

2.2 REFERENCE NO - 20/500857/FULL		
APPLICATION PROPOSAL Erection of a park office and use of an existing pitch as warden's accommodation, including creation of 3no. visitor parking spaces and footpath.		
ADDRESS Meadow View Park Irwin Road Minster-on-sea Sheerness Kent ME12 2DB		
RECOMMENDATION Grant		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The visual, amenity, highways and flooding impacts of the proposal are acceptable, and accord with the provisions of the local plan and the NPPF.		
REASON FOR REFERRAL TO COMMITTEE Minster on Sea Parish Council have objected strongly to 'any permanent residential development' on the basis of flooding, change in the character of the park, and the local plan policies.		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Mr Henry Boswell AGENT Michael Parkes Planning Services
DECISION DUE DATE 04/06/20		PUBLICITY EXPIRY DATE 21/04/20

Planning History

18/506323/FULL - Retrospective application for the stationing of 37 static caravans including associated hardstanding and landscaping. Granted

SW/05/0715 - Change of use of land to static holiday caravan site. Certificate issued

SW/92/0136 - Lawful Development Certificate for unrestricted touring caravan and camping site. Granted

SW/82/0850 - Change of use from sewage plant to touring caravan and camping site. Granted

1. DESCRIPTION OF SITE

1.1 Meadow View 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 (with a site area of approximately 7 hectares), 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.

1.2 The application site – which extends to 1.34 hectares - 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.

1.3 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.

2. PROPOSAL

2.1 The application seeks permission for the use of 1 no. existing plot as warden's accommodation all year and for an additional small park office.

- 2.2 The warden's accommodation is shown as utilising an existing plot with the same format of unit as found on a 'holiday plot'.
- 2.3 The submission advises that a shortcoming for the park is the lack of warden occupancy and the applicant is keen on having an onsite presence during the off-season to provide an added layer of security for the site in order to deter unwelcome visitors and prevent crime. The submission advises that it is common practice within the industry to have staff on site throughout the year and off-season accommodation for wardens.
- 2.4 At Meadow View Park, the site warden has to be 'on-call' and present to deal with customers' needs and emergencies at all hours during the open season, is responsible for site closure after the 10 month occupancy period, has to prepare the site for re-opening and is responsible for ensuring access through the site to the Southern Water pumping station is available 24/7 throughout the year.
- 2.5 In addition, the site warden is responsible for all year maintenance and servicing as well as ground maintenance. The majority of these works are carried out during the closed period as it would otherwise negatively impact resident's enjoyment of the site in season. The annual winter maintenance programme comprises landscaping works (pruning trees, shrubs, cutting hedges, replacing plants badly affected by the summer) and repairs to gates and fences, repairs to paths and internal roadways, maintenance and servicing of caravans, buildings and exterior structures.
- 2.6 Where issues may arise such as heating malfunctions, burst water pipes and wind damage, the site warden is required to take immediate action. The site warden provides a monitoring presence and security to prevent theft, damage and vandalism to park facilities and customer's caravans and property, especially during the closed period. The submission considers that the importance of the wardens 'closed season' security and maintenance role justifies the "operational need" for the site warden to be on-site 'all-year'.
- 2.7 The site warden's role ensures a pleasant and safe environment when caravan owners and visitors arrive and whilst they are on-site. The application states that having such accommodation on site is essential to ensure that the holiday park can operate to a high standard, meeting customer expectations in season, and providing security for their property out of season, while managing the winter maintenance programme.
- 2.8 The application advises that the previous office was located close to the junction of Irwin Road, Ash Lane, Niwrim Way, and Brookside. However, following the sale of Meadow View Park, the original park office was not included within the new park boundaries, and as such, Meadow View Park does not currently benefit from a park office which is essential for the business and will ensure that the holiday park can operate to a high standard and meeting customer expectations in season.
- 2.9 The proposed office is located at the entrance to the site and adjacent to the proposed warden accommodation. It is shown as 6.10m long by 3.60m wide and 2.59m to its flat roof. It will provide a reception/office and toilet. Materials proposed are cedar cladding, soffit and fascia with firestone rubber roofing, and Joinery Casement Double Doors and Windows. The Park is open between 1st March and 2nd January the following year and the office/reception which will be open daily (office hours) and there will be a member of staff on call 24 hours a day 7 days a week to deal with enquiries. Also, appropriate provision has been made to allow access for disabled people.

