

MC/25/1506

Date Received: 23 July 2025
Location: Shaftesbury House, Upnor Road, Upnor, Rochester
Proposal: Change of use from dwelling house (Class C3) to a 11-bedroom house of multiple occupation (Sui Generis)(Class C4).
Applicant c/o Tetlow King Planning
McCullochs (CI) Ltd
Agent Tetlow King Planning
Mr Iain Warner
32 High Street
West Malling
Kent
ME19 6QR
Ward: Strood Rural
Case Officer: Madeline Mead
Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 11 March 2026.

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 on 23 July 2025:

25.127-24 proposed roof plan
25.127-25 proposed elevations

Received on 28 July 2025:

25.127-20 site location plan

Received 30 September 2025:

25.127-22 proposed ground floor layout
25.127-50 proposed car parking

Received 6 February 2026:

25.127-23 rev C proposed first floor plan.

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

- 3 The use of the building as a house in multiple occupation shall not commence until the area shown on drawing 25.127-50 as vehicle parking spaces 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 these reserved parking spaces.

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 Policies T1 and T13 of the Medway Local Plan 2003.

- 4 The building shall not be occupied as a house in multiple occupation until details of the refuse storage arrangements for the building, including provision for the storage of recyclable materials, have been submitted to and approved in writing by the Local Planning Authority. The approved refuse storage arrangements for the building shall be put in place prior to occupation and thereafter 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.

- 5 The building shall not be occupied as a house in multiple occupation until details of secure covered cycle parking provision have been submitted to and approved in writing by the Local Planning Authority and the approved details have been implemented on site. The cycle parking provision shall be retained as approved, available for use at all times thereafter.

Reason: To ensure the provision and retention of suitable secure cycle parking provision with regard to Policies T4 and T13 of the Medway Local Plan 2003.

- 6 That number of residents permitted to occupy the property at any one time shall not exceed thirteen.

Reason: To ensure that the development would not prejudice the amenities of the residents nearby in accordance Policy BNE2 of the Medway Local Plan 2003 and paragraph 135 of the National Planning Policy Framework 2024.

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

Proposal

The application is for the conversion of the existing building which was previously used as accommodation associated with the former Arethusa Venture Centre to an 11-bedroom, 13 person homes of multiple occupation (HMOs) (sui generis). The only external alterations proposed are the addition of new windows on the rear elevation of the building (fronting Upnor Road) and solar panels on the roof.

The accommodation would provide the following:

Ground Floor – 4 bedrooms, 2 shower rooms, communal kitchen/dining, communal breakout space, cleaner’s cupboard and w.c.

First Floor – 7 bedrooms (3 with ensembles) and 2 shower rooms.

On the roof 44 solar panels are proposed.

Externally there is a communal garden area.

Five car parking spaces are proposed on land within the ownership of the applicant.

Relevant Planning History

MC/23/0799 Prior approval for the enlargement of a dwelling by construction of additional storey. The maximum height proposed is 15.63m.

Decision: Refusal

Decided: 26 May 2023

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. Kent Police, KCC Archaeology and the Environment Agency have also been consulted.

Seventy-one letters of objection have been received with the following comments:

- Proposal would not contribute positively to the local environment or respect the character and appearance of the area;
- An HMO would disrupt the village’s social cohesion;
- Increased noise;
- Increased traffic movements and parking congestion;
- Road safety conditions for pedestrians and drivers due to overspill parking;
- No community facilities in Upnor;
- Not a sustainable location;
- Overdevelopment of the site;
- Increase in household waste;
- Loss of a much-needed family home;

- Loss of recreational value;
- Inadequate public transport;
- Impact on conservation area/listed buildings;
- Future residents would be isolated;
- Would set a precedent for further HMO development;
- Overlooking and loss of privacy to neighbours;
- Disturbance to wildlife;
- Flood risk;
- Impact on AONB.

Councillor Williams raises the following objections:

- Detrimental to the rural feel of the village;
- Out of character with the existing residential settlement and Policies BNE1 and BNE2 of the Medway Local Plan 2003;
- Traffic impact from development would have a detrimental effect on the amenity of local residents;
- Not a sustainable development;
- Impact on doctors, schools and hospital.

Dickens' Country Protection Society raise objections to the impact on the local community and lack of amenity.

Frindsbury Extra Parish Council raise the following objections:

- Inadequate public transport;
- No pedestrian infrastructure;
- Cycling limitations;
- Not a sustainable location;
- Additional pressure on A228 and Four Elms Hill;
- Increased vehicle usage will degrade local air quality;
- Lack of infrastructure;
- Overdevelopment of the site;
- The individual living units are too small to provide suitable accommodation;
- The proposal does not reflect the character or needs of the local area.

The City of Rochester Society raise the following objections:

- Proposal is an unsuitable use within the context of Lower Upnor;
- Badly designed and out of character with the existing residential properties;
- It would set an unacceptable precedent;
- Overdevelopment;
- It would erode Upnor's history and identity;
- Restricted highway access which already causes traffic problems, which the proposal will add to;
- Increased noise, disturbance and potential for anti-social behaviour;
- Future occupants would be isolated;
- No services within Upnor;

- Limited bus service.

