

**MC/22/2915**

**Date Received:** 12 December 2022  
**Location:** M C L Ltd Grove Road  
Upper Halling Rochester  
**Proposal:** Construction of eight new residential dwellings with associated  
hard and soft landscaping - demolition of existing buildings  
**Applicant** Intra Urban Land Ltd  
Mr P Handley  
**Agent** Icen Projects  
Ms Sandy Scott  
Da Vinci House  
44 Saffron Hill  
London  
EC1N 8FH  
**Ward:** Cuxton, Halling and Riverside 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 30th August 2023.**

**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 20 July 2023:

2218-PL-101 REV H - Site Plan

2218-PL-105 REV C - Proposed Views Across Site

2218-PL-109 REV A - Location Plan

22-264-L05 REV E - Landscape Strategy

2218-PL-110 REV C - Existing and Proposed Nolli Plan

Received 4 August 2023:

2218-PL-103 REV F - Proposed Site Elevation 3

2218-PL-104 REV F - Proposed Site Elevation 4 And 5  
2218-PL-106 REV E - Proposed 2 Bed  
2218-PL-107 REV D - Proposed 3 Bed  
2218-PL-108 REV D - Proposed 4 Bed  
2218-PL-102 REV G - Proposed Site Elevations East And North

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 Prior to commencement of the development hereby approved, a Construction and Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 07:00 - 19:00 Monday to Friday daily, 08:00 - 13:00 Saturdays. No works to be undertaken on Sundays or bank holidays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the construction period.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site in accordance with Policy BNE2 of the Local Plan.

- 5 Prior to the installation of any external lighting on the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use] together with a report to demonstrate its effect on the landscaping of the site (including an overlay of the proposed lighting onto the site landscaping plans), the rural landscape, nearby residential properties, bats (including reference to the recommendations of the Bat Conservation Trust) and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: In order to limit the impact of the lighting on the landscaping of the site, the surrounding landscape, nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE5, and BNE39 of the Medway Local Plan 2003.

- 6 Within 3 months of works commencing within the site an Ecological Enhancement Plan shall be submitted demonstrating how the development of the site will enhance biodiversity. The plan must be based on the measures detailed within Preliminary Ecological Appraisal (Brindle & Green. December 2022) and Bat Emergence and Re-Entry Surveys; (Arbtech) and include information relating to:
- The proposed target species;
  - Make and model of any boxes;
  - Location information such as height, aspect, surrounding habitat;
  - Detailed planting schedules; and
  - Relevant management necessary to ensure the habitat is suitable for the target species.

The plan must be implemented as approved.

Reason: Reason: In the interest of conserving protected species and providing ecological enhancements in accordance with Policies BNE38 and BNE39 of the Medway Local Plan 2003 and paragraph 174 of the NPPF.

- 7 No part of the development shall be occupied until details of cycle storage facilities to serve each individual property have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities for each property shall be implemented in accordance with the approved details prior to first occupation of that property and shall thereafter be retained.

Reason: to ensure satisfactory cycle storage in accordance with Policy T4 of the Medway Local Plan 2003.

- 8 No development shall take place above ground floor slab level until details of the provision of 1 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 prior to occupation of the relevant property and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 112(e) of National Planning Policy Framework 2021.

- 9 Notwithstanding the submitted drawings, prior to first occupation of each dwelling, details of the refuse storage area to serve that dwelling shall be submitted to and approved by the Local Planning Authority. The refuse storage shall be implemented in accordance with the approved details before the relevant dwelling is first occupied and shall thereafter be retained.

Reason: To ensure that the development does not prejudice the amenities of future occupants in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 10 Prior to the first occupation of the development herein approved, full details of a hard and soft landscape scheme should be provided:
- i. Plans and information providing details of existing and proposed finished ground levels, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, lighting, and services (including drainage), and minor artefacts. Soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare, and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.
  - ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment, calculated soil volume, tree support and tie specification, guards, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).

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 timetable 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 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 (except for small, privately owned, domestic gardens) for a minimum period of five years, with arrangements for implementation and future review. 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.

- 12 No dwelling shall be occupied until a plan indicating the positions, design, materials, and type of boundary treatment to be erected to serve that dwelling has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented in accordance with the approved details before the relevant dwelling is first 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.

- 13 Prior to first occupation of any dwelling, details of any proposed air source heat pump (ASHP) or associated plant, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include measures to minimise external noise. The development shall be undertaken in accordance with the approved details and shall thereafter be retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment in accordance with Policy BNE2 of the Local Plan.

