

MC/26/1417

Date Received: 27 July 2026
Location: 3 James Street, Rochester, Medway ME1 2BY
Proposal: Change of use from 6-bedroomed person HMO to 7-person 6-bedroom house in multiple occupation (HMO) (Sui Generis).
Applicant Geraint CWHG Ltd

Agent Mr Jasdeep Jassal
PB Planning Consultancy LTD

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Ward: Rochester East & Warren Wood
Case Officer: Amy Shardlow
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 21 October 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 27 July 2026:

- 01 Site Location Plan
- 08B Proposed Ground Floor Plan
- 09A Proposed First Floor Plan
- 10B Proposed Second Floor Plan
- 11A Proposed Roof Plan
- 12A Proposed Elevations
- 13A Proposed Section AA

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

- 3 The house of multiple occupation hereby approved shall be occupied by a maximum of seven people.

Reason: To regulate and control the amount of occupants of the property in the interests of the amenities of neighbouring properties and of occupants of the site itself which has limited communal facilities, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 Prior to the first occupation as a 6-bedroom Sui Generis house in multiple occupation for 7 persons as hereby approved details of a refuse management strategy for the HMO, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. The HMO shall not be occupied until the approved refuse management strategy arrangements 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.

- 5 Prior to first use of the property as a 7-person Sui Generis HMO, details of the cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be implemented in accordance with the approved details prior to first occupation of the property as an HMO and shall thereafter be retained.

Reason: In the interests of sustainability with regard to Policy T4 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 is for the change of use of the property from a House in Multiple Occupation (Use Class C4) to a 6-bedroom, 7-person House in Multiple Occupation (HMO) (Sui Generis).

The works required to facilitate the lawful use of the property as a Class C4 HMO have are being undertaken. As such, no external alterations or operational development are proposed as part of this application. The proposal seeks solely to increase the occupancy of the property from six to seven residents, whilst retaining the existing six-

bedroom layout. The proposal would, therefore, result in the property operating as a 7-person Sui Generis HMO.

The proposed layout is as follows:

Ground Floor – Lounge/Dining Room (8.5m²), Bedroom 1 (Single Occupancy, 9m²) with ensuite (2.6m²), Kitchen/Living Room (19.6m²), and externally there is a rear garden;

First Floor – Bedroom 2 (Single Occupancy 11.1m²) and Ensuite (2.1m²), Bedroom 3 (Single Occupancy 7.5m²) and ensuite (2.1m²), Bedroom 4 (Single Occupancy 7.9m²) and ensuite (2.1m²);

Second Floor - Bedroom 5 (Double Occupancy 14.2m²) and ensuite (2.2m²) and Bedroom 6 (Single Occupancy 8.5m²) and ensuite (1.9m²).

Relevant Planning History

MC/25/2315 Neighbourhood consultation application for the construction of a single storey extension to rear.

The details submitted are as follows:

The extension will extend beyond the rear wall of the original dwelling by 4.50m;

The maximum height of the proposed extension from the natural ground level is 3.1m;

The height at eaves level of the proposed extension measured from the natural ground level is 2.98m.

Approved
29.12.2025

MC/25/2542 Application for a Lawful Development Certificate (Proposed) for the change of use from C3 dwellinghouse to C4 (HMO for 6 people);
Construction of an L-shaped dormer to the rear roof slope
Approval 23.02.2026

Representations

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

Ten letters of objections from **Nine Households** have been received on the following grounds:

- Concerns regarding parking pressures that already exist in the street will be exasperated by the proposed HMOs;
- Concerns regarding the ability for emergency service vehicles being able to access the road safely with any increase in car numbers;
- There has been a comment received regarding the number of applications of HMOs from the applicant;
- The property was once a 2-bedroom dwelling prior to the approved and undertaken works at the site and was not a large dwelling;
- Safety concerns and increase in antisocial behaviour;
- Out of keeping with the character of the area;
- Increased noise activity associated with the use;
- Concerns regarding the impact on drainage systems and water pressure

Kent Police commented on the application requesting they are consulted as Designing out Crime Officers (DOCO's) to address Crime Prevention Through Environmental Design (CPTED) and incorporate Secured by Design (SBD) as appropriate.

