

2.4 REFERENCE NO - 18/501878/FULL			
APPLICATION PROPOSAL Change of use of land and siting of 2 static caravans for holiday use.			
ADDRESS Land Adjoining 1 Sunnyhill Warden Road Eastchurch Kent ME12 4ES			
RECOMMENDATION GRANT, subject to receipt of amended drawings to resolve Kent Highways objections, and comments from the County ecologist.			
SUMMARY OF REASONS FOR RECOMMENDATION Site lies within an area designated for holiday park use, and proposed caravans would not give rise to serious amenity issues.			
REASON FOR REFERRAL TO COMMITTEE Parish Council objection.			
WARD Sheppey East	PARISH/TOWN Eastchurch	COUNCIL	APPLICANT Nicola Culwick AGENT Alpha Design Studio Limited
DECISION DUE DATE 04/06/18	PUBLICITY EXPIRY DATE 31/05/18		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/13/1432	Outline application for erection of two detached bungalows.	Refused	2013
Permission for to residential bungalows was refused on standard grounds of rural restraint, noting the site's location outside of any defined built up area boundary.			

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site is a flat, rectangular parcel of land situated on Warden Road, Eastchurch. It sits between two residential bungalows, with Hazeldene Chalet Park to the rear, and open countryside across Warden Road to the front, and measures approximately 29m wide x 26m deep. Mature trees run along the front boundary, and the site is largely overgrown with brambles and scrub.

2.0 PROPOSAL

2.01 The application seeks planning permission for the stationing of two holiday static caravans on the site. The land would be divided in half, and one static would be placed on each side, with a shared central access and turning head, and one parking space per unit.

2.02 The static caravans will be of a standard design, measuring 14m deep x 6m wide x 4m high, with a pitched roof. A garden area will be provided around each caravan, and a 1.8m high fence will be erected around the perimeter of the site. The existing boundary trees will be retained.

3.0 SUMMARY INFORMATION

	Proposed
Site Area (ha)	754sqm
Approximate Ridge Height	4m
Approximate Depth	14m
Approximate Width	6m
Parking Spaces	2

4.0 PLANNING CONSTRAINTS

- 4.01 The site lies within an area designated for holiday park use by policy DM4 of the adopted Swale Borough Local Plan

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.01 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) generally support economic and tourism development, including the provision of new tourist / holiday accommodation, subject to general amenity considerations.
- 5.02 As above, policy DM4 of the adopted Swale Borough Local Plan 2017 allocates this site for holiday park use, commenting:

“Where new or improved facilities are proposed within the existing boundaries of the Holiday Park areas, as shown on the Proposals Map, planning permission will be granted provided they are:

- a. of a type and scale appropriate to the site or park they are intended to serve;*
- b. where feasible, made available for use by the local resident population;*
and
- c. in accordance with Policy DM5.”*

- 5.02 Aside from DM4, policies ST1 (sustainable development), ST6 (Sheppey strategy), CP1 (competitive economy), DM3 (rural economy), DM7 (parking), and DM14 (general criteria) of the Local plan are relevant.

6.0 LOCAL REPRESENTATIONS

- 6.01 Two letters of objection have been submitted by local residents, raising the following summarised concerns:
- Visual appearance;
 - A brick built bungalow would be better, and would be in keeping with the neighbouring properties;
 - Many holiday parks in the area already; and
 - There is space on existing parks for more caravans.

7.0 CONSULTATIONS

- 7.01 Eastchurch Parish Council *“objects to the application because the application lacks information. Is the site intended for commercial use? If so what regulations would be*

adhered to as the site is in the middle of permanent residences and is not part of a designated holiday site?"

- 7.02 Natural England has no objection.
- 7.03 Kent Highways have requested a number of minor amendments to secure proper visibility and vehicle access. I have requested amended drawings from the applicant and will update Members at the meeting.
- 7.04 The Council's Environmental protection manager has no objections.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 The above-noted historic application is of relevance, and the current application is supported by relevant plans and drawings.

