

MC/21/0903

Date Received: 29 March 2021

Location: Charwood 239 Walderslade Road  
Walderslade Chatham

Proposal: Demolition of existing dwelling and construction of a terrace of three 3-bedroom dwellings and two 3-bedroom detached dwellings, with associated parking

Applicant: Mr Christopher Holroyd

Agent: Architecture Design  
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Ward: Walderslade Ward

Case Officer: Madeline Mead

Contact Number: 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 23rd June 2021.**

**Recommendation - Approval with Conditions**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers (11) 01 E, (11) 02 E, (11) 03 E, (11) 04 rev E and (11) 05 rev E received on 18 May 2021.

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

- 3 No development shall take place until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Those details shall include (where applicable):

- i. Details of the design of the scheme in conjunction with the landscaping plan.
- ii. A timetable for its implementation (including phased implementation).
- iii. Operational maintenance and management plan including access requirements for each sustainable drainage component.
- iv. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be undertaken in accordance with the agreed details.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of the National Planning Policy Framework 2019.

- 4 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of hours of construction working; measures to control noise affecting nearby residents; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

Reason: To enable the Local Planning Authority to manage such development in the interests of neighbouring amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 No development shall take place until tree protection measures have been put in place, in compliance with the tree protection measures and methods of working set out in the tree protection plan (drawing Ref: CAS/2020/245) and the Arboricultural Impact Assessment and Method Statement (Amended), by Cantia Arboricultural Services dated March 2021.

Reason: Required prior to commencement to protect the trees, in accordance with Policy BNE43 of the Medway Local Plan 2003.

- 6 No development above slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 7 No development shall take place above ground floor slab level until details of the provision of one electric vehicle charging point per dwelling has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained in working order.

Reason: In the interests of sustainability in accordance with paragraph 110E of National Planning Policy Framework 2019.

- 8 Prior to the first occupation of any dwelling herein approved, full details of both hard and soft landscape works for areas outside of the curtilage of the dwellings and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 9 Prior to occupation (or within an agreed implementation schedule) a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans pursuant to condition 3. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: This condition is sought in accordance with paragraph 165 of the National Planning Policy Framework 2019 to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 10 The dwellings shall not be occupied, until the areas shown on the submitted layout as vehicle parking has been provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003

- 11 No dwelling shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by The Local Planning Authority. The boundary treatment shall be provided in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 12 Prior to the first occupation of the development herein approved, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas outside of the curtilage of the dwelling houses herein approved for a minimum period of five years and arrangements

for implementation. The development shall thereafter be managed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) all dwelling houses herein approved shall remain in use as a dwelling house falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 14 Notwithstanding the submitted plans, the bathroom window on the side elevation of the dwelling adjacent to 5 Kings Oak Mews and the en-suite window on the dwelling adjacent to 1 Sussex Drive, shall be fitted with obscure glass and shall be non-opening. This work shall be completed before the dwelling is occupied and shall be retained thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

**Application Number: MC/21/0903**

**For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.**

**Proposal**

The application proposes the demolition of existing bungalow and construction of a terrace of three 3-bedroom dwellings and two detached 3-bedroom dwellings with associated parking.

The dwellings have been arranged in two rows with the terrace of three dwellings to the front of the site fronting onto Walderslade Road and two detached dwellings to the rear of the site with a new access onto Sussex Drive.

The terrace properties would comprise at ground floor level kitchen/dining, living room and w.c. and at first floor level, three bedrooms (one with en-suite) and a bathroom. The detached dwellings to the rear would comprise kitchen/dining, living room, study and w.c. at ground floor level and at first floor level three bedrooms (one with en-suite) and a bathroom.

The rear gardens of the dwellings would be between approx. 10m and 12.4m in depth.

The terrace properties to the front of the site would have one car parking space to the front of the property and a further parking space adjacent to Sussex Drive. The detached properties would each have two car parking spaces to the front and one visitor space is also provided.

### **Site Area/Density**

Site Area: 0.1578 hectares (0.038 acres)

Site Density: 31.6 dph (131.5 dpa)

### **Relevant Planning History**

MC/20/3166            Demolition of existing house and construction of six 3-bedroom semi-detached town houses and one 3-bedroom detached town house with associated parking  
Decision: Withdrawn  
Decided: 19 January 2021

### **Representations**

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. Southern Water have also been consulted.

**Five** letters of objection have been received with the following comments:

- Proposed development will cause loss of daylight and sunlight.
- Driveways would cause highway safety impact.
- Overdevelopment.
- First floor window adjacent to No. 1 Sussex Drive would cause overlooking.
- Boundary hedge adjacent to No. 1 Sussex Drive should be retained.
- Vehicular emissions from proposed car parking to residential properties.
- New vehicular access would reduce on street parking.

