

**MC/21/3587**

Date Received: 15 December 2021  
Location: 16 Burrows Lane Middle Stoke, Rochester Medway  
Proposal: Construction of a detached 2-bedroom chalet bungalow.  
Applicant: Mr Welford  
Agent: Architecnique Architects  
Mr Jonathan Cook  
8 Beatty Cottages  
Stoke Road  
Allhallows  
ROCHESTER  
ME3 9PE  
Ward: Peninsula Ward  
Case Officer: Chantelle Farrant-Smith  
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 14th December 2022.**

**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:

Received 26 May 2022:

021-061/002 A - Proposed Site Plan  
021-061/005 B - Proposed First Floor Plan  
021-061/006 A - Proposed Roof Plan

Received 19 October 2022:

021-061/003 REV B - Proposed Elevations  
021-061/004 REV B - Proposed Ground Floor Plan  
021-061/007 REV A - Proposed Site Sections

Received 27 October 2022:

021-061/002 REV B - Proposed Block Plan

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

- 3 No development above slab level shall take place until details 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.

- 4 The dwelling shall not be occupied, until the area shown on the submitted layout as vehicle parking space 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.

- 5 No development shall take place above slab level until details of the provision of 1 electric vehicle charging point 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 112E of the NPPF.

- 6 The windows on the ground floor side elevation (serving the bathroom and en suite bathroom) and first floor side elevation (serving the hallway/landing) shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, 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.

- 7 If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until a method statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with. The development shall thereafter be implemented in accordance with the approved Method Statement.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 8 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Design and Access Statement (under Climate Change) received 13 January 2022. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 of the NPPF 2021.

- 9 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.

The scheme shall include (where applicable):

- i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
- 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 scheme.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of NPPF.

- 10 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. 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 168 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 11 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) no development shall be carried out within Schedule 2, Part 1, Class[es] A and E of that Order 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 visual and neighbouring amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

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

### **Proposal**

Planning permission is sought for the construction of a two-bedroom detached chalet bungalow.

The proposed bungalow would be measure approx. 6.4m in width, 13.5m in depth and 6.9m in height with a dormer window to the rear. To the front entrance a ramp/stepped access is proposed.

The ground floor would be arranged as open plan kitchen/living area to the back with access to a private rear garden, a family bathroom and bedroom with ensuite fronting the property. At roof level would be a bedroom with en suite bathroom.

Externally a secured private garden is provided to the rear with parking to front and new vehicle access onto Burrows Lane.

### **Relevant Planning History**

None relevant.

### **Representations**

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. **Stoke Parish Council, Environment Agency, Southern Water** have also been consulted.

**Four** letters of objection have been received raising concerns of:

- Rainwater and sewage management
- Cramped Development - Out of Character

**Environment Agency** raised no objection subject to suggested drainage conditions.

**Southern Water** provided statutory comments.

**Stoke Parish Council** provided comment, not raising objection but have concerns to flooding risk on Burrows Lane and sewage backing up.

## **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 2021 and are considered to conform.

## **Planning Appraisal**

### *Principle*

The application site lies within an urban residential area. Policy H4 of the Local Plan states that residential development in the form of infilling in such area would be acceptable providing that a clear improvement in the local environment will result. Paragraph 11 of the NPPF favours sustainable development and paragraph 71 states that development in residential gardens should be resisted where it would cause harm to the local area. The land appears to have been a form of side amenity and access for the existing property at No. 16. The land is vacant and has been cleared of vegetation, in preparation for development. The land is also secured and according to the applicant's statement, serves as a storage area therefore not been in use as a residential garden by No.16. As such, given the sustainable location, and the land representing an infill in a residential area, there would be no justifiable reason for a refusal on this ground.

Therefore, the principle of a residential development is considered acceptable, in accordance with Policy H4 of the Local Plan and paragraph 11 of the NPPF.

### *Design*

The surrounding area comprises of mainly two storey houses in mixed architectural style set within varying plot sizes.

Objections have been received raising concerns to the cramped nature of the proposed dwelling and being out of character with the area. The proposed dwelling would be a detached chalet bungalow that would differ in design to the immediate area. The proposed development would be sympathetic in its design and massing, and by providing gaps along the boundary (approx. 1m to no. 14 and 0.5m to no. 16), would maintain the spacing between the properties without resulting in a

cramped appearance within the street scene. The scale and height would also relate appropriately to its surrounding.

Whilst the predominant character is of two storey detached dwellings, the proposed chalet bungalow would, by reason of the pitched roof design provide a complementary appearance to the area. The choice of materials would also add to complementing the features within the street.

However, to ensure that the proposal delivers a high standard development it is necessary to request final details of the materials by condition.

The proposal would therefore be in accordance with Policy BNE1 of the Local Plan and paragraphs 126 and 130 of the NPPF.

### *Amenity*

Paragraph 130(f) of the NPPF asserts that achieving well-designed places should include creating a high standard of amenity for existing and future users. Policy BNE2 of the Local Plan expects all development to secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties. The design of the development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

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

### Neighbouring amenity

There are neighbouring properties to the north, east and west of the site. The proposed dwelling would be approx. 1m to the boundary of 14 Burrows Lane and 0.5m to 16 Burrows Lane. No. 16 Burrows Lane does not have any windows on the side elevation, but No. 14 Burrows Lane has one window on the side elevation which is fitted with obscure glass. The proposed dwelling would comprise of windows on the side elevation at ground and first floor/roof level. The windows serve bathrooms and hallway/landing and a condition to obscure glaze the windows would be appended to mitigate any potential overlooking to this neighbouring property (no. 14).

