

## **MC/25/1784**

**Date Received:** 5 September 2025  
**Location:** M C L Ltd, Grove Road, Upper Halling, Rochester  
**Proposal:** Variation of condition 2 (approved plans) to allow for a minor material amendment to planning permission MC/22/2915 for the addition of loft floors to all units except unit 6 and the provision of an entrance gate.  
**Applicant** Turnkey Contracting Ltd  
Mr Sat Dhillon  
**Agent** S2S Architects  
Ms Violeta Plitnikaite  
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London  
WC1N 3AX  
**Ward:** Cuxton, Halling & Riverside  
**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 19 November 2025.**

### **Recommendation - Approval with Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 5 September 2025:

1917-MA-101 - Site Layout  
1917-MA-102 - Proposed East and North Elevations  
1917-MA-106 - Proposed 2 Bed and Loft  
1917-MA-107 - Proposed 3 Bed and Loft  
1917-MA-108 - Proposed 4 Bed and Loft  
1917-MA-110 - Nolli Plan

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

- 2 Prior to first occupation of any dwelling a plan indicating the positions, design (including mechanical opening), materials and type of vehicular and pedestrian gates to be erected shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality and to ensure that the development does not prejudice conditions of amenity and highway safety in accordance with Policy T1 of the Medway Local Plan 2003.

- 3 Prior to the first occupation of the development herein approved, full details of a hard and soft landscape scheme should be submitted to and approved in writing by the Local Planning Authority. The details shall include:
- 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).
  - iii. A timetable for implementation.

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

- 4 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.

- 5 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.

- 6 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.

- 7 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.

- 8 The dwellings herein approved shall not be occupied until the area shown on the submitted layout as vehicle parking space and Cartlidge 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.

- 9 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 in relation to that cart lodge, 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 parking spaces within the cart lodge 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**

The proposal seeks to amend the previously approved scheme to allow for loft floors within all dwellings other than unit 6 together with the installation of a vehicular and pedestrian access gate at the entrance of the site.

The proposed alterations would result in 3 x 5 Bedroom, 2 x 4 Bedroom and 3 x 3 Bedroom properties.

The proposed loft floors would be served by rooflights to the front of the approved dwellings.

The proposed vehicular gate would be located at the entrance of the site set back approximately 6m from Bradley Road and would comprise of a 1m metal fin gate together with a 1.8m pedestrian gate.

### **Relevant Planning History**

MC/22/2915	Construction of eight new residential dwellings with associated hard and soft landscaping - demolition of existing buildings. Decision: Approval with Conditions Decided: 1 September 2023
MC/24/2198	Details pursuant to condition 7 (Cycle Storage) and 9 (Refuse Storage) on planning permission MC/22/2915 for construction of eight new residential dwellings with associated hard and soft landscaping - demolition of existing building. Decision: Discharged Decided: 11 December 2024

MC/24/2199	<p>Details pursuant to condition 8 (EV Charging Points) on planning permission MC/22/2915 for construction of eight new residential dwellings with associated hard and soft landscaping - demolition of existing building.</p> <p>Decision: Discharged</p> <p>Decided: 11 December 2024</p>
MC/24/2204	<p>Details pursuant to condition 12 (Boundary Treatments) on planning permission MC/22/2915 for construction of eight new residential dwellings with associated hard and soft landscaping - demolition of existing building.</p> <p>Decision: Discharged</p> <p>Decided: 11 December 2024</p>
MC/24/2287	<p>Details pursuant to condition 4 (CEMP) on planning permission MC/22/2915 - Construction of eight new residential dwellings with associated hard and soft landscaping - demolition of existing</p> <p>Decision: Discharged</p> <p>Decided: 19 December 2024</p>
MC/24/2288	<p>Details pursuant to condition 18 ( tree protection measures) on planning permission MC/22/2915 - Construction of eight new residential dwellings with associated hard and soft landscaping - demolition of existing buildings.</p> <p>Decision: Discharged</p> <p>Decided: 31 December 2024</p>
MC/24/2289	<p>Details pursuant to condition 24 (investigation and risk assessment) on planning permission MC/22/2915 - Construction of eight new residential dwellings with associated hard and soft landscaping - demolition of existing buildings.</p> <p>Decision: Discharged</p> <p>Decided: 19 December 2024</p>
MC/24/2482	<p>Details pursuant to conditions 15 (CSWMP) and 16 (Sustainable Drainage) on planning permission MC/22/2915 for Construction of eight new residential dwellings with associated hard and soft landscaping - demolition of existing buildings.</p> <p>Decision: Discharged</p> <p>Decided: 28 January 2025</p>
MC/25/0623	<p>Details pursuant to condition 3 (materials) on planning permission MC/22/2915 for construction of eight new residential dwellings with associated hard</p>

	<p>and soft landscaping - demolition of existing buildings.</p> <p>Decision: Discharged</p> <p>Decided: 9 May 2025</p>
MC/25/0667	<p>Details pursuant to condition 6 (Ecological Enhancements) of planning permission MC/22/2915 - Construction of eight new residential dwellings with associated hard and soft landscaping - demolition of existing buildings.</p> <p>Decision: Discharged</p> <p>Decided: 14 May 2025</p>
MC/25/1740	<p>Details pursuant to condition 5 (External Lighting) on planning permission MC/22/2915 - construction of eight new residential dwellings with associated hard and soft landscaping - demolition of existing buildings.</p> <p>Decision: Discharged</p> <p>Decided: 20 October 2025</p>
MC/25/1781	<p>Application for non-material amendment to planning permission MC/22/2915 for the addition of 3 rooflights (1 to the front and 2 to the rear) to the roof of the 2-bed unit (Units 7 and 8); door replacement with a window at the ground floor rear, and addition of 3 rooflights (1 to the front and 2 to the rear) to the roof of the 3 bed unit (Units 3 and 4), Unit 6 is proposed to have one door replaced with window only. First floor side elevation window (serving stairs) removal and addition of 5 rooflights (1 to the front and 4 to the rear) to the roof of the 4 bed units (units 1, 2 and 5).</p> <p>Decision: Approval with Conditions</p> <p>Decided: 6 October 2025</p>

## Representations

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

**6 Representations** have been received raising the following objections:

- Construction is already causing impact on amenity.
- Loft rooms will unacceptably increase number of residents on site and, therefore, cars.
- Parking is a problem in the area and 2 spaces per dwelling is not enough for properties of this size.
- Dwellings are too big for the site.

