

MC/26/0889

Date Received: 26 January 2026
Location: 7 Camden Road, Gillingham, Medway ME7 1QS
Proposal: Change of use from dwellinghouse (Class C3) to a 5-bedroom 6-person house in multiple occupation (Class C4) together with bin/cycle storage.
Applicant Agent: Mr Liam Nicholson
KLE Design Limited
23 Bouverie Road
Chelmsford
CM2 0UD
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 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 11 May 2026
Site block plan proposed (K1344-PL-103-C)
Roof plans existing and proposed (K1344-PL-104-B)

Received 09 July 2026
Building elevations proposed (K1344-PL-108-C)

Received 22 July 2026
Building plans proposed (K1344-PL-106-B)

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 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.

- 5 No part of the development shall be occupied until details of cycle storage facility has been 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.

- 6 Prior to the first occupation as a five-bedroom Use Class C4 HMO herein approved 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.

- 7 Prior to first use of the property as a five-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, 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.

- 8 Prior to the first occupation as a Class C4 five bed 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

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 conversion of the existing C3 house to a C4 (6 person houses of multiple occupation (HMO)).

The existing property, as proposed to be extended under the lawful development certificate (the building works are being undertaken) would comprise a basement, with a lounge (with ensuite), dining room (with ensuite!) and kitchen on the ground floor with 3 bedrooms, all with ensuite on first floor and 1 bedroom with ensuite in the roof.

The accommodation would provide the following:

Basement Floor – basement;

Ground Floor - 1 bedroom with ensuite, communal living room with bathroom and a communal kitchen;

First Floor - 3 bedrooms with ensuites;

Second Floor – 1 bedroom with ensuite;

Externally there is a communal garden area.

Site Area/Density

Gross internal floor area: 147.04 sqm

Relevant Planning History

MC/25/1952 Application for a Lawful Development Certificate (Proposed) for the change of use from Class (C3) single dwelling house to Class (C4) up to 6 person HMO. Construction of an 'L' shaped dormer to rear with 2 roof lights to front to facilitate living accommodation within the roof space. Proposed alterations to fenestration on the flank and rear elevations.

Decision: Approval with conditions

Decision date: 17 November 2025

MC/26/0116 Change of Use from C3 to C4 (6 person HMO).

Decision: Refusal

Decision date: 08 May 2026

Representations

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

Three letters of objection have been received raising objections on the following grounds;

- Impact on amenity of existing neighbour's amenities;
- Concerns in relation to security;
- Impact on parking and highways.

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 areas covered by the recently adopted Article 4 adopted 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.

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/25/1952) on 17 November 2025 which was prior to the introduction of the Article 4 Direction. A subsequent application was made under (MC/26/0116) for the conversion of the property to a 6 bed HMO but this was refused. The applicant has confirmed that the property is currently not in use as an HMO and as such the Lawful Development Certificate has not been 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 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 with 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 and housing types 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.

The property is in a terrace and the adjacent properties in the immediate area and locality are predominantly formed of single household occupancy, albeit that it is recognised the site is located in proximity to Gillingham High Street and there are some sporadic alternative uses such as small HMOs, subdivided flats, and local shops within the area.

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 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, 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 is a modest 3-bedroom dwellings measuring approx. 102m² however with the consented extensions proposed under the lawful development certificate the property would measure just under approx. 128m².

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 and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

The previously granted building works as part of the lawful development certificate are currently being 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 and alterations to fenestration on the flank and rear elevations.

As the proposed external works are being undertaken under permitted development as part of the lawful development application, no objection is, therefore, raised in regard to Policies BNE1 of the Local Plan and paragraph 131 and 135 of the NPPF.

Residential Amenity

Paragraph 135f of the NPPF states that achieving well-designed places should include creating a high standard of amenity for existing and future users. Policy BNE2 of the Local Plan expects all development to secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties.

Neighbour amenity

By virtue of the size and scale of the proposed development of the dormer and other external alterations and their relationship to neighbouring properties and their habitable windows there would not be any detrimental impact with regards to sunlight, daylight, outlook or privacy. This is backed up by the applicant's sunlight and daylight assessment which is submitted in support of the application.

The proposal seeks to convert the property into a five-bedroom – 6 person HMO. With the lawful dormer extension under construction, the existing property would be 4 person and could, therefore, accommodate between 4-6 adults based on the room sizes. It is not considered that the comings and goings of 6 independent occupiers would cause demonstrable harm to the amenities of neighbours to substantiate a reason for refusal. Such a view is substantiated by recent appeal decisions against similar HMOs elsewhere in the borough.

Amenity of Future Occupiers

The proposed bedrooms have been considered against the Government's Technical Housing Standards – Nationally Described Space Standards 2015 (NDSS). There are 5 bedrooms of which one would have 2 occupiers. All the bedrooms are considered to adhere to the Government's Technical Housing Standards – Nationally Described Space Standards 2015 (NDSS). It is considered that all the bedrooms have suitable outlook and meet the size requirements.

The garden area to the rear provides acceptable outdoor amenity space. There would be a lounge/diner and separate kitchen area on the ground floor. These 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 private leisure space and secure sufficient room for household recreation. 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 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 and public transport links within approx. walking distance, the site is considered to meet these parameters.

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.

Cycle storage is indicated on the proposed plans which would be considered acceptable in terms of the size and requirements. Accordingly, an appropriate condition is recommended to ensure the cycle parking provision is put in place.

Subject to the recommended conditions, the proposal is considered to be acceptable in highway terms and in accordance with Policies H7, T1, T4 and T13 of the Local Plan and paragraph 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 SAMMS Mitigation Contribution Agreement and payment has been paid and, therefore, no objection is 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 the 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 to 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 in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/> .