

2.2 REFERENCE NO - 19/503077/FULL			
APPLICATION PROPOSAL			
Demolition of existing redundant outbuilding and erection of a building comprising of campsite reception, Office and 2no. holiday lets. Change of use of agricultural land and erection of 3no. holiday pods, single bay garage and plant room, new vehicular access, parking, amenity space and associated landscaping. Demolition of existing outbuildings. As amended by drawing no's. 1936 01C; 02A; 03; 04B; 05G; 06C; 07F; 08A; 09 and 10.			
ADDRESS Land At Woodhill Stalisfield Road Ospringe Faversham Kent ME13 0HA			
RECOMMENDATION – Grant subject to securing a SAMMS contribution (5 x £250.39)			
REASON FOR REFERRAL TO COMMITTEE			
Parish Council objection			
WARD East Downs	PARISH/TOWN Ospringe	COUNCIL	APPLICANT Mr Nuttall AGENT Kent Design Studio Ltd
DECISION DUE DATE 05/09/19		PUBLICITY EXPIRY DATE 01/11/19	

Planning History

SW/12/0004

Refurbishment and reconstruction of an existing agricultural building

Refused Decision Date: 12.03.2012

SW/74/0772

Change of use to storage of builders materials

Refused Decision Date: 04.12.1974

1. DESCRIPTION OF SITE

- 1.1 The proposal relates to two separate but nearby pieces of open land on Stalisfield Road, to the south of Painters Forstal, which both lie within the Kent Downs Area of Outstanding Natural Beauty (AONB) and outside of any Local Plan defined built up area boundary.
- 1.2 The first, more northerly, site (site 1) is approximately 0.3 hectares in size, adjacent to which is a recently established camping club site owned by the current applicant. This camping site is simply any open field used exclusively by The Caravan and Camping Club which only allows use by Club Members for up to five caravans or motorhomes at any one time. The application site contains a redundant agricultural building with a shallow roof, and some separate storage buildings. The site is largely flat and below road level, with an existing access off Stalisfield Road, and it is located directly opposite the applicant's dwelling known as Woodhill.
- 1.3 The second site (site 2) is approximately 0.6 hectares in size and positioned some 100m southwards of the camping site. This site slopes steeply upwards from the road. It is open land, but with no direct access to the highway, and its most notable feature is the scattered remains of former agricultural outbuildings which have fallen into various states of disrepair and dereliction. There is an overhead power line running in an east

westerly direction through the southern half of the site which, in contrast to the northern section of this site, is no longer useable for agriculture due to the derelict buildings spread across it. Adjacent to this site on its southern side is a private dwelling known as The Bungalow. Churchmans Farm lies some 150m to the south, where two former agricultural buildings enjoy commercial use rights and have also been subject to recent proposals to convert them to residential use.

- 1.4 A tall, thick mature hedge encloses the site frontage to the campsite, but otherwise both sites as a whole are very prominent in views from the east, as they are surrounded by open fields. The field separating the two sites is bounded by a well-established roadside hedgerow of medium height, and there are trees and vegetation partially screening the derelict outbuildings situated on the southern site.

2. PROPOSAL

- 2.1 The development at site 1 would comprise the replacement of the existing former agricultural building with a new building of a similar scale and form, to provide two 2 bedroom holiday lets, along with a reception room, office and store room. The new building would be of similar footprint to the current building, measuring 29.0m wide and 9.0m deep and with a slightly higher roof (2.9m ridge height, 2.4m eaves height). It will be finished in timber cladding, with timber windows and doors, and a pitched metal sheet roof. Two parking spaces will be provided next to the existing storage buildings.
- 2.2 The development at site 2 would involve the demolition of all the derelict agricultural outbuildings located on the southern part of the site, and the area being returned to farmland. The proposal here is for the stationing of three detached holiday pods and the erection of a single bay garage with plant room on land that is not currently developed, but that is not directly under the power lines which the current derelict buildings are. As originally submitted, the garage and pods would have been grouped together within the north-eastern corner of the site, accessed by a long track that led to parking spaces alongside each holiday pod. The layout of the site has since been modified following concerns raised by local residents and the Parish Council. The three holiday pods will now be positioned in a row close to the field boundary and separated by copses of native trees and shrubs. The pods, each measuring 8.1m wide x 3.3m deep x 2.8m high (within the legal definition of caravans) and finished in timber cladding with a flat grass roof, will face northwards to take advantage of open views to the countryside. The garage will be positioned on the other side of the field, close to the entrance to the site. There will be a gravel track providing access to the small parking and turning area to the side of the garage.
- 2.3 The application is supported by a number of reports including a Planning Statement, a Highway Statement, a Preliminary Ecological Appraisal and a Bat Survey. From the above reports, I draw the following summarised key points:
- 2.4 Planning Statement
- Development on site 1 - The scheme would result in a sensitive rebuild of an existing building that is non-descript in nature, to bring it up to a solid and substantial condition. The building is well-designed, with evenly balanced and well positioned windows. The scheme will include private gardens and private amenity space for the individual holiday lets.

