

MC/26/1272

Date Received: 02.07.2026
Location: 65 Copenhagen Road, Gillingham, Medway ME7 4RU
Proposal: Retrospective change of use from residential dwelling (Class C3) to a 5-bedroom 5-person house in multiple occupation (Class C4)
Applicant Agent: Miss Purdey Duncan
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
ME14 3EN
Ward: Gillingham South
Case Officer: Arron Nicholls
Contact Number: 01634 333184

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

Recommendation – Approval with conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 03 August 2026
Proposed HMO Floor Plans (CR-No65-PA-002)
Existing and Proposed Elevations and Block Plans (CR-No65-PA-003)
Bike Storage Details (CR-No65-PA-004)

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

- 2 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.

- 3 Within one month of the decision notice the proposed Cycle Storage as shown on Bike Storage Details (CR-No65-PA-004) Received 03 August 2026 shall be implemented in accordance with the approved and shall thereafter be retained.

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

- 4 Withing one month of the decision notice details of the refuse storage arrangements, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. The Use Class C4 HMO shall not be occupied until the approved refuse storage arrangements are in place and all approved storage arrangements shall thereafter be retained.

Reason: To ensure that the development does not prejudice the amenities of future occupants in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 Withing one month of the decision notice, 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 The Parking Management Plan received 20 July 2026 shall be implemented in accordance with the approved details for all current and future occupants of the Sui Generis HMO.

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 is for the retrospective conversion of the existing C3 house to a C4 (5-bedroom 5-person house in multiple occupation (HMO)).

The accommodation would provide the following:

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

First Floor - 2 bedrooms with ensuites;

Second Floor – 2 bedrooms with ensuites.

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: 135.00 sqm

Relevant Planning History

- MC/25/1677 Application for a Lawful Development Certificate (Proposed) change of use from C3 - Dwellinghouse to C4 - House of Multiple Occupation (6-bed, 6-person) and rear 'L' Shaped Dormer on the loft.
Decision: Approval with Conditions
Decision date: 11 September 2025
- MC/25/1860 Application for a lawful development certificate for (proposed) conversion from C3 Dwelling to C4 HMO (6-bed, 6-person) including internal alterations, conversion of basement into habitable space, ground floor rear extension and rear 'L' shaped loft dormer.
Decision: Approval with Conditions
Decision date: 15 October 2025
- MC/26/0248 Application for a Lawful Development Certificate (Existing) Conversion from C3 Dwelling to C4 HMO (6-bed, 6-person).
Decision: Withdrawn
Decision date: 23 March 2026

63 Copenhagen Road

- MC/26/1271 Change of use from residential dwelling (Class C3) to a 5-bedroom 5-person house in multiple occupation (Class C4) alteration to roof lights.
On this agenda

Representations

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

No letters of objection 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.

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 2025 (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 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.

A Lawful Development Certificate for the proposed change of use from C3 to C4 (up to 6-persons), together with the construction of an 'L' shaped dormer to rear with 2 roof lights to front, was granted permission under (MC/25/1677) on 11 September 2025. Which was prior to the introduction of the Article 4 direction.

A Lawful Development Certificate application was made under MC/26/0248 for the existing use as a C4 HMO but 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 C3 to C4 HMO use.

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.

The property is in a terrace and the properties in the immediate area and locality are predominantly formed of single household occupancy, albeit that it is recognised that the neighbouring property at 63 Copenhagen Road has been converted into a HMO. The site is also located in proximity to Gillingham High Street and there are some sporadic alternative uses such as small HMOs, subdivided flats, and local shops within the area.

Policy T8 of the emerging Local Plan, which has been submitted to the Inspectorate for examination 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.

Considering the remaining criteria of Policy H7 of the Local Plan and Policy T8 of the emerging plan, there is a limited number of registered HMOs (14) within 200m of the site and there appears to be a limited number of dwellings subdivided into flats. Although it is noted the neighbouring property at 63 has been converted into a HMO, it is not considered that the two reports would result in the creation of a cluster. 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 property is 135m² as a result of the extensions under taken under the permitted lawful development certificate and as result no objection is raised in relation to this.

