

PLANNING COMMITTEE – 30 May 2019**PART 2**

Report of the Head of Planning

PART 2Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 18/506323/FULL

APPLICATION PROPOSAL

Retrospective application for the stationing of 37 static caravans including associated hardstanding and landscaping.

ADDRESS

Meadow View Park Irwin Road Minster-on-sea Sheerness Kent ME12 2DB

RECOMMENDATION

Grant subject to conditions.

SUMMARY OF REASONS FOR RECOMMENDATION

Application would regularize use of the site for static caravans without giving rise to any serious amenity concerns.

REASON FOR REFERRAL TO COMMITTEE

Parish Council objection.

WARD

Minster Cliffs

PARISH/TOWN COUNCIL

Minster-On-Sea

APPLICANT

Mr Henry Boswell

AGENT

Michael Parkes

Surveyors

DECISION DUE DATE

06/03/19

PUBLICITY EXPIRY DATE

24/01/19

RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

App No	Proposal	Decision	Date
SW/12/0679	Variation of conditions (2) and (6(2)) of planning permission SW/05/0715 to remove touring caravan provision, and reduce the total number of caravans permitted from 43 to 37.	Not proceeded with.	
This application was identical to the current application. It was not determined by the Council and not pursued by the applicant until earlier this year when they sought to regularise the number of static caravans to facilitate sale of the land. The drawings were significantly incorrect, however, such that a new application (the current application) was required and as such this application has been superseded.			
SW/06/0764	20 semi-detached holiday chalets with associated parking.	Withdrawn	24.3.09
Application was withdrawn.			
SW/05/0715	Change of use of land to static holiday caravan site.	Certificate issued	03.04.92

Members determined that use of the land as a static caravan park, with restricted occupancy, was preferable to unrestricted use as a touring and camping site.			
SW/92/0136	Lawful Development Certificate for unrestricted touring caravan and camping site.	Granted	15.12.92
Evidence was provided to demonstrate that touring caravans had been occupying the site in breach of the original occupancy conditions (set by SW/82/0850), thereby allowing touring caravans to use the site 12 months of the year. On the basis of this evidence a Certificate was issued allowing unrestricted occupancy of the site by touring caravans.			
SW/82/0850	Change of use from sewage plant to touring caravan and camping site	Granted	30.04.2007
Use of the land as a camping and caravanning site would provide a useful tourist facility and would represent an improvement to the character and appearance of the area.			

1.0 DESCRIPTION OF SITE

- 1.01 Meadow View Park (formerly known as Riverbank Park) is a static caravan park situated off The Broadway to the north of Minster. The site is accessed via a private road (Irwin Road) which serves a wider complex of holiday accommodation, including Parklands Village immediately to the north of Meadow View, Minster Park beyond that, and the Abbey Hotel which fronts onto the main road. Parklands and Minster Park comprise brick-built chalets.
- 1.02 The site is generally flat and level, and contains a number of static caravans with grass lawns between the pitches and several empty plots that have not yet had caravan bases laid out. The site is within flood zone 3, and the Minster marshes lie immediately to the south and west, with a drainage ditch running along the southern site boundary.
- 1.03 The site lies within land formally designated by the adopted Local Plan for holiday park use, and has been in use as a caravan site since the early '80s (as set out above).

2.0 PROPOSAL

- 2.01 This application seeks planning permission for the siting of 37 static caravans on the site, some of which are already in place.
- 2.02 This would be as an amendment to planning permission SW/05/0715 which granted consent for a total of 43 caravans on the site, of which a maximum of 31 could be static caravans, leaving a designated area for up to 12 touring caravans. The agent's covering letter explains:

"This is a slight variation from the approved application in 2005 (SW/05/0715) which allowed for the stationing of 43 caravans on the site, of which at least 12 are to be for touring caravans. The spacing has been adjusted to reflect the reduction in the number of units."

- 2.03 The area previously approved for touring caravans was along the north-eastern edge of the site, along the common boundary with the rear gardens of the chalets on Niwrim Way. This area has not been used for touring caravans for several years, however, and the layout applied for has effectively been in place since 2012.

- 2.04 This application therefore seeks to *reduce* the total number of caravans permitted on the site from 43 to 37, all of which would be static caravans.
- 2.05 The static caravans are / will be laid out as shown on the submitted layout plan. Concrete bases have been installed (or will be installed on the remaining vacant pitches once permission is granted), and the internal estate road is laid out as shown on the submitted plan. Each caravan has a small grass amenity area surrounding it and a private parking space. Further shared amenity space and parking is available across the wider site.