- Development on site 2 - The pods would employ a sensitive design and appearance, with horizontal cladding and recessed forms that help punctuate the pods in visual terms, offering relief to their elevations. The positioning of the pods to a slightly more northern site allows the potential guests of the pods to have more impressive views of the surrounding farmland without being positioned underneath the overhead power cables, thus utilising the rural setting. The existing structures adjacent to this site will be removed and the land returned to pasture, thus improving the local area through the removal of the unsightly dilapidated buildings.
- The development for both options would represent a minor increase to an existing and established tourism facility, and the additional noise and disturbance associated with the tourism expansion would not be significantly greater than that of the existing situation, and the additional traffic generated would not be significantly greater than that of the existing situation.

2.5 Highway Statement – Vehicle Speeds & Visibility

- Stalisfield Road is a narrow country lane which is currently subject to National Speed Limits (60mph) but site inspection reveals that vehicle speeds are typically less than this and speed survey results were obtained
- The results of a speed survey carried out during the period of 10th to 16th April 2019 concluded that the mean speed was around 34mph along this section of Stalisfield Road and the 85th percentile speed is 40mph
- As such calculations reveals that visibility requirements should be 64.35m in each direction
- A visibility provision in excess of 2.0m x 64.35m can be accommodated in each direction from the site access
- KCC Highways have been consulted and stated that visibility should be provided in accordance with Manual for Streets 2 which is far more onerous - That calculation reveals a visibility requirement of 80.78m

NOTE: Visibility splays of 2m x 81m in each direction for site 1, and 2m x 80.78m in each direction from the new entrance to site 2, are now shown on the submitted drawings with new hedging planted behind the sightlines.

2.6 No protected species were recorded using either site.

2.7 The applicant sought pre-application advice prior to submitting the application and was advised that the proposal could create a good tourism opportunity in this rural location. However, serious consideration would need to be given to access to both sites, and to boundary landscaping.

3. PLANNING CONSTRAINTS

3.1 Area of Outstanding Natural Beauty KENT DOWNS

4. POLICY AND CONSIDERATIONS

The National Planning Policy Framework (NPPF)

- 4.1 The NPPF at paragraph 83 states that a positive approach should be taken to sustainable development to promote a strong rural economy and that the support of all types of rural businesses and tourism developments can be achieved through conversion of existing buildings and well-designed new buildings. Additionally, sustainable rural tourism and leisure developments which respect the character of the countryside should be supported.
- 4.2 At paragraph 172 of the NPPF the advice is that great weight should be given to conserving and enhancing the natural beauty of the AONB

Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017

- 4.3 Policies ST1 (Delivering sustainable development in Swale); ST3 (The Swale settlement strategy); CP4 (Requiring good design); DM3 (The rural economy); D14 (General development criteria) and DM24 (conserving and enhancing valued landscapes) are most relevant here.
- 4.4 Policy DM3 supports rural business development, including tourism and leisure, with an emphasis on the appropriate re-use of the existing buildings or previously developed land and when new buildings are sympathetic to the rural location and appropriate in their context. The most relevant section of the supporting text to this policy is as follows:

'For the rural tourism sector, given the outstanding environment in Swale and its potential contribution to the economy, the Council wishes to see an expansion of sustainable rural tourism initiatives that can benefit local communities, economically and socially as well as raising awareness and support for the conservation and enhancement of the Borough's natural assets.'

- 4.5 Policy DM24 seeks to prevent the AONB from harmful development, stating that

The value, character, amenity and tranquillity of the Borough's landscapes will be protected, enhanced and, where appropriate, managed.

