

MC/25/1363

Date Received: 3 July 2025

Location: Land rear of Garage Site, Cordelia Crescent, Borstal Rochester

Proposal: Construction of a terrace of four dwellings with associated parking and landscaping.

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Ward:

Case Officer: Amy Shardlow

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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 19 November 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 3 July 2025:

P01 Rev 3 Proposed Ground Floor
P02 Rev 3 Proposed First Floor
P03 Rev 3 Proposed Second Floor
P04 Rev 3 Proposed Roof Plan
P10 Rev 3 Proposed Front Elevation
P11 Rev 3 Proposed Rear Elevation
P12 Rev 3 Proposed Side Elevation
P13 Rev 3 Proposed Side Elevation
P14 Rev 3 Proposed Sections AA
P15 Rev 3 Proposed Sections BB
Site Location Plan

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

- 3 All materials shall match those set out in the Application form and submitted design and access statement received 3 July 2025.

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 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, Classes A, AA, B 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.

- 5 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) the 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.

- 6 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.

- 7 The dwellings hereby approved shall not be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected

have 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 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, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 8 No development shall take place above ground floor slab level until details for the provisions of 4 electric vehicle charging point 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 prior to first occupation of any dwelling and shall thereafter be maintained.

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

- 9 No development shall commence until details of the surface and drainage for the proposed vehicle parking spaces have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied, until the areas shown on the approved plans as vehicle parking space have been provided, surfaced and drained in accordance with the approved details. Thereafter the vehicle parking spaces 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.

- 10 Prior to the first occupation of the dwellings herein approved, full details of both hard and soft landscape works for the area to the front of the proposed terrace, details of longer term maintenance and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and thereafter maintained 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.

- 11 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Climate Change and Energy Efficiency Statement received 3 July 2025. 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 163 of the National Planning Policy Framework 2024.

- 12 Prior to the first occupation of any dwelling herein approved details of the refuse storage arrangements for the dwelling(s), including provision for the storage of recyclable materials and the agreed location for waste to be collected from shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved refuse storage arrangements for that dwelling are in place and all approved storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 13 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, wheel cleaning/chassis cleaning facilities, deliveries to the site, noise, dust, surface water run-off, pollution incident control, site contact details in case of complaints and lighting (including reference to the effect on wildlife and habitats) 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 thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: This is required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents with regard to Policies BNE2 of the Medway Local Plan 2003.

- 14 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):

- Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
- A timetable for its implementation (including phased implementation).
- Operational maintenance and management plan including access requirements for each sustainable drainage component.
- 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.

- 15 The dwellings hereby approved shall not be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how residents and their visitors will be deterred from parking on street. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the residential unit and shall thereafter be retained.

Reason: In the interests of sustainability and residential amenity in accordance with Policies T13 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

The application seeks full planning consent for the construction of a terrace of four dwellings with associated parking and landscaping. All 4 dwellings are of the same size and scale. Each property has a living room and a kitchen diner on the ground floor, with a total of 4 bedrooms provided within the first floor and roof space.

The maximum height of the proposed dwellings when measured from the proposed ground level is approximately 10.3m. The surrounding of the site consists of a mix of 2 storey residential developments, and 3 storey flatted developments all within close proximity to the proposal site.

The site is currently underused and has a variety of garages and outbuildings located on it. The site is currently fenced off and, therefore, it is not considered that the land is used as open space in this instance as it does not provide any public benefits at this time.

Relevant Planning History

No relevant planning history found.

Representations

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

14 no. households have written in to raise the following objections:

- Noise related concerns especially during the construction phase will disrupt existing residents.
- The submitted Daylight/Sunlight report is inaccurate and misleading due to the numbering of the properties has been reported incorrectly.
- The submitted BNG report visual representation shows part of a neighbouring garden within the submitted documents.
- Overshadowing to rear gardens of neighbouring properties.
- Surrounding property devaluations due to close proximity.
- Boundary disputes in imagery within the design and access statement.
- The design of the properties being modernly designed is out of keeping within the area.
- Congestion in the area is causing pollution and noise concerns.
- Increase of antisocial behaviour.
- Impact to wildlife and loss of greenery.
- Impact and pressure to local services with the additional dwellings.
- Concerns with the structural build.