- 14 The first floor windows in all units that serve bathrooms and ensuites together with the first floor windows to side on Units 1,2 and 5; 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 it serves is first 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.

- 15 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) is submitted to and agreed in writing by the local planning 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 and 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.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 167 of NPPF.

- 16 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

Those details should be submitted in conjunction with the site Landscape Plan, and shall include (if applicable):

- i. a timetable and construction method statement for its implementation (including phased implementation where applicable).
- ii. appropriate operational, maintenance and access requirements for each sustainable drainage component are adequately considered.
- iii. proposed arrangements for future adoption by any public body, statutory undertaker or management company.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 167 of NPPF.

- 17 Prior to first 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 167 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.

- 18 No development, including preparation of the site, shall take place until a scheme for the protection for the retained trees to the west and northern boundaries of the site, in accordance with British Standard (BS) 5837, including a tree protection plan (TPP) and arboricultural method statement (AMS) has been submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with by the TPP and AMS shall include:

- A specification for protective fencing or other barriers to safeguard the protected tree growing on the garden amenity land to the side of the property during construction; and
- Details of site access and unloading and storage of equipment and building material.

The approved measures shall be implemented prior to commencement of development and shall be retained on site for the duration of the construction period.

Reason: To ensure no irreversible detrimental to the existing tree and in accordance with Policy BNE43 of the Medway Local Plan 2003.

19 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.
- c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written approval of the Local Planning Authority.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

20 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.

- 21 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.

- 22 The dwellings herein approved shall not be occupied until the area shown on the submitted layout as vehicle parking space and cart lodge has been provided, surfaced and drained. 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: 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 T1 and T13 of the Medway Local Plan 2003.

- 23 The approved cart lodge as shown on drawing number 2218-PL-101 REV H (Proposed Site Plan) shall not be enclosed and no other permanent development shall take place, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or reenacting that Order). The car port parking spaces shall remain available for parking.

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.



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

## **Proposal**

This application seeks planning permission for the construction of eight new residential dwellings with associated parking and carports together with hard and soft landscaping.

The proposal provides a mix of 2, 3 and 4-bedroom two storey properties accessed from southern section of Bradley Road.

Units 1, 2 and 5 would be 4 bedroom dwellings; Units 3, 4 and 6 would comprise of a 3 bedroom property and units 7 and 8 would be 2 bedroom properties. Each dwelling would have a kitchen/dining room and living room at ground floor with the larger units incorporating utility rooms and W/C. Each unit would have bedrooms at first floor and a family bathroom, with ensuites provided in the larger dwellings. The dwellings would have off-road parking and garden spaces.

## **Relevant Planning History**

MC/18/2040

Outline planning application with some matters reserved (access, appearance, landscaping and scale) for the demolition of existing industrial buildings, builders yard and the construction of 11 dwellings, associated parking, carports and access.

Decision: Refused

Decided: 8 March 2019

APP/A2280/W/19/3229251: Appeal Dismissed

Decided: 14th October 2019

## **Representations**

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

The Environment Agency, Kent Downs AONB, KCC Biodiversity, Southern Water, Halling Parish Council, Natural England and Kent Wildlife Trust have also been consulted.

**6 Letters** have been received (from separate households) raising the following objections:

- Parking Provisions in adequate.
- Bradley Road is in adequate as in private ownership, too narrow, has a blind entrance to the street, difficult to access for emergency vehicles and improvements will result in vehicle speeds increasing causing danger.
- Biodiversity.

- Overlooking and Impact on Privacy.
- Character and appearance of the AONB will be lost.
- Impact on neighbours due to loss of sunlight and loss of night sky, along with impact from headlights from additional cars.
- Late night noise from new occupiers and during construction.
- There are protected species in the area.
- Local infrastructure – schools and surgery etc – cannot cope with further development.
- Site used for local community and overspill parking for local residents.
- Existing utility pipes will need improvement.
- Properties too high.
- Too many units – 5 would be more acceptable.

Following re-consultation on amendments some of the residents have written to re-iterate their objections as set out above.

**The Dickens Country Protection Society** have commented that the principle of re-development is accepted but raise concerns regarding the number of units, adequacy of amenity and provision of parking.

**Southern Water** advise that the applicant will need to make a connection application to them. They make reference to SuDs but only if it is intended to be adopted by them.

**Environment Agency** have no comments to make.

**Kent Downs AONB** are satisfied with the submission but have requested conditions to secure appropriate materials and landscape measures.

**KCC Biodiversity** are satisfied with information submitted with the application but have requested conditions to secure measures and protect notable species within the area.

