

# ARUN DISTRICT COUNCIL

## REPORT TO AND DECISION OF DEVELOPMENT CONTROL COMMITTEE ON 10 JULY 2019

**SUBJECT: TO CONSULT ON THE RENEWAL OF BUTLIN'S LOCAL DEVELOPMENT ORDER**

**REPORT AUTHOR:** Neil Crowther, Group Head of Planning

**DATE:** May 2019

**EXTN:** x 37839

**PORTFOLIO AREA:** Planning

### **EXECUTIVE SUMMARY:**

The Butlin's Local Development Order (LDO) came into effect on 1 September 2014 and was valid for a period of 5 years.

The LDO allows Butlin's to make small changes to their buildings without requiring a planning application to be made each time. Permissions provided by this LDO do not allow large changes or ones outside the site.

Butlin's have expressed a desire to see the LDO renewed as they regard it as a useful tool for saving time and money for all parties. However, it should be noted that, since it was introduced in 2014 it has not been used.

### **RECOMMENDATIONS:**

That the Development Control Committee agrees that:

- i. The principle of a Local Development Order for Butlins is agreed for a further 5-year period.
- ii. The Group Head of Planning be granted delegated authority to;
  - a. Carry out formal public consultation on the draft renewal of the Local Development Order,
  - b. Consider the representations to the draft Butlins Local Development Order and make amendments if necessary
  - c. Submit the Local Development Order to the Secretary of State for Communities and Local Government, and,
  - d. Subject to the Secretary of State for Communities and Local Government not intervening through making a direction under Section 61B(1) of the Town and Country Planning Act, the Butlins Local Development Order is adopted as soon as reasonably practicable after the 1<sup>st</sup> of September 2013.

## **1. BACKGROUND:**

- 1.1 Local Development Orders (LDO's) were introduced through the Planning and Compulsory Purchase Act 2004. DCLG Circular 1/2006 'Guidance on Changes to the Development Control System' provides guidance to local planning authorities on the procedural steps for the preparation of LDOs.
- 1.2 The LDO process gives Local Planning Authority's (LPA's) the opportunity to establish permissions for specific classes, types or individual developments within a specific area. They have the ability to define parameters for development and to set out exceptions, or specific rules that must be followed before development commences (such as the provision of information to the LPA). As such, they are a flexible tool consistent with the reformed planning system, which encourage the use of a broad range of policy and implementation responses to secure spatial plan objectives and improve planning services.
- 1.3 LDO's cover developments that potentially still require planning permission and would not cover development permitted by The Town and Country Planning (General Permitted Development) Order 1995. They are not a withdrawal of planning control on the basis that impacts from developments specified in an LDO are insignificant, so as to be regarded as permitted development. They are developments for which it can be shown that they can be effectively controlled within an LDO framework of decision making. This is a strategic consideration of development impacts arising from developments specified in an LDO, which support the achievement of a policy objective and which are acceptable in planning terms following consideration of relevant policy objectives and material planning considerations.
- 1.4 Paragraph 51 of the National Planning Policy Framework (NPPF) states;  
  
'Local planning authorities are encouraged to use Local Development Orders to set the planning framework for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.'
- 1.5 The Butlin's complex is a strategic development site within the Arun District, with a total site area of 21.16ha.
- 1.6 The Local Development Order removes the need for planning permission. It therefore forms part of the statutory Planning Register and will also be highlighted in land charges searches. The adoption process for the Order has been consistent with the relevant legislation.
- 1.7 At its meeting of 31st July 2013, Arun District Council's Development Control Committee approved a Local Development Order relating to Butlins, in Bognor Regis, following an eight-week period of consultation ran from 5th December 2012. Following referral to the Secretary of State the Council adopted the Local Development Order with it coming into effect as of Monday 1st September 2014.

1.8 The LDO allows Butlin's permission to the following development without planning permission subject to several restrictions on the size, height and location of development within the site.

- The construction of a single storey extension to any existing building, structure or enclosure;
- The erection of solar panels on buildings;
- The construction of a new building, structure or enclosure not over 4metres tall;
- Development of sports facilities and funfair plant and machinery.

These developments will be allowed within the site that is identified by a black edge on the map that accompanies this Local Development Order.

1.9 In order to progress the renewal of the LDO, a consultation would be required to take place again. This would involve consulting upon the draft LDO, draft Statement of Reasons and a plan identifying the land.

