

MC/26/1149

Date Received: 17 June 2026
Location: 53 Shakespeare Road, Gillingham, Medway, ME7 5QL
Proposal: Change of use from dwellinghouse (Class C3) to 5-bedroom HMO (Class C4) with alterations to boundary wall and front elevation roof light.
Applicant Agent: Leanne Frankson
Mr Matt Cox
MGC Designs
Quatro House,
Lyon Way
Camberley
GU16 7ER
Ward: Gillingham South
Case Officer: Jacky Olsen
Contact Number: 01634 333056

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 17 June 2026
PL-01 - Site Location Plan, Existing and Proposed Block Plans
PL-04 - Proposed Floor Plans
PL-05 - Proposed Elevations

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

- 3 All materials used externally shall match those set out in the application form received 22 June 2026

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 five 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 Prior to the first occupation of the property as a HMO, the cycle facilities as shown on approved drawing 25-063-PL-01-G Site Location Plan, Existing and Proposed Block Plans received 10 July 2026 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 HMO, the refuse storage as shown on approved drawing 25-063-PL-01-G Site Location Plan, Existing and Proposed Block Plans received 10 July 2026 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 The five-person HMO herein approved shall not be occupied until the Parking Management Plan received 10 July 2026 is implemented in accordance with the approved details 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.

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

Proposal

The application seeks permission for a change of use of the property from a single dwellinghouse (Class C3) to a house of multiple occupation (HMO) (Class C4) for 5 people.

Currently the property comprises:

Basement: Storage;

Ground floor: Living/dining room, Kitchen and play/study room;

First floor: master bedroom, bathroom and family room;

Second floor: Bedroom with ensuite and wardrobe/study.

The conversion is proposed to comprise:

Basement: Communal living space/utility;

Ground Floor: 1X bedroom with ensuite shower room, kitchen/living/dining area;

First Floor: 2X bedrooms with ensuite shower rooms;
Second Floor/Loft: 2X bedrooms with ensuite shower rooms.

The property is proposed to accommodate up to 5-persons within 5-bedrooms.

An increase in the size of the roof lights in the front elevation roof is proposed to add additional light and outlook to the bedroom.

Refurbishment of the front boundary wall and replacement of part of this with a wrought iron fence to increase light levels to the basement is also proposed.

There is a garden available for use by the residents. There is no parking proposed as part of the development.

Relevant Planning History

MC/25/2516	Application for a Lawful Development Certificate (Existing) for the construction of an L shaped dormer to rear with roof light to front to provide additional living accommodation within the roof space, erection of two single storey rear extensions - demolition of existing rear extension. Approval with conditions 16 January 2026
MC/26/0054	Retrospective application for conversion of basement into habitable living accommodation together with refurbishment of existing lightwell. Approval with conditions 11 March 2026
MC/26/0506	Change of use from dwellinghouse (Class C3) to a house in multiple occupation (Class C4) together with associated cycle store. Withdrawn 28 April 2026

Representations

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

No letters of representation have been received.

Councillor McDonald has objected to the proposal due to:

- The overconcentration of HMOs in this area with the continued loss of traditional family homes;

- The impact on the residential character from the greater intensity of use resulting in more comings and goings and vehicle movement, noise and refuse issues;
- Parking pressure is also considered an issue resulting in congestion and unsafe parking;
- Noise and disturbance from unrelated adults with separate working patterns, lifestyles and social activities;
- The potential for refuse and waste issues;
- The impact on neighbouring amenity from increased disturbance;
- Inadequate management information.

Kent Police have welcomed further discussions with the applicant/agent about site specific designing out crime approaches and have provided additional advice with respect to lighting and natural surveillance, security and boundary treatments and other approaches that could be implemented within the development.

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 (the NPPF) and are generally considered to conform. Where non-conformity exists, this will be highlighted and addressed in the 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 is located within the Gillingham South Ward, one of seven wards subject to an Article 4 Direction which removes permitted development rights for the change of use of a dwellinghouse (Use Class C3) to a small House in Multiple Occupation (Use Class C4). The Article 4 Direction came into force on 22 January 2026 and was subsequently confirmed on 5 May 2026.

The effect of the Article 4 Direction is to remove the permitted development rights previously available under Class L of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The Direction does not prohibit such changes of use but instead brings them within planning control so that proposals can be assessed against the Development Plan and other material planning considerations.

