

Recommendation Report for Planning Permission

REF NO: BR/98/17/PL

LOCATION: Butlins South Coast World
Upper Bognor Road
Bognor Regis

PROPOSAL: Conversion of part existing building to 'Fish & Chips' shop including new timber storefront with glazing, M&E extraction to shop front, timber stall riser, awnings, bi-folding doors, double door to entrance & new timber fascia.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The alterations are to the northern and eastern elevations of the building but solely at ground floor level. The proposed use consist of a large fish & chip restaurant with ancillary takeaway and a separate "Arts & Crafts" area. The proposed livery will be part RAL 9016 white and part RAL 5024 blue.

SITE AREA

531 square metres.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

None. Open to the Butlins site.

SITE CHARACTERISTICS

The application site forms part of the "Reds and Centre Stage" section of the main Butlins building. The affected part of the building currently comprises of a bar/restaurant, takeaway, two retail shops and ancillary functions (toilets, stores etc). The building itself is metal clad in cream/white with fascia boards of various colours.

CHARACTER OF LOCALITY

Part of the Butlins resort and forming part of a large area of chalet accommodation.

RELEVANT SITE HISTORY

The Butlins site has an extensive planning history and to list all of the history here would not be appropriate.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

"A quorum was not present at the Planning & Licensing Committee meeting scheduled to be

held Tuesday 9th May 2017. In accordance with Standing Orders and the Procedures of the Council, the Councillors recommended that the Town Clerk make representation to the District Council in respect of Planning Applications on Lists dated 21st, 28th April and 5th May 2017. The Town Clerk has considered the views of those Councillors who were available to express their views and have inspected the plans and applications. Under the powers delegated to the Town Clerk (Council Minute 91 of 3rd September 1990) she agrees that the recommendations shall be the recommendation of Bognor Regis Town Council. NO OBJECTION"

Comments on Representations received:

Noted.

CONSULTATIONS

Economic Regeneration
Environmental Health
Estates Manager

Consultations responses received:

ADC ECONOMIC REGENERATION: "Economic Development support this application to upgrade visitor facilities"

ADC ENVIRONMENTAL HEALTH: Initially requested more information in order to be able to adequately assess the application. This information has now been received and final comments are that:

"With installing the baffle filters into the extract system, the dispersion of gases/residue at height through the flue on site, and the installation of the grease separator then this should address the grease and odour from the cooking. Therefore I am satisfied. It is important to note that the baffle grease trays must be appropriate in size to the size of the restaurant, cleaned regularly and maintained. EH proposes the following:-

Condition - Air Quality: -

'Before the use hereby permitted begins, equipment to control the emission of particulates , fumes and odour from the premises shall be installed in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.'

Informatives:-

(1) 'The extraction equipment installed in pursuance to Condition Number X above shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority.'

(2) 'The business is required to submit a Food Registration Form to Environmental Health 28 days before opening.'

Comments on Consultation responses:

The applicant has expressed concern at the proposed condition which requests information already provided. Environmental Health were asked to reconsider and commented on 07 July that the application was acceptable and that no conditions were required.

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area Boundary;
PD Restriction;
Public Sewer on Site; and
Class A Road.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV26	Criteria for Retail Development
	DEV34	Tourist Accommodation and Attractions
	DEV35	Tourism Development Requiring a Coastal Location
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN10	Tidal Flooding and Coastal Defence
	GEN11	Inland Flooding
	GEN32	Noise Pollution
	GEN34	Air Pollution
		D DM1 Aspects of Form and Design Quality
Publication Version of the Local Plan (October 2014):		D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
		D SP1 Design
		RET DM1 Retail Development
		QE DM1 Noise Pollution
		QE DM3 Air Pollution
		QE SP1 Quality of the Environment
		SD SP2 Built-Up Area Boundary
		TOU DM1 Tourism Related Development
		W DM2 Flood Risk

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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into

account.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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).

There are no relevant Bognor Regis Neighbourhood Development Plan policies.

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 proposal concerns an existing building within the Butlins site which lies within the built-up area as defined in the Arun District Local Plan and the principle of development is considered to be acceptable subject to other policies in the Local Plan.

In addition, Adopted Local Plan Policy DEV34 states that permission will be granted for the extension of existing tourist attractions provided that proposals are appropriate to the character of their location. Emerging Local Plan Policy TOU DM1 allows for the expansion of existing attractions where they are sustainably located, address visitor management issues and achieve good design.

The site is located in a highly accessible location with visitors able to walk and cycle to and from the site. The proposal represents an improvement to the Butlins business model and will improve the customer experience. It is also noted that the Councils Economic Regeneration officers support the application.

DESIGN & VISUAL APPEARANCE:

The proposed change of use includes new 'shop fronts' to the northern and eastern elevations of the building as described above. However, none of these are considered to be such that they will detract from the host building or the character of its surroundings. Given the position of the building within the Butlins site, the existing Butlins boundary fencing and development between the site and nearby public viewpoints, it is not possible to view the application site outside of the Butlins site.

FLOOD RISK:

The site lies in Flood Zone 3a but the proposal is not considered to materially worsen the existing flood risk situation and does not alter the flood risk classification of the use.

AMENITY CONCERNS

It is acknowledged that the application site area already includes takeaway & bar areas and that the nearest privately owned residential properties are 270m to the east, 245m to the north and over 300m to the west. However, it is still considered important to ensure that the proposed restaurant does not adversely affect local air quality and does not pollute the local water system with grease and the like. For this reason, the application has been subject to extensive assessment by Council Environmental Health Officers. Further to the submission of additional information, they have now indicated their agreement to the application and recommend no conditions.

SUMMARY

The proposal is considered to comply with relevant development plan policies (and there are no relevant Neighbourhood Plan policies). Therefore, it is recommended that permission is granted subject to the following conditions and 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 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:

"Site Plan" dwg. 16.076 003;
"Proposed Plans" dwg. 16.076 210 Rev A;
"Proposed Elevations (Planning)" dwg. 16.076 221;
"Proposed Part Plan Reds B Cellar Option 2" plan dwg. 16.076 102 Rev A;
"Mechanical Services" dwg. 2916 MS 01B;
"Proposed Kitchen Layout" dwg. PR19490PH Rev 9;
"Design & Specification for Mhq701 Ventilation Extract Fan" by Hopkins Catering Equipment Ltd;
"GreaseShield Installation & Daily Operations Manual";
"GreasePaK Biological Drain Maintenance System" Product Data Sheet by Mechline (Model GP-DMI-MAINS-2); and
Email from Abbey Kelsey, Architectural Technician of Design Management Partnership (22/06/2017 - 10:46am.

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 extraction equipment installed in pursuance to Condition No. 01 above shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority.

Reason: That the use does not result in excessive cooking odours outside the premises and that the amenity of occupiers of nearby properties is protected in accordance with Arun District Local Plan policies GEN7, GEN34 and DEV26.

- 4 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposed kitchen equipment to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 5 INFORMATIVE: All sinks and dishwashers should be connected to the GreasePaK Biological Drain Maintenance System as approved by Condition 01 above.
- 6 INFORMATIVE: The business is required to submit a Food Registration Form to Environmental Health 28 days before opening.