1.10 Following completion of the public consultation period, the representations received on the Draft LDO would be considered and possible proposed amendments to the LDO arising from these representations. The Council would be required to refer the final LDO to the Secretary of State to confirm the LDO's adoption.

**2. PROPOSAL(S):**

To renew the Local Development Order for a further 5 year period.

**3. OPTIONS:**

To not renew the Local Development Order. This would mean that proposals for the developments listed within the current LDO would be required to make a planning application in the normal way.

**4. CONSULTATION:**

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	x	
Relevant District Ward Councillors	x	
Other groups/persons (please specify)		
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	x	
Legal	x	
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x

Sustainability		X
Asset Management/Property/Land		X
Technology		X
Other (please explain)		
<b>6. IMPLICATIONS:</b>		

**7. REASON FOR THE DECISION:**

**8. BACKGROUND PAPERS:**

- Report to and Decision of Cabinet on 15 June 2009 “Local Development Orders”
- Report to and Decision of Development Control Committee 28 March 2012 “Butlins, Bognor Regis Local Development Order”
- Report to and Decision of Development Control Committee 31 July 2013 “Butlins, Bognor Regis Local Development Order”
- Appendix 1 – Existing Local Development Order
- Appendix 2 - Butlins, Bognor Regis Local Development Order Map
- Appendix 3 - Statement of Reasons (July 2019)

## **APPENDIX 1**

### **Section 61 A of The Town and Country Planning Act 1990**

#### **Arun District Council**

#### **Local Development Order Butlins Bognor Regis**

1. This Local Development Order (“LDO”) is made by Arun District Council (“the Council”) under Section 61A (2) of the Town and Country Planning Act 1990 (as amended).

2. Within the areas of Butlins, Bognor Regis (set out and shown edged with a bold black line on the attached map at Appendix A), planning permission is hereby granted for the development listed below.

3. This LDO takes effect on the date it is adopted by the Council and is limited to a five year period following which the LDO shall lapse.

#### **PERMITTED DEVELOPMENT TYPE I**

The enlargement, improvement or other alteration of a building, structure or enclosure within the Butlins Complex.

#### **Development not permitted**

Development is not permitted if –

- (A) The height of the part of the building, structure or enclosure enlarged, improved or altered would exceed the height of the highest part of the roof of the existing building, structure or enclosure;
- (B) The enlarged part of the building, structure or enclosure would:
  - (i) extend beyond any elevation of the building, structure or enclosure by more than 10 metres, or
  - (ii) exceed 10 metres in height;
- (C) It would consist of or include –
  - (i) the construction or provision of a veranda, balcony or raised platform except those accessed from the ground floor of any building.
  - (ii) an alteration to any part of the roof of the building, structure or enclosure.
- (D) The enlarged part of the building, structure or enclosure is within 5 metres of the boundary of the site.

- (E) The proposal will lead to noise arising from or due to the development being audible beyond the boundary of the site at any time. Noise would be considered inaudible when it is at a sufficiently low level that it is not recognisable as emanating from the source in question and does not alter the perception of the ambient noise environment that would prevail in the absence of the source in question.
- (F) If the proposal will be used for the provision of guest or staff accommodation.

### **PERMITTED DEVELOPMENT TYPE II**

The addition of Solar Panels, including Photovoltaic's to the roof of any existing building, structure or enclosure within the Butlins Complex.

#### **Development not permitted**

Development is not permitted if –

- (A) The alteration would protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
- (B) It would result in the highest part of the alteration being higher than the highest part of the original roof.
- (C) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing building, structure or enclosure.

### **PERMITTED DEVELOPMENT TYPE III**

The provision within the curtilage of the Butlins complex of a building, structure or enclosure required for purposes incidental to the enjoyment of residents and staff of the complex, or the maintenance, improvement or other alteration of such a building, structure or enclosure.

#### **Development not permitted**

Development is not permitted if –

- (A) the building, structure or enclosure would have more than one storey;
- (B) the height of the building, structure or enclosure would exceed –
  - (i) 4 metres in the case of a building, structure or enclosure with a dual-pitched roof,
  - (ii) 3 metres in any other case.
- (C) it would include the construction or provision of a veranda, balcony or raised platform.