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 previously granted building works as part of the lawful development certificate at the time of writing have been completed. The works included the insertion of an L shape dormer in the rear roof alongside two roof lights located on the front elevation of the main dwelling house.

Taking this into account that the proposed works where considered to be permitted development as part of the lawful development application. No objection is, therefore, raised in regards to Policies BNE1 of the Local Plan and paragraph 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.

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.

Neighbouring Residential Amenity

The proposal seeks to convert the property into a five-bedroom HMO. As such, there is a potential for increased comings and goings and likelihood of noise and disturbance. When considering the proposal seeks to increase the number of

occupants from a potential 3 or 4 occupiers as a household to 5 users and the limited number of HMOs within 200m of the site, it is not considered that such an increase in occupants would be an issue of intensification. If the application were considered for approval conditions for a management strategy to be submitted limiting the number of occupiers to 5.

Amenity of Future Occupiers

The proposed bedrooms have been considered against the Government's Technical Housing Standards – Nationally Described Space Standards 2015 (NDSS). There are 5 bedrooms which would have one occupant each. All the bedrooms are considered to adhere to the Government's Technical Housing Standards – Nationally Described Space Standards 2015 (NDSS) for single bedrooms. It is considered that all the bedrooms have suitable outlook and meet the size requirements. Although bedroom 4 would meet the minimum size requirements as set out on the NDSS. It is noted that by virtue of the sloping roof and the arrangement of the room there would be a reduction in usable space and outlook.

The remaining communal space comprises of an 17.2m² living/dining room and a 10.0m² communal kitchen both on the ground-floor. These would be shared amongst a total of five 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. Moreover, the oversized bedrooms, relative to the requirements set out by the NPPG standards, grant occupants private leisure space and secure sufficient room for household recreation. Reducing an overreliance upon the main communal area for these daily activities.

In order to ensure that the internal amenity standards of future occupants are not compromised, or that the dwelling becomes overly cramped, a condition requiring that the occupancy of the property does not exceed more than a total of five 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

Policy T1 of the Local Plan relates to the impact on new development on the highway network. Policy T13 of the Local Plan is related to parking standards. Both policies H7 of the Local Plan and T8 of the emerging plan include criteria in relation to impact on parking and amenity. Paragraph 115 of the NPPF seeks development located in sustainable locations, limiting the need to travel and offering choice of transport modes to reduce congestion and emission and improve air quality and public health. Paragraph 116 of the NPPF states that development should only be refused on highways grounds if there is an unacceptable impact on highways safety.

While it is understood that the application site would not be able to meet its parking need off-street, nor does the current use as a single occupancy dwellinghouse.

Likewise, the Medway Residential Parking Standards state: "Reductions of the standard will be considered if the development is within an urban area that has good links to sustainable transport and where day-to-day facilities are within easy walking distance". Given the property falls within the urban area of Gillingham, with amenities such as shops, public transport links and schools/colleges within approx. walking distance, alongside its proximity to Gillingham High Street, the site is considered to meet these parameters.

While it is acknowledged that there are some existing pressures on car parking within the area, this is mitigated through the requirement of parking permits while the site is a sustainable location and the nature of the HMO occupancy more typically presents itself to occupants who do not own cars. A Parking Management Plan has been submitted which outlines how occupants of the HMO will be deterred from obtaining a parking permit which is considered to be acceptable. Notwithstanding that, in order to further encourage the use of alternative modes of transport, Secure cycle parking is proposed and a condition to secure this is recommended.

Subject to the aforementioned 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.

Climate Change and Energy Efficiency

The NPPF identifies that good design "is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities" (paragraph 131). Paragraph 139 in particular refers to great weight being given to outstanding or innovative designs which promote high levels of sustainability.

The Climate Change Statement (received 16 June 2025) confirms the sustainable technologies which would be incorporated into the scheme which is summarised as follows:

- Low voltage lighting;
- Taps, fittings and WCs will be low water consuming;
- Double glazed windows;
- Bike sheds;
- Refuse and waste recycling.

The proposed application is considered to comply with paragraph 139 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 £350.18 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, 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/> .