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

## **Planning Appraisal**

### *Principle*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires 45 applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The site is an established business but is not protected by an existing employment designation within the adopted Local Plan. It has been in use for such purposes since 1920s. However, its use in this rural and predominantly residential location, is now considered to be a non conforming use which raises issues itself with regard to residential amenity. It is a brown field site.

The site is within the village boundary of Upper Halling as identified in the proposals map to the Local Plan. Policy H11 of the Plan supports minor development within the confines of the settlement. While the Council cannot demonstrate a 5 year housing land supply and this means that policies in the Local Plan that seek to restrict the development of land, such a village confines on the proposals map, fall away, in this instance it is relevant that the site is both a brown field site and within the village confines where Policy H11 supports minor development. The proposed development would constitute minor development in a rural setting as less than 10 dwellings are proposed.

Paragraphs 10 and 11(d) of the NPPF assert a presumption in favour of sustainable development in decision-taking, and if a 5 year housing land supply cannot be demonstrated and policies are out-of-date, planning permission should be granted unless any adverse impacts would significantly or demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole The test of sustainability is linked to the social, economic and environment assessment of the development (paragraph 8).

The proposal would introduce new dwellings within a rural settlement that would contribute to housing provision in the Medway area. In addition, the proposal would provide employment through the construction process and support local services (by its occupation). The site also comprises underused land with poor quality buildings in need of significant repair in the medium to long term.

Paragraphs 78, 79 and 80 of the NPPF set out considerations in relation to proposals for rural housing. Paragraph 78 states that proposals for rural housing should be supported where they reflect local needs and in particular bring forward affordable housing to meet those local needs. The applicants do not have to put forward a case on providing affordable housing for local people as the threshold trigger for seeking affordable housing in this instance has not been met.

Paragraph 79 promotes sustainable development in rural areas and housing will be encouraged where it enhances or maintains the vitality of rural communities. This primarily relates to proposals within or adjacent to villages to support services in those villages (or neighbouring villages) and as this proposal is within a settlement, it will, as a consequence, support local services where available such as Court Farm or village shops in Halling.

Paragraph 80 states that planning decisions should avoid isolated homes in the countryside unless certain criteria apply. The proposal is not for isolated dwellings being an "infill" and will enhance what is a very untidy site.

The site is within the confines of the village as set out in the proposals map to the Local Plan and policy H11 supports minor development. The existing employment use is not protected and this previously developed land offers a suitable alternative use for housing within an established rural settlement. The site has relatively good public transport links to this remote location but in the main, residents will rely on the use of the car. Whilst the sustainability of the site is questionable in terms of reliance on private car journeys given the proximity to a number of facilities within close proximity of the site, the opportunity to deliver housing, improve and provide a safe and healthy living environment for both existing and future occupiers, the redevelopment of the land for housing is considered acceptable in principle. It is therefore considered that the principle of the development of the site is acceptable.

### *Green Belt and AONB*

The site is within the Green Belt and is adjacent to the Area of Outstanding Natural Beauty (AONB).

Policy BNE30 of the Local Plan relates to Green Belt and sets out a presumption against inappropriate development. However, as the site is within the confines of the village and Policy H11 supports minor development, while the site is a brown field site already occupied by buildings, it is not considered that the proposal either represents inappropriate development nor that it would harm the openness of the Green Belt. As such the proposal is not in conflict with paragraphs 144 and 145 of the NPPF.

The site is not within the AONB but development could impact upon its setting. Paragraphs 174 and 176 of the NPPF are relevant in terms of impact assessment on the natural environment. Policy BNE32 relates to the AONB but the policy only refers to proposals within the AONB, which this site is not. The landscape importance of this location is highlighted also in the Medway 2011 Landscape Character Assessment where the area is noted as moderate in condition with high sensitivity to the surrounding countryside.

While the site is currently occupied by buildings, the impact on the setting of the AONB has been a critical factor in the various iterations of the decision and layout of the scheme which is considered in more detail in the design section below.

Furthermore, the North Downs AONB officer has raised no objection to the proposal subject to the landscaping scheme being secured by condition and the omission of white render from the proposed materials.

It is not considered that the proposal is in conflict with the Green Belt and subject to the design considerations below, the scheme is appropriately sensitive to the setting of the AONB. The proposal is therefore considered to accord with Policies BNE30 and BNE32 of the Local Plan and paragraphs 144, 145, 174 and 176 of the NPPF.

