redundant buildings and erection of 5 storey building to provide hotel accommodation comprising a total of 160 bedrooms, restaurant, health spa, conference rooms and other associated facilities, together with access, car parking and landscaping.	ApproveConditionally 31-03-2003
BR/59/04/	Demolition of holiday chalets and erection of 160 bedroom hotel building with associated car parking.	ApproveConditionally 28-04-2004
BR/21/08/	Spa hotel with associated demolition of 256 units of chalet accommodation plus demolition of redundant call centre building and reconfiguration of lake.	ApproveConditionally 09-04-2008
BR/14/09/	Leisure related enclosure	Approve 26-03-2009
BR/25/09/	Adventure tower with high rope course and zipwire.	ApproveConditionally 09-04-2009
BR/252/10/	Extension to splash pool changing rooms.	ApproveConditionally 20-10-2010
BR/345/10/	Demolition of 5 no. 2 storey rows of chalets & construction of new hotel with associated car parking, landscaping, security kiosk & creation of new access from High Street	ApproveConditionally 09-03-2011

The site has an extensive planning history which reflects the recent and continued regeneration of the site to provide better quality accommodation.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Felpham Parish Council

Bognor Regis Town Council - No objection

Felpham Parish Council - No objection but would expect operation times of 0900 - 2100 hours.

Comments on Representations received:

Noted.

CONSULTATIONS

WSCC Strategic Planning
Environmental Health
Economic Regeneration

Consultations responses received:

WSCC (highways) - No concerns would be raised with the proposals; it is not located in a position that would obstruct the highway.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:

Designation applicable to site:
Within Built-up Area Boundary
Class A road
National Floodzone 2 and 3

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	DEV34	Tourist Accommodation and Attractions
	GEN12	Parking in New Development
	GEN3	Protection of the Countryside
	GEN33	Light Pollution
	GEN32	Noise Pollution
	GEN7	The Form of New Development
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):		QE DM2 Light Pollution SD SP2 Built -Up Area Boundary QE DM1 Noise Pollution TOU DM1 Tourism Related Development TOU SP1 Sustainable Tourism & The Visitor Economy

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed

according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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

The application is for the retention of an existing helter skelter within Butlin's, Bogor Regis. The proposed helter skelter is a traditional cone shape, painted orange with rows of external lighting. It measures 12 metres tall to the highest point.

The helter skelter operates between 09.00 and 21.00 Monday to Sunday.

PRINCIPLE
The site lies within the built-up area as defined in the Arun District Local Plan where the principle of development is acceptable subject to normal Development Control Criteria.

VISUAL APPEARANCE
The Helter Skelter is located towards the centre of the Butlin's Campus to the south of the Ocean Hotel. It is set within the context of the existing leisure and tourism use of the site, and adjacent to a number of other fairground type rides including a "dodgems" and go-kart track.

Given the character of the area and existing surrounding uses and presence of a number of tall buildings it is not considered that the proposal will not have a detrimental impact on the area.

LIGHTING
The helter skelter will emit an approximate luminance of 34 cd/sq m. The Council's Environmental Health Department consider this level of illumination to be appropriate in a built up area, and have not objected to the proposal.

The nearest residential properties are approximately 100metres to the north east located on Upper Bognor Road. A number of these homes have significant mature trees and bushes which block views to and from the Butlin's Campus.

The only other private residential properties with a view of the helter skelter are located on west side of Sea Road adjacent to the entrance to Longbrook Park. These are approximately 250 metres from the proposed site, and given the separation distance it is not considered that the proposal would have detrimental effect on residential amenity.

The proposal is proposed to cease operation at 21.00 every night and this is to be controlled by condition agreed with Butlin's.

It is therefore not considered that the Helter Skelter will have a detrimental use on the surrounding private residents, or hotel guests through excessive light intrusion.

NOISE
The helter skelter is a static ride and will not create any extra noise on site. The only noise will come from the guests on the ride. There will be no increase in the number of guests on site.

EFFECT ON PARKING
The proposal includes the loss of approximately 20 existing parking spaces. The displaced parking has been accommodated elsewhere within the existing Butlin's facility.

The Council have received no complaints that Butlin's are creating parking problems on surrounding residential roads since the erection of the helter skelter. It is therefore considered that the helter skelter has not had an adverse effect.

CONCLUSION
The proposal is not injurious to the character and appearance of the Butlin's Holiday Resort, nor will it adversely affect the residential amenity of adjacent properties or guests of the resort. The proposal will contribute positively to the visitor experience by providing guests with play facilities.

Given these considerations the proposal should be approved subject to the conditions set out below.

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 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 neutral 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).

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

5134 1100 - Existing Site Location Plan
5134 1102 - Site Block Plan
5134 1200 - Existing Plans, Elevation & Section
5134 1201 - Proposed Plans, Elevation & Section

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.

3 The Helter Skelter shall not be open for trade or business except between the hours of 09.00 and 21.00 (and there shall be no external illumination on the Helter Skelter except between the above-mentioned hours).

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan policies GEN7, GEN32 and GEN33.

4 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.