(D) No part of any building, structure or enclosure shall be within 25 metres of the boundary of the site.

(E) the proposal will lead to noise arising from or due to the development being audible beyond the boundary of the site at any time. Noise would be considered inaudible when it is at a sufficiently low level that it is not recognisable as emanating from the source in question and does not alter the perception of the ambient noise environment that would prevail in the absence of the source in question.

#### **PERMITTED DEVELOPMENT TYPE IV**

Development of sports facilities and funfair consisting of the installation of plant, machinery, or structures to be used for or in connection with the entertainment of the clientele within the area

#### **Development Not Permitted**

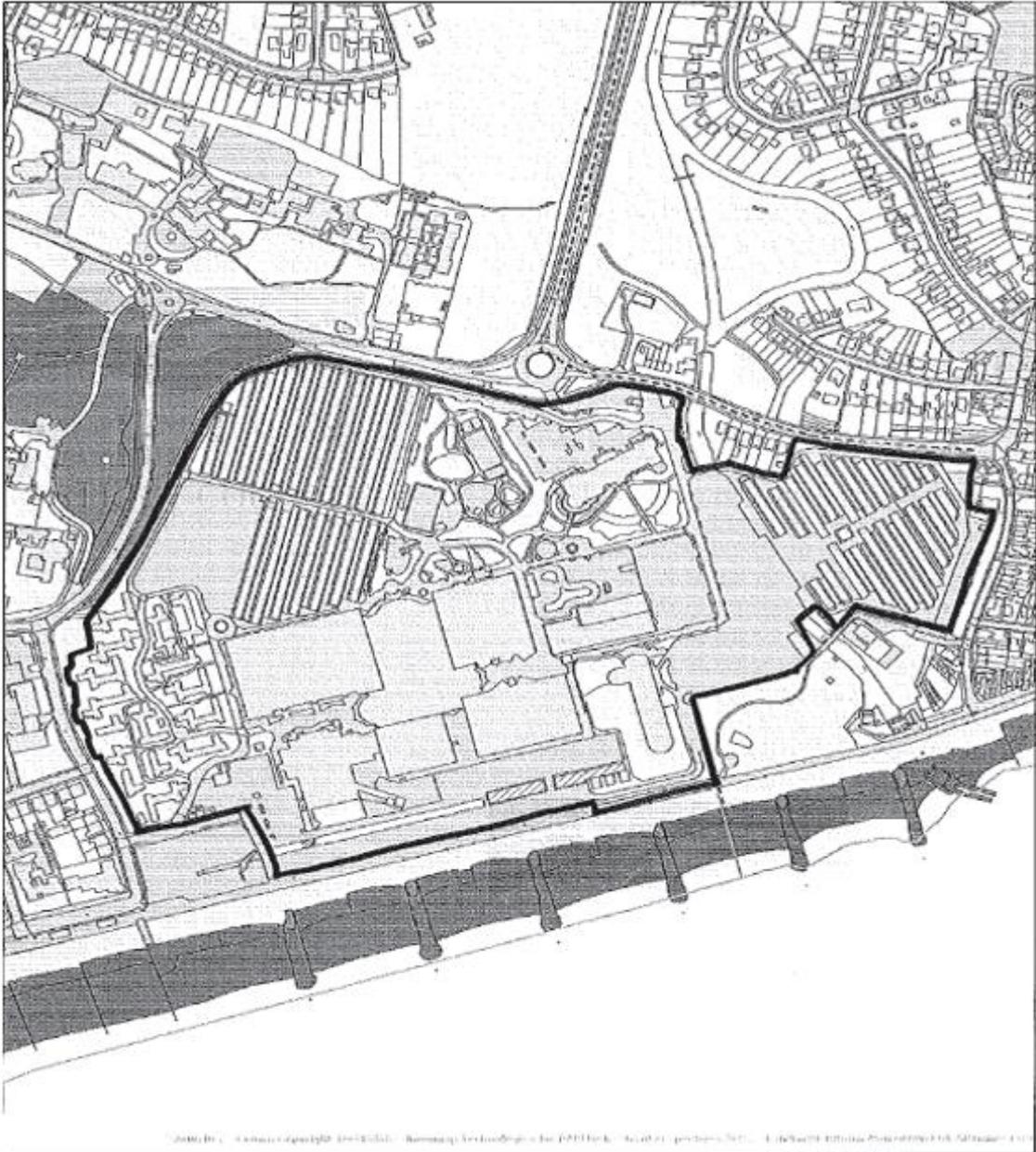
Development is not permitted if the plant or machinery would:

- (A) Exceed a height of 12 metres from ground level;
- (B) Be located within 100 metres of the boundary of the property;
- (C) Cause noise audible from outside the property to reach a level whereby it becomes a statutory nuisance.