9.0 APPRAISAL

- 9.01 It should firstly be reiterated that the application site lies within the land allocated for holiday park use by policy DM4 of the adopted Local Plan. Holiday park use is therefore acceptable in principle.
- 9.02 Furthermore the site lies within an area very much characterised by holiday park uses, and in that respect the proposed static caravans would not appear entirely out of context with the area, in my opinion, despite sitting between two brick and mortar bungalows. The retention of the existing trees along the frontage and side boundary would also help to screen views of the site and minimise any potential visual intrusion.
- 9.03 I note local comments suggesting that residential bungalows would be more appropriate. As above, however, I do not consider that static caravans would, in themselves, appear out of place here. Furthermore whilst holiday accommodation is acceptable here unrestricted dwellings would not be acceptable due to the site's location within the countryside, where local and national policy aim to restrict residential development. This has been demonstrated by the refusal of permission for residential bungalows on the site in 2013, and also by a string of appeal decisions where the Council has successfully defended refusing permission for residential dwellings in this area. Therefore whilst I understand resident's reasoning behind this suggestion, I do not support it.
- 9.04 The Parish Council has questioned whether the caravans would be for holiday or residential use, and whether any restrictions would be imposed. It would be appropriate to impose a standard occupancy condition to ensure the units are for holiday use only, and the condition and Schedule set out below would ensure operation in accordance with the Council's agreed procedure for holiday parks (i.e. 10 months occupation, and not to be used as a permanent or postal address). Subject to the imposition of these standard restrictions, in combination with the holiday park designation of the land, I have no serious concerns over the use of the caravans.
- 9.05 The proposed caravans would be of a standard design, with three bedrooms and associated living space, and they would provide a good standard of amenity for guests. The site also allows good sized garden areas, and has space for additional landscaping.
- 9.06 The site can generally accommodate parking and turning in accordance with the adopted Kent Vehicle Parking Standards, and I have no serious concerns in this

regard. Kent Highways have requested amendments to secure visibility sight lines and safe access / egress, which can easily be accommodated within the development. I await amended drawings in this regard, and will update Members accordingly.

- 9.07 Because the site is very overgrown it has considerable wildlife and ecological potential. This is not a complete barrier to development, but is a consideration when clearing the site in terms of ensuring any protected species are not disturbed unnecessarily (as set out by the NPPF and the Wildlife & Countryside Act). I await comments from the Kent County Council ecologist and will update Members at the meeting.
- 9.08 The Habitat Regulations Assessment appended below screens the development out of having to provide SAMMS contributions, in accordance with the Council's agreed protocol.

10.0 CONCLUSION

- 10.01 This application proposes the stationing of two holiday static caravans on land designated for holiday park use. I note local objections but do not consider them to amount to a justifiable reason for refusal. I therefore recommend that, subject to receipt of amended drawings to resolve Kent Highways concerns, receipt of comments from the County ecologist, and any conditions recommended by those officers, planning permission should be granted.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) No development shall take place other than in accordance with the following drawings: 1451/2, and 1451/3.

Reason: For the avoidance of doubt.

- 3) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- 4) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 5) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 6) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 7) The trees shown on the plans hereby approved as "existing trees to be retained" shall be retained and maintained. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of the date of this permission shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

Reason: In the interests of visual amenity.

- 8) The car parking and turning spaces shown on the approved drawings shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the caravans hereby permitted.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users.

- 9) The disposition of uses within the site shall be in accordance with the details shown on the submitted drawings and no static holiday caravans shall be placed outside the area allocated for them on these drawings nor shall any touring caravans or tents be placed outside the areas shown for these purposes.

Reason: In accordance with the terms of the application and in the interests of the amenities of the area

- 10) The static caravans hereby permitted to be stationed on the site shall not be used for human habitation between the 2nd January and the 1st March in any year, and no caravan shall be occupied unless there is a signed agreement between the owners or operators of the Park and all chalet and caravan owners within the application site, stating that:

- (a) The caravans are to be used for holiday and recreational use only and shall not be occupied as a sole or main residence, or in any manner which might lead any person to believe that it is being used as the sole or main residence; and
- (b) No caravan shall be used as a postal address; and
- (c) No caravan shall be used as an address for registering, claiming or receipt of any state benefit; and
- (d) No caravan shall be occupied in any manner, which shall or may cause the occupation thereof, to be or become a protected tenancy within the meaning of the Rent Acts 1968 and 1974; and
- (e) If any caravan owner is in breach of the above clauses their agreement will be terminated and/or not renewed upon the next expiry of their current lease or licence.

On request, copies of the signed agreement[s] shall be provided to the Local Planning Authority.

Reason: As the site lies outside any area in which permanent residential use of the caravans would be permitted, and to prevent the caravans from being used as a permanent place of residence.

- 11) Any caravan that is not the subject of a signed agreement pursuant to condition 10 shall not be occupied at any time.

Reason: In order to prevent the chalets and caravans from being used as a permanent place of residence.

INFORMATIVES

(1) SCHEDULE

The Park operator must:

1. Ensure that all caravan users have a current signed agreement covering points (a) to (e) in condition 2 of the planning permission; and
2. Hold copies of documented evidence of the caravan users' main residence and their identity; this may comprise of utility bills, Council Tax bill, passport, driving licence or similar document; and
3. On request, provide copies of the signed agreement[s] to the Local Planning Authority; and
4. Require caravan users to provide new documentation if they change their main residence; and
5. Send all written communications to the main residence of the caravan user; and
6. Not allow postal deliveries to the caravan or accept post on behalf of the caravan users at the park office; and

7. Ensure that each caravan is to be used for holiday use only and that no caravan is occupied as a sole or main residence, or in any manner which might lead any person to believe that it is being used as the sole or main residence, of the user or occupant; and
8. Adhere to a code of practice as good as or better than that published by the British Homes and Holiday Parks Association.