The application was originally submitted for six 3-bedroom terrace properties (three to the front of the site and three to the rear). Amendments were sought to lessen the impact of the development on number 1 Sussex Drive, and this resulted in amended plans being submitted for a row of three 3-bedroom terrace properties to the front and two 3-bedroom detached properties to the rear. No further consultations were carried

out as the revised scheme had a lesser impact on neighbouring properties than the originally submitted.

**Southern Water** have written to advise that the site would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy.

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2019 and are considered to conform.

## **Planning Appraisal**

### *Principle*

The site is located within the urban area of Chatham. Policy H4 of the Local Plan states that the use of vacant land or change of use of buildings no longer required for non-residential use will be permitted for residential development subject to clear improvement in the local environment. Paragraph 11 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Subject to compliance with the detailed matters of these policies which are subject to assessment below, the principle of the site for residential development is considered acceptable given the residential character of the area.

### *Design*

Paragraphs 124 and 127 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

The site is currently occupied by a bungalow with a large area to the side which is laid out as hardstanding. The application proposes a terrace of three two storey dwellings to the front of the site fronting onto Walderslade Road, with two detached two storey dwellings to the rear of the site. This layout is similar to the adjacent development of Kings Oak Mews.

The proposed dwellings have been designed to be in keeping with the houses within Kings Oak Mews with small front gable features and sloped roof porches. The dwelling on the front row nearest to the junction with Sussex Drive would be lower in height than the other two dwellings in the terrace and would have a barn hipped roof. The dwelling to the rear nearest to Sussex Drive would also be lower in height than the other proposed detached house and would have a gable end to one side and barn hipped roof to the other, in keeping with the dwelling to the front.

The design of the proposed dwellings would sit comfortably within the plot and the design would sit well within the mix character of the area. The proposed dwellings are considered to be of a scale, design and siting that would be acceptable within the street-scene.

Subject to a condition to secure the materials, the proposal would be in accordance with Policy BNE1 of the Local Plan and the objectives of paragraphs 124 and 127 of the NPPF.

### *Amenity*

There are two main amenity considerations, firstly the impact of the proposed dwellings on neighbours and secondly the living conditions which would be created for potential occupants of the development itself.

### Neighbouring Residential Amenity

The proposed dwellings to the front would be to the south of No.5 Kings Oak Mews. This property has flank wall windows relating to non-habitable rooms facing the application site, and whilst the proposed dwelling is set approx. 2m forward given that there would be sufficient distance between the flank of No.5 Kings Oak Mews and the terrace, it is not considered to have a detrimental impact with regard to loss of outlook, daylight, sunlight or privacy to this neighbouring property.

The proposed dwellings to the rear would be set to the south of No.1 Kings Oak Mews. This property has flank wall windows relating to non-habitable rooms facing the application site. The proposed dwelling is set approx. 4m forward of the neighbouring property but also sits at a lower ground level than the existing neighbouring property. As a result of the difference in land level and the gap between the flank of No.1 Kings Oak Mews and the proposed detached dwelling, it is not considered to have a detrimental impact with regard to loss of outlook, daylight sunlight or privacy to this neighbouring property.

The flank wall of the detached house to the rear of the site would be between approx. 7m to 8.3m from the boundary of No.1 Sussex Drive. This property is a small bungalow that has a very shallow rear garden. The proposed house has been designed to have a barn hipped roof to match the dwelling to the front of the site but also to provide sufficient outlook from the windows on the rear elevation of the existing bungalow. Along the southern boundary of the application site where it joins with No.1 Sussex Drive is a very large conifer hedge which is within the ownership of the applicant. This hedge offers some protection to the neighbour at No.1 by screening it from the application site, it also in itself causes a loss of outlook and daylight to the bungalow. It is proposed to retain this hedge and maintain it so that in essence the impact on the bungalow is minimal with regard to outlook, daylight, sunlight and privacy.



The vehicle access for the two dwellings to the rear is proposed from Sussex Drive and three car parking spaces are proposed along this access road to serve the dwellings to the front. The access and the parking area will create some additional noise and disturbance to the neighbour at No1. Sussex Drive, however, the car parking along the access road is situated to the western side approx. 12m away from the garage of this existing property and the new access would only be serving these spaces and the two additional houses to the rear. Due to the distance from the proposed parking spaces along the access road to the garage of this neighbour and that the access would serve just two properties it is not considered that the impact would be detrimental to the occupants of No. 1 Sussex Drive in terms of noise and disturbance.