- Entrance gates will cause segregation and stop new residents from integrating into the existing community.
- Gates will cause noise disturbance through constant opening and closing.
- A 3<sup>rd</sup> floor is unacceptable overdevelopment.
- Excessive scale and height out of character with surrounding area contrary to Policy BNE1.
- Increased height and roof windows will cause overlooking and block daylight and sunlight contrary to Policy BNE2.
- Additional occupancy will unacceptably increase traffic on an unsuitable road contrary to policies T1 and T13.

**The Environment Agency** have no comments on the application.

**Kent Downs National Landscape** has written to advise that they will not be commenting on minor applications such as this but draw attention to the new statutory duty to seek to further the purpose of conserving and enhancing the natural beauty of the Kent Downs National Landscape.

**Southern Water** have no objections.

**Dickens Country Protection Society** has written to advise that the proposal is reasonable in design terms but could result in demands for dormer windows which would cause overlooking. The scheme relies on tandem parking and there is not enough car parking provided to serve the dwellings as proposed to be extended.

**KCC Ecology Officer** advises that the proposed variation raises no new issues that were not addressed in the original application.

## **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 2023 (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 mainly considered with regard to the adopted policies and guidance in the NPPF.

## **Planning Appraisal**

### *Principle*

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.

The principle of development has been established through the granting of the original application under reference MC/22/2915 which allowed for the construction of eight dwellings which was 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.

While the recent NPPF amendment brings a duty to conserve or enhance the intrinsic beauty of the National Landscape, this was a consideration in the determination of the earlier application.

No objections are, therefore, raised in principle.

### *Design*

Paragraphs 131 and 135 of the NPPF emphasise the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

The letters of representation received raise concerns over the gates causing segregation of the development resulting in a secluded private estate that does not encourage community cohesion.

Permitted development rights for the erection of fences and gates were not removed on the original application and, therefore, such gates and enclosures could be provided in the future post occupation. On that basis the concept of development would be considered acceptable.

The height of the proposed vehicular and pedestrian enclosures is acceptable, but the materiality of the gate would negatively impact on the setting of the national landscape. Accordingly, a condition is recommended to secure amended details of design.

Subject to the aforementioned condition, the proposal is considered to comply with Policy BNE1 of the Local Plan 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 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.

The alterations to the floors, would allow for additional bedrooms within the roof slope. The additional bedrooms will be served by the rooflights approved on reference MC/25/1781. The rooflights are within a position that would provide adequate outlook and light to serve the bedrooms. The proposed bedrooms would provide adequate internal floor area in accordance with technical standards.

In regard to neighbouring amenity, it is not considered the rooflights would result in overlooking above and beyond that of the approved dwellings. It is not considered that the addition of 1 bedroom within the roof space for the various properties would result in such an increase in comings and goings to cause unacceptable harm to neighbouring amenity.

Therefore, it is considered that the proposed changes are acceptable in amenity terms in accordance with Policy BNE2 of the Local Plan and paragraph 135f of the National Planning Policy Framework 2024.

### *Highways*

Policies T1, T2 and T13 of the Local Plan relate to the impact of development on highways safety, access and the provision of vehicle parking spaces. Paragraph 116 of the NPPF outlines that development should be 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; and paragraph 117 of the NPPF relates to sustainable transport.

The approved scheme facilitates two car parking spaces for each dwelling together with two visitor parking spaces. The Medway Interim Parking Standards state that a dwelling comprising of 3 bedrooms must provide 2 car parking spaces. While the proposal increases the size of the properties resulting in the provision of 3 x 5 bed properties and 2 x 4 beds in addition to 3 x 3 beds it is not considered that the proposal would result in the need for additional off-street parking provisions.

The proposed gate is set back 6m from Bradley Road to ensure cars awaiting entry to the site would not disrupt passing traffic within Bradley Road which is considered acceptable.

As mentioned within the design section of this report, the details of the gate are to be secured by planning condition, this condition will also specify the intended opening mechanism of the gate to ensure this does not impede the 6m area where the cars awaiting entry would be.

Subject to the above condition it is not considered the proposed alterations would result in harm to highways safety or the highways network in accordance with Policies T1 and T13 of the Medway Local Plan and paragraph 116 of the National Planning Policy Framework 2024.

### *Other Matters – Reimposed Conditions*

The Planning Practice Guidance is clear that decision notices for planning permission under section 73 should reimpose the relevant conditions from the original planning permission, unless they have already been discharged.

Therefore, outstanding conditions, compliance conditions and conditions relating to the restriction of permitted development rights will be reimposed on this application.

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

The proposal does not impact on the acceptability of the principle of the development, while the details are acceptable in design, amenity, car parking and other highway considerations. The variation complies with the objectives of the Medway Local Plan 2003, in particular Policies BNE1, BNE2 T1 and T13 and paragraphs 116, 131, 135 of the NPPF 2024 and is 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.

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### **FBackground 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/>