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 2026 (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 submitted to the Inspectorate for examination. The policies within this version of the emerging plan have weight in the determination of planning (and associated) applications.

Planning Appraisal

Background

The property benefits from a Lawful Development Certificate (LDC) (under application MC/25/2542) for the change of use from a dwellinghouse (Use Class C3) to a six-bedroom House in Multiple Occupation (Use Class C4) together with a L Shape Dormer. The property also benefits from approval under the Large Homes Scheme for a substantial single-storey rear extension (reference MC/25/2315).

The site is located outside the seven wards covered by Article 4 Directions. Consequently, the change of use from Class C3 to a 6-person Class C4 HMO was lawful and together with the approved extension, has been implemented.

This application, therefore, seeks planning permission for the use of the property as a 7-person House in Multiple Occupation (Sui Generis). The proposal would increase occupancy from six to seven residents while retaining the six bedrooms as approved and constructed, by enabling the largest bedroom to be used by 2 persons.

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 application seeks permission for the use of the property as a 7-person House in Multiple Occupation (Sui Generis). The property already operates as a lawful six-person HMO (Use Class C4) and no physical alterations are proposed as part of this application. The key consideration is, therefore, whether the increase in occupancy from six to seven persons is acceptable in principle having regard to Policies H7 and BNE2 of the Medway Local Plan 2003 and Policy T8 of the emerging Local Plan.

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.

Policy H7 pre-dates the introduction of Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015; where the change of use from a Class C3 dwellinghouse to a Class C4 small HMO was established as permitted development irrespective of location. In this respect, Class L of the GDPO effectively represented a shift in national policy thinking and a recognition that small HMOs were a legitimate and mainstream form of accommodation.

The application site is located within the urban area of Rochester and is within walking distance of Rochester High Street, Rochester Railway Station and a range of local services and facilities. The site is, therefore, situated in a sustainable location with good access to public transport, employment opportunities, shops and services.

Whilst the wider area contains a variety of uses, including some commercial premises, commercial units, flats and HMOs, the immediate character of the area is predominantly residential, the property already operates lawfully as a 6-person HMO and the proposal

seeks only to increase occupancy by one person. Furthermore, significant weight is afforded to the site's sustainable location and the NPPF objective of supporting a range of housing types to meet differing accommodation needs.

The property has an internal floor area of approximately 129sqm. Whilst Policy H7 does not define what constitutes a dwelling that is "too large" for single household occupation, the supporting text elsewhere within the Local Plan indicates that dwellings of less than 120sqm in predominantly residential areas should generally be retained for family occupation. The property exceeds this threshold and is, therefore, of a size that is capable of accommodating a larger household without undermining the Council's housing objectives.

Policy T8 of the emerging Local Plan, the Council seeks to avoid detrimental clusters of HMOs and to ensure that they provide a suitable quality of accommodation. Where planning applications for HMOs are not already covered by permitted development rights, they will be favourably considered where they:

- Do not adversely affect the character and amenity of the area;
- Do not contribute to an over concentration of HMOs in a particular area;
- Do not lead to the loss of suitable units for family accommodation, particularly in areas noted as already containing multiple HMOs;
- Do not contribute to the generation of excessive parking demands or traffic in an area;
- Provide a suitable level of amenity for future occupiers with rooms complying with national described space standards and communal space of at least one reception room and kitchen or equivalent space;
- Make appropriate provision for the storage of waste and cycles;
- Do not adversely affect health and well being of residents – new and existing.

