

MC/25/1595

Date Received: 5 August 2025
Location: 31 Stafford Street, Gillingham, Medway ME7 5EN
Proposal: Change of use from Class (C4) HMO to *sui-generis* 7 bed HMO.
Applicant Green Olive Developments
Mr Jak Kyprl
Agent LH Architectural
Mr Lewis Harding 69 Highgrove Road
Princes Park
Chatham
ME5 7SF
Ward: Gillingham South
Case Officer: Sam Pilbeam
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 the 17 December 2025.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 5 August 2025:

LHA23/25-202 - Proposed Site Plan
LHA23/25-203 - Proposed Floor Plans
LHA23/25-204 - Proposed Floor Plans
LHA23/25-205 - Proposed Elevations
LHA23/25-206 - Proposed Sections
LHA23/25-207 - Proposed Roof Plans
LHA23/25-208 - Proposed Cycle Storage

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

- 3 All materials used externally shall match those of the existing building.

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 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.

- 5 Prior to the first occupation of the property as a seven bedroom Sui Generis HMO the cycle facilities as shown on approved drawings LHA23/25-208 and LHA23/25-202 shall be implemented in accordance with these details and thereafter retained.

Reason: In the interests of sustainability with regard to Policy T4 and BNE2 of the Medway Local Plan 2003.

- 6 Prior to the first occupation of the property as a seven bedroom Sui Generis HMO the refuse facilities as shown on approved drawing LHA23/25-202 shall be implemented in accordance with these details and thereafter retained.

Reason: In the interests of sustainability and to encourage cycle use with regard to Policy T4 of the Medway Local Plan 2003.

- 7 Prior to first use of the property as a Sui Generis seven bedroom HMO herein approved, a Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how the parking is to be managed for residents and their visitors, including the restriction of resident parking permits to a maximum of one per household. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation as a Sui Generis HMO and shall thereafter be retained.

Reason: In the interests of sustainability and residential amenity in accordance with Policy T13 and BNE2 of the Medway Local plan 2003.

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 conversion of the existing, Use Class C3, property into a seven-bedroom Sui Generis Use houses of multiple occupation (HMO).

The proposal consists of numerous external alterations, including the demolition of the existing conservatory at ground-floor level and construction of a single storey

rear extension to the existing outrigger, along with a single storey infill extension between the existing rear return and adjacent boundary; extension of the existing first-floor rear projection; and construction of a flat-roof box dormer.

Internally, the proposal would comprise of a kitchen/dining room at lower-ground floor; three ensuite bedrooms and a communal space at ground-floor; three ensuite bedrooms at first floor; and an ensuite bedroom within the roof space. The property is also afforded a 10m deep rear garden and utility room contained within the garden.

Relevant Planning History

MC/25/1235

Application for a Lawful Development Certificate (proposed) change of use from class (C3) single dwelling house to Class (C4) up to 6 bed HMO. Construction of a dormer to rear to facilitate living accommodation within the roof space. Construction of a single storey extension rear/ side.
Decision: Approval
Decided: 12 August 2025

Representations

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

Two letters of objection were received on the following grounds:

- Works have started.
- Concerns with building works and boundary issues.
- Incorrect plans with details missing.
- Impact on solar panels.
- Concerns the property will be used as a nine-bedroom HMO.
- Loss of privacy.
- Loss of light and outlook.
- Out of character extension.
- Increased issues with flooding and drainage.

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

Cllr Louella Prenter objects to the application on the following grounds:

- Overdevelopment.
- Loss of outdoor amenity space.
- Impacts upon adjoining neighbour including a loss of light and appearing overbearing.
- Unsustainable.

- Existing parking issues within the site.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2024 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

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

Such a direction supported by the NPPF is also echoed by Policy S1 of the Local Plan: promoting the best use of development opportunities within urban areas and the re-development and investment within said locations, in particular underused areas in Gillingham.

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.

The immediate locality is predominantly formed of single households, albeit it is recognised the site is located in close proximity to Gillingham High Street and there are some sporadic alternative uses such as small HMOs, subdivided flats, and local shops within the area.

While it is recognised that there are mixed-use elements within the vicinity the immediate location of the site would not be characterised as 'predominantly mixed-use or commercial character'.

Notwithstanding that, as of the 4th April 2015 and outstanding the effects of The Town and Country Planning (General Permitted Development) (England) Order 2015: Schedule 2, Part 3, Class L, dwellinghouses – falling under Use Class C3 – are permitted to be converted into small HMOs for up to six people or less.

The principle of the conversion of the property to an HMO is accepted by virtue of the above permitted development order and, therefore, criteria (i) above can have only very limited weight.

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 is a limited number of registered HMOs within 200m of the site and there appears to be a limited number of dwellings subdivided into flats.

Consequently, there is no concern with respect to the potential clustering of such uses, proliferation and the associated detrimental impacts upon adjoining residential amenity.

