

MC/26/0549

Date Received: 18 March 2026
Location: 101 Balmoral Road, Gillingham, Medway ME7 4QG
Proposal: Change of use from a C3 dwelling house to C4 6-bedroom 6 person HMO.
Applicant: Combination properties Ltd
Agent: Mr Jackle Smith
75 Havil Street, London, SE5 7SD
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 1 July 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 20 May 2026:

BLR-A102 - Proposed Floor Plans
BLR-A103 - Existing and Proposed Mixed Plans

Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Prior to first use of the property as a Class C4 six-person HMO, details 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.

- 4 Prior to the first use of the property as a Class C4 six-person HMO, details of the refuse storage arrangements, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. The Use Class C4 HMO shall not be occupied until the approved refuse storage arrangements are in place and all approved storage arrangements shall thereafter be retained.

Reason: To ensure that the development does not prejudice the amenities of future occupants in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 Prior to first use of the property as a Class C4 six-person HMO, 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. 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.

- 6 Prior to the first occupation as a Class C4 six-person HMO, details of a refuse management strategy shall be submitted to and approved in writing by the Local Planning Authority. The HMO herein approved shall not be occupied until the approved refuse management strategy arrangements are in place and all approved storage arrangements shall thereafter be retained.

Reason: To ensure that the development does not prejudice the amenities of future occupants in accordance with Policy BNE2 of the Medway Local Plan 2003.

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

Reason: To regulate and control the number 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.

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 change of use of an existing Class C3 dwelling into a six-bedroom, six-person Class C4 House in Multiple Occupation (HMO).

Internally the proposed HMO would comprise of two ensuite bedrooms, a kitchen and living room on the ground floor; one ensuite bedroom, two bedrooms and a bathroom at first floor; and one ensuite bedroom within the roof-space. No external alterations are proposed.

The property would also benefit from an over 10m deep rear garden.

Relevant Planning History

MC/16/1155	Application for a Lawful Development Certificate (proposed) for construction of a dormer window to rear and installation of roof lights to front to provide additional living accommodation within roof space. Decision: Approval Decided: 17.03.2016
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Representations

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

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 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 falls within Gillingham South, one of the seven Wards that have been covered by an Article 4 Direction restricting the permitted development rights for the change of use from Class C3 (Dwellinghouse) to a Class C4 (Small HMO). This Direction came into effect on the 22 January 2026 and was confirmed on 5 May 2026.

The Article 4 direction for those wards impacted removes the permitted development rights to convert a C3 dwelling house to a C4 small house in multiple occupation via the provisions of Class L of the GDPO.

It does not make the conversion itself unacceptable, purely bringing the change of use into planning control insofar as the proposed conversion can be assessed against the Development Plan and the NPPF.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The NPPF seeks to pursue sustainable development in a positive and proactive manner through paragraph 11, stating that applications should be considered with a presumption in favour of sustainable development, unless policy provides a clear reason for refusal, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Furthermore, paragraph 61 articulates the Government's objective to significantly boost the supply of homes, highlighting the importance of bringing forward a variety of land and housing types to support local housing demand.

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.

This thinking has also been reflected in recent years by Inspectors and Court decisions, finding HMOs to form an important part of housing mix in an area and not intrinsically harmful without any adverse impacts having been clearly and robustly evidenced.

In this respect, the Council's emerging Local Plan, Policy T8 moves away from being led by a location and property driven criteria and 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 the health of residents – new and existing.

Policy T8 focuses on the cumulative effect of HMOs within a given area. In particular, whether a certain concentration or clustering gives rise to demonstrable harm. This density led approach aligns more consistently with the weight of appeal decision-making.

Considering the remaining criteria of Policy H7 of the Local Plan and Policy T8 of the emerging plan, firstly, at a Ward level, the total percentage of HMOs when expressed as a percentage represents 2.8% of the total housing stock. In addition to this, at a more local level along Balmoral Road, the Councils HMO Evidence Paper notes a total of six additional HMOs along this segment of the street.

