

**MC/24/2527**

Date Received: 13 December 2024  
Location: Land between 46-52 Cliffe Road, Strood, Rochester, Medway  
Proposal: Construction of two detached townhouses with associated parking.  
Applicant: None - Student  
Cityview Construction Ltd Darryl Stace  
Agent: Mr Darryl Stace 16 Church Green  
Rochester  
ME2 4HE  
Ward: Strood North & Frindsbury  
Case Officer: Tom Stubbs  
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 2 July 2025.**

**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 13 December 2024:

M497/E01 - Site Location Plan

Received 16 December 2024

CVC15 Rev A - Front Elevation

CVC16 Rev A - Rear Elevation

CVC18 Rev A - Side Elevation from 52 Cliffe Road

Received 19 December 2024

CVC17 Rev A - Side Elevation from 46

CVC21 Rev B - Block Plan with site layout overlay

Received 20 February 2025

CVC010 Rev C - Ground Floor Plan

CVC011 Rev C - 1st Floor Plan  
CVC12 Rev B - 2nd Floor Plan

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

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operatives vehicles, deliveries to the site, noise, dust and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, the countryside, wildlife and habitat and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 4 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 182 of NPPF 2024.

- 5 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) has been submitted to and agreed in writing by the local planning authority in consultation with the Lead Local Flood Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.

- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk  
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 182 of NPPF 2024.

- 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 electric vehicle charging points for each dwelling have 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.

Reason: In the interests of sustainability in accordance with paragraph 117E of the NPPF 2024.

- 8 Prior to the first occupation of the development herein approved, full details of both hard and soft landscape works (including planting plans, tree positions, plating build ups, support and tie specification, aeration and irrigation systems, written specifications including cultivation and other operations associated with tree and planting establishment, aftercare and maintenance, detail design of green roofs and terraces) to include ecological enhancements, to secure planting, hedgehog highway, bat and bird boxes and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter 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 No dwelling shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected (including shared rear access arrangements) has been submitted to and approved in writing by the

Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any of the dwellings are 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 and impacts on neighbours as well as providing access to rear garden cycle stores, in accordance with Policies BNE1, BNE2 and T4 of the Medway Local Plan 2003.

- 10 Prior to the first occupation of the development herein approved, full details of the balcony privacy screens which shall include details of the level of privacy provided, shall be submitted to and approved in writing by the Local Planning Authority. The balcony privacy screens shall be implemented in accordance with the approved details prior to the first occupation of the development and shall be maintained thereafter.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality and to protect future occupier's amenities with regards to privacy, outlook and daylight, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 11 The development herein approved shall incorporate the sustainable technologies and renewable energy sources described in the Climate Change Statement. The development shall not be brought into use until a signed verification report has been submitted to and approved in writing by the Local Planning Authority to confirm that the sustainable technologies and renewable energy sources have been implemented.

Reason: In the interest of climate change and sustainability in accordance with paragraph 168 of the NPPF 2024.

- 12 No dwelling herein approved shall be occupied until the area shown on the submitted layout as vehicle parking space, has been provided, surfaced and drained in accordance with the approved details. 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 and garaging.

Reason: The development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies BNE2, T1 and T13 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 dwellinghouses herein

approved shall remain in use as a dwellinghouse 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 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 external alterations or extensions shall take place to the dwellings of the development without the written consent of the Authority.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality and impact on neighbours, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

## **Proposal**

This application seeks planning permission for two detached dwellings with associated parking.

The proposal involves excavation of the land to provide two detached three storey brick-built gable roofed buildings. They would measure approx. 7m wide approx. 10.4m deep and approx. 11.5m to the ridge. The dwellings would be offset from each boundary by approx. 0.5m and 1m from each other. They are both set back from the road by approx. 5m.

The ground floor of both dwellings would consist of an open plan living room/kitchen/diner and w/c. The first floor would provide two double bedrooms, one single bedroom and a bathroom. At second floor there will be a further two double bedrooms with ensembles and an outdoor amenity area.

To the front there would be two parking spaces for each property with the proposed property adjacent to 46 having one of the spaces a perpendicular space. There would also be a green wall and soft landscaping. To the rear the gardens would measure approx. 5.5m and 7.4m respectively and include a cycle store.

