

**MC/26/0483**

Date Received: 10 March 2026  
Location: Ridgeway, 11 Park Avenue, Gillingham Medway  
Proposal: Change of use of Vacant Care Home Class (C2) to a 7-bedroom HMO Class (Sui Generis).  
Applicant: Mr Kantor  
Agent: EA Town Planning Ltd  
Mr Anthony Adler 16 Francklyn Gardens  
Edgware  
London  
HA8 8RY  
Ward: Watling  
Case Officer: Sam Pilbeam  
Contact Number: 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 3 June 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 10 March 2026:  
Site Location Plan  
4AS.11.PR0.002 - Proposed Block Plan  
4AS.11.PR0.001 - Proposed Floor Plans  
  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Prior to first use of the property as a seven-bedroom Sui Generis HMO details of the cycle storage structure including its design, height, profile, materials, finish, and colour shall be submitted to and approved in writing by the Local Planning Authority. The cycle store shall be installed in accordance with these

details prior to first occupation of the HMO hereby approved and retained thereafter.

Reason: To safeguard against the character and appearance of the Conservation Area in accordance with Policies BNE12 and BNE14 of the Medway Local Plan.

- 4 Prior to first use of the property as a seven-bedroom Sui Generis HMO details of the refuse storage structure including its design, height, profile, materials, finish, and colour shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage structure shall be installed in accordance with these details prior to first occupation of the HMO hereby approved and retained thereafter.

Reason: To safeguard against the character and appearance of the Conservation Area in accordance with Policies BNE12 and BNE14 of the Medway Local Plan.

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

- 6 Prior to the first occupation as a seven-bedroom Sui Generis HMO herein approved, details of a refuse management strategy shall be submitted to and approved in writing by the Local Planning Authority. The Sui Generis 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.

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

### **Proposal**

This application seeks planning permission for the change of use of a vacant Class C2 Care Home into a seven-bedroom, seven-person Sui Generis House in Multiple Occupation (HMO).

At present the property comprises:

Ground floor – Lounge/diner, conservatory and kitchen, 4 separate rooms of varying sizes and 2 toilets;

First floor – 4 rooms and a bathroom;

Loft Floor – 2 rooms and a bathroom.

The proposed HMO would comprise of:

Ground Floor - a bedroom, kitchen, dining room, office, two w.c's and 2 storerooms;

First Floor - four bedrooms and a bathroom;

Loft Floor - two bedrooms and a bathroom.

The property also benefits from a 21m deep rear garden and front garden which is proposed to provide cycle and refuse storage structures.

### **Relevant Planning History**

MC/25/1746

Change of use of Vacant Care Home class (C2) to up to an 8 bed HMO (Sui Generis).

Decision: Refusal

Decided: 30.10.2025

### **13 Park Avenue**

MC/26/0283

Change of use from a permitted 6-person HMO to a 7-bedroom, 8-person House in Multiple Occupation (Sui Generis) with improved communal living space and amended internal layout; Reinstatement of front balcony, wood. Existing woodwork to front to be repaired, refurbished and painted. To the rear, to install 3 x rooflights and install cycle store within existing side garage.

Decision: Pending Consideration - on this agenda

### **Representations**

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

**Five residential objections** have been received, on the basis:

- Erosion of the character of the area;
- Loss of safety and impact on existing properties;
- Increased volumes and waste and littering;
- Increased parking pressure and risks to highways safety;
- Increased volumes of noise, disturbance and anti-social behaviour;
- Oversaturation of HMOs within the Ward and local area;
- Concerns with parking beat survey methodology;
- Questions legitimacy of submitted management plans.

**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.

**Cllr Tracy Coombs has objected** to the application on the basis:

- Increased parking pressure and risks to highways safety;
- Impact upon the character of the Conservation Area;
- Loss of a Care Home facility;
- Loss of safety and impact on existing properties, including antisocial behaviour;
- Increased volumes and waste and littering.

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework December 2024 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

The Emerging Local Plan has been submitted to the Inspectorate for examination. The policies within this version of the emerging plan have weight in the determination of planning (and associated) applications.

## **Planning Appraisal**

### *Background*

The application site falls within Watling, one of the seven Wards that have been covered by an Article 4 Direction restricting the permitted development rights for the change of use from Class C3 (Dwellinghouse) to a Class C4 (Small HMO).

The Direction came into effect on the 22 January 2026 and was confirmed on 5 May 2026.

The Article 4 direction for those wards removes the permitted development rights to convert a C3 dwelling house to a C4 small house in multiple occupation. It does not make the conversion unacceptable but just brings the change of use into planning control so that the proposed conversion can be assessed against Development Plan policies and the NPPF.

The site has been subject to a former application, seeking permission for the conversion of the Care Home into an eight-bedroom Sui Generis HMO alongside numerous external alterations.