### Amenity of Future Occupiers

With regard to the amenities of the future occupiers, the proposed dwellings have been considered against the Technical housing standards - nationally described space standard dated March 2015.

The proposed dwellings would comprise five 3B5P dwellings. The nationally described space standards require a gross internal floor area of 93m<sup>2</sup> for a 3B5P. A double bedroom should have a floor area of 11.5m<sup>2</sup> and be at least 2.55m wide, with subsequent double bedrooms 2.55m wide. A single bedroom should have a floor area of 7.5m<sup>2</sup> and be at least 2.15m wide. All of the proposed dwellings would exceed these requirements.

The proposal is therefore considered to provide adequately sized living accommodation for future occupants of the units.

The Medway Housing Design Standards requires a depth of 10m for private amenity space. All of the gardens would be over 10m in depth and therefore it is considered that adequate amenity space would be provided.

With regard to refuse storage, it is deemed that there is adequate storage space for refuse within the curtilage of the proposed dwellings.

The construction of the development itself could lead to noise and nuisance dust emissions to nearby residential properties and therefore a condition is recommended requiring the submission of a Construction Environmental Management Plan.

In order to ensure the dwellings, remain in single family occupancy, a condition removing the permitted development rights for the dwellings to be used as small HMO's is recommended. These conditions are necessary in the interest of amenity and due to the development not being in a predominantly mixed-use character area.

Overall, with the above recommended conditions imposed, it is considered that the proposal would be in accordance with Policy BNE2 of the Local Plan and paragraph 127(f) of the NPPF.

### *Trees*

A tree survey and associated plans have been submitted with the application that identifies a tree and a hedge within the site to be removed and this is considered to be acceptable. The proposed landscaped areas provide sufficient provision for some replacement planting. A condition is recommended to secure tree protection measures.

With the abovementioned condition imposed it is considered that the development accords with Policy BNE43 of the Local Plan and paragraph 170 of the NPPF.

### *Flood Risk and Drainage*

The site is not indicated to be at risk of flooding according to the latest Environment Agency flood risk mapping. However, due to the nature and scale of the development it would be prudent to undertake a Drainage Strategy prior to any development works at the site.

The application form states that soakaways are to be used; as long as there are no groundwater or contaminated land issues associated with the site, this is welcomed, but would need to be informed by a Site Investigation to confirm suitability. Subject to conditions seeking these no objections are raised with regard to paragraph 165 of the NPPF.

### *Highways*

The Interim Residential Parking Standards require the provision of a minimum of two car parking spaces for a 3+ bedroom property, the site plan submitted with the application indicates that sufficient parking can be accommodated on site and therefore in compliance with the parking standards.

In terms of the impact to the highways, given that this application is for five dwellings, no objection would be raised.

The three dwellings to the front of the site would be served by individual driveways onto Walderslade Road and a new vehicular access, to serve the dwellings to the rear would be provided from Sussex Drive. It is not considered that the new dwellings being served from proposed access/crossovers would cause a significant or severe impact to highway safety and therefore is considered acceptable.

The NPPF has put sustainable development as a central core and Paragraph 110E outlines that development should provide electric charging facilities, therefore a condition is recommended to secure this.

Subject to the recommended conditions the application is considered to be acceptable in respect of the transport and parking Policies T1, T2 and T13 of the Local Plan and paragraphs 109 and 110E of NPPF.

### *Bird Mitigation*

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £250.39 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities.
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach.
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicants have submitted a SAMMs mitigation contribution agreement and paid the tariff for the dwellings under planning reference MC/20/3166 and no objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 175 and 176 of the NPPF.

### *Climate Change and Energy Efficiency*

The applicant has indicated that all materials will be used to exceed the requirements of the latest building regulations and in particular Part L (Energy Use) and will utilise materials that meet the BRE Green Guide A+ rating. (Materials which have the lowest overall environmental impact over the lifecycle of a product as calculated by BRE Environmental Assessment Method).

All new windows are to be double-glazed windows which will significantly reduce noise and improve heat insulation.

The close proximity of amenities including public transport, public park, leisure facilities, businesses and shopping facilities from the proposed development mean the length of journey is minimal promoting walking and making it not essential to own a car. Secured bike storage can be provided within the secured rear private gardens, as such the development offers the opportunity for a sustainable transport solution.

### **Conclusions and Reasons for Approval**

The scheme under this current proposal is considered to be acceptable and would comply with Policies BNE1, BNE2, BNE35, BNE43, H4, S6, T1, T2 and T13 of the Medway Local Plan 2003 and the objectives of paragraphs 109, 110E, 124, 127, 165, 170, 175 and 176 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee for determination due to the numbers of representation received expressing a view contrary to officer's recommendation.

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### **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>