

MC/26/1271

Date Received: 02 July 2026
Location: 63 Copenhagen Road, Gillingham, Medway, ME7 4RU
Proposal: Change of use from residential dwelling (Class C3) to a 5-bedroom 5-person house in multiple occupation (Class C4) alteration to roof lights.
Applicant Agent: Mr Marcus Ager
Miss Purdey Duncan
DHA Planning
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
ME14 3EN
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 02 July 2026
Site Location Plan

Received 30 July 2026
CR-No63-PA-003 - Existing and Proposed Elevations and Block Plans
CR-No63-PA-002 - Proposed HMO Floor Plans

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 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.

- 4 Prior to the first occupation of the property as a HMO, the cycle facilities as shown on approved drawing CR-No63-PA-003 - Existing and Proposed Elevations and Block Plans and CR-No63-PA-004 Bike Storage Details 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 HMO, the refuse storage as shown on approved drawing CR-No63-PA-003 - Existing and Proposed Elevations and Block Plans 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.

- 6 The five-person HMO herein approved shall not be occupied until the Parking Management Plan received 30 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.

- 7 Prior to the first occupation as the five 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.

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). The submitted plans also shows a ground floor rear extension to the property to accommodate further living space, although that is not part of the application and is covered by a previously approved lawful development certificate. The property would comprise:

Ground Floor: 1X bedroom with ensuite shower room, kitchen, communal 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.

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

Site Area/Density

Gross internal floor area: 138 sqm

Relevant Planning History

MC/25/1918 Application for a Lawful Development Certificate (Proposed) for the change of use from Class (C3) single dwelling house to Class (C4) up to 6-bed HMO. Conversion of basement to a habitable space along with construction of a single storey extension to rear. Construction of an L shaped dormer to rear with roof lights to front to facilitate living accommodation within the roof space. Insertion of two doors to side.
Approved 15.10.2025

MC/26/0153 Application for a Lawful Development Certificate (existing) to establish the use as a 6-bedroom house in multiple occupation (Class C4).
Withdrawn 10.04.2026

65 Copenhagen Road

MC/26/1272 Retrospective change of use from residential dwelling (Class C3) to a 5-bedroom 5-person house in multiple occupation (Class C4)
For consideration on this agenda

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.

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 (HMO) (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.

A Lawful Development Certificate for a proposed development was approved under MC/25/1918 in October 2025 for the change of use from Class (C3) single dwelling house to Class (C4) up to 6-bed HMO. Conversion of basement to a habitable space along with construction of a single storey extension to rear. Construction of an L shaped dormer to rear with roof lights to front to facilitate living accommodation within the roof space. Insertion of two doors to side. This was prior to the introduction of the Article 4 direction.

An application was made under MC/26/0153 for a Lawful Development Certificate for the existing use of the property as a Class C4 HMO. However, this was subsequently withdrawn as a result of insufficient evidence being provided for its existing use. As such the Lawful Development Certificate has not been implemented. Therefore, a full application has been made for the change of use from dwellinghouse (Class C3) to HMO (Class C4).

While as a result of the Article 4 direction the use of the property as a small scale HMO now requires planning permission, the built works for the rear extension and rear dormer are still lawful by virtue of the LDC granted under MC/25/1918.

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 site is located within the urban area of Gillingham. 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 permits HMOs subject to the following criteria:

- (i) the property is in an area with a predominantly mixed use or commercial character;
- (ii) the property is located where increased traffic and activity would not be detrimental to local amenity;
- (iii) either the property is detached and the proposal would not adversely affect the amenity of the occupiers of nearby properties; or
- (iv) or where the property is not detached, relevant nearby or adjoining properties are in multiple occupation or a non-residential use;
- (v) and 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.

In this case, the property is in a terraced street where the majority of properties in the immediate locality are predominantly formed of single household occupancy. However, the neighbouring property, 65 Copenhagen Road, has been converted to a small HMO and is currently seeking retrospective planning permission for a change of use from Class C3 to Class C4 (on this agenda). Three other HMOs also occupy premises on the street with flats at the junction with Canterbury Street and a veterinary surgeon also located on the street.

Policy T8 of the Draft Local Plan 2024 seeks to avoid detrimental HMO clusters and to ensure 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 the 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.

Considering the remaining criteria of Policy H7 of the Local Plan and Policy T8 of the Emerging Plan, there are three other registered HMOs in the street and a limited number of registered HMOs within 200m of the site. There appears to be a limited number of dwellings subdivided into flats although there is a flatted development at the junction with Canterbury Street. It is noted that the neighbouring property at 65 has been converted into a HMO with planning permission being sought for this, however, it is not considered that the two adjacent properties or with the 3 other HMOs on the street would result in the creation of a cluster.

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 135sqm 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.

The application site is located on Copenhagen Road which is sited in the urban area of Gillingham. The property is a mid-terrace, two-storey dwelling with accommodation in the loft space.

Approval was given for a single storey rear extension and loft conversion with L-shaped dormer and roof lights to the front under permitted development by Lawful Development Certificate (MC/25/1918) in October 2026. These works are substantively complete.

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.

Residential Amenity

There are two main amenity considerations, firstly the impact of the proposed development 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 135 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 5 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.

Conditions are also recommended with respect to a refuse strategy and management plan and a parking management plan, to protect the residential amenities of the area.

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.

There is a kitchen and two communal rooms at ground floor proposed as communal space for use by the occupants. The kitchen would measure 11.7sqm and the communal areas would measure 15sqm making 27sqm of communal space in total as general functional space for cooking and washing clothes and for relaxing for the five residents of the property. The large size of the majority of the bedrooms compared with the National Standard means that the occupants would also have a generous amount of private leisure space reducing an overreliance on the main communal area for these activities. This would accord 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 32 metres in length which complies with the standards set out.

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 10 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.

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 in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>.