

2.3 REFERENCE NO - 15/502729/FULL			
APPLICATION PROPOSAL			
Retention of two replacement chalets, nos. 84 and 85 (retrospective)			
ADDRESS Seaview Holiday Park Warden Bay Road Leysdown Kent ME12 4NB			
RECOMMENDATION Grant			
SUMMARY OF REASONS FOR RECOMMENDATION			
<p>The development is acceptable in principle as it would comply with Policies B6 of the adopted Local Plan and DM4 of the emerging Local Plan. The chalets would have no detriment to the visual amenities of the area and there would be no adverse parking impact. The proposal does not require a 10 month occupancy condition to be imposed given the history of the site and established Lawful Development Certificate that confirms that the previous chalets here were not restricted by an occupancy condition. I have considered the impact on the SPA and conclude that there would be no significant effects on the interest features of the SPA.</p>			
REASON FOR REFERRAL TO COMMITTEE			
Parish Council objection			
WARD	Leysdown & Warden	PARISH/TOWN COUNCIL	Wickland (Holdings) Ltd Wardens Leysdown
		APPLICANT	Wickland (Holdings) Ltd
		AGENT	Forward Planning And Development Ltd
DECISION DUE DATE	01/07/15	PUBLICITY EXPIRY DATE	16/07/15
		OFFICER SITE VISIT DATE	25/06/15
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/12/0404	Lawful Development Certificate for 12 month annual use of 9 chalets nos.81-89 (inclusive) shown on plan enclosed WS/01/OP. (Proposed) - <u>Lawful</u>		
SW/12/1548	Lawful development certificate for moving 5 existing chalets within site. (Proposed) - refused		
SW/13/1204	Variation of condition 1 of NK/8/63/326 to allow 10 month occupancy of caravans. – approved.		
NK/8/53/127	change the use of land to a camp site for chalets and caravans - refused but allowed on appeal		
NK/8/54/119	construct 63 chalets - approved		
NK/8/63/326	An application to seek permanency of the land for the stationing of caravans and erection of chalets, seeking permanency of both the above two applications. This application was allowed with conditions. This restricted the use of the land as a site for caravans except during the period 1 st March to 31 st October in each year.		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site lies within the confines of Seaview Holiday Park and covers the area on which two chalets are sited – nos. 84 and 85. These chalets have recently been re-built and were almost complete at the time of my site visit. The chalets occupy slightly larger footprints than the original chalets that were at this site. The adjacent chalets have not been re-built/refurbished and it is likely that the original chalets would have been similar in age and appearance to them. The chalets within the holiday park are set out in a ‘U’ shape and are mostly sited adjacent to the park boundaries. There are approximately 87 Chalets on the park. Caravans – mostly statics, occupy the central area of the holiday park. Seaview holiday park is located outside the built-up area boundary but in land designated as a holiday park and covered by policy B6 of the Swale Borough Local Plan 2008. Other holiday parks lie to the south and east. The village of Warden lies just to the north of the Seaview Holiday Park with Leysdown to the east.
- 1.02 The site lies within the coastal zone and is covered by Policy E13 of the Swale Borough Local Plan 2008. It also lies within flood zone 3. The site lies 670m to the south of The Swale SSSI and 1.3km to the southwest of The Swale SPA.

2.0 PROPOSAL

- 2.01 This is a retrospective planning application to regularise the erection of two holiday chalets within an existing holiday park. There had previously been two chalets in this location but the evidence suggests that these were substantially demolished and replaced with new chalets of a slightly larger footprint and height. In terms of build quality, they are a significant improvement to the previous chalets that occupied this site. It is understood that the owner of the site intends to carryout similar re-building of the remaining chalets on the site (approx. 85 of them). The chalets provide two bedrooms each, a living area with kitchen and bathroom. The chalets have dual pitched black fibre cement slate roofs, white UPVC weatherboarding to the elevations and white UPVC windows. The doors are timber with glazed panels.

3.0 PLANNING CONSTRAINTS

Environment Agency Flood Zone 2

Environment Agency Flood Zone 3 141081

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Swale Borough Local Plan 2008 – E1; E6; E9; E12; E13; E19; B6; B7; T3.
Emerging Local Plan – Bearing Fruits publication version December 2014 -
DM4; DM5; DM7; DM14; DM22 & DM28.

5.0 LOCAL REPRESENTATIONS

5.01 No representations from local residents have been received.

6.0 CONSULTATIONS

6.01 Leysdown Parish Council object to the application on the grounds that the chalets are new build and have not just been refurbished. They should not be allowed a 12 month occupancy.

6.02 The Environment Agency have no objections to the proposal.

6.03 The Head of Environmental Services has no objection to the proposal.

7.0 BACKGROUND PAPERS AND PLANS

Proposed plans and elevations and site location plan. Design and Access Statement.

8.0 APPRAISAL

Principle of Development

8.01 It is clear that the current chalets now built are new chalets and this goes far beyond a refurbishment as the applicant's agent had sought to argue. As such, I consider this proposal on the basis of the erection of two new chalets within an established chalet park. Policy B6 allows for the "*upgrading and improvement of existing static caravan and chalet sites*". Policy B6 goes on to note that this should take place within the site boundaries wherever possible. Policy DM4 of the emerging Local Plan reiterates this approach. I consider that the two chalets that have been built in place of two older and dilapidated chalets within the boundaries of the existing holiday park would amount to an upgrading and improvement in accordance with policy B6 of the adopted Local Plan and DM4 of the emerging Local Plan. For this reason I have no doubt that the new chalets are acceptable in principle.

