

<b>2.4 REFERENCE NO - 20/500490/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of nine chalets to replace existing units		
<b>ADDRESS</b> Seaview Holiday Camp Warden Bay Road Leysdown Sheerness Kent ME12 4NB		
<b>RECOMMENDATION</b> Grant subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The replacement chalets are of an appropriate scale and design and as such will not cause harm to visual or residential amenities.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Parish Council objection		
<b>WARD</b> Sheppey East	<b>PARISH/TOWN COUNCIL</b> Leysdown	<b>APPLICANT</b> Wickland (Holdings) Ltd <b>AGENT</b> Forward Planning And Development Ltd
<b>DECISION DUE DATE</b> 03/04/20		<b>PUBLICITY EXPIRY DATE</b> 10/03/20

**Relevant Planning History**Occupancy

15/509228/LDCEX

Lawful Development Certificate for 12 month annual use of 11 chalets nos. 1 - 10 including 1A

Approved Decision Date: 16.12.2015

15/509233/LDCEX

Lawful Development Certificate for 12 month annual use of 10 chalets Nos.59-68

Approved Decision Date: 21.01.2016

SW/13/1204

Variation of condition 1 of NK/8/63/326 to allow 10 month occupancy of caravans.

Grant of Conditional PP Decision Date: 16.12.2013

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)

Granted Decision Date: 16.05.2012

Replacement units

19/500303/FULL

Erection of 7no. chalets to replace existing units 13, 14, 31, 32, 33, 34, and 77.

Approved Decision Date: 25.05.2018

Appeal allowed to remove condition limiting occupancy of chalets which are replacing caravans.

18/501184/FULL

Erection of 8 Chalets to replace existing chalets, 4, 5, 6, 7, 62, 66, 70 & 76 and removal of chalet 8.

Approved Decision Date: 21.03.2019

16/508497/FULL

Erection of replacement chalets for 63, 67, 71, 73, 75, 78 and 88.

Approved Decision Date: 07.03.2017

15/510027/FULL

Erection of chalets to replace existing nos. 80, 81, 83, 87 and 89.

Approved Decision Date: 19.02.2016

15//502729/FULL

Retention of two replacement chalets, nos. 84 and 85 (retrospective)

Approved Decision Date: 25.09.2015

SW/12/1548

Lawful development certificate for moving 5 existing chalets within site. (Proposed)

Refused Decision Date: 14.02.2013

### **Appeal History:**

19/500141/COND

Erection of 7no. chalets to replace existing units 13, 14, 31, 32, 33, 34, and 77.

Appeal Allowed and or Notice Quashed Decision Date: 16.01.2020

## **1. DESCRIPTION OF SITE**

- 1.1 The site is a holiday park situated on Warden Bay Road, roughly halfway between Leysdown and Warden. There are approximately 89 chalets and 90 caravan pitches on site. Chalets are generally situated around the site perimeter and static caravans in the centre.
- 1.2 The site has planning permission for 12 month occupancy of chalets, This situation arises from an appeal decision against NK/8/53/127, where the Inspector granted temporary permission for use of the land as a holiday park with stationing of caravans and chalets (for 10 years), and subsequent grant of permanent permission under NK/8/63/326. Neither of those permissions imposed an occupancy condition upon chalets, and only restricted the occupancy of the caravans on site to the standard March-October period. Application SW/13/1204 varied the original caravan occupancy restriction to allow an extended, 10-month occupancy for the caravans only. This is in accordance with the majority of the parks on the Island.
- 1.3 As such, the chalets on site are not subject to a condition restricting their occupancy, but the caravans are restricted to the Council's standard 10-month occupancy conditions.
- 1.4 Several permissions have been granted for replacement of a number of dilapidated chalets and caravans, as set out above. Notably, application 19/500303/FULL included a condition restricting the occupancy of the new chalets that replaced caravans to 10 months, as this is the occupancy restriction on all caravans on the site. The applicants appealed the imposition of this condition, and the Inspector allowed the appeal, granting permission for all replacement chalets to have 12 month occupancy. In his appeal

decision, the Inspector stated the following regarding the conditions limiting occupancy:

*“The reason given for Conditions 5, 6 and 7 in the decision notice state that they are in order to prevent the chalets from being used as a permanent place of residence. However, no evidence is before me to set out the harm that would result in this respect and I have no reason to believe that the lack of occupancy limitations on the chalets subject of the original permission was an oversight on the part of that Inspector. Therefore, I am not persuaded that these conditions are justified in this respect.”*

## **2. PROPOSAL**

- 2.1 This application seeks permission for the removal of 4 chalets and 6 caravans, and the erection of 9 chalets to replace units on the western side of the site.
- 2.2 46, 47, 48 and 49 are existing chalets which will be replaced. E29, E30, F30, F31, G31 and G32 are static caravans which would be removed and replaced with the proposed chalets. The application will result in a reduction of one unit.
- 2.3 The replacement chalets would have a footprint of 10m x 5.5m and will have a pitched roof with an eaves height of 2.7m and a ridge height of 4m. They would be of a relatively standard design, common across the holiday parks on the Island and regularly permitted as replacements.

