

2.3 REFERENCE NO - 22/503385/FULL			
APPLICATION PROPOSAL			
Change of use of the land to use for the stationing of up to 20 holiday caravans, with associated access road and parking areas			
ADDRESS Wynne Hall First Avenue Eastchurch Sheerness Kent ME12 4JN			
RECOMMENDATION That planning permission is Granted subject to receipt of a SAMMS Payment			
SUMMARY OF REASONS FOR RECOMMENDATION			
This application presents the opportunity to enhance the leisure and tourism economy through the development of a site specifically allocated for holiday caravan purposes under policy DM4 of the Local Plan (2017). The additional caravans would provide job opportunities and bolster the viability of local shops, pubs, etc and for this reason there are clear economic and social benefits to the proposal and no adverse amenity harm or negative effects have been identified that that would outweigh the benefits of approving the development.			
REASON FOR REFERRAL TO COMMITTEE			
Objection from Eastchurch Parish Council			
WARD Sheppey East	PARISH/TOWN Eastchurch	COUNCIL	APPLICANT Mr & Mrs D Wynne AGENT Woodstock Associates
DECISION DUE DATE 07/09/22	PUBLICITY EXPIRY DATE 05/10/22	CASE OFFICER Rebecca Corrigan	
RELEVANT PLANNING HISTORY			
PLANNING REF:	DESCRIPTION	DECISION	DECISION DATE
SW/80/0474	Lounge extension	Approved pre 1990	02.06.1980
SW/98/0505	New roof and first floor and replacement garage.	Grant of conditional	03.07.1998
SW/98/0197	New roof and first floor conservatory, new garage to replace existing	Refused	29.03.1998
SW/07/0503	Single storey extensions and internal alterations	Grant of PP	22.06.2007

1. DESCRIPTION OF SITE

- 1.1 The application site forms part of the area of holiday parks to the north of the village of Eastchurch. It is located in the south western part of that area, off the south east side of First Avenue.
- 1.2 The land has a site area of approx. 0.6ha and incorporates the detached dwelling of Wynne Hall, situated close to the road frontage, and its extensive rear garden. The rear garden is laid to grass with hard-surfaced tennis courts toward the rear end. The

boundaries of the site are marked by hedging with trees. Access to the site is via First Avenue, an unmade road, leading to a large residential forecourt forward of the dwelling.

- 1.3 The site is bordered to the west, north and east by established holiday parks. To the south is a detached dwelling within a similarly large curtilage; that dwelling being located close to the southern boundary of Wynne Halls garden.
- 1.4 Although the site falls within the local plan holiday park designation, it appears to have been used solely as a residential dwelling.

2. PROPOSAL

- 2.1 The application is for the change of use of the land from a single dwelling and its residential curtilage to use for the stationing of up to 20 holiday caravans. The use requires the demolition of a detached garage and the formation of a new central access road and parking areas. The access road would be surfaced in resin bonded gravel, with the parking areas surfaced in porous shingle.
- 2.2 The existing dwelling would be retained as manager's accommodation and site reception without alteration. The proposed layout plan shows the arrangement of the caravans around the site, with the provision of a new central access road, a single parking space beside each caravan at a ratio of two spaces each and an area of visitor parking spaces inside the access.
- 2.3 It is intended that the existing native species hedgerow boundary treatment would be retained, although there is a need to remove some small trees in the central part of the site to accommodate access to the caravans.

3. PLANNING CONSTRAINTS

- 3.1 In the countryside

4. POLICY AND CONSIDERATIONS

4.1 National Planning Policy Framework 2021

Chapter 2	Sustainable Development
Chapter 6	Building a strong, competitive economy
Chapter 9	Promoting sustainable transport
Chapter 11	Making effective use of land
Chapter 12	Achieving well-designed places
Chapter 14	Meeting the challenge of climate change, flooding and coastal change

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

Policy ST1	Delivering sustainable development in Swale
Policy ST3	The Swale Settlement Strategy
Policy ST6	The Isle of Sheppey Area Strategy
Policy CP1	Building a strong, competitive economy
Policy CP2	Promoting sustainable transport
Policy CP4	Requiring good design
Policy DM3	The rural economy
Policy DM4	New holiday parks or extensions to existing parks

Policy DM5	The occupancy of holiday parks
Policy DM7	Vehicle parking
Policy DM14	General development criteria
Policy DM19	Sustainable design and construction
Policy DM28	Biodiversity and Geological Conservation