Southern Water has advised that there is an existing sewer and water main assets crossing/in the vicinity of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water and no development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water. All existing infrastructure should be protected during the course of construction works. The applicant will need to submit a SUDs drainage plan in which Medway Council will consult with Southern Water.

KCC Biodiversity – have advised they have no objection to the proposed development, and that whilst there is a biodiversity net gain loss at the site subject to this being secured via off site credits which will be dealt with at the time of a submission of BNG gain plan. An informative will be added to the decision notice.

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 2024 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

The Emerging Local Plan has been agreed by Full Council for Reg 19 publication, consultation and, following any changes required as a result of the consultation exercise, submission to the Inspectorate for examination. The policies within this version of the emerging plan have weight in the determination of planning (and associated) applications. However, due to the nature of this proposal, the stage of the emerging Local Plan, the existence of relevant adopted Policies in the Medway Local Plan (2003) and guidance in the NPPF it is considered that the proposal falls to be considered with regard to the adopted policies and guidance in the NPPF.

Planning Appraisal

Principle

The application site is located within Borstal, Rochester and is within the urban boundary as defined by the proposal map for the Medway Local Plan 2003. The site is accessed from Cordelia Crescent and continues from Cordelia Crescent past garages to an isolated plot which has disused garages and buildings spread around the site. The site is not classified within Medway Council Local Plan 2003 Maps.

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

Policy H4 of Medway Local Plan 2003 relates specifically to proposed Housing in urban areas it states that residential development will be permitted consisting of:

- (i) the use of vacant or derelict land
- (ii) or the change of use or redevelopment of existing buildings no longer required for non-residential use.
- (iii) the redevelopment of existing residential areas and infilling in such areas (providing that a clear improvement in the local environment will result); or mixed commercial and residential uses in proximity to town centres; or the use of upper floors above commercial premises.

National Planning Policy Framework 2024 (the NPPF), specifically Paragraph 64 seeks to significantly boost the supply of homes by ensuring that a sufficient amount and variety of land can come forward where it is needed. Paragraph 69 of the NPPF also recognises the contribution that small and medium sized sites can make to meeting the housing requirement.

In addition, a material consideration, which triggers the presumption in favour of sustainable development set out in paragraph 11d of the NPPF is that the Council does not currently have an identified five-year housing land supply.

In this case the dwellings would fall within a residential area within the urban area of Rochester and the site itself it is vacant land. Therefore, in principle a residential use is considered acceptable.

Design

The Government attaches great importance to the design of the built environment. Good design is considered a key aspect of sustainable development and is indivisible from good planning. Paragraph 131 and 135 is key to achieving well designed places and requires that developments (in part) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Local Plan Policy BNE1 requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment.

The proposal shows a terrace of 4 dwellings, with each having pitched roofs which incorporate bedrooms within the roof space. The roofs are gabled to the front which provides a saw tooth design to the roof of the terrace, and this provides interest, separation between the dwellings and reduces its visual impact.

The area is of very mixed design with Cordelia Crescent and Cambria Ave predominantly characterised by 1960s style brick built 3 storey flats, Manor Lane, close to the site comprising predominantly 2 storey terrace properties, and the north side of Borstal Street being 2 storey dwellings with some 3 storey flats on the south side. It is considered that the proposed terrace adds to that mix in an interesting and appropriate way. The design is modern with a solid course of brick work between the solid masonry shown at ground level and the light-coloured rendering of the upper floors. The brickwork is red stock, and it is proposed for timber window frames, this combined with the gable frontage and the arrangement of the windows shows a high-quality development.

There are garages upon the approach to the site and to the rear of the site the properties sit at a much higher ground which would allow the proposed building height and mass to be mitigated to ensure that the height and scale of the buildings sits appropriately in its setting. Each dwelling has been carefully designed with stoops to the main entrance as these will front directly to the access point.

It is considered that the design of the dwellings are of good quality and in accordance with Policy BNE1 of Medway Local Plan 2003 and Paragraphs 131 and 135 of the NPPF.