Principle

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

The National Planning Policy Framework (NPPF) seeks to support sustainable development through Paragraph 11, whilst Paragraph 61 seeks to ensure that the planning system delivers a sufficient supply and variety of homes to meet identified housing needs.

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:

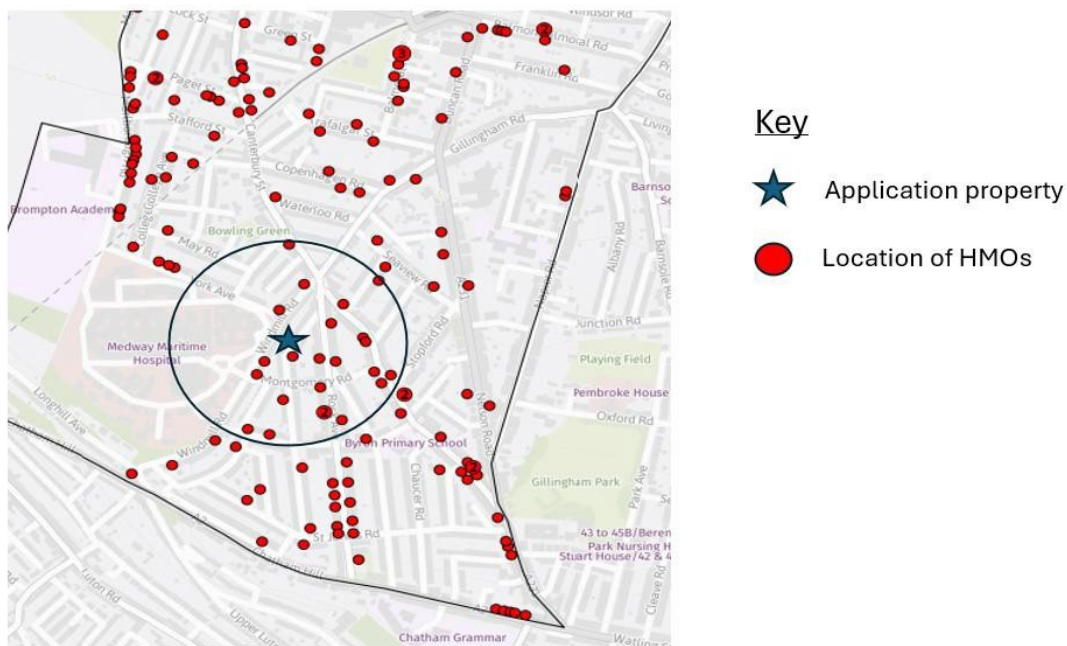
- Do not adversely affect the character and amenity of the area;

- 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.

In this case, the property is in a terraced street and the adjacent properties and those in the immediate locality are predominantly formed of single household occupancy. However, there are commercial units at the junction of Montgomery Street and a small number of HMOs on the street.

The Council undertook a review of HMO clusters within certain wards within Medway set out in the HMO Review and Evidence Paper (November 2025) which shows that this Ward has the highest concentration of HMOs within Medway but also has the highest density of properties within it.



Four HMOs are located on Shakespeare Road with one within the immediate vicinity of the application property. While there are a further 22 HMOs located within a 500 metre radius it is not considered that this represents an undue proliferation/clustering in the area.

Considering Policy H7 of the Local Plan and Policy T8 of the Emerging Plan regarding the size of the dwelling and whether it would be more suitable as family accommodation. 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 dwellings of less than 120sqm gross floor area in predominantly residential areas should be retained for families and single households.*" The existing property measures 121sqm internally and, therefore, does meet the threshold for subdivision.

As such, the principle of converting the existing property into a 5-bedroom, 5-person HMO would be considered acceptable and in accordance with the provisions of Policy S1 and H7 of the Local Plan and Policy T8 of the Emerging Local Plan.

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.

Approval was given for a single storey rear extension and loft conversion with dormer under permitted development - see Lawful Development Certificate MC/25/2516. An increase in the size of the Velux windows in the front elevation roofscape are proposed to reduce the height and allow outlook from the second floor front Bedroom.

The proposal is, therefore, considered acceptable in design terms as it would not cause harm to the appearance of the host property or street scene and is considered in accordance with Policy BNE1 of the Local Plan and 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.