Whilst Policy H7 doesn't state what is considered too large for single household occupation, elsewhere in the Local Plan it states that "the Council considers that dwellings of less than 120sqm gross floor area in predominantly residential areas should be retained for families and single households." The size of the existing property itself measures over 120sqm internally, therewith potentially allowing for its subdivision without negative impacts upon the amenities of future occupants or resulting in the loss of a dwelling that would more broadly lend itself towards single family dwellings.

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.

Moreover, paragraph 135 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, supported by paragraph 131 which adds that good design is a key aspect of sustainable development.

The application site is located within the urban area of Gillingham, sited approx. 140m due east of the Great Lines Heritage Park, with the property itself being located at the junction between Stafford Street and College Avenue.

The application property is bound on all sides by residential dwellings, generally comprising of two storey terraced dwellings formed of a range of designs and details, including bays to the front, coining, lintels, and a mixed material finishing.

The immediate area as a whole forms a tightly knit urban grain, predominantly in residential use, with more commercial uses at ground-floor level located to the east along Canterbury Street.

The dwelling itself reflects the character of the area, being on a relatively slim plot but proportionally deep, with the main dwelling being afforded a lower-ground floor level and featuring a 'L'-shaped rear return.

The proposed alterations consist of the demolition of the existing conservatory at ground-floor level and construction of a single storey rear extension to the existing outrigger, along with a single storey infill extension between the existing rear return and adjacent boundary; extension of the existing first-floor rear projection; and construction of a flat-roof box dormer.

In terms of the ground-floor alterations, the proposed infill, demolition of the rear conservatory and extension to the existing outrigger are all relatively minimal. The proposed footprint would not appear cramped or contrived, fitting well within the plot and appearing subservient to the original dwelling.

Similarly, the proposed extension to the first floor is again relatively minimal. It would bring the first floor of the existing property to abut that of 29a Stafford Street. The proposed extension would have limited views from public vantage points and where seen in glimpses from College Avenue again would appear subservient to the host dwelling and proportional with its surroundings.

The size and scale of the proposed dormer is identical to that of the approved Lawful Development Certificate under case reference number MC/25/1235.

When assessing the external alterations as a whole, while it is understood that the proposal seeks to increase the overall bulk and massing of the dwelling, nevertheless, the scale and proportions would be in-keeping with the original property, remaining subservient to the host property. Similarly, the design, in conjunction with the proposed materials would again be in-keeping with the character of the Street scene.

No objections are, therefore, raised in relation to Policy BNE1 of the Local Plan and paragraph 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.

In addition to this, as discussed within the 'Principle' section of this report, due to the application seeking the conversion of the existing Use Class C3 dwellinghouse into a six person HMO in Use Class C4 Use Policy H7 of the Local Plan and T8 of the emerging Plan are relevant.

Neighbouring Residential Amenity

The proposed external alterations consist of the demolition of the existing conservatory at ground-floor level and construction of a single storey rear extension to the existing outrigger, along with a single storey infill extension between the existing rear return and adjacent boundary; extension of the existing first-floor rear projection; and construction of a flat-roof box dormer.

By virtue of the properties sitting, relative to the orientation of the sun and adjacent dwellings it is not considered that these alterations would result in a loss of loss of outlook, sunlight; or encroach onto adjoining residential habitable spaces.

The proposed rear extension would abut the existing projection of 29a Stafford Street and, therefore, would not appear overbearing from within the rear garden; nor would it detract from the levels of light received within either the habitable rooms or rear garden; or impact the outlook from that property.

The rear dormer would provide views into rear neighbouring gardens but no more than exist by virtue of the existing first floor windows or already exist from other neighbouring 2 storey properties.

The proposal seeks to convert the property into a seven-bedroom HMO. As such, there is a potential for increased comings and goings and likelihood of noise and disturbance. However, as outlined in the principal section of this report, the applicants permitted development rights grant them the ability to convert the dwelling into an HMO without the need for planning permission. Consequently, affording a clearly demonstrable fallback position. A fallback position in this case that the applicant has secured via a Lawful Development Certificate under case reference number MC/25/1235.

The existing property is relatively large supporting three double bedrooms, that when assessed against the NPPG standards could be occupied by a total of six adults with consequent comings and goings.

When considering the proposal seeks to increase the number of occupants by a further resident and the limited number of HMOs within 200m of the site, it is not considered that such a limited increase in occupants would cause such a demonstrable increased harm through disturbance to justify a refusal of planning consent. Such a view is substantiated by recent appeal decisions against similar HMOs elsewhere in the borough.

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 NPPG.

All bedrooms would be served with an adequate degree of natural light and afforded suitable outlook.

The remaining communal space comprises of an 18.4m² kitchen, dining area within the lower-ground floor, and a small 9m² communal area on the ground-floor, which would be shared amongst a total of seven individuals. The kitchen area is depicted as a general functional space for cooking and washing of clothes, with a table for dining space and general leisure and supporting communal area on the ground floor. There is also a utility room within the garden area.

