

MC/26/1132

Date Received: 15 June 2026
Location: 45 Cleave Road, Gillingham, Medway ME7 4AX
Proposal: Change of use from dwellinghouse (Use Class C3) to a small house in multiple occupation (Use Class C4) for up to six residents, including internal alterations, provision of communal living accommodation, refuse and recycling storage, cycle parking and associated works.

Applicant Garbiel Daramola
Agent Architechnology Design

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Kent
ME8 0AH

Ward: Watling
Case Officer: Amy Shardlow
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 21 October 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 30 September 2026:

02.1 Floor Plans

Received 29 September 2026:

01 WIP Site Location Plan
02 Elevations

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, utilising the bedrooms shown on the approved plans as their main living accommodation and the communal areas shown on the approved plans shall be used as such and not as additional accommodation.

Reason: To regulate and control the amount 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 HMO hereby permitted, the waste and recycling storage facilities shall be provided in accordance with drawing number; 01-WIP Site Plan Received 29 September 2026 and thereafter retained.

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

- 5 Prior to the first occupation, details of the refuse management arrangements for the HMO, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. The HMO shall not be occupied until the approved refuse management arrangements are in place and all approved storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 Prior to first use of the property as a Class C4 6-person HMO, details of the cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be implemented in accordance with the approved details prior to first occupation of the property as an HMO and shall thereafter be retained.

Reason: In the interests of sustainability with regard to Policy T4 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

Planning permission is sought for the change of use of 45 Cleave Road, Gillingham from a dwellinghouse (Use Class C3) to a small House in Multiple Occupation (HMO) (Use Class C4) to accommodate up to six residents.

The proposal includes internal alterations to facilitate shared occupation, including the communal living facilities. Externally, the proposal includes the provision of dedicated refuse and recycling storage facilities and secure cycle parking within the site. No significant alterations to the external appearance of the property are proposed.

As existing the property is one half of a semi-detached property and comprises:

Ground Floor – Lounge, Kitchen, Utility, Dining room and conservatory;

First Floor – 3 bedrooms and a bathroom;

Roof space – 1 bedroom.

The proposed layout is as follows:

Ground Floor – Bedroom 1 (Single Occupancy 14.69m²) with ensuite, Bedroom 2 (Single Occupancy 10.23m²) with ensuite, Communal Kitchen and Living Space 26.2m² (achieved by removing internal walls and combining former dining room, utility and hall) and conservatory;

First Floor – Bedroom 3 (Double Occupancy 21.2m²) with ensuite, Bedroom 4 (Single Occupancy 11.76m²) with ensuite, Bedroom 5 (Single Occupancy 14.5m²) with ensuite;

Roof space – Communal Space at 16m².

Relevant Planning History

None.

Representations

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

52 Objections have been received, (however, some of these are from the same household) raising the following concerns:

- Harm to the character of a family residential area which is predominantly single family homes;

- Overconcentration of HMOs;
- Antisocial behaviour associated with HMOs and a rise that this could lead to;
- Parking pressures will be exasperated by the proposal;
- Additional pressures on local infrastructure;
- Noise related concerns for the level of occupants;
- Preservation of the conservation area;
- Internal works have already been undertaken;
- Conflicts with the purpose of the Article 4 Direction;
- Lack of engagement with local residents for the proposal;
- Concerns regarding refuse management and how this will be controlled.

MP Naushabah Khan has written and expressed concerns on grounds that the proposed development could increase on-street parking demand in an area already experiencing parking pressures, leading to congestion and highway impacts, and that the increased intensity of occupation may give rise to anti-social behaviour, including noise and refuse-related issues, to the detriment of neighbouring residents. Furthermore the site is within a Conservation Area whereby the council has a duty to protect the character and appearance.

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 2026 (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 agreed by Full Council for Reg 19 publication, consultation and is being examined under Regulation 24 by the Planning Inspectorate. The policies within this version of the emerging plan have some limited weight in the determination of planning (and associated) applications.

Planning Appraisal

Background

The application site is located within the Watling 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 20 July 2026.

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

Principle

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

The NPPF seeks to pursue sustainable development, in a positive and proactive manner through Policy S3 of the NPPF stating that applications should be considered with a presumption in favour of sustainable development unless the Development Plan provides a clear reason for refusal or that any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Furthermore, Policy HO7 of the NPPF seeks to boost the supply of housing by bringing forward a variety of land to meet specific housing requirements.

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.