Kent Police have written to advise of their concerns with regard to security and have set out some issues that need to be addressed/considered; they have also suggested the developer contacts them to ensure compliance with Secure by Design (SBD).

The Environment Agency have advised that they have no objection to the proposed development, as the supporting documents provide sufficient evidence to suggest that the development will be safe for its lifetime.

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.

Other matters

The Emerging Local Plan has been agreed by Full Council for Reg 19 publication, consultation and has now been submitted under Regulation 22 to the Planning Inspectorate for examination. The policies within this version of the emerging plan have weight in the determination of planning (and associated) applications.

Planning Appraisal

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 NPPF seeks to pursue sustainable development, in a positive and proactive manner through paragraph 11 of the NPPF. Stating that applications should be considered in favour of a presumption in favour of sustainable development, unless policy provides a clear reason for refusal, or that any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Furthermore, paragraph 60 of the NPPF seeks to boost the supply of housing by bringing forward a variety of land to meet specific housing requirements. The conversion of existing buildings is also supported through the NPPF with paragraph 161 stating in relation to meeting the challenge of climate change, that the planning system should *“encourage the reuse of existing resources, including the conversion of existing buildings.”*

Policy CF1 aims to resist development which would result in the loss of existing community facilities unless it can be demonstrated that exceptional circumstances exist such that it would be beneficial to redevelop sites. Although it could be argued that the building is a community facility, it does not serve the public independently as

it was linked to and used ancillary to the Arethusa Venture Centre. The Arethusa Venture Centre, in its later years, was used by local schools for a range of activities and provided dormitories for overnight stays.

Policy H7 of the Local Plan supports permitting HMO's subject to the following criteria:

- (i) the property is in an area with a predominantly mixed-use or commercial character;
- (ii) and the property is located where increased traffic and activity would not be detrimental to local amenity; and
- (iii) either the property is detached, and the proposal would not adversely affect the amenity of the occupiers of nearby properties;
- (iv) or where the property is not detached, relevant nearby or adjoining properties are in multiple occupation or a non-residential use; and
- (v) for changes of use, the property is too large to reasonably expect its occupation by a single household.

Whilst this policy is not directly related as it is for the conversion of large houses into houses of multiple occupation and this building, as existing, is commercial, the development has been assessed against these criteria as it remains the most relevant Policy of the Development Plan.

Upnor is a rural settlement and within this settlement the properties are largely residential dwellings, however, there are also the Arethusa Venture Centre (now closed) but adjacent to the application site, two public houses, boatyards and commercial uses within the Ordnance depot and, therefore, it is considered that although not predominantly it is within a mixed use area.

Policy T8 of the emerging Local Plan seeks to avoid detrimental clusters of HMOs and to ensure that they provide a suitable quality of accommodation. The supporting text to the policy acknowledges that HMOs have a role to play in sustainable and inclusive communities providing accommodation for single people on low incomes and can also be accommodation of choice for young professionals moving to an area. The supporting text does though acknowledge harm where there are high concentrations of HMOs and/or poor management of properties. Accordingly, Policy T8 supports planning applications for HMOs where they:

- Do not adversely affect the character and amenity of the area,
- Do not contribute to an over provision of HMOs in an area,
- Do not lead to the loss of suitable units for family accommodation, particularly in areas of high concentration of HMOs,
- Do not generate excessive parking demands,
- Provide a suitable level of amenity complying with national internal space standards and at least one reception room and kitchen or equivalent space,
- Make provision for waste and cycles,
- Do not adversely affect health of residents – new and existing.

Considering the remaining criteria of Policy H7 of the Local Plan and Policy T8 of the emerging plan, there are no registered HMOs within 200m of the site and there do

not appear to be dwellings subdivided into flats within the vicinity. Consequently, there is no concern with respect to the potential clustering of such uses, proliferation and the associated detrimental impacts upon adjoining residential amenity.

Overall, it is considered that the locality, although not predominantly, does have a mixed-use character and, therefore, subject to the considerations below, would in principle be acceptable.

Design

Policy BNE1 requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment and that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area. Whilst Paragraphs 131 and 135 of the NPPF emphasises the importance of good design.

The application proposes minor alterations to the external appearance of the building, in the form of installation of additional windows within the northwestern elevation. The windows proposed would be of the same proportion to those within the existing building.

Therefore, no objection is raised in regard to Policy BNE1 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 dwelling on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and Paragraph 135f of the NPPF relates to the protection of these amenities. Policy H7 of the Local Plan and T8 of the emerging plan are also relevant.