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. The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

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.

Habitat Regulations Assessment.

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

The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 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 63 and 64 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.

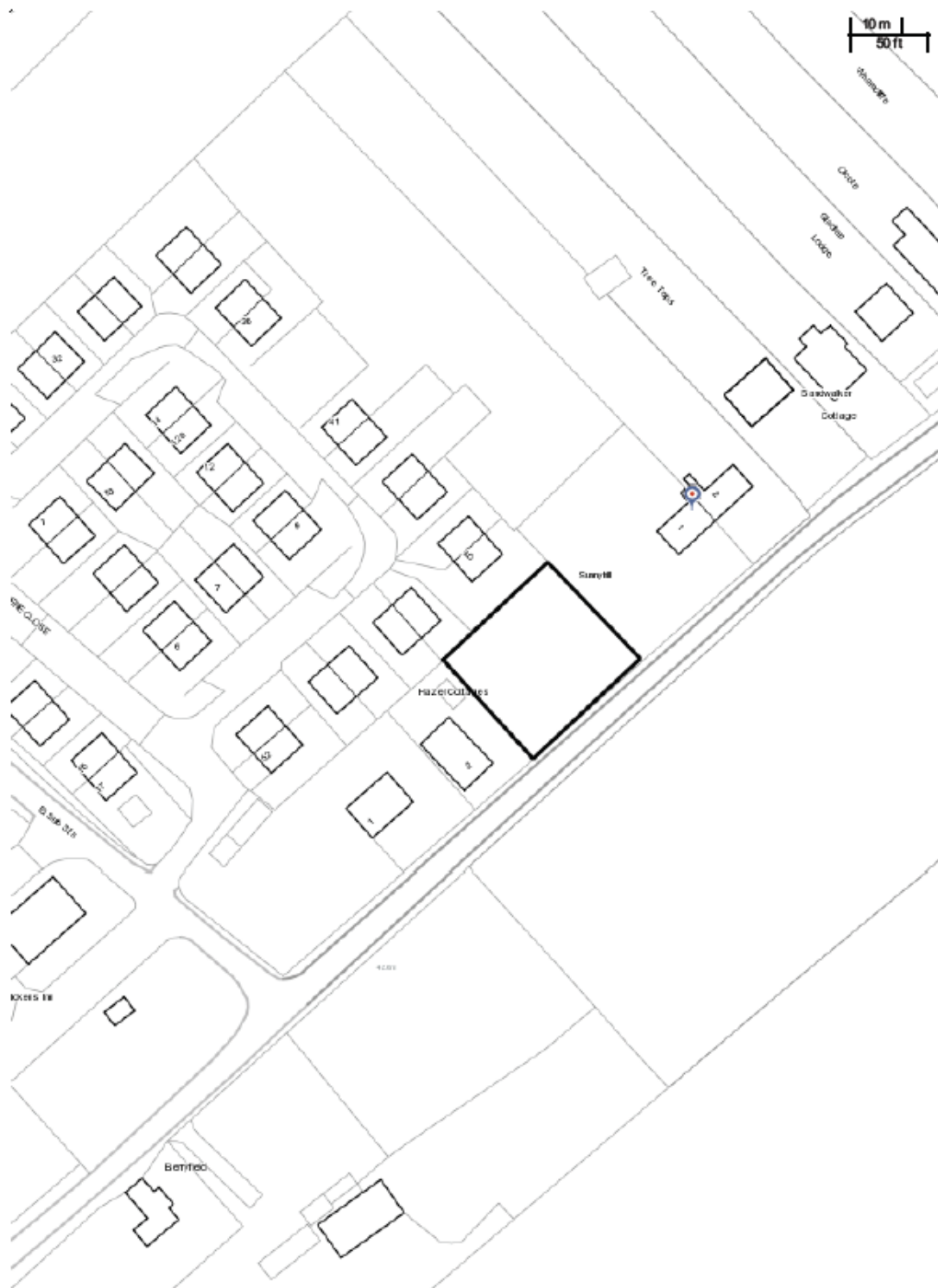
In terms of screening for the likelihood of significant effects from the proposal on the SPA features of interest, the following considerations apply:

- 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.



18/501878/FULL - Land adjoining 1 Sunnyhill, Warden Road, Eastchurch
Scale: 1:1000
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