

<b>2.3 REFERENCE NO – 23/502980/FULL</b>		
<b>PROPOSAL</b> Replacement of 9no. chalets at plots 1,2,3,15,16,17,18,19 and 30.		
<b>SITE LOCATION</b> Seaview Holiday Camp, Warden Bay Road, Leysdown, Kent, ME12 4NB		
<b>RECOMMENDATION</b> Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions.		
<b>APPLICATION TYPE</b> Minor		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Leysdown Parish Council Objection		
<b>Case Officer</b> Megan Harris		
<b>WARD</b> Sheppey East	<b>PARISH/TOWN COUNCIL</b> Leysdown	<b>APPLICANT</b> Mr David Collins <b>AGENT</b> Forward Planning And Development
<b>DATE REGISTERED</b> 05/07/23	<b>TARGET DATE</b> 30/08/23	<b>CASE OFFICER</b> Megan Harris
<b>BACKGROUND PAPERS AND INFORMATION:</b> <a href="https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=RWV8O5TYMHO00">https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=RWV8O5TYMHO00</a>		

### 1. SITE LOCATION AND DESCRIPTION

- 1.1 The site is a holiday park situated on Warden Bay Road, roughly halfway between Leysdown and Warden. The site is outside of any defined built settlement boundary, but is within a designated holiday park. 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. The entrance to the site is located in Environment Agency Flood Zone 3, whilst several chalets on the eastern side of the site (three of which are the subject of this application) are located in Flood Zone 2. The majority of the site lies in Flood Zone 1.
- 1.2 The site benefits from planning permission which allows for the 12 month occupancy of chalets. This situation arises from appeal decisions in the 1960's (see planning history section), which did not impose any restriction on occupancy of the chalets, and only restricted the occupancy of the caravans on site to the standard March-October period.
- 1.3 Application SW/13/1204 varied the original caravan occupancy 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.
- 1.4 As such, the present position is that the chalets on site are not subject to a condition restricting occupancy, but the caravans are restricted to the Council's standard 10-month occupancy conditions.

## 2. PLANNING HISTORY

### Occupancy

- 2.1 **15/509228/LDCEX** – Lawful Development Certificate granted on 16.12.2015 for 12 month annual use of 11 chalets nos. 1 - 10 including 1A.
- 2.2 **15/509233/LDCEX** – Lawful Development Certificate granted on 21.01.2016 for 12 month annual use of 10 chalets Nos.59-68.
- 2.3 **SW/13/1204** – Variation of condition 1 of NK/8/63/326 granted on 16.12.2013 to allow 10 month occupancy of caravans.
- 2.4 **SW/12/0404** – Lawful Development Certificate (Proposed) granted on 16.05.2012 for 12 month annual use of 9 chalets nos.81-89 (inclusive) shown on plan enclosed WS/01/OP.
- 2.5 **NK/8/63/326** – Permanent permission granted for the scheme below, also with no occupancy condition relating to chalets.
- 2.6 **NK/8/53/127** – Temporary permission granted for the use of land as holiday park for chalets and caravans. Allowed at appeal, the Inspector's decision restricted occupancy for caravans, but not for chalets.

### Replacement units

- 2.7 **23/501608/FULL** – Planning permission granted on 06.07.2023 for removal of 9no. existing chalets/caravans and replacement with 9no. new chalets at plots 64, 65, 68, 69, 72, 100, 101, 102 and 103.
- 2.8 **22/505969/FULL** – Planning permission granted on 10.03.2023 for replacement of 9no. chalets at plots 54-59, 61 and 98 and 99.
- 2.9 **21/504871/FULL** – Planning permission granted on 17.03.2022 for replacement of 20 chalets at plots 20-27, 35-45 and 50.
- 2.10 **20/503571/FULL** – Planning permission granted on 11.12.2020 for replacement of four existing chalet units at plots 51, 51A, 53 and 60.
- 2.11 **20/500490/FULL** – Planning permission granted on 11.12.2020 for erection of nine chalets to replace existing units.
- 2.12 **19/500303/FULL** – Planning permission granted on 21.03.2019 for erection of 7no. chalets to replace existing units 13, 14, 31, 32, 33, 34, and 77.
- 2.13 **18/501184/FULL** – Planning permission granted on 25.05.2018 for erection of 8 Chalets to replace existing chalets, 4, 5, 6, 7, 62, 66, 70 & 76 and removal of chalet 8.
- 2.14 **16/508497/FULL** – Planning permission granted on 07.03.2017 for erection of replacement chalets for 63, 67, 71, 73, 75, 78 and 88.