- 4.3 The SBC Vehicle Parking Standards Supplementary Planning Document (SPD) which is pursuant to Policy DM7 of the Bearing Fruits Local Plan Adopted 2017 was adopted by the Council in June 2020 and is a material consideration in the determination of planning applications
- 4.4 The Swale Landscape Character and Biodiversity Appraisal SPD

5. LOCAL REPRESENTATIONS

- 5.1 Eastchurch Parish Council – Objection. *The Committee agreed that access was inadequate for any expansion to the site. There were underlying water issues in the winter months that would not be dealt with by inadequate soakaways. Members were concerned that there were 5 caravans already on the site as no planning permission has been applied for, to permit these. The Local Plan has a strong policy resisting the creation of new caravan parks for holiday homes. This application is disingenuous when suggesting that this is an upgrade and expansion of an existing site, by suggesting that the 5 existing vans without planning permission, constitute a regulated site*
- 5.2 A full neighbour consultation took place on 15.07.2022 with the 21 day statutory response to be received by 05.08.2022. A Site Notice was displayed at the site on 21.07.2022 with the 21 day statutory response expiring on 11.08.2022.
- 5.3 In response to the public consultation one (1) letter of objection was received from an immediate neighbour. The letter raised objection to the proposal for the following reasons (summarised):
- Overlooking of property and loss of privacy
 - Traffic effects and safety
 - Noise, smells and disturbance/Layout and density of proposed caravans
 - Loss of trees
 - Effect on the area
 - Flood risk

6. CONSULTATIONS

- 6.1 SBC Economic Development – *This is a small scale park development with minimal highways impacts but without the detail around site amenities and landscaping that I need to be able to comment upon in any great detail. It will continue to support the UK staycation trend on the Isle of Sheppey through the provision of value for money short and longer park holiday breaks for families in relative proximity to the local seaside amenities. Whilst a small scale development it will add to the number of parks and bedspaces of this type providing further choice to visitors.*
- 6.2 KCC Highways – Originally did not seek to comment on the application. Following contact by the case officer, KCC advise that they raise no objection to the application. They note that the condition of the access road is not ideal, but advise that this is a

private access and do not identify and highways safety concerns regarding increased usage.

6.3 Natural England – No objection, subject to the Councils Appropriate Assessment and SAMMS Payment

6.4 KCC Ecological Advice – Initially requested further information as follows:

- *Detailed photographs of the building/s – including walls, roof and internal photographs of the detached garage and potential structure to north of tennis courts if present and being removed.*
- *Detailed photographs of the fruit trees to be removed (trunk and exposed/larger limbs)*

Following receipt of supporting information KCC raised no objection to the proposal subject to safeguarding conditions

6.5 SBC Environmental Health – No objection, subject to conditions

6.6 KCC Flood Water and Management – Raise no objection following the submission of a FRA, subject to conditions.

7. APPRAISAL

Principle of Development

7.1 Policy ST3 of the Swale Local Plan 2017 supports the principle of development where the proposed development site is located within the established built-up area boundaries of towns and villages within the borough. The policy states that development will not be permitted on countryside land which falls outside of the defined built-up area boundaries unless the development proposal is supported by national policy and the development would contribute to protecting and enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings, and the vitality of rural communities.

7.2 In this case, while the application site is located outside of the built-up area boundaries, the site does fall within the established boundary of holiday park areas as defined by Policy DM4 of the Local Plan (2017). Policy DM4, is therefore critical to the assessment of this application. Part 3, of Policy DM4 allows for the development of new or improved facilities if they are *a) of a type and scale appropriate to the site or park they intend to serve, b) where feasible, made available for use by the local resident population and c) in accordance with Policy DM 5 in terms of occupancy.*

7.3 In addressing DM 4, part 3 (a) *of a type and scale appropriate to the site*, the caravan park would be of a type and scale appropriate to the locality, not least as it would be very similar to existing caravan parks to the west, north and east of the site, albeit on a much smaller scale. It would represent a modest addition to the existing complex of holiday parks in this area.

7.4 In addressing DM 4, part 3 (b) *where feasible, made available for use by the local resident population*. In this instance, the caravan park is on the smaller scale of holiday accommodation and does not include a shop or club house as part of the proposal which

on larger sites could be made available for use by the general public. There is no reason why the members of the local population could not use the facility as a holiday park if they were so inclined in the normal way that holidaymakers make such visits.

