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| REPORT TO: | Planning Committee 14 December 2023 |
| SUBJECT: | To adopt a Local Development Order for the Butlins Complex, Bognor Regis |
| LEAD OFFICER: | Kevin Owen (Planning Policy & Conservation Manager) |
| LEAD MEMBER: | Cllr June Hamilton (Chair of Planning Committee) |
| WARDS: | Hotham Ward |
| CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: | |
| <p>The recommendation supports:</p> <ul style="list-style-type: none"> • Improve the wellbeing of Arun; • Supporting our environment to support us; • Fulfilling Arun's economic potential. | |
| DIRECTORATE POLICY CONTEXT: | |
| <p>The adoption of a new Local Development Order (LDO) for the Butlins Complex will help to promote active healthy lifestyles through leisure, arts, and culture, while promoting economic growth and the quality of the built and natural environments in a sustainable manner.</p> | |
| FINANCIAL SUMMARY: | |
| <p>The designation of the LDO would enable small changes to be made without the need to apply for planning permission. The consequence of this is a loss of planning application fees.</p> | |

1. PURPOSE OF REPORT

1.1 The report updates the Planning Committee on the completion of the Local Development Order (LDO) 28-day consultation and advertisement period to introduce a revised LDO for the Butlins complex in Bognor Regis, which would allow small scale development changes to take place, subject to conditions set out in the draft LDO. The notification and advertisement period commenced on 14 June 2023 and closed on 12 July 2023. Six representations were received. These were from Bognor Regis Town Council, the Environment Agency, Historic England, West Sussex County Council, Environmental Health, and Natural England. (See Appendix 1 – Representations received). The LDO has been amended to address representations received, and following the Planning Committees consideration and agreement the amended LDO will now be referred by the Group Head of Planning to Full Council for adoption.

2. RECOMMENDATIONS

2.1 That Planning Committee recommend to Full Council that the amended Local Development Order for the Butlins Complex, Bognor Regis be adopted.

3. EXECUTIVE SUMMARY

- 3.1 The notification and advertisement period to amend the Local Development Order closed on 12 July 2023 with no objections. However, six representations were received following the consultation period and the LDO has been therefore, been amended to address the representations received.
- 3.2 Following adoption Local Development Order can be used by Butlins to make small scale development changes within the complex without the need to apply for planning permission.
- 3.3 The Council must refer the final LDO to the Secretary of State within 28 days of adoption.

4. DETAIL

- 4.1 Planning Committee considered the proposed Local Development Order for the Butlins complex on 7 June 2023.
- 4.2 The officers report noted how the Local Development Order had previously been adopted in September 2014 and was subject to renewal in 2019 although the process was never completed due to the impact of the advent of Covid 19 pandemic.
- 4.3 The Committee, therefore, agreed that a new 28-day consultation and advertisement period be implemented and following that, should there be any representations requiring amendments, these would be reported back to this meeting for consideration. Notification commenced on 14 June 2023 with: -
 - Advert in the West Sussex Gazette.
 - Notices posted on site.
 - Notice sent to Bognor Regis Town Council.
 - Notice to Ward members.
 - Notices sent to persons whose interests the authority consider would be affected by the order in accordance with regulations 38 (3).
 - Notices sent to the owner of the site.
- 4.4 Six representations were received from: Bognor Regis Town Council; the Environment Agency; Historic England; West Sussex County Council; Environmental Health; and Natural England. The response is summarised below;
 - Bognor Regis Town Council raised no objection.
 - The Environment Agency provided comments noting that the order does not remove the need for an environmental permit to be obtained for certain works should it be required. They also specify that the order should not permit residential accommodation, which it does not.
 - Natural England provided comment to state that the LDO site area partly falls within the 5km zone of influence around the Pagham Harbour Special Protection Area (SPA) and Ramsar Site within which the Council has committed to collecting financial contributions for new residential accommodation. The wording of the LDO should not preclude the collection of this contribution where

required. In response to this comment, the LDO will not permit new residential accommodation and therefore no financial contributions would be required.

- Historic England provided no comment.
- WSCC stated they had no officer level comments to make regarding the consultation.
- The council's Environmental Health officer advised that two of the criteria relating to the distance that the development is from residential boundaries should be increased from 5m to 10m to ensure there is no adverse harm upon amenity.

4.5 The comments received have been incorporated into the document.

5. CONCLUSION

5.1 Officers consider that the proposed Local Development Order should now be referred to Full Council for adoption in accordance with the recommendation set out in this report and in compliance with the sections 61A-D and Schedule 4A of the Town and Country Planning Act 1990 and articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

5.2 Following adoption, the Council will be required to refer the final LDO to the Secretary of State.

6. CONSULTATION

6.1 Consultation has been undertaken with the persons considered affected by the proposed LDO via notices and public advertisement.

7. OPTIONS / ALTERNATIVES CONSIDERED

7.1 The Council can choose not to adopt the Local Development Order. This would mean that proposals for the development listed within the LDO would be required to make a planning application in the normal way.

8. COMMENTS BY THE GROUP HEAD OF FINANCE /SECTION 151 OFFICER

8.1 The implementation of the recommendations can be accommodated within existing budget and resources. There will be a potential loss of revenue from planning application fees forgone but this would be minimal and likely be an efficiency saving considering the small-scale nature of minor developments and impact on officer time.