## **Site Area/Density**

Site Area: 0.98 hectares (2.42acres)

Site Density: 34.69dph (14.87dpa)

## Relevant Planning History

MC/23/0213 A2280/W/23/3329104	Construction of a pair of semi-detached flats on the ground floor with maisonettes above creating four dwelling houses with associated landscaping and parking. Decision: Refused Decided: 13 July 2023 Appeal dismissed: 14 August 2024
MC/22/1640	Construction of a terrace of three dwellings with associated car parking. Decision: Refused Decided: 3 October 2022
MC/21/2036	Construction of a terrace of two 4-bedroom houses and one 3-bedroom house with associated parking and landscaping. Decision: Refused Decided: 4 March 2022

## Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. KCC Biodiversity, Royal Society for the Protection of Birds (RSPB), Kent Wildlife Trust and Natural England have also been consulted.

**Two** letters of objection have been received raising the following planning concerns:

- Gardens dug down and will be in shade, poor design and additional impacts on environment with regard to the removal of extra soil and further delays from construction.
- Impact on suds and biodiversity net gain from the development.
- Increased traffic problems.
- Over development of site.

**Councillor Hubbard** has called the application in to be determined by the Planning Committee due to concerns with the orientation of the parking bays for the townhouse adjacent to 46 Cliffe Road and lack of on street parking in the locality.

**Natural England** have written to indicate further details in the form of a Habitats regulation assessment is required. If standard can be secured, then it is likely no adverse impact on the integrity of the European Sites. This has since been undertaken.

**KCC Biodiversity** originally had concerns about the age of the reptile and ecology surveys being over 3 years old. However, site photos were sufficient to demonstrate the results are still valid. There is a potential impact on nesting birds so a nesting bird informative is required. With regards to Biodiversity Net Gain (BNG) the first

metric indicated that the baseline of the site to be derelict land when it appeared to be vegetated garden. An amended BNG metric has been provided indicating the baseline to be vegetated garden with two medium trees and 1 large tree. The Metric indicates 10% BNG can be provided but this is on the basis of planting 9 trees. However, it is not possible to deliver biodiversity in private gardens as any habitats created or enhanced cannot be legally secured for 30 years. The metric also indicates the existing trees are to be retained but from the plans it appears these will be removed. Therefore, they advise that the habitat loss would be nearer to 94% when taking into account the loss of the trees and the inability to count trees towards the BNG calculation. To achieve a minimum BNG of 10% offsite habitat units will need to be purchased. KCC have provided a link to Kent Biodiversity Net Gain Register and procedures for credits and offsite biodiversity gains an informative will be added to any decision.

## **Planning Appraisal**

### *Background*

There have been a number of previous applications on the site. An application for a terrace of three dwellings with associated parking was refused under planning application reference MC/22/1640. The reasons for refusal were:

1. The proposal by virtue of the number of dwellings, poor design detailing to the front elevation, in relation to the size and shape of the application site would be a cramped form of development that presents no landscaping opportunities to soften its effect thereby resulting in an overdevelopment of the site detrimental to the appearance of street scene. In addition, the proposal provides limited opportunity for landscaping to the front and rear to provide tree lined streets and results in a loss of net biodiversity. The proposal would not result in a clear improvement to the local area or environment, contrary to Policies H4, BNE1 and BNE6 of the Medway Local Plan 2003 and paragraphs 126, 130, 131, 134 and 174 of the National Planning Policy Framework (NPPF).
2. By virtue of House C falling short of the gross internal floor area and bedroom width of the national standards, this would result in the future occupiers of house C having poor levels of occupier amenity in terms of gross internal floor area and bedroom sizes. Consequently, the development would be detrimental to the amenities of the future occupier's contrary to Policy BNE2 of the Medway Local Plan 2003 and paragraph 130f of the NPPF.

Following this refusal an application for the construction of a pair of semi-detached flats on the ground floor with maisonettes above creating four dwelling houses with associated landscaping and parking. This application was refused for the following reason:

1. By virtue of the proposed number of units and their layout, the proposed gardens for the upper floor maisonettes would not be considered appropriate for the size of the dwelling, while the gardens serving the ground floor flats would be directly overlooked by the occupiers of the maisonettes above.

Therefore, the development would be detrimental to the amenities of the future occupiers with regards to the provision of private outdoor amenity space and a loss of privacy. The scheme would also result in a net loss in terms of biodiversity. The proposal is therefore contrary to Policies H4, BNE1 and BNE2 of the Medway Local Plan 2003 and paragraphs 126, 130 and 174 of the NPPF.

This application was appealed and dismissed but only on the ground of the development providing unsuitable living conditions for the future occupiers with regard to the amount and layout of private amenity space. The inspector considered the effect on biodiversity would be acceptable subject to conditions to secure avoidance, mitigation and enhancement measures.

