

## Committee Update for Item 2.1 - 20/501751/FULL

### **Land Adjoining Vanity Farm And Now Part Of Harts Park Vanity Road Leysdown On Sea ME12 4LP**

#### **Variation of condition 5 to application SW/04/1344 (allowed on appeal) for extension and upgrading to Vanity Holiday Village with amendment to condition 5 to read: 'No caravan hereby permitted shall be occupied between 4th January and end of February in any year**

- Subsequent to publication of the committee report, a notification has been received from an occupant of Vanity Farm (located immediately to the west) advising of concern about the proposal including the impact of surface water that comes onto the site and the waste water and sewage coming through their pipes.

They feel that a dyke should be dug between the sites by the applicant so excess water does not overspill on adjacent land, and that all sewerage should be upgraded and expelled using their own piping.

The Environment Agency and Kent Drainage and Water Management have no objection to the proposal.

In addition, drainage details were previously approved in relation to the approval under application ref SW/04/1344/CCB. The recommendation for the current amended scheme includes a condition to require implementation of these details.

- Subsequent to publication of the committee report, an objection has been received from Councillor Tatton on the following grounds:
  - The location is classified as 10 month occupancy holiday accommodation
  - The proposal lies outside the agreed area for development within the Swale Borough Local Plan.
  - The site is a green field site where the policy of rural protection & restraint applies
  - Should the application be approved the holiday chalets & static caravans on the site could / may be advertised as residential occupancy adding to the already significant issues of over stretched medical, educational, emergency services, public transport, almost nil amenities for 4 months of a year, the additional pressure on the B2231 & A2500 along with the already forwarded photographs of site flooding.

Members should note that the application relates only to extending the occupancy of an existing permitted, lawful and partly implemented site. The proposed use remains for holiday accommodation purposes but with a 10-month occupancy reflective of the homes surrounding the site to allow for its more effective management. There is no suggestion of permanent use of the site - this would require consideration of a further planning application.

- Following publication of the committee report, Councillor Palmer has raised concern about mention in para 8.3 of the report of the Ministerial Statement.

To be clear, this statement was briefly mentioned as background information and no weight was afforded to it in assessment of the submission. The proposal has been

assessed primarily against policy DM5 of the local plan as per paragraph 8.2 of the report.

- Since completion of the report, the Environmental Protection Team Leader has advised that they have 'no adverse comments or observations to make in connection with this scheme'.
- Natural England has advised that because the application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. As such the proposed development, and the application of measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). They have been sent a copy of the Appropriate Assessment and have advised:

*Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given*

An adjusted SAMMs figure has been included in the Appropriate Assessment which relates only to an extension of occupancy rather than a full 12 months. It also factors in winter occupancy rates. The total figure is £3004.68.

- Kent Ecology have also been consulted regarding the Appropriate Assessment and SAMMS mitigation payment and have referred the matter back to the Council. The approach replicates that used recently on a similar proposal.
- In reference to para 1.3 of the report, Members' attention is drawn to the fact that some caravans have actually been erected along part of the southern boundary of the site. This has been illustrated on an additional plan.
- Para 2.2 of the committee report states that the application proposes a variation of wording in line with the 'appeal decision' for the wider Harts Park. It should be noted that the Harts Park decision was issued by the Council (ref SW/11/1129), not at appeal.
- The applicant has advised that the drainage runs and details have been implemented as previously approved under details submission SW/04/1344/CCB. They are connected to mains service and, having been installed by PHUK, are in accordance with normal, up to date, requirements. Drainage was installed prior to first occupation of the caravans in accordance with the requirement of the host planning permission.
- The applicant has advised that Landscaping works were commenced by the previous owner in accordance with the details approved under SW/04/1344/CCA.

It is advised that it is normal practice for additional landscaping works to be installed after development is completed to prevent damage during construction works. Members are therefore advised that condition (1) in the officer report should be amended to read as follows:

*'The landscape works approved under application ref SW/04/1344/CCA, shall be completed in the first planting season following implementation of this permission.'*

- A query has been raised regarding ownership of the application site and in particular whether the correct ownership certificate has been submitted. Certificate A has been completed on the basis that the applicant owns the whole of the application site; the Land Registry Search revealed, however, that part of the site is owned by another party and that another part of the site is unregistered. This has a subsequent impact on finalising the S106 agreement. Solicitors are clarifying these matters and this would need to be resolved prior to the issue of an approval, should Members resolve to grant planning permission.
- Recommendation – that planning permission be granted subject to conditions as set out on Pages 14 and 15 of the agenda (with the amendment of condition 1), to the signing of a suitably-worded S106 agreement to secure the provision of the SPA mitigation payment as mentioned above and at paragraph 8.10 and in the conclusion of the main report, and subject to resolution of the ownership and certification issue.

JRW – 19/8/2020