Amenity

Paragraph 135f of the NPPF states 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 protect those amenities enjoyed by neighbouring properties. Amenity considerations can be broken down to considerations relating to neighbour amenity and the amenity of prospective occupiers.

Neighbour Amenity

The land levels located at the site are sloping downwards from South to North and, therefore, the site sits significantly lower than the properties that front onto Borstal Street.

Following tracking of the sun, there is some overshadowing to the communal gardens of the neighbouring flatted development at 57-62 Cordelia Crescent at 8am, however, this is only for approximately 30mins. There will then be some shadow in the rear gardens of 2,4,6,8, 8a of Manor Lane but this impact will be limited and is not considered to be detrimental to the amenity of these properties.

The application has also provided a daylight/sunlight assessment whereby the proposal demonstrated the BRE guidelines in regard to 25degree angle test. The test has assessed two properties that are closest to the development site and whilst this has been described as number 9 within the report the neighbouring property that has been assessed is number 8 Manor Lane and 94 Borstal Street. The assessment confirms that there would be no detrimental impact from the proposed development to neighbouring properties to the site.

The properties are sited within the site to provide satisfactory separation distances from immediately adjacent dwellings and ensure no unacceptable overlooking will result. The window distance from the proposal site to those on Borstal Street is approximately 22m and there is approximately 18m at its closest from the side elevation of the proposed terrace to the nearest properties on Manor Lane.

There is potential for the properties to be converted to small HMOs in the future. In order to ensure that such a proposal is considered against policy it is, therefore, recommended that permitted development rights be removed with regard to the change of use between use class C3 and C4.

Due to the proximity of neighbouring properties and where the site is located, 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.

Occupant Amenity

Each dwelling would comply with the Technical Housing Standard and would provide an acceptable internal space for the level of occupation proposed. The properties are 4 bedroom – 6 person units and measure at approximately 144m² for each dwelling. This exceeds the technical space standards which is currently set out at 112m².

Each dwelling is also provided with a study/office space and the master bedroom with an ensuite. The layout is considered to provide suitable levels of outlook and daylight with habitable rooms all served with windows to ensure this.

In terms of the garden depth, the Medway Housing Design Standards (MHDS) is used as a guide as the national standard only relates to internal floorspace. The MHDS sets a minimum garden depth in most cases of 10m, however, it is recommended at 7m in constrained sites. Plots 2 and 3 fall slightly below the 7m recommended, but the width ensures that a satisfactory garden will be provided for a property in this area.

The level changes of the site, however, do require steps up to the front doors of the properties, however, a ramp could be incorporated if required for residents with mobility issues.

In considering the potential for future development under permitted development rights, it is felt in this instance permitted development rights for extensions including dormers and outbuildings should be removed due to the limited garden space serving the properties and potential amenity concerns that would need to be assessed to ensure no detriment to neighbouring properties and an appropriate condition is recommended.

It is considered that subject to the above conditions, the proposed terrace of 4 dwellings would not detrimentally impact neighbouring residential amenities in terms of loss of daylight, sunlight, outlook or privacy and would provide adequate living conditions for future occupiers, in accordance with Policies BNE2 and H4 of the Local Plan and paragraph 135(f) of the NPPF.

Landscaping

There is limited potential for landscaping on site. Rear gardens will be to individual requirements of occupiers. To the front the car parking dictates a predominantly hard landscape with limited soft landscaping opportunities. An appropriate condition is recommended. Relating to the front area.

Contamination

Due to the existing buildings and garages located on the site, a contamination watching brief condition is recommended in the event that there have been unreported pollution events close to the site which may have the potential to migrate and impact amenity and safety. Subject to this condition it is considered that the proposal is in accordance with Policy BNE23 of the Local Plan.

Highways

Policy T1 of the Local Plan relates to the assessment of the highways impact of development and outlines the criteria of when development would be permitted. Paragraph 116 of the NPPF outlines 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.

The site is accessed from Cordelia Crescent through a 1-way area which is currently used purely for garage access for properties on Manor Lane. Pedestrian access, therefore, would remain as it currently exists as there is no public footpath. In this instance this is considered acceptable as the proposal will not worsen the existing situation.