3. PLANNING CONSTRAINTS

- 3.1 The site is within an area of Potential Archaeological Importance, Flood Zone 3 (where the risk of flooding is considered to be relatively high), and a holiday park allocation (under policy DM4 of the adopted Local Plan).

4. POLICY AND CONSIDERATIONS

- 4.1 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.
- 4.2 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), DM19 (sustainable design and construction, and DM21 (water, flooding, and drainage) of the adopted Swale Borough Local Plan 2017 are relevant.
- 4.3 In particular: policy DM4 allows for upgrading and improvement of existing static caravan holiday parks, and Part 3 of the policy reads as follows

'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 DM 5.'*

- 4.4 Policy DM5 sets out that the occupancy of parks will be restricted to a maximum of 10 months.

5. LOCAL REPRESENTATIONS

- 5.1 A site notice was put up on 31st March 2020. This expired on 21st April 2020. A press notice was put in the Kent Messenger on 12th March which expired on 2nd April 2020. No representations were received.
- 5.2 Minster-on-Sea Parish Council strongly objects to any permanent residential development on this site for the reasons it has outlined before. It states that these include:

'The site lies in the countryside, outside the built-up area of Minster. Equally importantly, the site also lies in an area of serious risk of tidal flooding. The permanent year-round occupation of the single-story holiday chalets would place additional people at unnecessary risk and increase the burden on the emergency service in times of flood, contrary to Planning Policy Statement 25: Developmental and Flood Risk and Policies within the Swale Borough Local Plan and the Kent and Medway Structure Plan. The occupation of the holiday chalets is restricted to 10 months of the year in recognition of the fact that year-round occupation of the holiday chalets would amount to the creation of permanent dwelling, the occupiers of which would be subject to a substandard degree of residential amenity, and which would be unacceptable in principle in the countryside.

Furthermore, any increased level of occupancy of the holiday chalets would increase the level of activity at the site during the period of closure and would be detrimental to the character of the area. Moreover, an increase in the period of occupation at the site

would give rise to a greater risk of the unauthorised use of the chalets as permanent accommodation and this would be difficult to enforce against. The year-round residential occupation of the holiday chalets would be contrary to the Swale Borough Local Plan and the Kent and Medway Structure Plan.'

- 5.3 These comments appear to have been made in consideration of the year round occupation of the entire park (which would be unacceptable). However, the submission is in fact for the year round occupation of only one unit for warden's accommodation, and could be conditioned as such.

6. CONSULTATIONS

- 6.1 The Environment Agency has advised that the proposal is covered by their Flood Risk Standing Advice (FRSA). 'This means you do not have to consult us directly and can use our standing advice to manage flood risk for this planning application.'
- 6.2 County Council as Lead Local Flood Authority have reviewed the application and advised that they regard the proposal as low risk development as there would be a negligible increase in impermeable area.
- 6.3 KCC Highways and Transportation have no comments to make on the proposal.
- 6.4 The Kent Minerals and Waste Planning Team have no objection to the proposal.
- 6.5 Natural England have no comment to make on the proposal.
- 6.6 Kent Police have raised no objection to the proposal and have recommended that the unit is designed with adequate security and advise the applicant consider the SBD [Secure by Design] Commercial Guidance on www.securedbydesign.com or contact us direct for further security information.
- 6.7 Southern Water have made no objection to the proposal and have recommended that an informative be placed on any permission.

7. BACKGROUND PAPERS AND PLANS

Site location plan
Flood Risk Assessment
Proposed site plan Materials specification
Proposed office plan and elevations

8. APPRAISAL

- 8.1 The key issues for consideration are:

Principle
Amenity
Visual impact
Highways and parking
Sustainable Design and Construction
Flooding

- 8.2 Principle

- 8.3 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.