## **3. PLANNING CONSTRAINTS**

- 3.1 Environment Agency Flood Zone 2
- 3.2 Designated holiday park area

## **4. POLICY AND CONSIDERATIONS**

- 4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) support appropriate economic and tourist development, subject to general amenity considerations.
- 4.2 Policies ST1, CP4, DM4, DM5, DM14, and DM21 of the adopted Swale Borough Local Plan 2017 are relevant.
- 4.3 The Local Plan Panel has recently resolved to support an interim policy document which would see year round residential use being granted planning permission at suitable sites. This resolution has yet to be considered by the Cabinet, and in any case, it is not relevant to this application.

## **5. LOCAL REPRESENTATIONS**

- 5.1 None

## **6. CONSULTATIONS**

- 6.1 Warden Parish Council provide the following comments:

*“The Parish Council are extremely concerned that a further 9 chalets are going to be replaced with new units. Surely any new build has to conform to existing legislation on*

*holiday parks. This site according to its literature has 89 holiday chalets. So far it has caused concern that some 15 chalets have been completely re-built. This additional 9 is in effect another 9 families living in our area with already over stretched services. If this is the intention of the site; to replace all 89 units surely this needs to conform to residential building regulations. If this is as listed as their site license states “A Holiday Park”. Please can you inform us if this means holiday accommodations available all year, or FULL RESIDENCY? If the latter is true, then this will mean 89 new families in our area without benefit of this being in the borough plan, or any consideration for the general population.”*

- 6.2 Environment Agency – Assessed application and it is covered by our Flood Risk Standing Advice. The standing advice suggests ensuring there are procedures for site evacuation in place, means of escape for occupants, and raised floor levels.
- 6.3 KCC Highways – Proposal does not meet the criteria to warrant involvement from the Highways Authority.
- 6.4 Economy and Community Services – *“This is a well-known premium park on the Isle of Sheppey promoted on Visit Swale and in membership of The British Holiday & Home Parks Association with a good trading history of family focused provision including good amenities, services and facilities. The application is seeking to provide nine chalets to replace existing units on a park that demonstrates continuous investment and improvements (this application cites renewable energy provision on site through solar panel which is acknowledgement of new global pressures. Happy to support the application.”*
- 6.5 KCC Flood and Water Management – Development falls outside their remit.
- 6.6 Natural England – No comments
- 6.7 Environmental Health – No objections subject to standard hours of construction condition.

## **7. BACKGROUND PAPERS AND PLANS**

- 7.1 Plans and documents relating to 20/500490/FULL.

## **8. APPRAISAL**

- 8.1 The proposed replacement chalets are of an appropriate scale and design, and I have no serious concerns in respect of their impact upon the character and appearance of the local area or upon the amenity of nearby residents. I include a condition restricting hours of construction to ensure the development does not cause harm to residential amenity during the construction phase. I also include a condition removing permitted development rights for the replacement chalets, in order to prevent the uncontrolled expansion of the units.
- 8.2 I note that the Environment Agency do not object, and I therefore do not consider flood risk to amount to a reason for refusal. I also note that this is for *replacement* units rather than entirely new, additional plots. In that regard there is also no requirement for a SAMMS contribution to be secured as there is no net gain in accommodation.

- 8.3 As set out in the section 1 of the report, none of the chalets on the site have occupancy restrictions. With regard to the recent appeal decision for application 19/500303/FULL, I do not consider it appropriate to impose occupancy conditions on the proposed chalets that are replacing caravans. Therefore, whilst some of the proposed chalets are replacing caravans that are subject to 10-month occupancy, I do not recommend imposing a condition restricting occupancy on any of the replacement chalets.
- 8.4 Following the objection from Warden Parish Council, I responded to their comments, setting out the planning history for the site relating to the occupancy of both chalets and caravans, and also explained that due to the recent appeal decision for application 19/500303/FULL, we are not recommending imposing conditions restricting occupancy on the proposed chalets that are to replace caravans. I received no response.

## 9. CONCLUSION

- 9.1 The replacement chalets will not cause any harm to visual or residential amenity. The development is therefore acceptable and as such, I recommend planning permission be approved.

## 10. RECOMMENDATION - GRANT Subject to the following conditions:

### 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 details shown on the following drawings: 3957\_PL02, PL-5732\_14 and PL-5732\_15.

Reasons: For the avoidance of doubt and in the interest of visual amenity.

- (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.

Reasons: In the interests of local amenity.

- (4) Upon completion, no further development, whether permitted by Classes A, B, C, D, E or F of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out without the prior permission in writing of the Local Planning Authority.

Reasons: In the interests of the amenities of the area.

## **INFORMATIVES**

- (1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

### **The Council's approach to the application**

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 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.

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.