This was refused by the Council on the basis that:

- No evidence had been submitted detailing the logic and rationale for the loss of the Care Home;
- Concerns relating to the securing of amenities of future occupants; and
- Failure to mitigate against the impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes.

This revised application has been submitted seeking to address the above concerns, and the detail of these aspects will be assessed below.

### *Principle*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan).

This application deals with two separate land-use principles, firstly the loss of the Care Home, its justification and Policy backdrop and secondly the conversion of the property into an HMO.

### *Loss of C2 Care Home*

Policy CF1 of the Local Plan, states that the loss of existing community facilities will only be permitted where it can be demonstrated that exceptional circumstances exist such that it would be beneficial to redevelop the site; with the preamble going on to confirm that unless evidence can be produced outlining why the community facility is no longer required, a replacement facility of a similar scale and kind would need to be provided.

The applicant has submitted a detailed marketing and viability statement setting out the site's current position in relation to the existing C2 use and the long-term sustainability of its continued operation.

The supporting statement confirms that the property, formerly known as Ridgeway, operated as a small care home by Voyage Care accommodating up to six adults. The use ceased in 2023, with the property remaining vacant thereafter.

The report confirms that the service had not been financially stable for the final three years of its operation, with the occupation typically averaging at 66% and falling to 50% in the final year.

The supporting statement confirms that despite active engagement with referral works across Medway, Kent, London, Essex and Sussex, no suitable referrals could be accommodated owing to the building's physical constraints. These limitations are identified within the report, including its arrangement across multiple floors, narrow

corridors, the absence of lift access, shallow and narrowing staircases serving the upper floors, and the lack of en-suite bedroom facilities.

While the applicant explored various adaptations measures in an attempt to modernise the property and facilitate continued operation, owing to the structural limitations and internal configuration of the building, such measures were ultimately found to be impractical and unfeasible.

Consequently, the above rendered compliance with contemporary CQC standards increasingly difficult to achieve.

The applicant has also provided evidence of the proactive marketing for continued C2 use since its closure in 2023. These exercises include advertisements across property bulletins and care sector platforms, together with direct approaches to registered providers and housing associations operating within Medway and the surrounding counties. Despite an excess of two years exposure to the market, no credible interest was received from care operators. Instead, feedback from parties referred to the property's layout, high adaptation costs, and operational inefficiencies as the principal barriers to continued care use.

Substantiating this position further, the applicant commissioned an independent viability assessment which concluded that, in light of unsustainable operating margins, the absence of market demand, and the structural unsuitability of the building, continued C2 use was no longer viable.

In addition to the site-specific constraints, the assessment noted that as a whole the care sector has shifted markedly away from smaller scale domestic conversions and properties and towards larger purpose-built facilities, capable of achieving the required economies of scale and meeting modern CQC standards.

In light of the above, it is accepted that the applicant has sufficiently demonstrated that the existing C2 use is neither financially viable nor physically suitable for continued C2 care use. The exceptional circumstances required to justify the loss of the C2 use are, therefore, considered to have been established, and the principle of the proposed loss of the C2 use is considered.

### *Conversion into a Sui Generis HMO*

The NPPF seeks to pursue sustainable development in a positive and proactive manner through paragraph 11, stating that applications should be considered with a presumption in favour of sustainable development, unless policy provides a clear reason for refusal, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Furthermore, paragraph 61 articulates the Government's objective to significantly boost the supply of homes, highlighting the importance of bringing forward a variety of land and housing types to support local housing demand.

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.

Considering the remaining criteria of Policy H7 of the Local Plan and Policy T8 of the emerging plan, firstly, at a Ward level, the total percentage of HMOs when expressed as a percentage represents 1.2% of the total housing stock.

More locally, along Park Avenue there is one additional proposed HMO. This is located at 13 Park Avenue and is currently subject to a full planning application (also on this agenda) seeking the conversion of the property into an eight-person Sui Generis HMO. In addition to this, the adjacent properties to the south at 15/17 Park Avenue have been amalgamated and converted into a thirteen-bedroom C2 Care Home.

As such, it is acknowledged that this segment of Park Avenue currently accommodates two established C2 uses, which are grouped together.

The remainder of the street is characterised by single family accommodation.

Consequently, whilst there is an identifiable grouping of three non-single occupancy residential uses along this segment of Park Avenue, the overarching pattern of the street when taken as a whole remains primarily single-family accommodation. Consequently, there is no concern with respect to the potential clustering of such uses, proliferation and the associated detrimental impacts upon adjoining residential amenity. In view of the above no objection is raised in principle to the conversion of the property to a 7 bed HMO.

### *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 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 also located within Gillingham Park Conservation Area and, therefore, subject to the provisions of Policies BNE12 and BNE14 of the Local Plan which seek to preserve the special architectural character and heritage of Conservation Areas and that; proposals contained within a Conservation Area should achieve a high-quality design.

