

PLANNING COMMITTEE – 9 FEBRUARY 2023**DEFERRED ITEM**

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

DEF ITEM 1 REFERENCE NO - 22/503385/FULL		
APPLICATION PROPOSAL Change of use of the land to use for the stationing of up to 18 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		
SUMMARY OF REASONS FOR RECOMMENDATION The number of caravans and layout of the site has been amended following the resolution from Planning Committee on 10 th November 2022. The 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 The application was first reported to committee on 10 th November 2022. Members resolved to give officers delegated powers to grant planning permission, subject to a reduction in the number of caravans and minor layout changes, and collection of the required SAMMS payment. However, it has since emerged that the Parish Council comments were not fully reported to the Planning Committee and the application is being referred back to committee on this basis.		
WARD Sheppey East	PARISH/TOWN COUNCIL Eastchurch	APPLICANT Mr & Mrs D Wynne AGENT Woodstock Associates
DECISION DUE DATE 07/09/22	PUBLICITY EXPIRY DATE 05/12/2022	CASE OFFICER Rebecca Corrigan

1. BACKGROUND

- 1.1 This application was initially reported to Planning Committee on 10th November 2022, and recommended for approval. A copy of this report is attached at Appendix 1. Members resolved to defer the application to enable some minor changes to the number of caravans proposed and layout of the site. If such amendments were successfully made, Members gave delegated powers to officers for the application to be granted. The committee minutes set out the following resolution.

- 1.2 *Resolved: That application 22/503385/FULL be deferred and if the applicant was amenable to the removal of the caravans and an amended layout that was in accordance with the Committee's views and the discussion at the meeting then delegated powers be given to the officer to approve in line with the agreed changes to the scheme and as per the draft conditions in the report.*
- 1.3 A revised plan was subsequently submitted which shows the removal of two caravans and the re-siting of a third caravan. Overall, the revised scheme now demonstrates a reduction from 20 to 18 caravans with a more favourable layout, as shown on the revised plan. Accordingly, the description of the development has been changed as follows:
- 'Change of use of the land to use for the stationing of up to 18 holiday caravans, with associated access road and parking areas'*
- 1.4 These amendments are in line with the changes sought by Members as discussed at the committee meeting.
- 1.5 Following the November meeting, however, a representation was received from Eastchurch Parish Council which questioned whether earlier comments from the Parish Council had been included in the committee report. Upon further investigation, it was noted that the original response from the Parish Council had been included in the committee report, but that further comments submitted by the Parish Council on 29th September had not. As such, the application is being reported back to Planning Committee to ensure that the Council has taken into account the Parish Council comments in making its decision.
- 1.6 For simplicity, the comments of the Parish Council have been highlighted in bold and separated into the following relevant sections, with my response below each section:
- 1.7 **Highways impacts**

Parish Council comments

The application site is located off a rural lane on an unadopted road. A further increase of traffic for a new site would see yet more deterioration of the existing rural lane – Warden Road. This is not part of the salting route and neither is the unadopted road off Warden Road. The roads are subject to flooding during the winter and are the scene of frequent accidents in icy weather.

Officer response – The site is located within a large designated holiday park complex. The additional 18 caravans proposed would not add materially to traffic generation when taking into account the significant number of caravans within the wider holiday park complex. The site is accessed via First Avenue which joins the junction of Warden Road and Plough Road. Plough Road and the eastern arm of Warden Road are designated rural lanes. However the southern arm of Warden Road is not and this is the most likely route that vehicles would take from the site, leading to the closest local village at Eastchurch and the main road network between Leysdown, Minster and Sheerness, as well as beyond the Island. There is less likelihood that the eastern arm of Warden Road would be used to travel to and from the site, as this takes a more convoluted route through the wider park complex. No objection to the development has been raised by the Kent County Council Highways team. In my opinion, this scale of traffic would not be harmful to the rural area or designated rural lanes, or conflict with policies DM3 or DM26 of the Local Plan.

1.8 **The creation of a new holiday park**

Parish Council comments

Although the application site is located within a designated site on the proposals map, it is not part of the two adjacent holiday parks. This application would constitute a new holiday park. There are ample spaces for non-residential tourist caravans in the area. Further static caravans would lead to a possible loss of business by other caravan parks in the same area all vying for the same opportunity. This is not an existing holiday park site.

Officer Response – Whilst the site is not currently used as a holiday park, it is within the wider designated holiday park area as defined in the Local Plan., Policy DM4 operates as a tool to support holiday park accommodation within designated holiday park areas, and is clear that permission will not be granted for new caravans or chalets or extensions to existing sites outside of such areas. I do not consider that Policy DM4 acts to restrict a new holiday park development within the defined holiday park areas.

2. Discussion

- 2.1 Officers consider the scheme to be acceptable for the reasons set out in the November committee report. This report seeks to ensure that the Parish Council comments missing from the November report have been properly reported to committee and considered by Members. For the reasons set out in the officer response comments above, it is considered that the proposed development remains acceptable and in accordance with the Local Plan.
- 2.2 The applicant has also made the relevant SAMMS payment to mitigate additional impacts arising on the SPA and Ramsar sites. An Appropriate Assessment is included within the report attached as Appendix 1.

3. CONCLUSION

- 3.1 The application is recommended for approval, subject to the same conditions listed in the November committee report and listed again below.

4. RECOMMENDATION

That planning permission is GRANTED, subject to 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/22/130.03C (as amended 11.11.2022)

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

- 3) No more than eighteen (18) 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/22/130.03C (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 22/130.03C 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.