Policy T8 of the Draft Local Plan 2041 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 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:

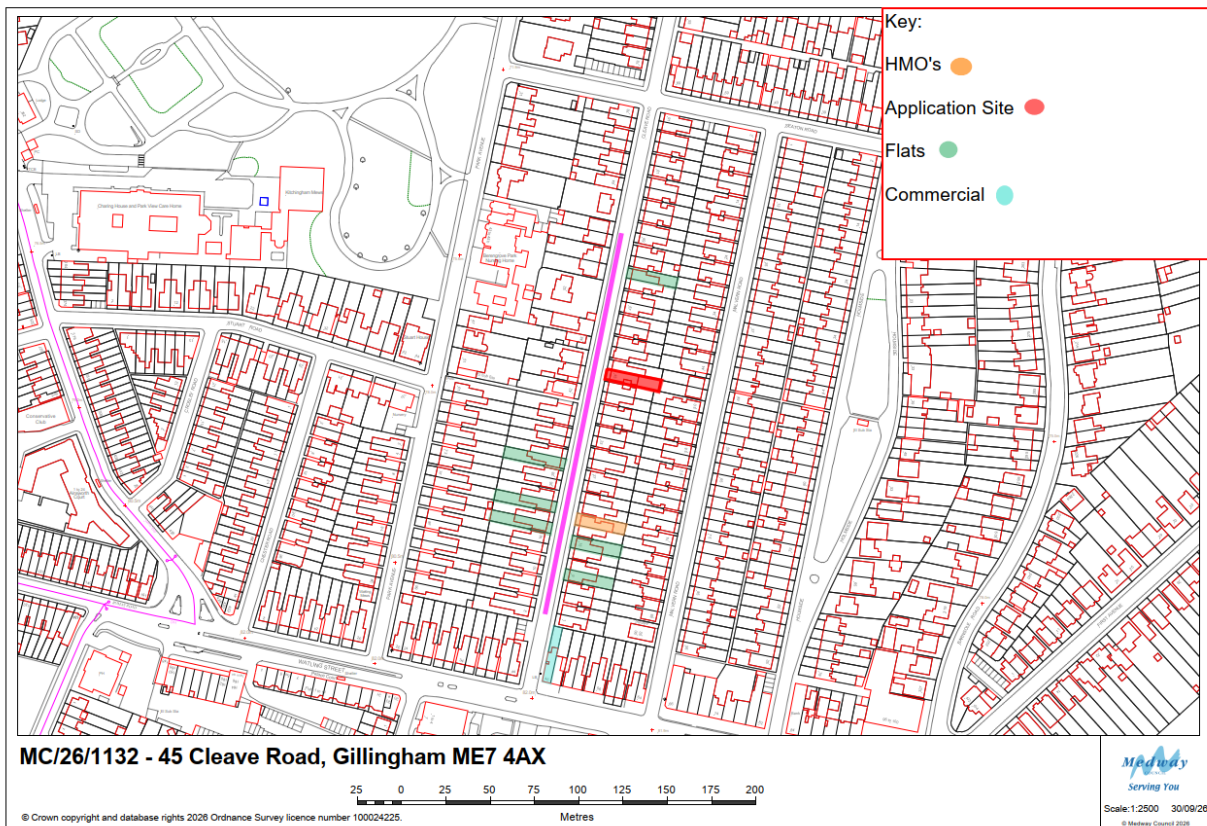
- Do not adversely affect the character and amenity of the area;
- Do not contribute to an over provision of HMOs in an area;
- Do not lead to the loss of suitable units for family accommodation, particularly in areas of high concentration of HMOs;
- Do not generate excessive parking demands;
- Provide 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.

The map and table below shows research undertaken by officers from on-site observations, professional judgement, and a desktop study taking in a circa 200 metre segment of Cleave Road.

Table Showing Breakdown of Uses on King Street

Observations	HMOs	Flats	Other uses
Council Records (incl. council tax, planning and licencing)	1 (19 CR)	9 Cleave Road, 15 Cleave Road, 18 Cleave Road, 22 Cleave Road, 30 Cleave Road, 63 Cleave Road	Historical data – 13 Cleave Road as care home.
Article 4 Paper	3 (1 is 19)	0	
Site Visits	No obvious conversions visible.	As above.	46 Watling – Vets
Total properties surveyed	53		
Total HMOs	Potential 3		
Expressed as a %	5.6%		