The current application differs from the refused schemes by providing two detached dwellings with no flats. Since this most recent application and appeal decision the NPPF has been updated and there is the introduction of mandatory 10% biodiversity net gain on small sites.

### *Principle*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site is located in the urban area of Strood and appears to have been historically part of the rear garden of 43 Goddington Road and, similar to adjacent plots formerly part rear gardens of Goddington Road properties, has been subdivided into a separate plot. Policy H4 of the Local Plan permits residential development consisting of redevelopment of brownfield land and infilling in such areas providing there is a clear improvement to the local environment. Paragraphs 11, 61, 73, 124 and 125 of the NPPF also encourage effective use of land, windfall sites, and the presumption in favour of sustainable development when a five-year land supply cannot be demonstrated.

The principle of residential development in a residential area is considered acceptable subject to the compliance with the detailed matters of the above policies which are set out in the assessment below.

### *Design*

Paragraphs 131 and 135 of the NPPF emphasise the importance of good design. 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. Paragraph 136 of the NPPF encourages tree lined streets and the retention of trees where possible.

Cliffe Road is a residential area with a mixture of dwelling types from terraced bungalows, two storey terraced houses and three storey town houses. The application site appears to be historically the rear garden of 43 Goddington Road and sits at a higher land level than Cliffe Road.



The proposed buildings will be three storeys to a similar height as the adjacent properties to the site. The proposed dwellings in layout terms will sit comfortably within the site and respect the general plot coverage of other dwelling in the immediate vicinity. The properties will have gardens which are appropriate in size for the proposed dwellings and in design and appearance will reflect the character of the area, subject to compliance with conditions relating to external materials, boundary treatment and landscaping.

As a result, the layout and design of the properties are considered to be in compliance with Policies BNE1 and H4 of the Local Plan and paragraphs 131 and 135 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 future occupants of the development itself. Policy BNE2 of the Local Plan and paragraph 135(f) of the NPPF relates to the protection of these amenities.

#### Neighbouring amenity

With regard to privacy, the scheme would only have habitable windows within the front and rear elevations and due to the distance to neighbouring properties windows and existing mutual overlooking in the area there would not be any unacceptable or significant impact on neighbouring amenities in terms of privacy. Both properties would have an external amenity area on the second floor and details of privacy screens would be required to minimise overlooking. An appropriate condition is recommended.

With regard to daylight, by virtue of the siting of the dwellings, their design and scale and relationships to neighbouring properties habitable windows both dwellings would pass the BRE guidance using the 45-degree rule and therefore there is no objection in terms of daylight and outlook.

With regard to sunlight, by virtue of the orientation of the site and path of the sun and the distance to neighbours, the proposed development would only impact 52 Cliffe Road but due to the limited projection past this dwelling the development is not considered to be significantly detrimental to that property and would provide sunlight in the afternoon.

In order to protect neighbour amenities going forward conditions to remove permitted development for changes of use to class C4 HMO and extensions to the properties along with a condition requiring a construction and environmental management plan to limit impact during construction are recommended.

#### Amenity of Future Occupiers

The proposed dwellings have been considered against the Technical Housing Standards - nationally described space standard dated March 2015 (the national

standard). The dwellings and their bedrooms would be in accordance with these requirements.

As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that private rear gardens for the width of the property should be 10m in depth and 7m when constraints exist. The proposed garden depths are approx. 6m and 7m deep although terraced due to the nature of the land levels on site. It is accepted that some gardens in the area are also smaller than this standard depth so on balance no objection is raised. The limited size of the garden is an additional reason for recommending a condition to remove permitted development rights for extensions.

Subject to the recommended conditions, the proposal is considered to be acceptable in amenity terms, and no objection is raised under the provisions of Policy BNE2 of the Local Plan and paragraph 135 of the NPPF.

### *Highways*

The application shows provision of four off road parking spaces. There will be 2 dropped kerbs with the property adjacent to 52 Cliffe Road having 2 spaces at right angles to the road and the property adjacent to 46 Cliffe Road having one perpendicular and one at right angles to Cliffe Road. The number of spaces meets the Council's parking standards and so are acceptable. The dropped kerbs and size of the spaces meet the Council's standards and again are acceptable.

In terms of access and egress from the proposed spaces, this can be achieved in an acceptable way and would not represent a highway danger.

The loss of this section of on street parking would not be considered a significant highways safety issue and indeed did not form any reason for the refusals of the previous schemes.