#### **INFORMATIVES**

1. This LDO does not remove the requirement for advertisement consent where appropriate.
2. This LDO does not remove the requirement for consents required under other legislations, such as licensing regulations.
3. This LDO is confined to the parts of Butlins Bognor Regis shown edged with a bold black line on the map attached as Appendix A
4. Should you require confirmation that the proposed use falls within the use classes permitted by the LDO it is recommended that a certificate of lawfulness be applied for from the Council.

**Appendix 2 - Butlins, Bognor Regis Local Development Order Map**





Butlins, Bognor Regis  
Local Development Order

Statement of Reasons (July 2019)

**Arun District Council**  
**Butlins Bognor Regis Local Development Order: Statement of Reasons**

**Summary**

- Arun District Council (ADC) wishes to create a Local Development Order (LDO) to help facilitate development within the Butlins holiday complex, a Strategic Development site within the Arun District. The intention is to take a flexible approach to small scale development proposals, which will be centrally located within the Butlins complex and as such, not visible from outside the site.
- The LDO would have the effect of providing limited permitted development rights to small scale development that is centrally located within the Butlins complex.
- This area is located within the defined Built up Area Boundary for Bognor Regis, within the designated Bognor Regis Town Centre Regeneration Area. The site is bordered by University College Chichester to the north, Felpham to the east, the sea to the south and Bognor Regis to the west. Much of the site is located within Flood Zones 2 and 3, as identified by the Environment Agency's Flood Risk maps.

Article 34 of the Town and Country Planning (Development Management Procedure)(Order) 2010 (DMPO) paragraph (1) outlines that *'where a local planning authority propose to make a local development order (LDO) they shall first prepare—*  
*(a) a draft of the order; and (b) a statement of their reasons for making the order'.*

A draft of the LDO is provided at Appendix A.

Article 34 paragraph (2) of the DMPO states that

*'the statement of reasons shall contain—*  
*(a) a description of the development which the order would permit;and*  
*(b) a plan or statement identifying the land to which the order would relate'.*

The text in this document acts as the statement of reasons for making the LDO. A plan identifying the land to which the LDO relates is attached at Appendix B.

**Description of development permitted**

- 1.1 The Local Development Order would provide limited permitted development rights to small scale development that would be centrally located within the Butlins Complex. This site does not currently benefit from permitted development rights, due to its business use.
- 1.2 The permitted development rights would be as follows:-

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- (B) The enlarged part of the building, structure or enclosure would:
  - (i) extend beyond any elevation of the building, structure or enclosure by more than 10 metres, or
  - (ii) exceed 10 metres in height;
- (C) It would consist of or include –
  - (i) the construction or provision of a veranda, balcony or raised platform except those accessed from the ground floor of any building.
  - (ii) an alteration to any part of the roof of the building, structure or enclosure.
- (D) The enlarged part of the building, structure or enclosure is within 5 metres of the boundary of the site.
- (E) The proposal will lead to noise arising from or due to the development being audible beyond the boundary of the site at any time. Noise would be considered inaudible when it is at a sufficiently low level that it is not recognisable as emanating from the source in question and does not alter the perception of the ambient noise environment that would prevail in the absence of the source in question.
- (F) If the proposal will be used for the provision of guest or staff accommodation.

## **PERMITTED DEVELOPMENT TYPE II**

The addition of Solar Panels, including Photovoltaic's to the roof of any existing building, structure or enclosure within the Butlins Complex.