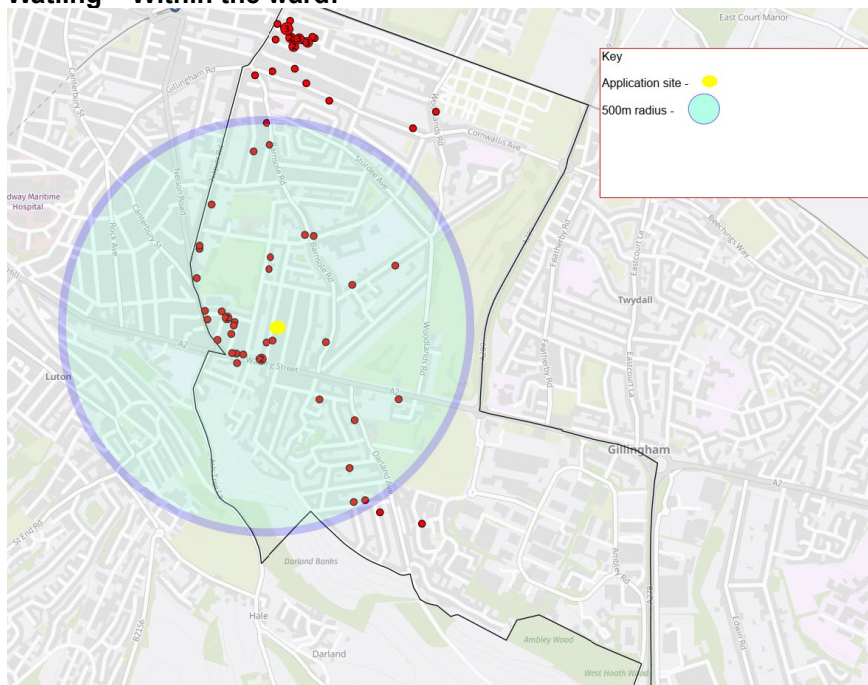
A land use survey and desktop assessment surveyed 53 residential properties on Cleave Road. While Council Tax and licensing records only identified 1 HMO within the street, the Article 4 Direction paper had identified the potential for 3. While this has not been verified by the recent site visit survey, for the purposes of this assessment a worst-case scenario has been factored in assuming 3 existing HMOs and the proposal equating to a 4th. On this basis, HMOs account for approximately 7.5% of the housing stock within this section of Cleave Road. This figure falls below the 10% threshold generally used to indicate an over concentration or clustering of HMOs within an area. In addition, where there are HMOs in the street it is not considered that there is a specific clustering of them.



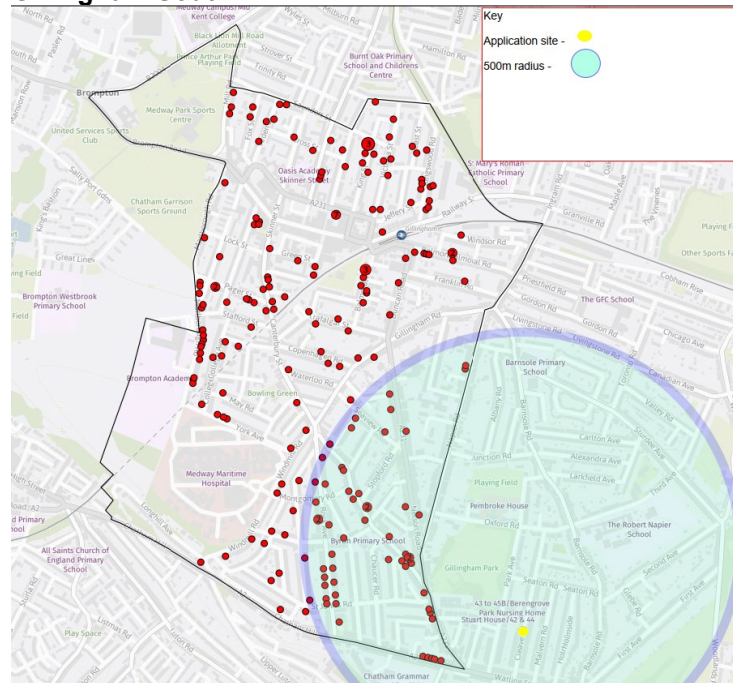
Maps Showing the Locations of HMOs within 500m Radius from Application Property

The application site due to the 500m radius crosses over 2 wards both have been included for clarity

Watling – Within the ward:



Gillingham South



Turning to the remaining criteria of Policy H7 of the Local Plan and Policy T8 of the emerging plan. The application site is located within the urban area of Gillingham and is within walking distance of local amenities located on Watling Street where there are also Bus services. The site is, therefore, situated in a sustainable location with good access to public transport, employment opportunities, shops and services.

The property has an internal floor area of approximately 149m². Whilst Policy H7 does not define what constitutes a dwelling that is "too large" for single household occupation, the supporting text elsewhere within the Local Plan indicates that dwellings of less than 120sqm in predominantly residential areas should generally be retained for family occupation. The property exceeds this threshold and is, therefore, of a size that is capable of accommodating a larger household without undermining the Council's housing objectives.

Having regard to the above, it is not considered that the proposal would contribute to a harmful concentration or clustering of HMOs, nor would it adversely affect the character of the area.

Accordingly, the principle of a C4 Use House in Multiple Occupation of 6 residents is considered acceptable and accords with the objectives of Policy H7 of the Medway Local Plan 2003 and Policy T8 of the emerging Local Plan.

Design

Both the NPPF and Local Plan stress and 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.