- 2.15 **15/510027/FULL** – Planning permission granted on 19.02.2016 for erection of chalets to replace existing nos. 80, 81, 83, 87 and 89.
- 2.16 **15//502729/FULL** – Planning permission granted on 25.09.2015 for retention of two replacement chalets, nos. 84 and 85 (retrospective).
- 2.17 **SW/12/1548** – Lawful development certificate (proposed) refused on 14.02.2013 for moving 5 existing chalets within site.

#### Appeal History

- 2.18 **19/500141/COND** – Appeal allowed on 16.01.2020 for erection of 7no. chalets to replace existing units 13, 14, 31, 32, 33, 34, and 77.

### 3. PROPOSED DEVELOPMENT

- 3.1 This application seeks planning permission for the removal of 9 existing chalets (No.s 1, 2, 3, 15, 16, 17, 18, 19 and 30), and the erection of 9 chalets to replace the units on the eastern side of the site.
- 3.2 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. A small area of decking will be located to the front of each chalet.

### 4. CONSULTATION

- 4.1 The application was advertised via a site notice and neighbour notification letters. No comments from neighbours were received.
- 4.2 Leysdown Parish Council object to the application for the following reason:
- This is a holiday camp and the chalets should not be made into permanent occupancies to be inhabited all year round during the winter months, as this will put a strain on local services.
- 4.3 The Parish Council were contacted to set out that the chalets on this holiday site already benefit from 12 month occupancy, however they did not remove their objection to the scheme, which does amount to a material planning consideration and as such requires referral to Planning Committee.

### 5. REPRESENTATIONS

- 5.1 **Climate Change Officer** – Satisfied with SAP reports, but notes there is no mention of water consumption and EV charging points.
- 5.2 **Environmental Health** – No objections subject to condition limiting hours of construction to protect the amenity of occupiers of the surrounding holiday accommodation.
- 5.3 **Kent Police** – Development falls outside of remit for comments.

## 6. DEVELOPMENT PLAN POLICIES

### 6.1 **Bearing Fruits 2031: The Swale Borough Council Local Plan 2017**

**ST 1** Delivering Sustainable Development in Swale

**CP 4** Requiring good design

**DM 4** New holiday parks or extensions to existing parks

**DM 5** The occupancy of holiday parks

**DM 7** Vehicle parking

**DM 14** General development criteria

**DM 19** Sustainable design and construction

**DM 21** Water, flooding and drainage

### 6.2 **Supplementary Planning Guidance/Documents**

Supplementary Planning Document – Swale Parking Standards

## 7. ASSESSMENT

7.1 This application is reported to the planning committee because the Parish Council has objected to the proposal. Considering these comments and the proposal that has been submitted, the committee is recommended to carefully consider the following main points:

- The Principle of Development
- Character and Appearance
- Living Conditions

### **Principle**

7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.

7.3 The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.

7.4 The application site is a designated holiday park under Policy DM 4 of the Local Plan. Policy DM 4 supports the upgrading and improvement of existing static holiday caravan and chalet sites (including their conversion from one to the other) within the existing boundaries of the Holiday Park areas as shown on the Proposals Map.

7.5 Policy DM 5 sets out that 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. The policy goes on to allow 10-month

occupation periods where specific criteria are met. The policy sets out five further requirements that applications must comply with.

- 7.6 The proposal is for the replacement of existing chalets with modern chalets occupying a similar location on site albeit with a marginally increased footprint. The principle of this is supported under policy DM 4. In addition, several permissions have been granted for the replacement of dilapidated chalets and caravans on this site, as noted in the Planning History section of this report. As such the Council has found this principle to be acceptable and in accordance with the Local Plan.
- 7.7 Given the policy position and the previous consents, it is therefore considered that there is no in principle concern with the proposal.
- 7.8 As set out earlier, the chalets are not subject to occupancy conditions restricting use throughout the year. As such, and given that the proposal seeks to replace existing chalets with new ones, it would not be reasonable or appropriate to seek to impose occupancy conditions on the chalets proposed – despite what appears to be a conflict with policy DM 5 of the Local Plan.