- 8.4 Because the proposal is in connection with the permitted and allocated use of the site as a holiday park under policy DM4, a standard condition is required to restrict occupancy and prevent the use of the proposed development for wider market use. This is consistent with the use of other holiday parks in the Borough.
- 8.5 Amenity
- 8.6 Policy DM 14 of the Local Plan seeks to ensure that new development does not cause significant harm to the amenities of the occupiers of neighbouring properties.
- 8.7 The Warden's accommodation is shown as located on an existing plot, and as such, the impact of this has already been assessed and been found to be acceptable under application reference 18/506323/FULL. There is no additional amenity impact of this element beyond that already permitted, and as such, this element of the proposal is considered to be acceptable.
- 8.8 The site office is located in close proximity to an existing unit and raises greater concern about its amenity impact. However, as examined in the recent approval 18/506323/FULL, the chalets on Niwrim Way (to the north of the application site) are holiday residences, and *not* residential dwellings. Although the occupants of Niwrim Way may 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 and the established position (through Council-issued planning decisions and Planning Inspectorate appeal decisions) is that they are holiday chalets with 10 month occupancy.
- 8.9 The chalet adjacent to the proposed office therefore benefits 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. I also give weight to the dual aspect of the rooms which have windows also facing onto the proposed office, in addition to the fact that the windows facing the proposed office block, currently sit in close proximity to, and directly face a fence.
- 8.10 Therefore on balance, taking the above into account, I do not consider that loss of amenity to the adjacent unit is a defensible ground to justify refusal of planning permission.
- 8.11 Visual Impact
- 8.12 Policy CP4 of the Local Plan requires that development proposal be of a high quality design that is appropriate to its surroundings. Development proposal should create safe, accessible, comfortable, varied and attractive places, enrich the qualities of the existing environment by promoting and reinforcing local distinctiveness and strengthening sense of place, and make safe connections physically and visually both to and within developments, particularly through using landscape design and open space to retain and create green corridors for pedestrians, cyclists and biodiversity.
- 8.13 Policy DM14 requires proposals to reflect the positive characteristics of a site and locality, be well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to a location and cause no significant harm to amenity.

- 8.14 The development is proposed on land which is identified for development. The warden's accommodation would not appear visually different to a holiday unit and as such would have no different visual impact.
- 8.15 The office unit would represent additional permanent development. However it would be of an appropriate scale and massing compared with the holiday accommodation, and be of a low scale at the entrance to the park. It would be sympathetic and appropriate to its location and as such would also be acceptable with regard to its visual impact.
- 8.16 Highways and Parking
- 8.17 The proposal would not result in additional vehicle movements to and from the site and as such would have a negligible impact on the highway. There is sufficient parking available at the site for the warden. 3 parking spaces are provided, and these would be sufficient for the purposes of the proposal and to provide additional parking for the wider site.
- 8.18 Sustainable Design and Construction
- Policy DM19 of the Local Plan requires all new non-residential developments to achieve BREEAM 'Good' standard or equivalent as a minimum.'
- 8.19 It is therefore appropriate to condition any permission to require that the office element of the proposal meet BREEAM 'good' standard.
- 8.20 Flooding
- 8.21 The proposed development is located within Flood Zone 3 (high risk of flooding). The proposed warden's accommodation could be considered 'Highly Vulnerable' under the NPPF as it would be in use year-round. The proposed park office would be considered 'Less Vulnerable'. The applicant has submitted a flood risk assessment and flood evacuation plan with the application.
- 8.22 The Environment Agency have assessed the application and has advised that the proposal is covered by their Flood Risk Standing Advice (FRSA). This means the Council do not have to consult them directly and can use their standing advice to manage flood risk for the planning application.
- 8.23 The Environment Agency's compatibility table shows that the warden's accommodation is non compatible development within flood zone 3. However, the guidance states that the table does not show the application of the Sequential Test.
- 8.24 The Sequential and Exception Tests should be applied to a change of use to a caravan, camping or chalet site, or to a mobile home or park home site.
- 8.25 The Sequential Test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. The flood zones provide the basis for applying the Test. The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into

account the flood risk vulnerability of land uses and applying the Exception Test if required.