Neighbouring Residential Amenity

Whilst five adults living at the property would likely increase the comings and goings, it is considered unlikely to result in harmful levels of noise and disturbance to neighbouring properties over and above what would be expected from the property

as a single dwelling. A condition is recommended to restrict the number of occupants within the property to five in order to control the noise and disturbance further occupants may have on neighbouring residential amenity.

Future Occupiers Amenity

The proposed bedrooms have been considered against the Technical Housing Standards - Nationally Described Space Standard dated March 2015 (the national standard) with the requirement for the provision of a single bedroom to measure 7.5sqm gross internal floorspace (GIA) and a minimum of 2.15m in width. All bedrooms meet the minimum requirements for bedroom width and size when compared to the National Standard.

The kitchen/dining/living area at ground floor together with the communal space in the basement and the garden are proposed to provide communal space for use by occupants. The kitchen/dining/living measures 22sqm and the basement measures 10.5sqm. The basement was given permission under application MC/26/0054 as an additional living area to the main dwelling and has been excavated to achieve a 2.3 metre head height. The lightwell has been enlarged to allow more daylight to penetrate the area and so, although the space does not have outlook, it can provide a suitable secondary communal living/utility area for the residents. Therefore, in total, the living space for the residents is considered adequate to comply with Policy T8 of the Draft Local Plan.

The garden area to the rear of the property is proposed to provide outdoor amenity space. The Medway Housing Standards (interim) November 2011 that sets out minimum standards for the length of rear gardens with a minimum of 7 metres in length on constrained sites. The garden measures 5.5 metres in length at its longest and 2.7 metres in length at its shortest. Although this does not comply with the standards set out, the gardens in this part of Shakespeare Road and Windmill Road have all been built of sub-standard size. The applicant has proposed siting the refuse storage to the front of the property and a smaller cycle store in the rear that allows space for residents to utilise the garden for washing, barbeques or other activities.

Although not ideal, due to the more generous internal amenity space proposed as part of the application the outdoor amenity space is considered acceptable in this instance.

Therefore, the proposal meets with the provisions of the Government's Technical Housing Standards – Nationally Described Space Standards 2015 (NDSS) for bedroom size and the proposal provides suitable internal and external communal space to offer suitable amenity provision for future occupiers.

As such, it is considered that the proposal would meet the standards for future occupier amenity contrary to Policies BNE2 and H7 of the Local Plan, Policy T1 and T8 of the Draft Local Plan 2025 and paragraph 135f of the NPPF.

Highways

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

There is no off-street parking provision proposed as part of the development. 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"*. The property falls within the urban area of Gillingham and is a 13-minute walk from the train station and town centre with its associated amenities such as shops, restaurants and public transport links and, therefore, the site is considered to meet these parameters.

It is recognised that the nature of HMO occupancy more typically presents itself to occupants who do not own cars and the property is within walking distance of shops and public transport. Additionally, the applicant has proposed a Parking Management Plan that sets out a car-free tenancy approach whereby residents will not be eligible for on-street residential parking permits. This approach is welcomed in order to remove the possibility of pressure on existing parking in the street. A condition is recommended to ensure that the Parking Management Plan is put in place prior to occupation of the property.

Additionally, conditions are recommended to ensure the proposed cycle and refuse storage be put in place prior to occupation of the property and a refuse management strategy be agreed to ensure refuse is appropriately dealt with and does not become an issue in the street.

Consequently, in light of the above, no objections would be raised in regard to Policies H7, T1 and T13 of the Local Plan, T8 of the Emerging Local 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

The principle of converting the existing property into a 5 bedroom, 5 person HMO is considered to be acceptable due to the property being located where there is not an over-concentration of HMOs and being of a size suitable for conversion. The design, neighbouring residential amenity and future occupier amenity as well as highways considerations are considered to conform. Therefore, the proposal is considered to accord with the provisions of Policy BNE1, BNE2, H7, T1, and T13 of the Medway Local Plan 2003, Policy T8 of the Draft Local Plan 2025 and paragraphs 115, 116, 131, 135, 193, 194 and 195 of the National Planning Policy Framework 2024.

The application would normally be determined under delegated powers but is being referred for Committee determination at the request of Cabinet members due to the recent introduction of the Direction pursuant to Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 made on 22 January 2026 applying to development consisting of the change of use of a building from a use

falling within Class C3 (dwelling houses) to a use falling within Class C4 (houses in multiple occupation).

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/> .