- 7.5 In addressing DM 4, part 3 (c) *in accordance with Policy DM 5 in terms of occupancy*, the site is located within a designated holiday park area and therefore Policy DM5 is relevant given that the proposal relates to the introduction of 20 no. caravans for holiday use.
- 7.6 Policy DM5 states; ‘In order to ensure a sustainable pattern of development and to protect the character of the countryside, planning permission will not be granted for the permanent occupancy of caravans and chalets.’ Policy DM5 allows for an extended occupancy period of 10 months rather than the (previously) standard 8 months, subject to the holiday accommodation not being used as sole or main residences amongst other considerations. The proposal seeks holiday accommodation, not permanent residency and relevant safeguarding conditions would be attached to the approval notice to ensure this would only extend to the 10 month occupancy period endorsed under Policy DM5 . The applicant has confirmed that these conditions would be acceptable.
- 7.7 The criteria for policy DM5 further sets out that development must ensure (1) *The site is not at risk of flooding, unless, exceptionally, applications accompanied by a Flood Risk Assessment (FRA) satisfactorily demonstrating that the proposal would result in no greater risk to life or property and where appropriate flood evacuation plan would be put in place.* In this regard, the site is not located within an area identified as at risk of flooding. The application is supported with a ‘Drainage Impact and Flood Risk Assessment’ and having reviewed the information, KCC Flood Water and Management are satisfied with the findings of the report subject to three (3) pre-commencement conditions attached to the approval notice. These have been agreed in writing by the planning agent on behalf of the applicant and is therefore sufficient to comply with DM5 (1) of the Local Plan (2017)
- 7.8 Policy DM 5 (2) *The amenity and tranquillity of the countryside and residential areas are safeguarded.* This is addressed in full detail in the relevant sections below, para 7. 14, under Visual Impact and paragraph 7.15 under Residential Amenity, however on both accounts the impact is considered to be acceptable. Moreover, the approval would be subject to standard occupancy conditions where limited occupancy affords the opportunity to retain a period of tranquillity in rural areas.
- 7.9 Policy DM 5 (3) *The proposals are in accordance with Policies DM 22 and DM 23 relating to the coast and the coastal change management area.* The site is not within the coastal erosion or coastal management zones referred to in Policies DM22 and DM23, and the land is not prone to flooding.
- 7.10 Policy DM 5 (4) *Where located adjacent or in close proximity to the Special Protection Areas (SPA), an assessment has been undertaken to determine the level of disturbance to over-wintering birds and identified mitigation measures, where possible.* This application will result in a net increase in visitors to the site where impacts to the SPA and Ramsar sites may occur from increased recreational disturbance. Notwithstanding, suitable means of mitigation by means of SAMMS mitigation payment has been agreed and this is set out in further detail under paragraph 7.21 below.

- 7.11 Policy DM 5 (5) *The extension of occupancy is subject to planning conditions safeguarding the holiday accommodation from being used as sole or main residences.* In the event of an approval, relevant occupancy conditions would be attached to the consent.
- 7.12 For the reasons set out above, the principle of development for the change of use from residential to holiday accommodation within an area designated for this purpose is fully compliant with policies DM4 and DM5 of the Local Plan and therefore considered acceptable.

Visual Impact

- 7.13 In terms of visual impact, the proposed development would result in a change to the current open character of the residential curtilage. However, this should be considered in the context of the designation of the site as part of the wider holiday park complex. The land is not the subject of any particular landscape designation, nor are heritage assets affected. The site is surrounded by developed sites, with much of the neighbouring land given over to similar holiday park uses. In a relatively flat landscape, largely obscured from the public domain it is difficult to see how the development proposed within a designated holiday park area would cause any significant negative impact. Caravans are inherently of low height and the physical works proposed in this application are essentially ground level works to form access and parking space. Existing landscaped boundaries would be retained and enhanced to help minimise impact and provide a suitable context for holiday caravans. A landscaping buffer is proposed to screen the site from the neighbouring property to the south which would be subject to planning conditions. For these reasons, it is considered that the development would not have an unacceptable impact on the surrounding area consistent with policies CP4 and DM14 of the Local Plan (2017)

Residential Amenity

- 7.14 There is only one residential neighbour to the south and that property enjoys a spacious curtilage with the dwelling set well away from the boundary with the application site. Notwithstanding, I acknowledge the intensified use that would occur above the current residential use and concerns which have been raised from the neighbouring property relating to noise and disturbance, overlooking and loss of privacy. A revised plan was submitted (Ref: WY 22 30.03B) which shows the retention of the existing Hawthorn hedge along the boundary supplemented with further indigenous species of trees and natural hedgerows to form a 4-6m landscape barrier to screen the site from this neighbouring boundary. Moreover, the approval would be subject to standard occupancy conditions where limited occupancy affords the opportunity to retain a period of tranquillity in rural areas. Moreover, SBC Environmental Health have been consulted and raise no objection to the proposal as presented. With these factors in mind, I do not consider that the proposed development would result in any significant impacts to the living conditions of this neighbouring property to a degree that would warrant a refusal, consistent with policy DM14 of the Local Plan (2017)