Within the boundaries of designated landscape areas, as shown on the Proposals Map, together with their settings, the status given to their protection, enhancement and management in development decisions will be equal with the significance of their landscape value as follows:

1. *The Kent Downs Area of Outstanding Natural Beauty (AONB) is a nationally designated site and as such permission for major developments should be refused unless exceptional circumstances prevail as defined by national planning policy. Planning permission for any proposal within the AONB will only be granted subject to it:*
 1. *Conserving and enhancing the special qualities and distinctive character of the AONB in accordance with national planning policy;*
 2. *Furthering the delivery of the AONB's Management Plan, having regard to its supporting guidance documents;*
 3. *Minimising the impact of individual proposals and their cumulative effect on the AONB and its setting, mitigating any detrimental effects, including, where appropriate, improving any damaged landscapes relating to the proposal; and*

4. Being appropriate to the economic, social and environmental wellbeing of the area or being desirable for the understanding and enjoyment of the area

- 4.6 The Swale Landscape and Character Biodiversity Appraisal SPD 2011. The site is located within the Faversham and Ospringe Fruit Belt as defined in the March 2011 Swale Landscape Character and Biodiversity Appraisal, areas which are seen as of moderate sensitivity and in good condition, encouraging the conservation and reinforcement of the landscape.

5. LOCAL REPRESENTATIONS

- 5.1 Ten letters of objection have been received. Their contents may be summarised as follows:

- No objection in principle, but my concern is this thin-end-of-the-wedge approach to development introduces a creeping malaise of buildings, and this may simply be some sort of enabling 'ruse' in order to justify building on valuable farming land. Is it the applicant's intention to eventually build a full blown holiday camp by changing the use of the land or is it for future development into housing?
- I object to the housing element of this proposal. So much agricultural land in and around Faversham is being swallowed up with housing and once this land is gone, it is gone forever and therefore to see more of it being destroyed on our doorstep is unacceptable. Need to draw the line somewhere and I think houses of any sort even if they are only holiday lets should be it
- Planning permission has been granted at Churchmans Farm for a dwelling, this more infilling could ruin the character of the hamlet which dates back to the Roman times

NOTE: The residential development at Churchmans Farm has been proposed only on a Permitted Development basis

- The protection of "Kennaways" is vital, with historic greenbelt land, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area, and the way it functions
- Renovation of outbuilding must be in keeping with AONB otherwise it may lead into a holiday style campsite later on. The takedown of sheds and buildings does not justify building on valuable agricultural land which is greenfield
- The proposed site entrance is on a bend and is sometimes flooded, with several accidents here from the tide of water coming from the proposed development. The entrance and exit out of this new development will be very hazardous for all concerned travellers home or visiting, with the traffic flow from the camp site, Faversham Golf Club, Belmont House and Churchmans Farm industrial units
- The site is positioned close to a residential property which will affect its amenity. With the noise which is going to be generated from vehicle traffic and access to this site would ruin the peace we have at the moment
- There is no access from this site to the public walks around this area, that means more walkers on the road, there is no footpath, or street lighting on these, and again this is another safety risk

- The application is inaccurate and misleading
- The existing camping site causes a nuisance with noise and unnatural light pollution destroying wildlife habitats, and children running through crops. I am concerned that the quiet and tranquil nature of the setting will be very adversely affected with this type of development
- The splitting of the sites, particularly site 2 requires considerable infrastructure work for just 3 camping pods. The pods should be sited next to the camping site to allow sharing of the access roadways and ameliorating the visual impact and any further lighting increase. Why have such a large gap between the two proposed sites, unless you are going to join them up?
- The location of site 2 is not well chosen, being on rising ground levels and therefore much more visually dominating.
- If these pods prove not financially viable it's likely that a change of use to light industrial units may be made.
- There is already a fairly large campsite not half a mile away in the village itself, why the necessity to extend this one further?
- Wildlife survey does not mention the migrating frogs and toads in the spring time, or the evidence of badgers within the 250m radius
- The land on which the sheds stand has two covenants being which has not been declared
- It is difficult to see any benefit that outweighs the negative aspects

5.2 Upon receipt of revised drawings five further letters of objection were received, which refer to the following matters:

