

**APPENDIX 1**

<b>2.3 REFERENCE NO - 20/503571/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
The replacement of four existing chalet units at plots 51, 51A, 53 and 60.			
<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. Suitable sustainability measures can be achieved.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Member interest in a similar application at the site reference 20/500490/FULL.			
<b>WARD</b> Sheppey East	<b>PARISH/TOWN</b> Leysdown	<b>COUNCIL</b>	<b>APPLICANT</b> Wickland (Holdings) Ltd <b>AGENT</b> Forward Planning And Development Ltd
<b>DECISION DUE DATE</b> 09/11/20		<b>PUBLICITY EXPIRY DATE</b> 13/10/20	

**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

19/500303/FULL

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

Approved Decision Date: 21.03.2019

Replacement units

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Report to Planning Committee – 12 November 2020

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20/500490/FULL

Erection of nine chalets to replace existing units.

Pending Consideration      Decision Date:

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

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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.

**2. PROPOSAL**

- 2.1 This application seeks permission for the replacement of 4 chalets (No.s 51, 51A, 53 and 60) on the western side of the site.
- 2.2 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.
- 2.3 Members will note that a similar application at the site (reference 20/500490/FULL) also features on this agenda. That application was deferred by Members at Planning Committee on 17<sup>th</sup> September in order for the agent, planning officers and Ward Members to negotiate the percentage reduction in emissions can be achieved at the replacement chalets. In liaison with Building Control, the agent agreed that a 35% reduction could be achieved, on both this application and application 20/500490/FULL.

**3. PLANNING CONSTRAINTS**

- 3.1 Entrance to the site is located in Environment Agency Flood Zone 2. All of the replacement chalets will be located in Flood Zone 1.
- 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.

**5. LOCAL REPRESENTATIONS**

- 5.1 None

**6. CONSULTATIONS**

- 6.1 Environment Agency – Assessed application and it falls outside their remit as a statutory consultee, and therefore have no comments to make.

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6.2 Natural England – No comments

6.3 Environmental Health – No objections.

6.4 Councillor Tatton (a Ward Member) provided the following comments:

*1. The proposed chalets are new builds, should not change of use apply?*

*2. It was stated construction comply with building standards, what / which building standard does the proposed construction comply with?*

*3. There appears to be no parking spaces for proposed chalet users, be it able bodied or disabled.*

*4. It would appear current chalet owners have been allowed by site manager / owner to have patios constructed in front of their properties, [should not these constructions need planning permission] resulting in an exclusion of parking spaces.*

**7. BACKGROUND PAPERS AND PLANS**

7.1 Plans and documents relating to 20/503571/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 replacement chalets are located in Flood Zone 1, 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 and it would not therefore be reasonable to impose such restrictions here.

8.4 The agent has agreed that a 35% reduction in emissions can be achieved at the replacement chalets. Whilst this is less than the 50% reduction normally expected on new residential units, it is important to note that the development relates to chalets, and to achieve a 50% reduction will result in the scheme being unviable for the applicant. As such, I consider the proposed reduction in emissions is acceptable and recommend a condition is imposed on the application in order to secure this reduction.

8.5 With regards the comments of Cllr Tatton, I would respond as follows:

1) The chalets amount to operational development, and no change of use is proposed.

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- 2) The construction of the chalets would be required to adhere to the Building Regulations, with the additional requirements as set out in the conditions below.
- 3) The existing chalets do not have any formal parking spaces immediately adjacent to them. I do not consider that it would be reasonable to require such spaces under this application.
- 4) The provision of patios within the curtilage of the existing holiday chalets does not in itself require planning permission.

**9. CONCLUSION**

- 9.1 The replacement chalets will not cause any harm to visual or residential amenity. Suitable sustainability measures can be secured for the proposal. 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: PL-5732\_23A, PL-5732\_24A and PL-5732\_25A.

Reason: 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.

Reason: 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.

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

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

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At least a 35% 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 in writing 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.

**INFORMATIVES**

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.

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