9. RISK ASSESSMENT CONSIDERATIONS

9.1 Implementing the recommendation will assist in reducing the number of applications which are received for small scale developments within the Butlins Complex.

10. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

10.1 Councils can grant planning permission for development specified in an LDO. The legislative which must be followed are set out in sections 61A-D and Schedule 4A of the Town and Country Planning Act 1990 and articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As the previous LDO has expired, the Council should make a new LDO.

11. HUMAN RESOURCES IMPACT

11.1 There are no implications arising from the proposals.

12. HEALTH & SAFETY IMPACT

12.1 There are no direct health and safety impacts from the proposals.

13. PROPERTY & ESTATES IMPACT

13.1 Arun District Council holds the freehold interest of this site, which is leased to Butlins Limited for a term of 125 years commencing 2008. The proposed LDO will not directly affect the management of this site in the Councils capacity as landlord, and the terms of the lease will be unaffected.

14. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

14.1 There are no implications arising from the proposals.

15. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

15.1 There are no implications arising from the proposals. The addition of Photovoltaic panels onto buildings will support the reduction of emissions related to electricity, help safeguard occupants against increasing energy bills and also help reduce grid dependency.

16. CRIME AND DISORDER REDUCTION IMPACT

16.1 There are no implications arising from the proposals.

17. HUMAN RIGHTS IMPACT

17.1 There are no implications arising from the proposals.

18. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

18.1 There are no implications.

CONTACT OFFICER:

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Job Title: Senior Planning Officer (Policy and Conservation)
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BACKGROUND DOCUMENTS:

Background Paper 1: Existing Butlins Local Development Order

[Appendix A - Local Development Order | Arun District Council](#)

Background Paper 2: Existing Butlins, Bognor Regis Local Development Order Map

[Appendix B - map of Butlins, Bognor Regis Local Development Order | Arun District Council](#)

Background Paper 3: Existing Statement of Reasons Butlins (2019)

[Statement of reasons 2019 | Arun District Council](#)

Background Paper 4: Bognor Regis Campus Draft Local Development Order, Map and Statement of Reasons 2023

[butlins-LDO-document-v3.docx \(live.com\)](#)

Appendix 1 – Representations received.

Bognor Regis Town Council

'I'm emailing in regard to the Draft Local Development Orders for the Butlins Complex and The University of Chichester Campus, Bognor Regis, which seek to provide limited permitted development rights to small scale development within the two sites, for a period of three years.

The draft LDO's were considered by Bognor Regis Town Council's Planning and Licensing Committee at their meeting on 27th June 2023.

*After consideration, Members of the Committee unanimously agreed to raise **NO OBJECTION**, to either of the draft LDO's.'*

The Environment Agency

Thank you for consulting the Environment Agency on the Draft Local Development Order for Butlins Complex, Bognor Regis.

*We would like to emphasise that we would expect that any **proposed residential development** within the site boundary would not be part of any permitted development. We request that the Local Development Order does not permit development that includes intrusive groundworks within the area of the Longbrook Historic Landfill which is present in the Southeast corner of the site. This is to prevent the migration of any contaminant present into the Aldingbourne Rife or Sussex Coastal Waterbody.*

Any development should assess the impact of climate change using appropriate higher central and upper end allowances. Compensatory storage should be considered for any works completed within the fluvial flood plain and approved by the Environment Agency.

We would also note that any Local Development Order does not absolve the applicant from applying for a Flood Risk Activity Permit

Environmental permit - advice to applicant The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- *on or within 8 metres of a main river (16 metres if tidal)*

- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Signing up for flood warnings The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

Flood resistance and resilience We strongly recommend the use of flood resistance and resilience measures. Physical barriers raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance.

Natural England

Based on our records it appears that both LDO areas may fall partly within the 5km Zone of Influence (ZOI) around the Pagham Harbour Special Protection Area (SPA) and Ramsar site within which your authority has committed to collecting financial contributions from new residential and tourist accommodation to put towards strategic mitigation measures. From our reading of the draft LDOs they do not appear to cover this type of development but if this is incorrect then your authority should make sure that the final wording of the LDOs does not preclude you being able to secure appropriate financial contributions where required.

Natural England has no other comments to make on either draft LDO.

Historic England

'Thank you for your letter of 14 June 2023 regarding the above application. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.'

West Sussex County Council

'I can confirm at this time there are no officer level comments being made to the consultations, however we would like to be consulted on this and other documents in the future. '

Environmental Health

'6.1 – The Butlin's complex is self-contained, with no residential properties within the immediate vicinity...' This is not correct, 52 – 62 Upper Bognor Road are literally in the immediate vicinity, their garden boundaries abut Butlin's boundary.

'6.2 - ...to prevent any adverse impact upon any of these residential properties, no development will be allowed within 5 metres of the boundary of the Butlin's complex.' Questions that 5 metres as too close to residents, would suggest increasing the 5m to 10m or more.

'Permitted Development Type 1 (D)' *'Consider 5 metres as too close to residents, would suggest increasing the 5m to 10m or more.'*

'Permitted Development Type 4 (C) Cause noise audible from outside the property to reach a level whereby it becomes a statutory nuisance.' Request to define what is 'property' being referred to and to remove the reference to 'statutory nuisance' as this could not be determined by Butlin's and would therefore be unenforceable.'