3.0 SUMMARY INFORMATION

	Proposed
Site Area (ha)	1.41
Total no. approved caravans	43
Total no. proposed caravans	37

4.0 PLANNING CONSTRAINTS

- 4.01 The site is within an area of Potential Archaeological Importance, Flood Zone 3, and a holiday park allocation (under policy DM4

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.01 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) generally support proposals that would support tourism and economic development, subject to consideration of issues such as flood risk and general amenity.
- 5.02 Policies ST1 (sustainable development), CP1 (strong, competitive economy), CP4 (good design), DM3 (rural economy), DM4 (holiday parks), DM5 (holiday park occupancy), DM7 (parking), DM14 (general development criteria), and DM21 (water, flooding, and drainage) of the adopted Swale Borough Local Plan 2017 are relevant.
- 5.03 In particular: policy DM4 allows for upgrading and improvement of existing static caravan holiday parks; while policy DM5 sets out that the occupancy of parks will be restricted to a maximum of 10 months.

6.0 LOCAL REPRESENTATIONS

- 6.01 Four letters of objection have been received from occupants of chalets on the adjacent Irwin Park, raising the following summarised issues:
- The field is not big enough to contain the number of proposed caravans;
 - A boundary fence was removed and trees cut down, enabling caravans to be situated closer to the common boundary with Niwrim Way;
 - Unauthorised alterations and additions to some of the caravans, including raised decking;
 - Overlooking and loss of privacy;
 - Additional traffic and vehicle movements;
 - Additional noise and disturbance from extra caravans;
 - Potential for anti-social behaviour;
 - Impact on wildlife from removal of trees;

- The plan approved in 2005 has not been adhered to [NB: the point of this application is to regularise that situation];
- Delays in the Council determining previous applications at the site;
- Loss of privacy from CCTV at the site [NB: the CCTV poles were removed some months ago], and
- Comments on a previous, now withdrawn, application at the site.

6.02 The applicant has submitted a letter rebuffing a particular objector's comments, but it does not contribute to the consideration of the matter at hand.

7.0 CONSULTATIONS

7.01 Minster Parish Council objects to the application, commenting that *"this is over-intensive use of the site"* and *"the proposal's close proximity to existing dwellings is a concern"* with regard to the orientation of the static caravans and the potential for overlooking and loss of privacy for the chalets.

7.02 Natural England initially requested further information in respect of potential ecological impacts. However further to discussions with their officers to explain the nature of the application (i.e. a reduction in caravans) they have confirmed they have no objection.

7.03 The Environment Agency has no objection.

7.04 KCC Flooding has no objection, but notes that a nearby ditch is maintained by the LMIDB and as such consent will be required if the applicant seeks to discharge water into it.

7.05 The LMIDB note that the drainage ditch along the southern site boundary is maintained by them and, as such, their consent will be required for any works within 8m of the ditch or to drain the site into it. Given the nature of this application I don't consider that a condition is reasonable or justified in this instance, but will add their comments as an informative for the applicant to act on should they wish to carry out any works that affect the ditch.

7.06 Southern Water has no objections but notes that sewer infrastructure will require upgrading, and has requested a number of conditions (discussed below).

7.07 KCC Highways has no objections.

7.08 Kent Police suggest that the applicant should contact them to discuss possible Secured By Design (SBD) improvements to the site.

7.09 The Council's Environmental Health Manager has no comments.

8.0 BACKGROUND PAPERS AND PLANS

8.01 The application is supported by a proposed layout plan, and the above-noted historic applications are relevant.

9.0 APPRAISAL

Principle

- 9.01 The site lies within a designated holiday park area, as set out by Policy DM4 of the adopted Local Plan. The principle of development that supports the wider tourism aims of that policy is therefore generally acceptable subject to amenity considerations as set out below.
- 9.02 Because the site is providing holiday accommodation; the principle of permanent residential use not being acceptable here due to flood risk; the allocation of the site as a holiday park under policy DM4; the site lying outside of the defined built up area boundary; and the potential for holiday parks to provide sub-standard permanent homes, a standard condition is required to restrict occupancy as with the other holiday parks on the Island.

Amenity

- 9.03 It should be clearly stated that the chalets on Niwrim Way are holiday residences, and *not* residential dwellings. I have spoken to a number of occupants of Niwrim Way during the course of dealing with other applications locally, and while I appreciate that they consider these chalets to be their primary residence it must be made absolutely clear to all that they are *not* residential dwellings. The Council has won many appeals against use of these chalets as permanent dwellings, of which the residents should be aware, and the established position (through Council-issued planning decisions and Planning Inspectorate appeal decisions) is that they are holiday chalets with 10 month occupancy.
- 9.04 The chalets on Niwrim Way – and the static caravans here at Meadow View - therefore benefit from a lower degree of amenity protection under planning regulations and the issue of potential overlooking is much less heavily weighted. While you would not expect to be overlooked at close proximity in the lounge of your “normal” house, one does not normally expect the same privileges on close-quarters holiday camps. Therefore, whilst I note the objections from residents and the Parish Council in respect of overlooking and loss of privacy, I am firmly of the opinion that is not a matter on which a reasonable, justifiable, and defensible refusal of planning permission could be considered here.
- 9.04 The layout of the park provides good spacing around the caravans and there is communal open space for all visitors. The park will provide a good level of amenity for occupants of the caravans, in my opinion.
- 9.05 Removal of the touring caravan spaces means that there would be less manoeuvring of vehicles on the site and fewer vehicles accessing the park on a regular basis. This would consequently reduce associated noise and disturbance and improve amenity for occupiers of both this park and the adjacent chalets.