Visual Impact

8.02 The chalets as built are simple in design. The use of UPVC weatherboarding is appropriate for the setting in my view which consists of static caravans and dilapidated chalets. I am mindful that these two chalets are the start of what could be a wholesale replacement of the chalets on site and as such, their design and materials would be likely to set a precedent for future replacements. I am of the view that the overall design and materials would be appropriate here and do not consider it harmful if repeated elsewhere within this holiday park.

Other Matters

- 8.03 Parking would not be adversely affected by this proposal which would not increase the number of chalets on this holiday park.
- 8.04 Members will note below that I have not imposed the normal ten month occupancy condition. This is because the Lawful Development Certificate SW/12/0404 established that, having reviewed the planning history of the site, there was no occupancy condition on the chalets nos. 81-89. The two new chalets replace two of the chalets included within this Lawful Development Certificate. Whilst I am considering the new chalets as new development, one cannot ignore the occupancy rights that existed for the chalets that stood in place at this site for many years. Whilst this would mean that the occupants of the new chalets could live there as any other normal dwelling, I am of the view that it would be unreasonable to now impose a 10 month restriction on occupancy given the established 12 month occupancy for chalets at this site.
- 8.05 The application site would provide two new dwellings close to the The Swale Special Protection Area. Appended is a Habitat Regulations Assessment as required by the Conservation of Habitats and Species Regulations 2010 as amended (the Habitat Regulations) due to the sites proximity to the SPA and the potential for recreational disturbance as a cumulative impact with other small housing developments. This concludes that there would be no significant effects from the proposal on the SPA features of interest.

9.0 CONCLUSION

- 9.01 Having considered the comments from consultees and the Parish Council and the relevant planning policies, I am of the view that the development is acceptable in principle as it would comply with Policies B6 of the adopted Local Plan and DM4 of the emerging Local Plan. The chalets would have no detriment to the visual amenities of the area and there would be no adverse parking impact. The proposal does not require a 10 month occupancy condition to be imposed given the history of the site and established Lawful Development Certificate that confirms that the previous chalets here were not restricted by an occupancy condition. I have considered the impact on the SPA and conclude that there would be no significant effects on the interest features of the SPA.

10.0 RECOMMENDATION – GRANT.

No conditions required.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.

Appendix A:**Habitat Regulations Assessment**

This HRA has been undertaken without information provided by the applicant.

The application site is located approximately 1.3km to the southwest of The Swale Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended (the Habitat Regulations).

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

The proposal therefore has potential to affect said site's features of interest.

In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 61 and 62 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advise that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation and site remediation satisfactory to the EA, the proposal is unlikely to have significant effects on these sites and can therefore be screened out from any requirement for further assessment.

It is the advice of NE that when recording the HRA the Council should refer to the following information to justify its conclusions regarding the likelihood of significant effects: financial contributions should be made to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG) and; the strategic mitigation will need to be in place before the dwellings are occupied.

In terms of screening for the likelihood of significant effects from the proposal on the SPA features of interest, the following considerations apply:

- Due to the scale of development there is no scope to provide on site mitigation such as an on site dog walking area or signage to prevent the primary causes of bird disturbance which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats.
- Based on the correspondence with Natural England, I conclude that off site mitigation is required. However, the Council has taken the stance that financial contributions will not be sought on developments of this scale because of the practicalities of securing payment. In particular, the legal agreement would cost substantially more to prepare than the contribution itself. This is an illogical approach to adopt; would overburden small scale

developers; and would be a poor use of Council resources. This would normally mean that the development should not be allowed to proceed. **However, the North Kent Councils have yet to put in place the full measures necessary to achieve mitigation across the area and there are questions relating to the cumulated impacts on schemes of 10 or less that will need to be addressed in on-going discussions with NE.** Developer contributions towards strategic mitigation of impacts on the features of interest of the SPA- I understand there are informal thresholds being set by other North Kent Councils of 10 dwellings or more above which developer contributions would be sought. Swale Council is of the opinion that Natural England's suggested approach of seeking developer contributions on single dwellings upwards will not be taken forward and that a threshold of 10 or more will be adopted in due course. In the interim, I need to consider the best way forward that complies with legislation, the views of Natural England, and what is acceptable to officers as a common route forward. Swale Council intends to adopt a formal policy of seeking developer contributions for larger schemes in the fullness of time and that the tariff amount will take account of and compensate for the cumulative impacts of the smaller residential schemes such as this application, on the features of interest of the SPA in order to secure the long term strategic mitigation required. **Swale Council is of the opinion that when the tariff is formulated it will encapsulate the time period when this application was determined in order that the individual and cumulative impacts of this scheme will be mitigated for.**

Whilst the individual implications of this proposal on the features of interest of the SPA will be extremely minimal in my opinion, cumulative impacts of multiple smaller residential approvals will be dealt with appropriately by the method outlined above.

For these reasons, I conclude that the proposal can be screened out of the need to progress to an Appropriate Assessment. I acknowledge that the mitigation will not be in place prior to occupation of the dwelling proposed but in the longer term the mitigation will be secured at an appropriate level, and in perpetuity.