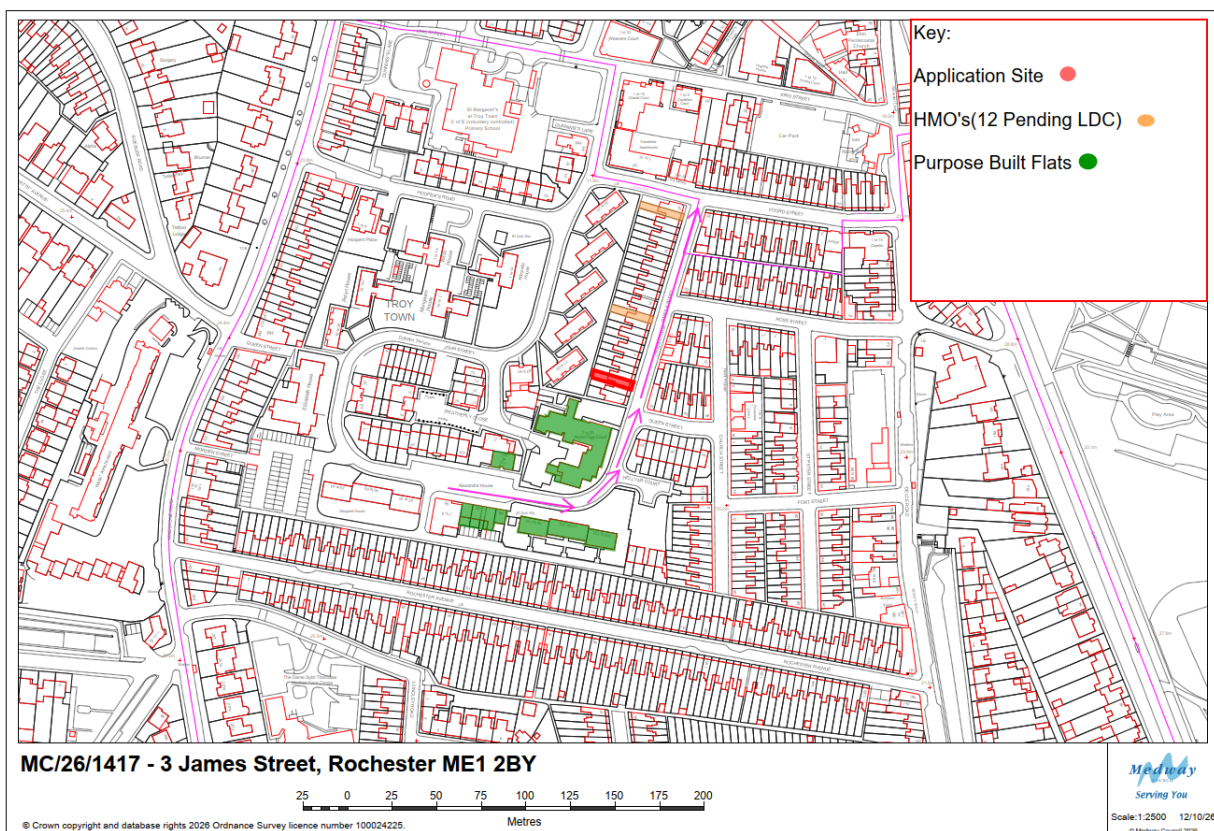
The policy acknowledges that HMOs have a role to play in sustainable and inclusive communities providing accommodation for single people on low incomes and can also be accommodation of choice for young professionals moving to an area. The supporting text does though acknowledge harm where there are high concentrations of HMOs and/or poor management of properties.

In this case, there are a limited number of licensed HMOs within 200m of the site and a relatively small number of converted flat properties within the surrounding area. It is, therefore, considered that the proposal would not result in a harmful concentration of HMOs nor materially alter the residential character of the locality. The proposal would also retain the existing six-bedroom layout.