Moreover, the oversized bedrooms, relative to the requirements set out by the NPPG standards, grant occupants private leisure space and secure sufficient room for household recreation including the installation of a television, and desk for a computer, reading and the alike. Reducing an overreliance upon the main communal area for these daily activities.

In order to ensure that the internal amenity standards of future occupants are not compromised, or that the dwelling becomes overly camped, 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 135(f) 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 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.

While it is understood that the application site would not be able to meet its parking need off-street, nor does the current use as a single occupancy dwellinghouse. Likewise, the Medway Residential Parking Standards state: "Reductions of the standard will be considered if the development is within an urban area that has good links to sustainable transport and where day-to-day facilities are within easy walking distance". Given the property falls within the urban area of Gillingham, with amenities such as shops, green space, public transport links and schools/colleges within approx. 10 – 15-minute walking distance, and close proximity of Gillingham High Street, the site is considered to meet these parameters.

While it is acknowledged that there are some existing pressures on car parking within the area, this is mitigated through the requirement of parking permits while the site is in a highly sustainable location and the nature of the HMO occupancy more typically presents itself to occupants who do not own cars.

Notwithstanding the above, in order to encourage the likelihood of future occupants to choose alternative modes of transport to the private car, two conditions are recommended to require cycle storage within the rear garden; and a car parking management plan detailing how future occupants of the HMO will be deterred from obtaining a parking permit.

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 or paragraphs 115 and 116 of the NPPF.

Biodiversity Net Gain

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 submitted a SAMMS Mitigation Contribution Agreement and payment and, therefore, no objection is, therefore, raised under Policies S6 and BNE35 of the Local Plan and paragraphs 194 and 195 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.

Deferral Update

This application was taken to the Planning Committee held on the 22 October 2025, however, was deferred by members on the basis there was insufficient evidence and information insofar as to allow the Committee to determine the existing intensity of HMOs within a 500-metre radius of the application site and therewith: ascertain an informed view on the potential for the proliferation of HMO uses and likely resultant cumulative harm in allowing further HMOs within the locality.

Since the meeting, the Council have commissioned further investigations in the form of a Review and Evidence Paper (produced by DHA, November 2025) tracking existing HMOs across each Ward in Medway; formulating a predictive model identifying unlicensed HMOs; and analysis of the potential cumulative impacts of HMOs.

The pursuant case falls within the threshold of Gillingham South Ward. The supporting report evidences that of a total of 7163 dwellings within the Ward, 205 comprise of HMOs; or when expressed as a percentage, the total number of HMOs in Gillingham South equates to 2.8% of the housing stock.

On a broad level, looking at the impacts of the proposed HMO against the proportion of HMOs within the Ward: it is not viewed that the proposed change of use would result in an unacceptable increase against the overall intensity of HMOs within Gillingham South. In particular when considering the applicant's existing fallback position, which has been exercised and secured via case reference number MC/25/1235 and as such would not increase the number of HMOs in the Ward.

Rather, when assessing the existing balance of HMOs within the Ward and taking into accounts the Ward's urban central location; connectivity to a range of amenities and services; opportunities for work and higher education; alongside wider public services, the existing quantum of HMOs would appear proportionate.

Notwithstanding, at a local level, it is understood that there are clusters of HMOs within the immediate area including to the northeast along Paget Street and Canterbury Road and located to the southwest along Marlborough Road. However, along Stafford Street itself there is only one other reported HMO and limited numbers of HMOs within College Avenue, Vicarage Road and Regent Street to the south. Equating to a total of 58 HMOs within a 500-metre radius of the application site.

Against this backdrop, it is not viewed that the generally anticipated localised impacts against surrounding residents would be further eroded by the proposed change of use. Again, this view is taken with particular regard to the applicants demonstrable fallback position, allowing them to convert the property into a six-bedroom HMO without planning permission; the proposed seven-bedroom unit is not

considered to result in levels of anti-social activities or frequency of comings and goings that would likely exceed that of the applicants permitted development rights.

Other residential impacts, including refuse storage and pressures upon on-street parking will be alleviated by appropriately worded planning conditions ensuring mitigation measures are implemented accordingly and prior to first occupation.

Conclusions and Reasons for Recommendation for Approval

The property can be converted to a small-scale HMO comprising up to 6 occupants without the need for any planning permission. 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. While car parking is an issue in the area, due to the general character of occupiers of HMO's not having cars, the sustainable location of the property and the recommended conditions it is considered that pressure on car parking will be limited and acceptable.

The proposal complies with the provisions set out in paragraphs 11, 60, 115, 116, 131, 135, 135(f), 194 and 195 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 to Planning Committee at the request of Cllr Louwella Prenter.

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/>