- The application proposes change of use from agricultural land; this is an AONB and should be left like this
- The M2 should be seen as a natural barrier and to breach this set a precedent
- The advantages do not outweigh the disadvantages
- I believe this will open this valley to further development and any parcel of land in the environs
- There is already a camp/touring site in Painters Forstal suitable for tourists
- This will lead to increasing visual ruin, more noise and traffic on a narrow country road
- The existing campsite is often noisy and lit up like a fun fair at Woodhill
- Having examined the revised details they do not appear to make any changes that would improve the various situations envisaged in my previous letter

- I have walked this quiet area for many years, watching the owls and hawks playing in this unspoilt area, this development is just a commercial venture bringing more disruption to a habitat that has an abundance of wildlife

6. CONSULTATIONS

6.1 Ospringe Parish Council initially responded as follows:

'The parish council is in favour of the policies in the Local Plan and elsewhere which seek to provide support for the rural economy, but subject always to the safeguards which are built into those policies, and which apply strict controls to development and diversification in the rural areas. The Parish Council is also mindful of more general policies, including those (for example) set out in Section 11.0 of the Design and Access Statement for this application. The application site is in an especially attractive rural location within the North Downs AONB and hence particular care needs to be taken in the council's opinion to protect the landscape and rural aspects of the area.

The parish council accepts the principle of improving the existing caravan and camping facility on the existing site by providing the refurbished/replacement building including the two holiday lets. We would expect to see appropriate conditions regarding the actual usage of the holiday let accommodation to ensure these are used for short term holiday stays only. We would also like to see restrictions on outside lighting and domestication of the outside areas, as the existing Camping & Caravanning Club certificate ensures that the campsite remains essentially rural in aspect, which is appropriate in this location and the perspectives from which the site can be seen.

The parish council is concerned about the other element of the proposal namely the change of use of existing agricultural land and the construction of the holiday pod complex with the associated works and facilities, and would wish to see this element of the application declined. This part of the application would not in the council's view be consistent with the Policies referred to above and in the Design and Access Statement. This is especially as it involves the use of agricultural land; would require a new vehicular access (a proposal criticised in the Design and Access Statement); and would involve the loss of existing hedging (again adversely commented upon in the Statement and which we do not believe could be made up by replacement planting). As stated above, the application site is in an especially attractive area and particular care needs to be taken to preserve this. We are further concerned that allowing holiday accommodation etc on this part of the application site would result in the undesirable creation of two separate camping/glamping in close proximity to one another separated by only a relatively small area of agricultural land. The creation of the second area would also put pressure on the disused and semi-derelict buildings immediately to the south. We feel there is potential for integration with the existing buildings leading to more substantial development on the agricultural land in the future. The location of the site for the pods and the infrastructure that is shown on the plans as going with the pods is problematic because it would substantially change the character of the vista of the ANOB.

We are also concerned about the proposed access to the site and the lack of sight lines (mentioned in the Design and Access Statement).

If planning permission were to be granted we would like to see restrictions on further development of the agricultural land and a condition placed that the hedge row be replanted and augmented.'

Following submission of the revised scheme to alter the site layout of the proposed holiday pods on site 2, the Parish Council was re-consulted and the following comments were submitted:

'We reviewed this application at our meeting on 4 March, including the revised plans (we noted that the references to "Site 1" and "Site 2" had been reversed in the revised drawings compared to the originals). We also reviewed the comments we made in relation to the original application.

Although we noted the revised layout of the holiday pods' aspect of the application as well as the addition of landscaping, and a change to the access arrangements, we felt that our various comments made in relation to the original application still apply. For example, although there has been some attempt to mitigate the visual impact of the pods and the store/garage by moving them closer to the derelict buildings, we feel that the siting of the pods still presents a visual intrusion on the ANOB in a particularly attractive rural landscape. The topography is such that the pods will still be visible from public viewpoints.

We also noted that the extent of the holiday pod site is not defined and the parish council feels that it should be. In any event we see this as an unacceptable take up of what is currently agricultural land.

We feel that the new access is poor and we are not aware that this is an existing access apart from for the adjoining bungalow. The entrance as shown on the revised plans appears to encroach on the neighbour's land/access. We noted that the sight lines at the entrance to the site have changed but we remain concerned at the safety of the access on this stretch of road.

We note that the revised plans do not include a revised Design and Access statement, and instead we noticed that the application includes some brief narrative on the revised plans which left certain aspects unclear. For example, if the erection of the pods were to be approved we would expect there to be a condition that the existing buildings be demolished and the land/site converted to agricultural use – at present the use is not overtly agricultural and some of the buildings shown on the drawings are derelict and could be classified as non-use for planning purposes.'