- 8.26 The Exception Test, as set out in paragraph 160 of the Framework, is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.
- 8.27 In terms of the sequential test, it is accepted that there is no alternative location for the type of accommodation proposed. In order to fulfill its purpose as accommodation for a warden to manage the site throughout the year, the development would have to be located within the park itself. As such, sequentially, there would be no alternative location for the proposal and it is considered that the proposal would pass the sequential test.
- 8.28 In terms of the exception test, it is firstly recognised that the nature of this use (provided that it is appropriately conditioned) would differ significantly from a permanent use by members of the general public. The Warden would not only be fully aware of the flood risk but would also be tasked with routinely monitoring risk to the site from all sources (including flood risk) and actively responding to on-site emergencies.
- 8.29 I am satisfied that in this regard, the first part of the exception test would be met in that the siting of a warden on the park will provide wider sustainability benefits to the community of the park that outweigh the flood risk.
- 8.30 Turning to the second part of the exception test, the application has been accompanied by a FRA which shows that the development can be achieved in a sustainable manner, with no increase of flood risk to the site and surrounding area.
- 8.31 The proposed warden's accommodation would be a static caravan on an existing caravan pitch and therefore would not increase impermeable surfaces compared to the existing pitch.
- 8.32 The FRA finds that the site currently benefits from tidal flood defences and is not considered to be at risk from tidal flooding or overtopping events from the present day to the year 2070 (expected lifetime of caravan park). There is however a residual risk to site in the event of a breach of defences.
- 8.33 In terms of the use of the site for permanent warden accommodation, it is accepted that the presence of an on-site warden would be considered a betterment (and an exceptional one that could not be repeated) in terms of the safety of site users in a flood event. An on-site warden would be able to promptly respond to EA Flood Alerts and Warnings and alert site users, evacuating the caravan site quickly if required. The proposed development is within an EA Flood Alert and Warning area for 'the Isle of Sheppey and Coast from Kemsley to Seasalter' and for the 'Rivers on the Isle of Sheppey'. It is essential that site owners, management, warden and staff subscribe to this service.
- 8.34 In case the flood defences were breached, a Flood Evacuation Plan is already in place at the site and has been submitted with the application.
- 8.35 I am therefore satisfied that the Exception Test, as set out in paragraph 160 of the Framework, has been satisfied, and the proposal demonstrates that flood risk to people and property will be managed satisfactorily.

- 8.36 With regard to the proposed office, this falls within the classification of 'less vulnerable' and would therefore be acceptable in this regard.
- 8.37 In conclusion, subject to an appropriate condition restricting the use of the mobile unit to warden's accommodation, and the office would be acceptable in terms of flood risk when considered against the government's standing advice including the sequential and exception test and taking account of the purpose and benefit of the warden's accommodation on site.

9. CONCLUSION

- 9.1 Taking account of the designation of the site as a 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 acceptable.
- 9.2 The visual, amenity and highways impact of the proposal are satisfactory and accord with the requirements as set out in policies CP4, DM7 and DM14 of the Local Plan.
- 9.3 The use of the mobile unit for the purpose of year round warden's accommodation, and the site office would be acceptable in terms of flood risk when considered against the government's standing advice including the sequential and exception test and taking account of the purpose and benefits accorded by the warden's accommodation on site. As such, the proposal is acceptable when considered against national guidance, and policy DM21 of the Local Plan.
- 9.4 The proposal therefore accords with the provisions of the Local Plan and the NPPF and it is recommended that permission be granted.

10. 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) The warden's accommodation hereby permitted shall not be occupied at any time other than by a person (and their dependant) solely or mainly employed as a warden for Meadow View Park (as shown within the proposed site plan).

Reason: Its use as a permanent unit of accommodation would, otherwise, be contrary to the provisions of the development plan for the area.

- (3) The parking areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- (4) The mitigation measures as described in section 8.5 and 8.6 of the Flood Risk Assessment ref (5166) shall be implemented prior to occupation and use of the Warden's accommodation and the site office.

Reason: To mitigate against flood risk.

- (5) The office building hereby approved shall be constructed to BREEAM 'Good' Standard or an equivalent standard and prior to the use of the building the relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved.

Reason: In the interest of promoting energy efficiency and sustainable development.”

- (6) The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location plan
Flood Risk Assessment ref 5166
Proposed site plan ref 13868A
Materials specification
Proposed office plan and elevations ref LT

Reason: To clarify which plans have been approved.

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.

INFORMATIVES

(1) It is recommended that the unit is designed with adequate security and you are advised to consider the SBD Commercial Guidance on www.securedbydesign.com

(2) A formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Water New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: southernwater.co.uk/infrastructure-charges.

The disposal of surface water from this development shall follow the hierarchy within Part H3 of Building Regulations:

- a) An adequate soakaway or some other adequate infiltration system.
- b) A water course.
- c) Where neither of the above is practicable: a sewer.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

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.