In term of daylight/sunlight concerns and issues with outlook, the proposed dwelling is sited to relate with the front and back building lines of the adjoining properties and as such, it is not expected that the proposal would cause harm in terms of significant reduction of daylight or sunlight to neighbouring land. There is also no adverse impact with respect to loss of outlook to neighbouring amenity.

However, to ensure the character of the site and area is maintained, it is necessary to remove permitted development rights to control future enlargement to the dwelling in particular to extensions under Classes A and E of the GDPO.

### Amenity of Future Occupiers

It is also necessary to consider whether satisfactory environment would be provided for the future occupier of the proposed dwelling house in compliance with the Technical Housing Standards – Nationally described space standards March 2015.

The table below shows the minimum gross internal floor area expected against the proposed dwelling.

	Number of Bedrooms	Number of bed spaces	2 storey dwellings
Standard	2	4p	79m <sup>2</sup>
Proposed	2	4p	105m <sup>2</sup>

The development would also provide sufficient garden space for the proposed dwelling.

As such, subject to condition there are no objections with regard to amenity consideration, and the proposal would be in compliance with Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

### *Highway*

The Council's adopted Interim Parking Standard require the provision of a minimum of 2 parking spaces for a 3+ bedroom property. The proposal makes provision for a garage and additional parking to the front within the site. Whilst garages are not considered to account for the parking provision, it is considered that for a house of this size, this provision would be adequate. The existing dwelling would have two car parking spaces to the front. The Council's Transport Planning Officer raised no objection to the development on parking or highway grounds.

It should be noted that the NPPF 2021 has put sustainable development as a central core and paragraph 112E outlines that development should provide electric charging facilities, therefore this would be secured by condition.

In conclusion, the Highway Officer has raised no objection to the development on parking or highway safety ground, and subject to condition, the application is considered to be acceptable in compliance with Policies T1, T2 and T13 of the Local Plan and paragraphs 111 and 112E of the NPPF.

### *Flood Risk*

The site is situated within Flood Zone 3a 'Low Risk' in accordance with Environment Agency mapping, however, is an area that is subject to high risk of surface water flooding. The Council as a LLFA is aware of localised flooding in the area and therefore any application will need to ensure that risk to surface water flooding is not increased to the surrounding area.

It is noted that within submitted Flood Risk Report that guidance from the Environment Agency has been used which is welcomed by the LLFA. However, the LLFA will not accept the installation of a SUMP/PUMP unless evidence of this is provided during the detailed design stage. Additionally details of the proposal in terms of connections to the existing system (both foul and surface water) should be approved in writing prior to any works being undertaken.

It is noted that southern water has requested details to be submitted during the detailed design stage also and therefore the condition details should match this information where necessary.

Within the report the following reference is made '*The possible flooding of the site is awkward to assess. The local knowledge of flooding is very limited, speaking to the neighbours there is no recent knowledge of flooding,*'. The LLFA strongly disagrees with this statement and can provide significant evidence of flooding in this location, with the most recent significant flooding happening in January of 2021. The LLFA are currently undertaking a Surface Water Management Plan (SWMP) in which residents of the local area have been asked to comment. The Local residents have provided significant details of the mechanisms of flooding and therefore the development will need to ensure that detailed drainage information is submitted during the detailed design phase of the development.

Soakaway shall not be used at the site and detailed information relating to the use, location and connections of the proposed rainwater harvesting, grey water recycling and rainwater butts are required to be submitted for approval from the LLFA. It is noted that the report also references drain runs and connections to the main sewer these will also need to be approved by southern water.

A detailed plan of drainage details should be submitted to discharge the subsequent conditions. Accordingly, the Council's LLFA has recommended conditions to address surface water and drainage details.

It should be noted that EA still maintains an objection to this proposal on the basis the FRA has not confirmed that the sleeping accommodation would meet the criteria/conditions for raised floor levels for an area subject to 1 in 200-year flood event. Whilst it is accepted that the area was subject to localised flooding recently, this is mainly to surface water and the recommended conditions by the Council's LLFA and in addition to the request that the developer/applicant is required to work with the Council on the design details, it is considered that the development would not result in increase flood risk to the area. Furthermore, the application has been revised to take account of EA's comment and the ground floor level has been raised to 602mm together with the internal layout providing the main sleeping accommodation in the roof level (first floor).

Consequently, subject to the recommended conditions the proposal would meet the objectives of paragraph 168 of the NPPF.



### *Climate Change and Energy Efficiency*

The applicant has submitted a statement for Climate change which proposes how the dwelling would meet with the Council's Climate Change Emergency statement. A condition to secure these measures is recommended.

### *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 £275.88 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 paid this tariff. No objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

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

The principle of a residential development is acceptable. The design and scale of the proposed dwelling is also considered to be acceptable. The proposal would not cause harm to neighbouring amenity and raises no highway or parking concerns.

The proposal would be in accordance with Policies BNE1, BNE2, BNE35, H4, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 111, 112E, 126, 130, 130f, 168, 180 and 181 of the NPPF 2021.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations 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 in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>