- 6.2 Natural England raises no objection to the application subject to strategic mitigation (SAMMS) payment in respect of possible increased recreational disturbance to The Swale SPA/Ramsar site.
- 6.3 KCC Ecology originally requested additional bat surveys, but once these were received they confirmed that sufficient ecological information has been provided to determine the application, and suggested a number of conditions, which I have recommended below.
- 6.4 Kent Highways and Transportation initially responded to say that the proposed visibility splays provided were not adequate. Following submission of the revised drawings they confirmed that suitable visibility splays have now been offered in line with the submitted speed surveys, and they suggest planning conditions relating to a construction management plan, visibility splays, provision for parking spaces, covered cycle parking facilities and electric charging facilities.

- 6.5 Kent Minerals and Waste responded to say that the site does have a safeguarded economic mineral (Brickearth) but the area affected by the proposal is marginal and would be highly unlikely to be of economic viability.
- 6.6 The Council's Economy and Community Services (ECS) Manager initially responded to say that the applicant had not sought their advice nor shared a business plan so she was unable to offer a view in support or otherwise. The agent responded with some background information about the owners and the business, and a statement which set out the vision for the company moving forwards. The ECS Manager then responded as follows:

'This is a business with a long history of modest but sustainable growth with a good record of repeat business built on the visitor experience that has been generated over many years. The proposition is relatively small scale and will not detract from the quality of the experience that has become part of the business brand at the location. With growing evidence of the importance of staycation a home grown quality visitor experience is something that the Council is keen to encourage and will undoubtedly add-value to the vision it sets out in its own Visitor Economy Framework adopted by Swale and in particular responses to Sector Support – Open for Business where a key action is to support and encourage visitor economy businesses to develop new products and packages to stimulate additional visits and bookings. In addition we seek through our sector businesses to improve the quality of the tourism offer.'

I am happy to support the application.'

Following submission of the revised scheme, the ECS Manager confirmed that her initial concerns had been addressed and that the application aligns with the Council's Visitor Economy Framework which is seeking to encourage quality development of this type which offers short breaks based on local experiences.

7. BACKGROUND PAPERS AND PLANS

- 7.1 Application papers and drawings referring to application reference 19/503077/FULL.

8. APPRAISAL

- 8.1 The application site is located within the designated countryside and Kent Downs AONB. I consider the key issues to be whether the proposal is in accordance with planning policies that promote rural tourism, but also seek to protect the character of rural areas and the natural beauty of the AONB.

Principle of Development

- 8.2 In terms of the principle, I am content that replacement of an existing rural building with a new building of similar scale and proportion to provide two holiday lets is acceptable in terms of policy DM3 of the adopted Local Plan. Such a redevelopment will be an alternative to conversion, and by providing a better appearance and quality of accommodation than might be achieved through conversion, it will both enhance the natural beauty of the AONB and support the rural economy, helping to sustain nearby businesses and local tourist attractions.
- 8.3 On a national level paragraph 83 of the NPPF states that planning decisions should enable the expansion of rural businesses and tourism developments through conversion

and well-designed new buildings. I therefore consider that the expansion of the site to provide additional holiday accommodation also to be acceptable.

Impact on the landscape character and visual amenity of the AONB

- 8.4 The NPPF gives great weight to conserving landscape beauty and scenic value in an AONB. This is reflected in policy DM24 of the adopted Local Plan. As I have said above the replacement chalets will enhance the AONB. The replacement building would be less than half a metre taller than the existing building and be of a similar footprint with recessed amenity spaces and small garden areas in front.
- 8.5 I have carefully considered the concerns of local residents and the Parish Council about the visual impact of the holiday pods on the AONB and the rural landscape. I was concerned about the initial proposal, but having worked closely with the applicant, I consider that the revised approach is acceptable. Changes have included retention of screening vegetation; planting of small groups of trees and shrubs to create screening of the site and between the holiday pods rather than hedgerow planting; re-positioning of holiday pods to face north to take advantage of open views to the countryside and the design of the new garage to be more in keeping with farmstead buildings. I am content that the holiday pods are of an appropriate simple scale and design and will integrate well into the landscape. The revised layout of the holiday pods has significantly reduced the extent of development by repositioning the pods closer to the boundary landscaping and removing the long access track through the site. In terms of visual amenity, the proposal would appear unobtrusive and well screened because of its small site area and context along a field boundary.
- 8.6 I am of the opinion that the site is suitable for this type of accommodation as tourism facilities at the southern site (site 2) is already extensively developed, and there is the potential for an enhancement to the site and the surrounding countryside by removing unsightly derelict former agricultural buildings. There is some local concern that the proposal will result in the loss of agricultural land but the scheme proposes to restore agricultural land by removing existing structures that have fallen into a state of disrepair.

