

MC/26/0639

Date Received: 1 April 2026
Location: 1 Blenheim Avenue, Chatham, Medway ME4 6UU
Proposal: Change of use from a dwelling house (use class C3) to a 6-bed 6-person HMO (use class C4).
Applicant J.C Michael Properties Ltd

Agent Williamson Property Consultants Ltd
Mr William Taylor 47 Howards Lane
Addlestone
KT15 1ET

Ward: Fort Pitt
Case Officer: Stephie Theedom
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 1st April 2026
0625 03 P0 Location Plan
0625 05 P0 Bin Storage
0625 06 P0 Cycle Storage
Received 10th April 2026
0625 01 P1 PROPOSED ELEVATIONS AND FLOOR PLANS
Received 13th April 2026

Received 29 July 2026
0625 04 P2 Proposed Block Plan

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 the first occupation of the property as a six bedroom HMO, the cycle facilities as shown on approved drawing 0625 04 PO Proposed Site Plan received 30 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.

- 5 Prior to the first occupation of the property as a six bedroom HMO, the refuse storage as shown on approved drawing 0625 04 PO Proposed Site Plan received 13 April 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 as a six-bedroom Use Class C4 HMO herein approved, details of a refuse management strategy 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 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 Prior to first occupation as six-bedroom Use Class C4 HMO herein approved details of the provision of 1 electric vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 117E of National Planning Policy Framework 2024.

- 8 Prior to the first occupation of the property as a six bedroom HMO, the Parking Management Plan as submitted and received 16th July 2026 shall be implemented in accordance with these details and thereafter retained.

Reason: To ensure satisfactory off-street parking in accordance with Policy T13 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

The application seeks permission for the change of use from dwellinghouse (Class C3) to a 6-bed house of multiple occupation (HMO) (Class C4).

The accommodation would comprise:

Ground Floor – entrance hallway, two double bedrooms with ensuite, large communal living area/kitchen and WC;

First Floor – Three double bedroom with ensuite;

Second floor – one double bedroom with ensuite.

Parking is provided on the front driveway and there is a garage and separate driveway located to the rear. The garage is proposed to be used for cycle storage and there is space for one car on the driveway in front of that.

The rear garden would be provided for amenity/recreation use and a refuse storage area will be provided to the front of the property. Access to the garden would be via the shared kitchen.

Relevant Planning history

MC/24/1868	Construction of a new detached dwelling (demolition of existing garage). Decision: Refusal Decided 12.11.2024
MC/25/0180	Application for a Lawful Development Certificate (Proposed) for the construction of hip to gable end along with a dormer to rear with skylights to the front to facilitate living accommodation within the roof space. Decision: Approved Decided: 21.02.2025
MC/25/0212	Construction of hardstanding and vehicular crossover to front together with retaining wall and railings.

Decision: Approved
Decided: 02.04.2025

MC/25/0224

Construction of a first floor side extension and ground floor wrap-around extension with a flat roof and skylights.
Decision: Approved
Decided: 03.04.2025

Representations

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

21 representations have been received raising the following objections:

- Out of character;
- High number of HMO in the area;
- Safety concerns;
- Parking issues;
- More cars;
- Noise and disturbance;
- Refuge pressure;
- Article 4 Direction.

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 is located within the Fort Pitt 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 requires 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.

The application site is within an urban area of Chatham and is within walking distance of the High Street. The site is also within walking distance of local public transport such as bus services and Chatham Train Station.

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

measures over 200sqm internally, therefore, potentially allowing for its change of use without negative impacts upon the amenities of future occupants or resulting in the loss of a dwelling that would more broadly lend itself towards single family dwellings.

As such, the principle of converting the existing C3 dwellinghouse into a C4 6six-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 regard 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.

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 property is currently a 6-bedroom dwellinghouse which could house up to twelve residents based on the size of the rooms. The application proposes a 6-bedroom, 6-person HMO and a condition is recommended to restrict to that number. It cannot, therefore, be demonstrated that there will be such a change to comings and goings that would cause an unacceptable impact on neighbour amenity.

Future Occupiers

The proposed bedrooms have been considered against the Government's Technical Housing Standards – Nationally Described Space Standards 2015 (NDSS). There are 6 bedrooms which would have one occupant. All the bedrooms are considered to adhere to the Government's Technical Housing Standards – Nationally Described Space Standards 2015 (NDSS) for single bedrooms. All the bedrooms have suitable outlook and all bedrooms have access to a bath or shower room.

The kitchen/dining living room open planned area at ground floor together with a shared garden to the rear is proposed to provide communal space for use by occupants. The open planned area measures 45sqm of communal indoor living space for the six occupants. While two rooms have not been provided, the open planned area is considered an acceptable amount of indoor amenity space for the residents.

Therefore, the proposal would meet the provisions the Government's Technical Housing Standards – Nationally Described Space Standards 2015 (NDSS) and of Policy BNE2 of the Local Plan 2003, Policy T8 of the Regulation 19 Local Plan 2025 and paragraph 135f of the NPPF and is acceptable in amenity terms

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.

The application is proposing to retain the existing off-street parking space to the front of the property and also the rear driveway accessed off Grosvenor Avenue. The applicant states that the garage can also be used as a parking space. However, on the plans it

looks as if the garage is to be used for cycle parking and, therefore, this is not counted as a parking space.

In addition, a parking management plan has been provided detailing how the off-street parking space will be managed between residents and agreeing that residents of the HMO will be prevented from obtaining parking permits from the adjacent CPZ.

Cycle storage has been indicated on the proposed plans and an appropriate condition is recommended. Refuse storage has been proposed to the front of the site and a Refuse Management Strategy condition is recommended in relation to refuse collection and management.

Subject to the recommended conditions, the proposal is considered to be acceptable in highway terms and in accordance with Policies 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 made therefore no objection is, therefore, raised under Policies S6 and BNE35 of the Local Plan and paragraphs 193 and 194 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/> .