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- (A) The alteration would protrude more than 150 millimetres beyond the plane

of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

- (B) It would result in the highest part of the alteration being higher than the highest part of the original roof.
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- (A) the building, structure or enclosure would have more than one storey;
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  - (i) 4 metres in the case of a building, structure or enclosure with a dual-pitched roof,
  - (ii) 3 metres in any other case.
- (C) it would include the construction or provision of a veranda, balcony or raised platform.
- (D) no part of any building, structure or enclosure shall be within 25 metres of the boundary of the site.
- (E) the proposal will lead to noise arising from or due to the development being audible beyond the boundary of the site at any time. Noise would be considered inaudible when it is at a sufficiently low level that it is not recognisable as emanating from the source in question and does not alter the perception of the ambient noise environment that would prevail in the absence of the source in question.

### **PERMITTED DEVELOPMENT TYPE IV**

Development of sports facilities and funfair consisting of the installation of plant, machinery, or structures to be used for or in connection with the entertainment of the clientele within the area

#### **Development Not Permitted**

Development is not permitted if the plant or machinery would:

- (D) Exceed a height of 12 metres from ground level;
- (E) Be located within 100 metres of the boundary of the property (as illustrated in Appendix A);
- (F) Cause noise audible from outside the property to reach a level whereby it becomes a statutory nuisance.

- 1.3 This guidance would apply to any existing or new building, structure or enclosure within the Butlins Complex, which is defined as being within the black edge on the map that accompanies this Local Development Order.
- 1.4 So anyone who wanted to erect a single storey extension to any existing building, structure or enclosure within the Butlins Complex or erect a new building, structure or enclosure, within the site that is identified by a black edge on the map that accompanies this Local Development Order, would be able to do so subject to the criteria outlined above, without the need to apply for planning permission.
- 1.5 This would be on the condition that the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing building, structure or enclosure.

#### Justification for creation of LDO

- 1.6 The Butlins complex is a strategic development site within the Arun District, with a total site area of 21.16ha.
- 1.7 The ultimate objective for the LDO is to assist in reducing the number of applications which are received for small scale developments within the Butlins Complex, which are not visible from outside the site.

#### Statement of the Policies which the LDO would implement

- 1.8 The LDO would implement Policy D DM1 (Aspects of Form & Quality) of the Arun District Local Plan and Policy 8d of the Bognor Regis Neighbourhood Plan.
- 1.9 Further, ADC believes that the LDO would assist with the regeneration of Bognor Regis Town Centre, by helping to facilitate development on this site.
- 1.10 It would accord with government policy contained within the National Planning Policy Framework.

### Lifetime of the LDO

- 1.11 It is intended that the LDO is active for a period of five years following the date of its adoption. This is to allow Arun District Council to monitor the effectiveness of the LDO. Following the end of this five-year period, the LDO would cease to apply. The Council would then have the following options:
- Renew the LDO under the same terms/ conditions as previously;
  - Renew the LDO but modify its terms and conditions; or
  - Delete the LDO and return the area to its previous policy designations.
- 1.12 Development which has started under the provision of the LDO will be allowed to be completed in the event that the LDO is revoked or revised.
- 1.13 Development which has started under the provision of the LDO can be completed following the expiry of the LDO after the end of the five-year period. Any development that has taken place under the LDO will be allowed to remain but no new development will be allowed under the terms of the LDO following its expiry without planning permission.

### Monitoring the LDO

- 1.14 It is intended that the LDO will be subject to continuous monitoring to assess its effectiveness. This will be carried out by annual site visits to assess what development has taken place and how many planning applications have been avoided. Regular liaison between ADC and Butlins will also be carried out to enable the Local Planning Authority to keep up-to-date with any development that is taking place on site.
- 1.15 It will also be the subject of a section in the Annual Monitoring Report, which will discuss further the impact of the LDO on the Butlins Complex and on the reduction in planning applications received, if any.

### Legal advice

- 1.16 The Council has sought and received legal advice on the key aspects of the LDO. This includes how to set out the LDO; potentially time-limiting the LDO; and conditions necessary to include in the LDO. This advice has been taken on board by the Council in the draft LDO.

### Residential Amenity issues

- 1.17 The Butlins complex is self-contained, with no residential properties within the immediate vicinity.
- 1.18 The site is bordered by the sea to the south side, Gloucester Road to the west and Upper Bognor Road to the north side. There is a row of 6 No. detached dwellings to the north east side of the site, as well as some residential properties immediately to the east of the application site. To

prevent any adverse impact upon any of these residential properties, no development will be allowed within 5 metres of the boundary of the Butlins complex. The site boundary is clearly identified by a black edge on the map that accompanies this Local Development Order.