Residential Amenity

- 8.7 The closest neighbouring property that is most affected by the proposal is situated to the south. However, due to the position of the proposed holiday pods and the significant separation distance to other properties, I consider there is no identifiable harm to the amenities of this neighbouring property.
- 8.8 Local concern makes reference to an increase in noise levels. Given the relatively low density of the development, I do not consider the proposal would give rise to significantly increased noise levels.
- 8.9 A number of concerns have also been raised regarding the potential for light pollution given the countryside location. I have recommended a condition restricting floodlighting or other forms of external lighting to contain any potential impact on the visual amenity of the area.

Highways

- 8.10 Kent Highways initially raised concern about the creation of two holiday lets, as well as a reception and office which might have meant that all visitors to both sites would have

to come to the existing access first and as such this access would experience greater use. This additional traffic would access the site on a classified road and as such requires an adequate visibility splay. After discussions with the agent explaining that keeping the existing visibility splay for this proposal would pose a risk to highway safety, revised details have been submitted showing the required visibility splays. Kent Highways now raise no objection but have suggested planning conditions.

- 8.11 The site is in a rural location with limited access to public transport and in all probability visitors would rely on a car for their journeys. However, it seems unlikely that the small number of holiday units being proposed here would generate a significant amount of traffic.

Landscaping

- 8.12 The visibility splays now proposed require the removal of the existing roadside hedging and a new hedgerow planted further back into the site along the entire roadside boundary, of both sites. There will also be substantial tree and shrub planting will encourage wildlife and biodiversity. The planting of copses of native trees and shrubs between the holiday pods will mean views from the road will be limited and fleeting.

Ecology

- 8.13 The Preliminary Ecological Appraisal recommends various mitigation measures and a bat survey was carried out at the request of KCC Ecology. These were deemed satisfactory and conditions have been included to ensure the ecological enhancement factors are adhered to.

SPA Impact

- 8.14 As Members will be aware, the Council seeks developer contributions on any application which proposes additional residential development within 6km of the Special Protection Area (SPA). The application site is within 6km of the SPA, and as such the Council seeks a mitigation contribution of £250.39 for each new holiday unit. This matter will need to be dealt with before any planning permission can be issued.

Other Matters

- 8.15 Local concern points out that there is already a campsite in Painters Forstal and questions the need for another one. The Council's Tourism Officer supports the proposal and is of the view that it will be a benefit to the area and the Borough as a whole.

9. CONCLUSION

- 9.1 The proposal would enable the expansion of an existing tourism facility that has the support of the Council's Tourism Officer. I have taken into account the potential impact of this proposal on the character and appearance of the countryside and AONB, and to the comments of local residents and the Parish Council. I am of the view that the impact on the countryside and AONB would be minimal compared to the benefits it would bring to the Borough, however conditions have been included below to ensure the development has a little impact on visual amenities as is possible.

Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017.

This Appropriate Assessment (AA) has been undertaken without information provided by the applicant.

The application site is located within 6km of The Swale 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, and an Appropriate Assessment is required to establish the likely impacts of the development.

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.

The recent (April 2018) judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, "it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site." The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group.

NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions 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 that such strategic mitigation must be in place before the dwelling is occupied.

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 (via the NKEPG), I conclude that off site mitigation is required.

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (to be secured prior to the determination of this application)

will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

It can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others (<https://birdwise.org.uk/>).

10. RECOMMENDATION – Grant subject to the following conditions, and collection of a SAMMS mitigation payment

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 development hereby approved shall be carried out in accordance with approved drawings 1936 03; 1936 04B; 1936 05G; 1936 06C; 1936 07F received 15 June 2020 and 1936 08A

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) All external cladding to the two new holiday chalets on site 1 shall be featheredged timber weatherboarding and no development beyond the construction of foundations shall take place until details in the form of samples of facing (including the finish of weatherboarding) and roofing materials to be used in the construction of the new holiday chalets and the new holiday pods hereby approved have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interests of preserving or enhancing the character and appearance of the surrounding area.