With regards to cycling each dwelling would have an area for cycle storage in the rear garden meeting the guidance of the interim residential parking standards.

Impact on parking in the area during construction can be addressed through the recommended CEMP condition.

It should be noted that the NPPF has put sustainable development as a central core and paragraph 117E outlines that development should provide electric charging facilities. This is a requirement of all new development but will also be secured through the recommended condition.

The proposal is considered to be acceptable from a highway safety and parking perspective is in line with Policies BNE2, T1, T2, T4 and T13 of the Local Plan and paragraphs 116 and 117 of NPPF.

### *Ecology and biodiversity*

This application includes the resubmission of a reptile survey submitted for the previous application which indicates the application site is not a suitable site for

reptiles. While this is of some age site photos have been sufficient to conclude that the survey details are indeed still relevant. The site could be a suitable habitat for breeding birds and therefore a breeding bird informative about works within the breeding bird season should be added to any decision.

With regards to BNG, the application is supported by a BNG metric. This was updated during the life of the application, so the baseline changed from vacant land to vegetated garden. However, the consented assessment indicates that there would be a 10% net gain. On considering the metric the figure would appear to be incorrect. The trees are not proposed to be retained in the submitted plans and while the ground floor plans do indicate some tree planting, it is not considered that there is sufficient space for all trees proposed. Nevertheless, as the proposed trees would be located within garden space they could not count towards the metric in the proposed consideration as there is no way to secure their retention for 30 years. The applicant has confirmed that it would mitigate the development by purchasing credits which is an acceptable way of addressing this issue. The confirmed number of credits required and any means of securing this, including s106 agreements if required, can be secured at the statutory BNG condition discharge stage. The BNG condition would be included as an informative.

Details to be submitted pursuant to the recommended landscape condition can also secure ecological enhancements such as bat boxes which the appeal inspector considered would mitigate development.

Subject to the above, no objection is raised under Policy BNE37 of the Local Plan and paragraph 187 of the NPPF.

### *Flooding/SUDs*

The site lies within Flood Zone 1 (Low Risk) according to the Environment Agency Mapping. It is noted that the highway in front of the site is at high risk of surface water flood risk, and so any application should ensure that this is not increased.

Although information has been submitted highlighting the use of a soakaway for the construction no modelling has been submitted to clarify size or capacity. The Flood Estimation Handbook (FEH) should be used for the design storms and runoff, as opposed to FSR. Micro Drainage outputs (or other industry appropriate software) should be provided for the critical duration for a 2-year, 30 year and 1 in 100 year + 40% intensity climate change scenarios. This will ensure correct sizing of the soakaway. It is also recommended that the use of rainwater harvesting, grey water recycling and water butts where practicable should also be provided in order to provide an additional means of surface water attenuation as well as reduced demand on potable water supplies.

It should be ensured that there is a maintenance schedule in place for the lifetime of the development to maintain any SuDs, which serve it. All SuDS should be located in publicly accessible areas, unless deemed inappropriate or not possible, to allow for suitable access for maintenance. Details would need to be provided for the frequency of maintenance for each SuDS feature on site based on guidance in the

CIRIA SuDS Manual as well as details of who will carrying out the maintenance. Appropriate conditions are recommended in relation to these matters.

Notwithstanding, no objection is raised in accordance with paragraph 182 of the NPPF.

#### *Climate Change and Energy Efficiency*

The application has been supported by a Climate Change Statement which indicates the proposed development would benefit for solar panels, efficient boilers, electric charging points, local material for construction to reduce energy use. Water efficiency would be in accordance with building regs, rainwater butts provided and permeable block pavements to parking area. The site location would promote sustainable transport options over car use.

An appropriate condition is recommended to ensure these measures are delivered on site and therefore no objection is raised in accordance with paragraph 168 of the 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 £337.49 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. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by 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. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/>.

The applicant has submitted a SAMMS Mitigation Contribution Agreement and payment and therefore no objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 193 and 194 of the NPPF.

A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application. This is included as a separate assessment form.

### *Local Finance Considerations*

There are no local finance considerations.

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

The application is acceptable in terms of the character and appearance of the area, residential amenity and the highway network and other material considerations.

The application therefore accords with the provisions of the paragraphs 11, 61, 73, 116, 117, 124, 125, 131, 135, 168, 182, 187, 193 and 194 of the NPPF and Policies S6, H4, BNE1, BNE2, BNE35, BNE37, T1, T2, T4, T13 of the Medway Local Plan 2003 and is recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the call in from Councillor Hubbard as set out in the representations section above.

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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/>