### **Character and Appearance**

- 7.9 The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.
- 7.10 The proposal is for replacement chalets. The proposed chalets would improve the visual appearance of the site by virtue of the fact that the new chalets are of a modern and fresh appearance, replacing those which are somewhat dilapidated.
- 7.11 Whilst they are slightly larger in scale than the existing chalets, they are in keeping with a number of the other chalets that have been replaced on site. Notwithstanding this, they are considered to be an appropriate scale and design for the site, which will enhance the visual character of the site. Moreover, they do not have an adverse impact on the character of the surrounding area or countryside. On this basis, the design of the proposed chalets is acceptable and would improve the appearance of the site.
- 7.12 Taking the above into account, in respect of the character and appearance of the proposal the scheme is considered to comply with policies CP 4, DM 4 and DM 16 of the Local Plan and the NPPF.

### **Living Conditions**

- 7.13 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers.
- 7.14 There are no neighbouring residential properties outside of the holiday park that will be affected by the proposal and therefore there are no amenity concerns in this regard.
- 7.15 As the units are only slightly larger than the existing chalets, I do not envisage there will be any harmful impacts to the amenity of occupiers of surrounding chalets.

- 7.16 A condition is proposed restricting hours of construction to ensure the development does not cause harm to surrounding amenity during the construction phase. A condition is also proposed to remove permitted development rights for the replacement chalets, in order to prevent the uncontrolled expansion of the units.
- 7.17 On the basis of the above the scheme is considered to comply with policy DM 14 of the Local Plan.

### **Transport and Highways**

- 7.18 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should:

*“Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable.”*

- 7.19 The NPPF also states that:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

- 7.20 Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm.
- 7.21 Each chalet will have its own dedicated parking space to the side/front and there is also additional communal parking available at the site. It is not envisaged that the development will give rise to any adverse transport impacts as the proposal does not increase the number of units at the site.

### **Sustainability / Energy**

- 7.22 Policy DM 19 of the Local Plan requires development proposals to include measures to address climate change.
- 7.23 The application is supported by SAP reports which shows the percentage of Carbon Emissions Improvement against Part L of the Building Regulations as 35%. It is noted that the matter of carbon reduction was explored in further detail in previous applications for the site and the report highlighted that to comply with a 50% reduction in dwelling Emission rates over the 2013 L1A building regulation requirements (as sought by the Council for new dwellings), although achievable, would clearly impact the build costs and that to obtain a 50% reduction for this type of development may be cost prohibitive for the developer. It was therefore agreed by a previous planning committee that a target of 35% was more appropriate. This proposal would therefore accord with recent decisions on similar applications at the site and is considered acceptable.
- 7.24 A condition is also imposed to manage water consumption to ensure the proposal is compliant with policy DM 21 of the Local Plan.

## **Flood Risk, Drainage and Surface Water**

7.25 The NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere and that any residual risk can be safely managed. This is reflected in policy DM 21 of the Local Plan.

7.26 Three of the replacement chalets are located within Flood Zone 2, whilst the other six chalets are located in Flood Zone 1. Taking into account this development proposes the replacement of existing chalets and does not result in an uplift of accommodation within Flood Zone 2, there are not considered to be any flood risk concerns associated with the replacement of three chalets within this flood zone. It is noted 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. CONCLUSION

8.1 In conclusion, the chalets would replace existing chalets that are poor in appearance and construction. The replacement chalets would be of a larger scale and footprint but would be more energy efficient, and of better visual appearance. This would comply with the aims of Policy DM 4 to improve holiday stock on existing designated parks. On this basis, I recommend planning permission is granted.

## 9. 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: 3957\_PL52, 3957\_PL53, 3957\_PL300A and 3957\_PL302B.

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) The following external materials shall be used on the development hereby permitted: HardiePlank cladding in Sail Cloth (cream) and Cool-Light Mist (grey) and Metrotile roof tiles in red and black.

Reason: In the interests of visual amenities.

- (5) 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.

- (6) The chalets hereby permitted shall be constructed to achieve 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); in accordance with the SAP reports submitted with the application.

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

- (7) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the units shall not be occupied unless the notice for that chalet 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.

### **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.



