

MC/26/0717

Date Received: 15 April 2026
Location: 311 Canterbury Street, Gillingham, Medway ME7 5XN
Proposal: Change of use from Class C3 to Class C4 as a small HMO for up to 6 occupants, with minor internal alterations cycle store to rear and bin stores to front.

Applicant: Siobhain Dunne
Agent: Incollective Limited
Mr Kaan Taskin Gatcombe House
Copnor Road
Portsmouth
PO3 5EJ

Ward: Gillingham South
Case Officer: Amy Shardlow
Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 26 August 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 6 August 2026:

PL-102 Proposed Floor Plans

Received 13 May 2026:

PL-05 Proposed Bins and Cycle Store

Received 12 May 2026:

PL-04 Proposed Block Plan and Location Plan

Received 15 April 2026:

PL-03 Proposed Elevations and Section.

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

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

- 4 Prior to first use of the property as a five-bedroom, six-person 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 Class C4 six-person 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.

- 5 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

- 6 Prior to first use of the property as a Class C4 six-person HMO, details of the cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be implemented in accordance with the approved details prior to first occupation of the property as an HMO and shall thereafter be retained.

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

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application seeks planning permission for the conversion of the existing 3-bed, Use Class C3, property into a C4 5-bedroom 6-person houses of multiple occupation (HMO).

The existing property comprises a basement, with a lounge, dining room, and kitchen on ground floor and 2 bedrooms and a bathroom at first floor.

The proposed accommodation would provide the following:

Basement Floor – basement/additional work/living space;

Ground Floor - 2 no bedroom's each with an ensuite (single occupancy), communal kitchen and communal dining/living room;

First Floor - 3 bedrooms each with an ensuite. One of these bedrooms would be a double room.

Externally there is a communal garden area with cycle parking and to the front of the site there is refuse provision.

Relevant Planning History

No planning history.

Representations

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

No objections have been received.

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. *The applicant/agent has been in contact with the Kent Police team and has agreed to undertake their advice and measures.*

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 Watling Ward, 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 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 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 immediate locality is predominantly formed of single households, mixed shops including 2 pharmacies, a convenience store, job consultancy office, a hairdressers and hot food takeaways and it is recognised the site is located in close proximity to Gillingham High Street. There are a few small HMOs and subdivided flats within the area and when going further towards Gillingham High Street there is a further parade of shops. It is, therefore, considered that the site can be considered to be mixed-use in character across the length of the street which is significantly large when looking at the street itself.

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, we need to consider the size of the street, however, 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. In view of the above no objection is raised in principle to the conversion of the property to a six-person 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 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 proposal seeks no exterior alterations and only minor internal alterations for the use and, therefore, no objection is raised in regard to Policy BNE1 of Medway Local Plan 2003 or Paragraphs 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. This is supported by Policies H7 of the Local Plan and T8 of the emerging Plan.

Neighbouring Residential Amenity

The proposal seeks to convert the property into a five-bedroom HMO.

The existing property has one double bedroom and 1 single bedroom that when assessed against the NPPG standards could be occupied by a total of 3 adults with consequent comings and goings.

Whilst the proposal would increase occupancy through the change to a 6-person HMO, the level of activity generated would not necessarily be materially greater than that which could arise from occupation of the dwelling as a family home. The lawful C3 use could accommodate a large household, including multiple adults, together with children and visitors. As such, the comings and goings associated with six HMO occupants are not considered to result in a level of activity significantly beyond that which could reasonably be expected from the site's existing residential use. In addition, the mixed use character of the area brings with it additional comings and goings not associated with residential use.

Furthermore, the occupation of an HMO does not automatically equate to unacceptable harm to neighbouring amenity. The property would remain in residential use and there is no evidence to indicate that the proposal would give rise to noise, disturbance, overlooking, overshadowing or other amenity impacts that would justify refusal. The scale of the accommodation, together with the mixed character of the area, is such that the proposed use would be compatible with the surrounding pattern of development.

On balance, it is not considered that the proposal would result in any detrimental impact on the living conditions of neighbouring occupiers and the development is, therefore, acceptable in amenity terms. 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. There is one double occupancy room that measures 11.6m² which meets the requirements of a double bedroom room standard. All of the proposed bedrooms would exceed these requirements of 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 a combined 22m² kitchen/communal living/dining room 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/dining room is considered of a suitable size for the proposed number of residents. There is also a basement room for storage and workspace and a rear garden area.

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 Chatham, with amenities such as shops and public transport links immediately outside the site, the proposal 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.

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.

Waste and Refuse Storage

A refuse area is proposed as part of the scheme, whilst this is considered acceptable, a condition is recommended for a refuse strategy. This strategy will include details such as the type of refuse collection vehicle used, the frequency of refuse collection and finalising the location of the refuse collection points amongst other matters.

Subject to the abovementioned condition the proposal would not result in any significantly detrimental impact on either neighbour or future occupiers' amenity and is considered to be acceptable in terms of Policies H4 and BNE2 of the Local Plan and paragraph 135 of the NPPF.

Biodiversity Net Gain

As of 2nd 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 £350.18 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 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 on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/> .