Highways

- 7.15 On highways issues, this would be a relatively modest additional facility to the existing complex of holiday parks. The likely increase in traffic generated would be modest compared to the existing traffic using the network of roads that serves the wider park complex. First Avenue is a straight, unmade access road that is considered suitable to serve the relatively small scale facility proposed here. I have consulted with KCC Highways and while First Avenue is an unmade road, they have advised that they would not be able to recommend refusal based on the condition of the access road (which in this instance is privately owned/maintained) on the basis that the existing access from Plough Road has suitable visibility. Overall, I am satisfied that the proposal would not lead to highway safety concerns consistent with the aims of policies DM6 and DM14 of the Local Plan (2017).
- 7.16 In line with the adopted SBC Parking Standards SPD, two spaces are provided per caravan with additional visitors parking accommodated on the front forecourt. As such, the proposal complies with the requirements of SBC Parking Standards therefore the development would provide suitable parking provision for occupiers.

Landscaping

- 7.17 Aside from the need to remove some small trees (fruit trees and a walnut) as shown on the drawings, trees and hedging would be retained to provide landscaped boundaries. The trees to be removed are not considered to be of significant amenity value and would be replaced by new specimens, strategically placed to enhance the appearance of the site. Additional planting of indigenous tree and hedgerow species is proposed to 'gap-up' deficiencies in the existing boundary treatments and this would be subject of planning conditions.

Ecology

- 7.18 This application will result in a net increase in visitors to the site where impacts to the SPA and Ramsar sites may occur from increased recreational disturbance. The North Kent Strategic Access Management and Monitoring Scheme Board (SAMMS) has identified that such impacts are also likely from new holiday accommodation (including caravan parks), and recommends that a tariff is applied per plot as mitigation. This tariff would be used to fund measures within the Birdwise Mitigation Strategy. Should the application be approved, the applicant has agreed to pay the fee set at £275.88 per caravan, a total of £5517.66 is therefore required. Subject to receipt of payment, the application would be considered acceptable in terms of impact upon the SPA. For the sake of thoroughness I have set out an appropriate assessment below.
- 7.19 The development would be unlikely to result in any unacceptable impacts to biodiversity on the site. KCC Ecology raise no objection, subject to precautionary and enhancement conditions, which are included in the recommended list below.
- 7.20 On the basis of the above, I consider the development would not result in unacceptable impacts to biodiversity and would accord with Policy DM28 of the Local Plan.

8. CONCLUSION

- 8.1 This application presents the opportunity to enhance the leisure and tourism economy through the development of a site specifically within a wider holiday park designation under policy DM4 of the Local Plan (2017). The additional caravans would provide job opportunities and bolster the viability of local shops, pubs, etc and for this reason there are clear economic and social benefits to the proposal. No adverse amenity harm or negative effects have been identified that that would outweigh the benefits of approving the development, for this reason it is recommended that planning permission is granted.

9. RECOMMENDATION

That planning permission is GRANTED Subject to receipt of the relevant SAMMS Payment and the following conditions:

CONDITIONS to include

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with drawing title number(s): Site location plan, WY 22 30.03B

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

3. No more than twenty (20) caravans shall be stationed on the site at any one time, and the caravans shall be sited in the location shown on drawing Ref: WY 22 30.03B (as amended).

Reason: In the interests of the amenities of the area

4. No caravans shall be occupied between 3rd January and 28th February (or 29th February in any leap year) and no caravans shall be occupied unless there is a signed agreement between the owners or operators of the Park and all chalet/caravan owners within the application site, stating that:

- (a) The chalets/caravans are to be used for holiday and recreational use only and shall not be occupied as a sole or main residence, or in any manner which might lead any person to believe that it is being used as the sole or main residence; and

- (b) No chalet or caravan shall be used as a postal address; and

- (c) No chalet or caravan shall be used as an address for registering, claiming or receipt of any state benefit; and

- (d) No chalet or caravan shall be occupied in any manner, which shall or may cause the occupation thereof, to be or become a protected tenancy within

the meaning of the Rent Acts 1968 and 1974; and

- (e) If any chalet or caravan owner is in breach of the above clauses their agreement will be terminated and/or not renewed upon the next expiry of their current lease or licenses.