Layout

- 9.06 The site is capable of holding 37 caravans. I have visited the site and, whilst not all of the pitches have been built out yet, it is evidently open and well spaced. To receive a site licence from the Council the caravans must be at least 6m apart in all directions and there is more than enough space available to achieve this on site, as well as providing appropriate levels of shared amenity space, parking provision, and vehicle access/turning space.

- 9.07 In this regard I disagree with the Parish Council and local residents suggesting that the scheme would represent overdevelopment of the land. I consider that there is evidently sufficient space to provide a well-spaced static caravan site here, even with additional statics on the former touring caravan spaces, and I do not consider that the Council would in any way be able to defend a reason for refusal on such grounds at appeal.

Highways

- 9.08 I note that KCC Highways have no objections, and I also have no significant concerns in respect of highway safety or amenity. The loss of touring caravan spaces is likely to result in fewer vehicle movements than under the current extant permission.

Ecology

- 9.09 Because the application proposes a *reduction* in the total number of caravans allowed on the site I do not consider that the development would give rise to any additional ecological impacts over and above the current permission/lawful use of the site. Because no additional accommodation is being proposed there is no requirement for a SAMMS payment in this instance.

Other

- 9.10 Southern Water has requested conditions to secure a phased implementation of the permission to align with potential future upgrade works to the local sewer network. I do not consider these conditions to meet the Government's tests in respect of planning conditions, however, because i) there is an extant, implemented permission for use of the site without phasing restrictions, ii) such conditions would make the applicant entirely beholden upon works to be carried out by a third party, and iii) Southern Water do not have a firm timescale for any upgrade works, so the applicant could potentially be left unable to implement their permission for many years. Of these three issues, however, the fact that the site is already in use under an implemented planning permission means that there is no recourse for Southern Water to now restrict occupancy of the site, and I believe that a planning Inspector would look very poorly on a condition which seeks to do so.

10.0 CONCLUSION

- 10.01 This application seeks retrospective consent for replacement of a dedicated touring caravan area with static caravans, and to *reduce* the total number of caravans permitted on an existing approved caravan site from 43 to 37. Whilst I note local and Parish Council objections I can see no justifiable reason to refuse planning permission, and do not consider that the proposals would give rise to any serious impacts over and above the existing approved use of the land.

- 10.02 Taking the above into account I recommend that 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 more than 37 caravans shall be stationed on the site at any time, and none shall be stationed in a position other than securely anchored to one of the concrete bases shown on the drawings approved under this permission.

Reason: In accordance with the terms of the permission, and as the site is prominently located in a wider rural location where uncontrolled development would be likely to be harmful, and as the site is at risk from flooding, pursuant to policies ST1, ST3, ST6, DM5, and DM14 of the Swale Borough Local Plan 2017.

- 3) The caravans hereby permitted shall only be occupied during the period from 1st March to 31st October in any year, and the caravans shall not be used for human habitation at any time during the months of November to February inclusive; all power, including lighting, shall be cut off during this 'closed season'.

Reason: The proposed development, by its nature and location, is unsuitable for all year round occupation and subject to flood risk. Moreover, the site is prominently located in a wider rural location where both the character and appearance would be detrimentally changed by activity and lighting in the quiet winter months, in pursuance of policies St1, DM5, and DM14 of the Swale Borough Local Plan 2017.

- 4) Within 6 months from the date of this permission full details of soft landscaping works shall be submitted to the Local Planning Authority for approval. 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. Upon approval the agreed landscaping scheme shall be implemented within the next available planting season.

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

- 5) 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.

INFORMATIVES

1. Kent Police recommend that the site owner contact their Designing Out Crime officer (pandcr@kent.pnn.police.uk) to discuss potential improvements to the security and safety of the site.
2. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
3. The watercourse on the southern boundary of the site is a Lower Medway Internal Drainage Board maintained ditch, and as such section 66 of the Land Drainage Act

1991 applies, and the Board's consent is required for any works, structure, planting or fencing within 8m of the ditch.

The Board suggests the applicant seeks to get this approval as soon as possible.

Any surface water drainage from the site discharging to a local watercourse also requires attenuating to 7 litres/sec/hectare for the 1:100 year storm (+40% cc). Again this will require the Board's written consent to allow this and fines and court action can apply should the Board's permission not be sought.

Consent application forms can be found on the Board's website www.medwayidb.co.uk.

THE COUNCIL'S APPROACH TO THIS APPLICATION

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

If your decision includes conditions, there is a separate application process to discharge them. You can apply online at, or download forms from, www.planningportal.co.uk (search for 'discharge of conditions').

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.