Whilst no external changes to the property are proposed, the conversion does include the addition of a cycle and refuse store within the front garden.

Subject to details of the cycle and refuse stores design being submitted to and agreed in writing by the LPA no objections would be raised with regard to Policies BNE1, BNE12 and BNE14 of the Local Plan and paragraphs 131 and 135(f) 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.

## *Future Occupants*

The proposed bedrooms have been considered against the Technical Housing Standards – Nationally Described Space Standard 2015 with the requirement for the provision of a single bedroom to measure a minimum of 2.15m in width and support a floor area of 7.5m<sup>2</sup>.

All of the proposed bedrooms would exceed these requirements and, in some cases, would significantly exceed the space standards set out by the NPPG. Similarly, all bedrooms and habitable rooms would be served with an adequate degree of natural light and afforded suitable outlook.

The remaining communal space comprises of a 24m<sup>2</sup> dining room, adjoined by a 9m<sup>2</sup> conservatory and 10m<sup>2</sup> kitchen, alongside a 5m<sup>2</sup> office and additional storage rooms within the existing garage.

The dining room is the main general space, supporting functions for future occupants' general leisure and recreation. The separate kitchen ensures that these activities do not conflict with one another, as it likely this space would be used for more day-to-day activities such as cooking and washing clothes.

Further supporting the main communal space are an additional office room and a conservatory, providing ancillary functional rooms for occupiers.

These communal spaces would provide a significant level of amenity space for occupants including separate functional and communal spaces, alongside oversize bedrooms with sufficient levels of light and outlook. Therefore, the proposal would accord with the provisions of Policies BNE2 and H7 of the Local Plan; Policy T8 of the Emerging Plan; and paragraph 135(f) of the NPPF.

In order to ensure the proposed standards of internal amenity are not compromised, or the dwelling does not become overly cramped, a condition requiring the occupancy of the property to not exceed more than a total of seven residents is recommended.

## *Adjoining Neighbours*

The proposal does not seek to alter the existing built form insofar as to result in any impacts to the existing relationship with neighbouring levels of light, outlook, and overshadowing.

The existing property comprises of a large Care Home, while unclear exactly which rooms were in use for the care facility the supporting statement confirms that the property was in use for a total of six residents.

Whilst it is acknowledged that occupation as a care home may differ in terms of comings and goings, visitor and shift working patterns, alongside general day-to-day activity, it is likely this would exceed or if not match that of the property if it were to be in use as a large single-family dwelling house.

Furthermore, the property is one half of a pair of semi-detached properties, the other half of which is also proposed to be an HMO. While the adjacent property is a 13-bed care home. Park Avenue is characterised by a more spacious suburban grain, with properties generally being set within wider plot and benefiting from greater levels of separation. Relative to more tightly knit and constrained mid-terraced plot.

The lower density pattern provides increased physical separation between neighbouring dwellings, thereby reducing the potential disturbance from comings and goings in the HMO.

Accordingly, the proposal is not considered to result in any significant or demonstrable harm against the existing conditions of neighbouring amenity and would comply with the provisions of 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*". To this effect, the property falls within the urban area of Gillingham and is afforded a range of amenities with approximately 10-to-15-minute walking distance. Such as local clubs and community sports groups; local green space including Gillingham Park; numerous local convenience shops; and bus stops. In addition to this Gillingham High Street and Railway Station are located an approximately 20-minute walk away from the site.

While it is acknowledged that there are some existing pressures on car parking within the area, the site is in a highly sustainable location and the nature of the HMO occupancy in such sustainable locations more typically presents itself to occupants

who do not own cars. However, the site falls outside of a car parking management zone, therefore, parking within the nearby area is unregulated and cannot be controlled by conditions.

In order to determine the existing conditions and availability of parking, in the case whereby occupants do possess a private vehicle, a parking beat study has been conducted in line with the standard Lambeth Methodology, finding a parking stress of 73%. This falls significantly below the generally accepted margin of 95%, thereby demonstrating that the parking saturation within the locality would be capable of accommodating additional vehicles should future occupant's own vehicles.

Notwithstanding that, in order to further encourage the use of alternative modes of transport, a condition requiring cycle storage to be installed onsite prior to first occupation as an HMO is recommended.

In light of the above and subject to the recommended condition, 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.

#### *Biodiversity Net Gain (BNG)*

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 proposed loss of the C2 Care Home has been justified and accepted and the use of the property as an HMO would not result in an over concentration of HMOs within the area. The property would provide a good level of future occupant amenity without harming the amenity of neighbouring residents.

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 but is being referred for determination by Planning Committee due to the number of representations received contrary to the Officers recommendation.

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### **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/>