The table below shows research undertaken by officers from on-site observations, professional judgement, and a desktop study of the surrounding land-uses along the length of the road. James Street is less than 200m in length as such part of John Street and Queen Street were assessed to ensure the 200m length is viewed.

There were no care homes or hostels identified but 2 HMOs were identified. There are a number of flats in the area (set out below).

Observations	HMO's	Flats
Public Access	12 James Street – Pending LDC.	80 and 80A John Street 82 and 82A John Street 84 and 84A John Street 86 and 86A John Street
Site visits, CTAX and HMO register	26 James Street Application site – 3 James Street.	Heygate House (7) 112 – 126 Marina House 96-110 Marina House
Total properties surveyed	67	
Total HMO's	1 Confirmed, 1 Pending and the Application Site.	
Expressed as a %	4.48% including the site as it can operate a 6-person HMO.	



It is noted that an objection has stated that 2 James Street operates as an HMO. However, following a site visit and a review of the available public records, no evidence has been identified to demonstrate that the property is currently operating as an HMO.

Having regard to the above, it is not considered that the proposal would contribute to a harmful concentration or clustering of HMOs, nor would it adversely affect the character of the area. That is notwithstanding that the existing lawful use is as a 6-person HMO.

Accordingly, the principle of intensifying the existing lawful Class C4 HMO use to a 7-person House in Multiple Occupation (Sui Generis) is considered acceptable and accords with the objectives of Policy H7 of the Medway Local Plan 2003 and Policy T8 of the emerging Local Plan. The acceptability of the proposal is, however, subject to consideration of its impacts on residential amenity, parking and highway conditions, which are assessed below.

Design

Both the NPPF and Local Plan stress and emphasis of good design and achieving high-quality buildings. Policy BNE1 of the Local Plan states that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment by amongst other matters being satisfactory in terms of scale, mass, proportion, details, and materials.

Policy DP3 of the NPPF states that developments should contribute to the overall quality of the area and be sympathetic to local character, including the surrounding built environment and landscape setting.

There are no external alterations included as part of the application and, therefore, the proposal is considered to be acceptable and in accordance with Policy BNE1 of the Local Plan and Policy DP3 of the NPPF.

Residential Amenity

There are two main amenity considerations, firstly the impact of the proposed development 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 Policies DP3 and P3 of the NPPF relates to the protection of these amenities. This is supported by Policies H7 of the Local Plan and T8 of the emerging Plan.

Neighbouring Residential Amenity

The lawful use of the property is as a 6-person HMO. The proposal is for one additional occupant but is not proposing any physical alterations to the building or an increase in the number of bedrooms.

Whilst there may be a modest increase in movements associated with one additional resident, such as arrivals and departures, deliveries and/or visitor trips, these are likely to be spread throughout the day and would not be of a scale that would materially intensify the use of the property beyond that already associated with a lawful 6-person HMO. In addition, the proposal is not to increase the number of bedrooms, but to allow

the largest bedroom to be used for dual occupancy and, therefore, there will be a number of joint movements between occupiers rather than further individual/separate movements.

It is not considered that the proposal to increase the number of residents at the property by one would result in any material harm to the amenities of neighbouring occupiers and the proposal is, therefore, considered to accord with Policies BNE2 and H7 of the Medway Local Plan 2003 and Policy T8 of the emerging Local Plan.

Future Occupants

The proposed bedrooms have been considered against the Technical Housing Standards – Nationally Described Space Standard 2015 with the requirement for the provision of a single bedroom to measure a minimum of 2.15m in width and support a floor area of 7.5m². All of the proposed bedrooms would exceed these requirements and, in some cases, would significantly exceed the space standards set out by the National Planning Policy Guidance (NPPG).

The proposed is to increase Bedroom 5 to a double occupancy within the roof space. In this instance the roof void being height under 1.5m has been indicated on the drawings and the space still provided is 14.2m² excluding the ensuite. This is above the requirements set out within the technical Space Standards. The roof light is set at a height in which sufficient outlook and daylight can be received into the room.