- (4) No development shall take place (including any ground works, site or vegetation clearance), until a method statement for the safeguarding of badger, reptiles, breeding birds and hedgehog has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

- a) Updated preliminary ecological appraisal
- b) Recommended specific species surveys
- c) Purpose and objectives for the proposed works
- d) Detailed design and/or working methods necessary to achieve stated objectives;
- e) Extent and location of proposed works, including details of any retained habitat
- f) Timetable for implementation, demonstrating that works are aligned with the

- proposed phasing of construction;
- g) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake/oversee works;
- h) Use of protective fences, exclusion barriers and warning signs;
- i) Initial aftercare and long-term maintenance (where relevant);

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

- (5) Within three months of work commencing on site, details of how the development will enhance and manage biodiversity shall be submitted in writing to the Local Planning Authority. These shall include the details and locations of bat and bird nesting boxes along with further details on the creation and management of the proposed wildflower meadow and hedgerows, and an implementation timetable. The approved details shall be implemented in accordance with the approved timetable.

Reason: To enhance biodiversity

- (6) No development shall take place until a Construction Management Plan has been submitted to and approved by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Temporary traffic management / signage

Reason: In the interests of the amenities of the area and highway safety and convenience.

- (7) Prior to the first occupation of any holiday chalet or pod hereby permitted, the visibility splays at the relevant site entrance as shown on approved drawing ref 1936 07F shall be provided with no obstructions over 0.9 metres above carriageway level within the splays, and thereafter these areas shall permanently be kept clear of any such obstruction.

Reason: In the interests of highway safety.

- (8) The new access to site 2 shall be provided with a bound surface for the first 5 metres of the access from the edge of the highway.

Reason: In the interests of highway safety.

- (9) The areas shown on the submitted site plan ref 1936 07F as vehicle parking spaces shall be provided before occupation of the respective holiday accommodation is commenced, and these areas shall be retained for the use of the occupiers of the holiday accommodation, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to these areas.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- (10) Prior to the use of the site commencing, provision and permanent retention of secure, covered cycle parking facilities shall be completed in accordance with details that shall first have been submitted to and approved by the Local Planning Authority.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits.

- (11) The holiday chalets hereby approved shall be constructed and tested to achieve the following measure:

At least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended). No development shall take place until details of the measures to be undertaken to secure compliance with this condition have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

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

- (12) The holiday chalets hereby approved shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwellings shall not be occupied unless the notice for the dwellings of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

- (13) Prior to the use of the site commencing, provision of electric vehicle charging facilities shall be completed in accordance with details which shall first be submitted to and approved by the Local Planning Authority.

Reason: To encourage the use of electric vehicles, in the interests of climate change and reducing pollution.

- (14) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works, to include new roadside hedging behind visibility splays, 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.

- (15) 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.

- (16) 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.

- (17) The holiday chalets and holiday pods hereby permitted shall be used solely for the purpose of holiday accommodation; shall not be used by any person or persons as their sole or main residence and the accommodation, and shall not be occupied by any person or group of persons for more than four weeks in any calendar year.

Reason: As the site lies outside any area intended for new permanent residential development and as the permission is only granted in recognition of the applicant's intention and the Local Planning Authority's wish to encourage suitable provision of holiday accommodation in this attractive rural area.

- (18) No floodlighting, security lighting or other external lighting shall be installed or operated at the site, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. These details shall include:

- A statement of why lighting is required and proposed the hours of illumination.
- A site plan showing the area to be lit
- The type, number, mounting height and alignment of the luminaries.

All lighting must be installed and operated in accordance with the approved details.

Reason: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings.

(19) No holiday pod on site 2 shall be occupied until;

- all existing buildings show in red dotted outline on drawing 1936 07 F, and shown on drawings 1936 09 and 1936 10, have been demolished to at least 15cm below ground level,
- all materials arising from this demolition have been removed from the site, and
- all parts of site 2 to the south of the new hedgerow shown on drawing 1936 07 F have been returned to agricultural use.

Reason: In the interests of visual amenity.

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.