There are, therefore, a limited number of dispersed HMOs with the locality which would not represent a clustering or overconcentration. A further single HMO along within Balmoral Road would not materially alter this position, nor would it result in a cumulative impact such that the development would alter the character or amenity of the area.

Accordingly, the principle of the proposed change of use from a C3 dwellinghouse into a C4 six-bedroom HMO is considered acceptable.

Design

Both the NPPF and Local Plan stress the 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.

Paragraph 135 of the NPPF confirms that development should contribute to the overall quality of the area, whilst being sympathetic to local character, including the surrounding built environment and landscape setting; supported further by paragraph 131, which adds that good design is a key aspect of sustainable development.

The proposal does not seek to make any external alteration, therefore, in this case there are no design considerations or objections to the proposal.

To ensure that the proposal does not prejudice the visual or general amenity of the street-scene two separate conditions requiring the submission of a refuse management plan and details of refuse storage will be required prior to first use of the property as a Class C4 HMO, subject to the issuing of a favourable decision notice.

Accordingly, no objection would be raised in regards to Policy BNE1 of the Local Plan or paragraphs 131 and 135 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposal 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. This is supported by Policies H7 of the Local Plan and T8 of the emerging 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 NPPG. Similarly, all bedrooms and habitable rooms would be served with an adequate degree of natural light and afforded suitable outlook.

Turning to the communal space, the property would be served by a 10m² kitchen and 11m² living dining area. These rooms are located within the ground floor to the rear and separated from one another via a partition wall.

Both rooms are large enough to accommodate the required furnishings, insofar as to support the anticipated daily use of the property, and their rectangular layout means that installations would not result in a contrived environment for future occupants.

These communal spaces would provide a significant level of amenity space for occupants including separate functional and communal spaces, alongside oversize bedrooms with sufficient levels of light and outlook. Therefore, the proposal would accord with the provisions of Policies BNE2 and H7 of the Local Plan; Policy T8 of the Emerging Plan; and paragraph 135(f) of the NPPF.

In order to ensure the proposed standards of internal amenity are not compromised, or the dwelling does not become overly cramped, a condition requiring the occupancy of the property to not exceed more than a total of six residents is recommended.

Adjoining Neighbours

The proposal does not seek to alter the existing built form, nor would it include the installation of any additional windows. As such the existing conditions of amenity, with regard to outlook, volumes of light, overshadowing, and massing of the property when views from its adjacent surroundings would remain identical.

Notwithstanding, the proposal seeks to change the use of the property from a single occupancy dwellinghouse, into a six-bedroom, six-person Class C4 HMO. Therewith, the resultant patterns of daily movements, volumes of noise, and intensity are also of consideration.

The existing property comprises a 4-bedroom terraced dwelling across two floors with additional habitable space within the roof. As such the property could at present be occupied by between 4-6 persons based on the size of the rooms. As a result, the proposed use as a 6 person HMO would not exceed the number of people that could reasonably live in a single dwelling of this size.

Accordingly, the proposal is not considered to result in any significant or demonstrable harm against the existing conditions of neighbouring amenity and would comply with the provisions of Policies BNE2 and H7 of the Local Plan; Policy T8 of the Emerging Plan; and paragraph 135(f) of the NPPF.

Highways

Policy T1 of the Local Plan relates to the impact 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*".

To this effect, the property falls within the urban area of Gillingham and is afforded a range of amenities within approximately 10-to-15-minute walking distance. Including supermarkets, Gillingham High Street, local green areas, numerous local convenience shops and bus stops. As well as Gillingham Train Station, providing direct links into London and across the south coast.

While it is acknowledged that there are some existing pressures on car parking within the area, 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. Notwithstanding this, as the development site falls within a car parking management zone, a condition requiring the submission of a parking management plan can be secured; ensuring that the any pressures can be mitigated via the restriction of the number of parking permits issued against this property.

In addition to this, in order to further encourage the use of alternative modes of transport, a condition requiring cycle storage details and location prior to first occupation is also recommended.

Subject to the above 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).

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 £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/>.

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 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, 61, 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 typically be determined under delegated powers; however, it is being referred for determination by Planning Committee at the request of Cabinet members following the adopted of 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 on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>