All bedrooms would meet national space standards and would be served with an adequate degree of natural light and afforded suitable outlook. The remaining communal space comprises of a lounge/dining room of 8.5m² and additional 19.6m² communal living room, and externally there is a rear garden. These would be shared amongst a total of seven individuals. The kitchen area is considered suitable as a general functional space for cooking and dining, whilst the living room is considered of a suitable size for the proposed number of residents. The rear garden is also considered to provide further amenity space for residents reducing an overreliance upon the main communal areas or occupant's bedrooms.

In order to ensure that the internal amenity standards of future occupants and neighbour amenity is not compromised, or that the dwelling becomes overly cramped, a condition requiring that the occupancy of the property does not exceed more than a total of seven residents at any one time is recommended.

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 P3 of the NPPF.

Highways and Parking

Policy T1 of the Local Plan relates to the impact on 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 TR6 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 TR6 of the NPPF states that development should only be refused on highways grounds if there is an unacceptable impact on highways safety.

While it is acknowledged that the application site is unable to meet its parking requirements through off-street provision, this reflects the previous and existing situations, as the property has never benefitted from off street parking either as a single family or small-scale HMO. Furthermore, the Medway Residential Parking Standards recognise that a reduced level of parking provision may be acceptable where a development is located within an urban area with good access to sustainable transport options and day-to-day facilities within easy walking distance.

In this regard, the property is situated within the urban area of Rochester, within walking distance of a wide range of services and facilities, including shops, schools, open space, public transport links and Rochester High Street. As such, the site occupies a sustainable location and is considered to accord with the circumstances in which reduced parking provision may be accepted and the nature of the HMO occupancy more typically presents itself to occupants who do not own cars.

Whilst it is acknowledged that on-street parking demand exists within the surrounding area, the property already benefits from a lawful use as a 6-person HMO. The proposal would, therefore, result in only one additional occupant above the existing lawful occupancy. In the absence of any evidence to suggest that this additional occupier would give rise to a significant increase in parking demand, it is not considered that the proposal would have a detrimental impact on parking conditions or highway safety within the locality. It is also noted that parking restrictions are not in place within the surrounding streets.

Notwithstanding the above, in order to promote sustainable modes of travel and reduce reliance on the private car, conditions are recommended requiring the provision of secure cycle storage within the rear garden for the benefit of future occupiers.

Refuse is demonstrated within the proposed plans to the front of the property and the design and access statement outlines that “the proposed plans show wheelie bins located behind the front wall in order for residents to store the sacks and then remove them to place on the pavement for collection day. These bins will be readily accessible from inside and outside of the property as it will be possible to open the bins from the pavement.” As such it would be expected that residents will be able to easily remove the

bins from the wheelie bins and place these to the front of the property on collection day as per what the existing arrangement would be as a 6-bedroom HMO which can lawfully be implemented.

Consequently, in light of the above and 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 and TR6 of the NPPF.

Biodiversity Net Gain

Sites are now subject to Biodiversity Net Gain (BNG) requirements to meet a 10% gain in biodiversity subject to some exemptions. In this instance, as the application is for an increase in occupation only, the application does not meet the requirement for BNG and, therefore, no objection is raised to this with regard to Policy N2 of the NPPF.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £350.16 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/>.

There is no increase in bedrooms above that was approved under the LDC and, therefore, no bird mitigation payment is required in this instance. No objection is, therefore, raised under Policies S6 and BNE35 of the Local Medway 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.

Conclusions and Reasons for Approval

The property can lawfully be occupied as a C4 small scale HMO for 6 people. The proposal is only to increase the number of occupiers from 6 to 7 and there are no internal or external alterations proposed. 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 Policies PM1, DP3, P3 and TR6 of the NPPF, Policies BNE1, BNE2, BNE35, H7, S1, 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 for Committee determination at the request of Cllr Murray.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>.