

MC/26/0274

Date Received: 16 Febuary 2026
Location: 3 St Georges Road, Gillingham, Medway ME7 1JG
Proposal: Change of use from Class (C3) single dwellinghouse to a 6 person Class (C4) HMO. Erection of L Shaped Dormer decision pending under MC/26/0069.
Applicant Kennedy Pears Group Ltd
Mr Angus Kennedy
Agent LH Architectural
Mr Lewis Harding 69 Highgrove Road
Princes Park
Chatham
ME5 7SF
Ward: Gillingham North
Case Officer: Arron Nicholls
Contact Number: 01634 333184

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on the 6 May 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 16 February 2026:
LHA (03-26)-101 - Proposed Site Plan
LHA (03-26)-004 - Proposed Roof Plans
LHA (03-26)-901- Proposed Cycle Storage

Received 25 March 2026:
LHA (03-26)-102 - Proposed Floor Plans
LHA (03-26)-103 - Proposed Elevations
LHA (03-26)-104 - Proposed Sections

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 six 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 six bedroom Sui Generis HMO the cycle facilities as shown on approved drawings LHA (03-26) -901 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.

- 6 Prior to the first occupation of the property as a six bedroom Sui Generis HMO the refuse facilities as shown on approved drawing LHA (03-26) -101 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.

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 House to a use class C4 small Houses of multiple occupation (HMO) for 6 people.

The accommodation would provide the following:

Basement Floor – basement;

Ground Floor - 1 bedroom with ensuite, W.C, communal kitchen and separate living room;

First Floor - 2 bedrooms with ensuites and 1 bedroom;

Second Floor – 1 bedroom with ensuite, 1 bedroom and a separate shower room;

Externally there is a communal garden area with refuse and cycle parking.

Relevant Planning History

MC/26/0069

Application for a Lawful Development Certificate (Proposed) for change of use from dwelling house (Use Class C3) to House of Multiple Occupations (Use Class C4); Construction of an L-shaped dormer and roof lights to the loft.

Decision: Approval

Decided: 24 February 2026

Representations

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

One letter of objection has been received on the following grounds:

- Impact on neighbouring amenities;
- Impact on vehicular parking.

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.

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 December 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 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 application site lies within the urban area of Gillingham in a predominately residential area and falls within one of the Wards covered by the recent Article 4 Direction which came into effect on 22 January 2026. The Direction effects the following Wards: Chatham Central and Brompton, Fort Pitt, Gillingham North, Gillingham South, Luton, Strood North and Frindsbury and Watling.

The Article 4 direction for those wards removes the permitted development rights to convert a C3 dwelling house to a C4 small house in multiple occupation. It does not make the conversion unacceptable but just brings the change of use into planning control so that the proposed conversion can be assessed against Development Plan policies and the NPPF.

A Lawful Development Certificate for the proposed change of use from C3 to C4 (up to 6 persons), together with the construction of an 'L' shaped dormer to rear with 2 roof lights to front, was granted permission under (MC/26/0069) on 24 February 2026. The application was submitted prior to the Article 4 direction coming into effect and the proposal was, therefore, lawful at the time of the application. However, the decision to grant the LDC was after the Article 4 direction (22 January 2026) came into effect and as a result the Lawful Development Certificate could not be

implemented. Therefore, a full application has been made for the change of use from C3 to C4 HMO use.

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 61 of the NPPF seeks to boost the supply of housing by bringing forward a variety of land to meet specific housing requirements.

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.

Most suitable locations, according to paragraph 5.5.28 of the Local Plan, are likely to be within or on the fringes of town centres or on main roads where there is a mix of land use and unlikely to be suited to family occupation.

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 within the area. While it is recognised that there are mixed-use elements within the wider vicinity the immediate location of the site would not be characterised as 'predominantly mixed-use or commercial character'. The property is not considered to be of too larger size to reasonably expect its occupation by a single household.

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 (six) 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. In view of the above no objection is raised in principle to the conversion of the property to a six bed HMO.

Design

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 and satisfactory in terms of scale, mass, proportion, details, and materials. Paragraphs 131 and 135 of the NPPF emphasises the importance of good design.

The building works forming part of the lawful development certificate have not been undertaken. The works included the insertion of an L shape dormer in the rear roof alongside two roof lights located on the front elevation of the main dwelling house. The only deviation from the previous permitted application is an increase to 1400mm in length and lowering of the proposed roof lights in the front elevation in order to improve outlook for the occupier of the bedroom that they serve, No objection is, therefore, raised in relation to these works.

Taking this into account no objection is, therefore, raised in regards to Policies BNE1 of the Local Plan and paragraph 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.

Neighbouring Residential Amenity

It is not considered that the L shaped dormer, that could be constructed under permitted development as that is not controlled by the Article 4 direction, will have any unacceptable detrimental impact on the amenities of the occupiers of neighbouring properties.

The existing property is relatively large with one double bedroom and two large single bedrooms that when assessed against the NPPG standards could be occupied by a total of four adults with consequent comings and goings. In addition, there are 2 separate living rooms on the ground floor, and one could easily be used as a double bedroom without planning and without impacting detrimentally on the internal amenities for any family. The proposal seeks to convert the property into a six-bedroom HMO. As such, there is a potential for increased comings and goings and likelihood of noise and disturbance. The existing 3-bedroom property could serve at least 4 individuals of adult age and potentially 6 based on 2 in each bedroom or one of the living rooms being used as a bedroom. The proposal for a 6 person HMO would not demonstrably increase the comings and goings to the property from that which could exist as a family dwelling, and a condition could be imposed on any approval limiting the number of occupants to 6.

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 13.8m² kitchen and a 11.8m² communal living room both on the ground-floor, which would be shared amongst a total of six individuals. The kitchen area is considered suitable as a general functional space for cooking and washing of clothes, whilst the living room is considered of a suitable size for the proposed number of residents. There is also a basement room for storage and a rear garden area.

Moreover, the oversized bedrooms, relative to the requirements set out by the NPPG standards, grant occupants the ability to use the bedrooms as a home office and living area which is considered acceptable with the additional communal space on the ground floor.

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 six 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 in such sustainable locations more typically presents itself to occupants who do not own cars.

A Parking Management Plan which details how future occupants of the HMO will be deterred from obtaining a parking permit has been submitted as part of the application, along with the provision of storage facility for six bicycles in the rear garden. Subject to conditions to secure these 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).

In this instance, no onsite habitat is impacted by the proposal and, therefore, no objection is raised to this with regard to paragraph 193 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 £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.

Conclusions and Reasons for Recommendation for Approval

It is considered that 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), 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 for determination by Planning Committee at the request of Cabinet members when they adopted the Article 4 direction.

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/>