## *Design*

The existing buildings in the area are a mix of roof heights and materials when seen from the road and surrounding countryside. The site has existing planted screening including trees on the southern side that assists in reducing the impact of the existing buildings from the south and on the western side which is to be retained. The proposed development will be set further into the site than the existing buildings due to the access road being provided. The Medway 2011 Landscape Character Assessment requires that new development along the valley floor entrance should be screened to the lower slopes. The layout has taken into consideration a buffer for planting within the proposal site on both the southern edge and western edge to provide further mitigation of views from the surrounding countryside. The proposed planting areas within the site are outside the garden areas of the proposed dwellings to deter future occupants to remove planting and trees within the development site. A condition to secure the protection of the existing trees to be retained and for the proposed planting is recommended.

The proposed layout allows for sufficient space between the dwellings allowing for some openness within the site which is not currently present due to the scale and mass of the existing buildings. The surrounding residential properties comprises predominantly of terrace dwellings with slim long gardens however there are some detached and large semi-detached properties within the surrounding streets of The Street and Grove Road. The proposed development would comprise of detached and semi-detached pairs however it is not considered that the detached dwellings would result in significant harm to the appearance of the streetscene and the design of the dwellings would be of a sympathetic nature to the surrounding countryside setting.

In addition to this, the dwellings by virtue of the two-storey nature would have a height of approximately 8m (to the ridge) resulting in a development which is 3m taller in height than that presently on site. The proposed dwellings would be comparable in height to those within the immediate area. Taking into consideration the materials proposed, namely the brown roof tiles the impact of the roofscape in comparison to that of the existing metal framed tin roof building it is considered the impact would be less than that existing on site.

It is considered that the proposed development in terms of the design, massing, layout and appearance together with a sufficient landscaping buffer would provide a more attractive development than the existing, taking into consideration the sensitive location within the Green Belt and the setting of the AONB. As such, subject to the recommended conditions for external materials, landscaping scheme and management plan the application is considered to be acceptable in terms of scale, layout and appearance in accordance with Policies BNE1, BNE30, BNE32 of the Local Plan and paragraphs 144, 145, 174 and 176 of the NPPF.

## *Amenity*

Paragraph 130f 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 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 dwelling 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 on Grove Road to the north and on Bradley Road northeast of the proposal site. Objections have been received relating to overlooking in dwellings and private amenity spaces. Units 3, 4 and 5 would have first floor windows serving bedrooms that face the existing properties along Grove Road in particular 16 and 2 Grove Road.

Units 3 and 4 would have 1 bedroom and a bathroom that front facades of Grove Road whilst Unit 5 would have 2 bedrooms fronting Grove Road. The first-floor windows in question are located between 12.7m to 13.5m from the front facades of the existing dwellings. The bathroom windows will be conditioned to be obscure glazed to reduce overlooking to the properties adjacent and to protect the privacy of the occupants. The ground level within the site varies and the land where Units 3 and 4 are proposed would be higher than the eastern section of the site. The change in ground level would mean that the units would not look directly into adjacent property (16 Grove Road) but would be of reasonable distance to not appear overbearing. As such, taking into account the ground level, the use of obscure glazing and distance between the properties it is not considered that the development would result in detrimental overlooking into the adjacent dwellings.

A representation has been received raising concerns of loss of privacy within private gardens. Unit 2 would result in some overlooking into the gardens of the properties located within The Street from upstairs bedroom windows. There are garages to the rear of the properties of The Street as such Unit 2 is located approximately 17m from the usable areas of these gardens which would not result in an unacceptable level of overlooking.

As such, subject to the recommended conditions, the proposed development would not result in detrimental harm to neighbouring amenity in line with Policy BNE2 of the Local Plan.

### Future Occupant Amenity

It is also necessary to consider whether satisfactory environment would be provided for the future occupier of the proposed dwelling 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>
	3	5p	93m <sup>2</sup>
	4	6p	106m <sup>2</sup>
Proposed	2	4p	84m <sup>2</sup>
	3	5p	112m <sup>2</sup>
	4	6p	131m <sup>2</sup>

The dwellings would be provided with adequate garden spaces, it is noted that the layout would allow for some mutual overlooking from bedroom windows on rear elevations, however it is not considered that this would go above and beyond what is expected within a residential area. In addition to this, windows on the side elevations which serve non habitable rooms, will be conditioned for obscure glazing to prevent overlooking. No objection is raised relating to future occupant amenity.

Notwithstanding the above, to ensure that no issues arise in the future in relation to design and amenity it is recommended that permitted development rights be removed for further alterations or enlargement of the dwelling in particular to development under Classes A, AA, B and E of the GPDO. To maintain the single-family occupancy of the site in the interest of amenity, it is also necessary to remove permitted development rights for conversion to small HMO to ensure the single-family occupation which is a character of this area is maintained in the interest of amenity.