On request, copies of the signed agreement[s] shall be provided to the Local Planning Authority.

Reason: In order to prevent the chalets/caravans from being used as a permanent place of residence, in accordance with policy DM5 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

5. Any chalet or caravan that is not the subject of a signed agreement pursuant to condition 4 shall not be occupied at any time.

Reason: In order to prevent the chalets/caravans from being used as a permanent place of residence, in accordance with policy DM5 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

6. The owners or operators of the Park shall at all times operate the Park strictly in accordance with the terms of the Schedule appended to this decision notice.

Reason: In order to prevent the chalets/caravans from being used as a permanent place of residence, in accordance with policy DM5 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

7. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

8. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

9. No construction activities shall take place, other than between 0730 to 1800 hours Monday to Friday and 0800 to 1300 hours Saturday, with no working activities on Sunday or Bank Holiday.

Reason: In the interests of amenity

10. No development works shall take place (including any ground works/vegetation clearance), until a precautionary mitigation strategy has been submitted to, and approved by, the local planning authority. The content of the strategy will include:

- The objectives for the proposed works;
- The extent and location of proposed works shown on appropriate scale plans;
- Details of works timing and expected duration;
- Proposed sensitive working methods, including: protective fencing of retained trees and hedgerows, removal of roofing materials by-hand during the bat activity season, Reasonable Avoidance Measures (RAMs) for protected species and sensitive timing of works for breeding birds;
- Contingency plans should a protected species be encountered during works;
- Details of those responsible for implementing the mitigation strategy.

The works shall be carried out in accordance with the approved details for the full duration of the construction period.

Reason: In the interests of Biodiversity

11. Prior to occupation, a lighting design plan for biodiversity shall be submitted to and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, as well as the expected light spill in lux levels, to demonstrate that areas to be lit will not adversely impact biodiversity. Specific regard should be given to avoiding lighting impacts on retained trees, hedgerows, and proposed bat/bird boxes. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

Reason: In the interests of Biodiversity

12. Within six months of works commencing, details of how the development will offset loss and provide enhancement for biodiversity will be submitted to, and approved by, the local planning authority. This will include a native species-only landscaping scheme. The approved measures will be implemented and retained thereafter.

Reason: In the interests of Biodiversity

13. Prior to the use of the development hereby permitted commencing, a scheme for the provision of electric vehicle charging points (EVCP) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use of the development hereby approved.

Reason: In the interests of climate change and lowering pollution levels.

14. No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall be based upon the indicative landscaping proposals shown on the block plan WY 22/130.03B and 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 a programme agreed in writing with the Local Planning Authority

Reason: In the interest of the visual amenities of the area.

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 tree 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 interest of visual amenities of the area and encouraging wildlife and biodiversity.

17. The area shown on the submitted plan as car parking space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of any of the dwellings hereby permitted. At least the first 5 metres of the access from the edge of the highway shall be constructed of a bound surface.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users.

18. Upon first occupation of any caravan and for the duration of the use of the site as a holiday park, the existing dwelling shall be only used for the purposes of a managers or staff accommodation connected to the operation of the holiday park hereby permitted.

Reason: Because any unrelated use or occupation of the dwelling would be likely to give rise to unacceptable amenity impacts.

SCHEDULE

The Park operator must:

- 1) Ensure that all chalet/caravan users have a current signed agreement covering points (a) to (e) in condition 2 of the planning permission; and
- 2) Hold copies of documented evidence of the chalet/caravan users' main residence and their identity; this may comprise of utility bills, Council Tax bill, passport, driving licence or similar document; and
- 3) On request, provide copies of the signed agreement[s] to the Local Planning Authority; and
- 4) Require chalet/caravan users to provide new documentation if they change their main residence; and
- 5) Send all written communications to the main residence of the chalet/caravan user; and
- 6) Not allow postal deliveries to the chalet/caravan or accept post on behalf of the chalet/caravan users at the park office; and
- 7) Ensure that each chalet/caravan is to be used for holiday use only and that no chalet/caravan is occupied as a sole or main residence, or in any manner which might lead any person to believe that it is being used as the sole or main residence, of the user or occupant; and
- 8) Adhere to a code of practice as good as or better than that published by the British Homes and Holiday Parks Association.

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 Medway Estuary and Marshes 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.

However, the proposed development is of a very small scale and, in itself and in combination with other development, would not have an adverse effect on the integrity of the SPA, subject to the conditions set out within the report.

Notwithstanding the above, 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 (which has been 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.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 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.