Moreover, paragraph DP3 of the NPPF states that developments should contribute to the overall quality of the area and be sympathetic to local character, including the surrounding built environment and landscape setting.

In addition, the site is located within a conservation area. Policies BNE12 and BNE14 of the Local Plan seek to preserve and enhance the character and appearance of designated Conservation Areas. Development proposals should respect the area's special architectural and historic interest and be of an appropriate scale, design, detailing and material finish that responds positively to its historic context. Proposals should ensure that the significance, character and appearance of the Conservation Area are safeguarded and, where possible, enhanced.

In this instance, there are no external alterations proposed and, therefore, the proposal is considered to be acceptable and in accordance with Policies BNE1, BNE12 and BNE14 of the Local Plan and paragraph DP3 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 Policies DP3 and P3 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

It is acknowledged that HMOs can generate a greater level of activity than a single-family dwelling due to a higher number of individuals residing at the property, however, in this instance, the existing dwelling, as arranged, facilitates 4 double bedrooms which could house up to 8 people. Therefore, a 5-bed 6-person HMO would not be likely to generate a demonstrably greater impact on residential amenity such as to justify a refusal of permission.

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 7.5m² and for a Double to have a floor area of at least 11.5m² and be at least 2.75m wide. All the proposed bedrooms would exceed these requirements and, in some cases, would significantly exceed the space standards set out by the National Planning Policy Guidance (NPPG).

The proposed double room is Bedroom 3 and is proposed at 21m². This is significantly above the standards and would provide a good level of amenity for the occupants. All bedrooms would meet national space standards and would be served with an adequate degree of natural light and afforded suitable outlook. The remaining communal space comprises of a lounge/dining room of 26.2m² and additionally there is communal living space provided in the loft of approximately 14m², externally there is a rear garden.

These would be shared amongst a total of six individuals. The kitchen area is considered suitable as a general functional space for cooking and dining, whilst the living room is considered of a suitable size for the proposed number of residents. The rear garden is also considered to provide further amenity space for residents reducing an overreliance upon the main communal areas or occupant's bedrooms.

In order to ensure that the internal amenity standards of future occupants and neighbour amenity is 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 six 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 P3 of the NPPF.

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. Policy TR6 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.

Policy TR6 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 acknowledged that the application site is unable to meet its parking requirements through off-street provision, this reflects the existing situation, as the property could not adequately accommodate parking when occupied as a single dwellinghouse. Furthermore, the Medway Residential Parking Standards recognise that a reduced level of parking provision may be acceptable where a development is located within an urban area with good access to sustainable transport options and day-to-day facilities within easy walking distance.

In this regard, the property is situated within the urban area of Gillingham, within walking distance of a wide range of services and facilities, including shops, schools, open space, public transport links. As such, the site occupies a sustainable location and is

considered to accord with the circumstances in which reduced parking provision may be accepted.

Whilst it is acknowledged that on-street parking demand exists within the surrounding area, it should be noted the site has unrestricted parking and the property as existing could accommodate a significant level of occupants all with cars. It is, therefore, not considered that it can be demonstrated that the proposal would have a detrimental impact on parking conditions or highway safety within the locality. In addition, the nature of the HMO occupancy more typically presents itself to occupants who do not own cars.

Notwithstanding the above, in order to promote sustainable modes of travel and reduce reliance on the private car, 4 cycle racks have been proposed. However, not only is this insufficient for the number of residents, but a rack is also not considered suitable storage for bikes for residents. It is considered that the garden is of sufficient size for appropriate storage to be provided and, therefore, a condition is recommended.

Refuse is demonstrated within the proposed plans to the rear of the property and the planning statement outlines that "Dedicated refuse and recycling storage will be retained within the rear garden area and managed by the landlord and/or managing agent. Residents will be provided with information regarding refuse collection arrangements and recycling requirements. Waste will be appropriately stored and presented for collection in accordance with Medway Council requirements. Appropriate conditions are recommended.

Consequently, subject to the recommended conditions, no objections would be raised in regard to Policies H7, T1 and T13 of the Local Plan, T8 of the emerging Plan and TR6 of the NPPF.

Biodiversity Net Gain

Sites are now subject to Biodiversity Net Gain (BNG) requirements to meet a 10% gain in biodiversity subject to some exemptions. In this instance, as the application is for a change of use, the application does not meet the requirement for BNG and, therefore, no objection is raised to this with regard to Policy N2 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 (SAMS) 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 agreed to pay the SAMMS Mitigation Contribution Agreement subject to the approval of the application, therefore, no objection is, therefore, raised under Policies S6 and BNE35 of the Local Medway 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 Policies PM1, DP3, P3 and TR6 of the NPPF, Policies BNE1, BNE2, BNE35, H7, T1 and T13 of the Local Plan and Policy T8 of the emerging Plan. The application is, therefore, recommended for approval.

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/>.