Due to the location of nearby dwellings, a condition regarding the requirement for a Construction Environmental Management Plan is recommended.

As such, subject to the recommended conditions, there are no objections with regard to amenity in compliance with Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

### Highways

The site is accessed by Bradely Road which is a private road that serves the existing residential dwellings within the area. Bradley Road accesses onto the Street in 2 locations. One to the north and the other to the east of the site. It has no lighting, is narrow and bounded garden boundary treatment and planting to each side. The

alternative approach to the site is from the northern side of Bradley Road which is in very poor condition. This is used by residents but to a lesser degree by visitors to the site due to the poor surface.

The site has one vehicle access point to the southern boundary and one pedestrian access to the western boundary. There will be a likely increase the intensification of movement from the site upon occupation of the development but consideration must be given to the existing land use at full capacity too, the impact of that and the type of vehicles that it would potentially attract.

The proposed development would provide sufficient parking for each unit based on application of the Medway Interim residential Parking Standards. There is also parking for visitors provided within the site. A condition to secure EV charging points in line with paragraph 112e of the NPPFs recommended.

### Vehicle movements

The applicants have undertaken a transport impact assessment, the assessment found that throughout the day from 05:00 – 21:00 a total of 108 vehicle movements in and out of the site would occur. The predicted traffic proposed within the hours of 07:00-19:00 would be 33 vehicle movements. The proposed development is predicted to result in a reduction of 75 two-way vehicle movements on a typical weekday i.e., a reduction of 70% which would also result in the removal of HGV traffic to and from the site. Two way peak hour traffic flows are predicted to reduce by almost 67 % from 9 to 3 vehicles in the AM peak and 50% from 8 to 4 vehicles/hour as a result of the proposal.

### Road surface

With regard to the issue of road resurfacing as raised by objectors, the applicant commits to surfacing the site and areas up to the private road at the junction boundaries. They are not prepared to upgrade the approach road to the site (which would include Grove Road). On previous application MC/18/2040 the condition of the road formed a refusal reason, however on the associated appeal reference APP/A2280/W/19/3229251 the inspector acknowledged that taking into consideration the reduction in car movements from the existing use, together with the reduction in HGV movements to the site that the proposal would not further compromise the safety or condition of routes. This application would see a further reduction in dwellings therefore it is determined that the proposal would not cause significant harm to the road network.

Taking into the account the above it is considered that the proposal would be in accordance Policies T1, T2 and T3 of the Local Plan and paragraphs 111, 112(e) and 130f of the NPPF which promote fostering a well-designed and safe built environment.



### *Sustainable drainage*

The Climate Change Statement specifies measures to mitigate surface water runoff and drainage within the site which is acceptable in principle, but further information would be needed to ensure that the proposed development is acceptable overall. An appropriate condition is recommended. With such mitigation in place, the development would comply with the objectives of paragraph 148, 149, 157 and the NPPF.

### *Refuse*

An appropriate condition is recommended to secure an acceptable scheme regarding refuse collection.

### *Ecology Impact*

An Ecological Impact Assessment and Bat Survey have been submitted with the application. The information provided confirmed that at least 1 species of bat is present within the site, and there is potential for reptiles, breeding birds and badgers to be present. As such precautionary measures must be undertaken to avoid impact on the notable species and an appropriate condition is recommended.

### *Bird Mitigation*

The application site falls outside the designated area where a contribution is necessary and no objections are therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

## **Conclusions and Reasons for Approval**

The site is within the confines of the village of Upper Halling where policy H11 allows for minor development. In addition, the Council does not have a 5 year housing land supply. The NPPF reiterates the primacy of the statutory plan-led approach, which in this case would allow for meeting the housing needs in a manner that best protects its rural landscape setting.

The proposal is considered to make an effective contribution in meeting the need for homes, whilst safeguarding and improving the environment as well as being sympathetic to local character, including the surrounding landscape setting and maintaining the intrinsic character and beauty of the countryside.

The scheme under this current proposal is considered to be acceptable and would comply with Policies BNE1, BNE2, BNE6, BNE23, BNE25, BNE30, BNE32, BNE39, BNE43, H11, T1, T2, T4, and T13 of the Medway Local Plan 2003 and the objectives of paragraphs 11, 57, 60, 78, 79, 111, 126, 130, 168, 174, 180, and 183 of the National Planning Policy Framework 2021.

The application would normally be determined under delegated powers but is being referred for Committee due to letters of representation received contrary to the 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/>