8 parking spaces have been proposed. This equates to 2 spaces for each property. It is noted that the end property would rely on tandem parking, however, this is considered to be acceptable in this instance to ensure the development does not lead to unsatisfactory on street parking. The spaces will be secured via condition to be maintained and surfaced with permeable materials to ensure there is no risk to surface water flooding.

The application has been supported with a swept path analysis and parking provision statement which outlines the proposals are in line with Medway Council's Interim Parking Standards (November 2010), the proposal includes on-plot provision for 2 car parking spaces per dwelling, and the parking spaces are 2.4m x 4.8m, meeting the minimum dimensional standards as recommended.

While satisfactory on-site parking is proposed to serve the development, the site is located within Controlled Parking Zone (CPZ) R. Accordingly a parking management condition is recommended to ensure that the development does not cause impact on adjacent on street car parking availability.

Due to the number of dwellings and the level of parking provided overall it is not considered that the proposed scheme would be at a detriment to highways safety or raises any traffic related concerns subject to the conditions as set out.

Refuse

The applicant has proposed bin storage to the side of plot 4 and a condition is recommended for a refuse management plan to be submitted to ensure collection complies with local requirements.

Climate Change and Energy Efficiency

Measures to address energy efficiency and climate change have been set out within the Design and Access Statement received 5 July 2025 and a condition is recommended to ensure these are incorporated into the scheme. The proposed roof plans and elevations also show that Solar Panels will be incorporated into the scheme. This is in compliance with Paragraph 159 of the NPPF 2024.

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.

Bio-Diversity Net Gain and Ecology

As of 2nd April 2024, all sites were subject to Biodiversity Net Gain (BNG) as per the conditions of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

No ecological information has been submitted with this application. As a result of reviewing the data available and the information submitted with the planning application, the proposed development has limited potential to impact protected species and, as such, there is no requirement for an ecological survey or preliminary roost assessment to be carried out at this time.

However, there is a possibility of a bat roost within the existing building which is proposed for demolition. As the area to be affected is small in size and the building seem to be recent an informative is recommended on how to proceed should evidence of bat roost found.

A Biodiversity Net Gain metric has been submitted and confirms that the site will not reach the national standard of 10% biodiversity net gain by achieving a -51.25% net loss for 'habitats. Due to constraints onsite, the area habitat units required to comply with national standard of 10% net gain will be achieved offsite by the purchase of units through an accredited seller.

The documentation provided has also confirmed that research has been made into offsite credits and the submission of provisional/draft legal documents outlining the agreement between the applicant and the provider of any off-site gains are advisable prior to determination to confirm that the proposed route to delivering net gain is feasible, but this information is not required until submission of the pre-commencement Biodiversity Gain Plan and, therefore, how the BNG is to be achieved will have to be agreed, secured and, where applicable, registered on the Biodiversity Gain Site Register, prior to the submission of the pre commencement Biodiversity Gain Plan. An informative is recommended drawing the applicant's attention to the statutory requirement/condition that they will need to secure these details and submit the BNG Gain Plan to the council once this has been achieved and prior to commencement of any development.

The developer would usually need to demonstrate that they have approached 3 local or national suppliers, habitat banks or trading websites before considering statutory credits. The only exception to this is where a developer has a unit deficit smaller than 0.25 biodiversity units (area or linear), in which case they do not need to approach 3 suppliers before considering statutory biodiversity credits. As the deficit unit is - 0.0345 for this planning application it meets the exception and as such buying statutory credits is acceptable in this situation.

Conclusions and Reasons for Approval

The proposal is considered acceptable in terms of principle, design, amenity and highway aspects and with regard to all other material planning considerations. It is, therefore, recommended that the proposal be approved subject to the recommended conditions. The proposal accords with the provisions of Policies H4, BNE1, BNE2, BNE35, T1, T4, T13, and S6 of the Local Plan and paragraphs 11, 61, 116, 131, 135, 135(f), 159, 186 and 187 of the NPPF. The application is accordingly recommended for approval.

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 for approval.

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/>