Neighbouring Residential Amenity Neighbours

The building is detached and sits across the road from the residential dwellings on Upnor Road. Part of the building historically was converted to a residential dwelling and, therefore, this building is attached to this existing residential dwelling. No extensions are proposed as part of the development and the only external changes would be the insertion of windows to the north western elevation and, therefore, due to the location of the proposed windows and the distance from the dwellings on Upnor Road, it is not considered that the development would have a detrimental impact in terms of overlooking, loss of outlook, loss of daylight, loss of sunlight.

The proposal seeks to convert the property into an eleven-bedroom, thirteen person HMO. As such, there is a potential for increased comings and goings and likelihood of noise and disturbance.

The existing property was previously used in association with the Arethusa Venture Centre use and, therefore, it is not considered that the comings and goings of up to

thirteen adults would have a greater impact on neighbouring amenity than the existing use of the site, if it were brought back into use for that purpose.

No objections would, therefore, be raised in regard to Policies BNE2 and H7 of the Local Plan and paragraph 135(f) of the NPPF.

Future Occupants Amenity

The proposed bedrooms have been considered against the Technical Housing Standards – Nationally Described Space Standard 2015. Whereby, it confirms that the requirement for the provision of a single bedroom would have a gross internal floor area of 7.5m and a width of 2.15m and a double bedroom would have a gross internal floor area of 11.5m and a width of 2.75m in width. All of the proposed bedrooms would meet the requirements in terms of GIFA. A couple of the single bedrooms would fall marginally short of having a width of 2.15m, however, not to a degree that would be detrimental to the future occupant's amenity. All of the bedrooms would be served with an adequate degree of natural light and afforded suitable outlook.

The remaining communal space would provide a kitchen/dining room measuring approx. 33m² and a communal breakout space measuring approx. 51m², which would be shared by the thirteen occupants.

Four shower rooms are proposed and would be shared by eight of the occupants, as three of the bedrooms (five Occupants) would have their own ensuite. A w.c. would also be located on the ground floor.

A garden area would also be provided.

It is, therefore, considered that the property is of a sufficient size to suit the requirements of the use of the property for thirteen people. In order to ensure that this does not become prejudiced, nor does the adjoining neighbouring amenity become prejudiced a condition is recommended to ensure that the number of residents that occupy the property at any-one-time does not exceed thirteen.

Subject to this condition, no objections would, therefore, be raised in regard to Policies BNE2 and H7 of the Local Plan, Policy T8 of the emerging plan and paragraph 135(f) of the NPPF.

Highways

Policy T1 of the Local Plan relates to the impact of new development on the highway network. Policy T13 of the Local Plan is related to parking standards. Both policies H7 of the Local Plan and T8 of the emerging plan include criteria in relation to impact on parking and amenity. Paragraph 115 of the NPPF seeks development located in sustainable locations, limiting the need to travel and offering choice of transport modes to reduce congestion and emission and improve air quality and public health.

Paragraph 116 of the NPPF states that development should only be refused on highways grounds if there is an unacceptable impact on highways safety.

There are no parking standard requirements for HMO's, however, the application proposes five off street parking spaces for the proposed thirteen person HMO. Although this would not provide for a parking space for each of the residents of the building, there is also a public car park next to the former Arethusa Venture Centre, that could accommodate any further cars associated with the building. It is also not considered that the proposed use would have a greater parking demand than when the building was in use as part of the Arethusa Venture Centre. The provision of the five car parking spaces would be secured by a recommended condition.

The proposal does not show any provision of secure cycle storage and, therefore, a condition is recommended for details of secure cycle storage to be submitted.

Consequently, subject to the recommended conditions, no objections would be raised in regard to Policies H7, T1 and T13 of the Local Plan, T8 of the emerging Plan or paragraphs 115 and 116 of the NPPF.

Biodiversity Net Gain (BNG)

As of 2 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).

Notwithstanding, de minimis exemptions, whereby BNG does not need to be provided, are set out in the Biodiversity Gain Requirements (Expeditions) Regulations 2024, confirming within subsection 4:

- “(1) The biodiversity gain planning condition does not apply in relation to planning permission for development which meets the first and second conditions.
- (2) The first condition is that the development does not impact an onsite priority habitat.
- (3) The second condition is that the development impacts:
 - (a) less than 25 square meters of onsite habitat that has biodiversity value greater than zero; and
 - (b) less than 5 metres in length of onsite linear habitat.”

In this instance both of the above conditions set out by the Act are considered of relevance, therefore, the application does not meet the threshold for the requirement of a BNG statement.

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 agreed to the SAMMS Mitigation Contribution 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

Conclusions and Reasons for Approval

There is no over concentration of HMOs in the area, and the proposal has been designed to provide a good level of amenity for prospective occupiers without harming the amenity of the neighbouring occupiers.

The proposal complies with the provisions set out in paragraphs 11, 60, 115, 116, 131, 135, 135(f), 193 and 194 of the NPPF, Policies BNE1, BNE2, BNE35, CF1, H7, S6, T1 and T13 of the Local Plan and Policy T8 of the emerging Plan. The application is, therefore, recommended for approval.

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

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/>