

MC/25/1251

Date Received: 26 June 2025

Location: Land to the west of 88 Waterside Lane, Gillingham, Medway
ME7 2ST

Proposal: Change of use of amenity land to the west of no.88 Waterside
Lane to create two parking spaces and the installation of an
electric vehicle charging point.

Applicant Mr M Davies

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Ward: Gillingham North

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 24 September 2025.

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 20 June 2025
DHA_36022_01 - Site Location Plan

Received 14 August 2025
DHA_36022_03 Rev A - Proposed Site Layout

Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 All materials used externally shall match those set out in drawing
DHA_36022_03_Rev A received 14 August 2025.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 The parking spaces shall not be brought into use until the details of the electric vehicle charging point has been submitted to and approved in writing by the Local Planning Authority. Details shall include the charging type (power output and charging speed) and associated infrastructure. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 117E of the NPPF.

- 5 The parking spaces shall not be brought into use until the soft landscaping set out on drawing DHA_36022_03 Rev A - Proposed Site Layout received on 14 August 2025 has been implemented in accordance with the approved details and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policies BNE1 of the Medway Local Plan 2003.

- 6 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operatives vehicles, deliveries to the site, noise, dust and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents with regard to 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 the change of use of the amenity land to create two parking spaces. These would be located one behind the other. This would also facilitate the installation of an electric vehicle charging point.

The hardstanding would measure approx. 10 metres in depth and 2.5 metres in width, and would consist of permeable block paving to match the existing road. The soft landscaping and grassed area surrounding the paving would be retained and additional hedgerow to surround the area is proposed.

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.

Five letters of representations have been received raising the following objections:

- Removal of green space
- Loss of visual amenity
- Road safety from access of parking spaces
- Restriction of access for emergency vehicles
- Setting a precedent to diminish the character of the area
- Reduction of parking for others to access the spaces
- Loss of privacy
- Noise and inconvenience of building works

Objections relating to the impact of the development on house prices and deed restrictions have also been raised but, as these are not planning matters, have not been taken into account in this decision.

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 (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 agreed by Full Council for Reg 19 publication, consultation and, following any changes required as a result of the consultation exercise, submission to the Inspectorate for examination. The policies within this version of the emerging plan have weight in the determination of planning (and associated) applications. However, due to the nature of this proposal, the stage of the emerging Local Plan, the existence of relevant adopted Policies in the Medway Local Plan (2003) and guidance in the NPPF it is considered that the proposal falls to be considered with regard to the adopted policies and guidance in the NPPF.

Planning Appraisal

Principle

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

The application site is within a residential area and there are no overarching factors which would broadly restrict an alteration to a residential dwelling. The application, therefore, needs to be considered on matters of design, impact on neighbouring amenities and highway considerations.

Design

Both the NPPF and Local Plan stress the emphasis of good design and achieving high quality buildings and public spaces. 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 131 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, supported by paragraph 135 which adds that good design is a key aspect of sustainable development.

The street scene is a cul-de-sac, characterised by two-storey, terraced and semi-detached residential properties with hardstanding to the front incorporating off-street parking provision. There is a shared surface on Waterside Lane with block paving with the amenity land to the end of the cul-de-sac being grassed with some low-level vegetation to the western boundary. The amenity land provides some relief to the hardstanding and allows for views across the River Medway to the north.

When taking into account the prevalence of other areas of front hardstanding in the street scene the proposed hardstanding would not appear out of character to the area. The area surrounding the parking spaces would remain as grass with the spaces being permeable block paved to match the existing road. The proposal would additionally retain the planting to the western boundary of the site and further planting would be provided to maintain the green nature of the site. The visual amenity provided by the view through to the north would not be compromised by parking spaces still retaining the open nature of the area.

It is not considered that the loss of amenity land would be detrimental to local character. The openness of the space would be maintained along with majority of the grass and the soft landscaped planting to the west of the site would be extended. As such, no objections would be raised in relation to Policy BNE1 of the Local Plan or paragraph 131 of the NPPF.

Amenity

Paragraph 135f of the NPPF requires that development functions well over its lifetime and provides a high standard of amenity for future occupiers and neighbours, which is reflected in the requirements of Policy BNE2 of the Local Plan; to protect the amenities of neighbours in terms of privacy, daylight, sunlight, noise, vibration, heat, smell, airborne emissions.

Due to the nature of the proposal there would be no significant impacts in terms of daylight, sunlight or outlook. Loss of privacy has been raised as a potential issue to the neighbours at 89 and 90 Waterside Lane but as the comings and goings would

be to the front of these properties, where there is already an existing footpath, this is not considered to cause a loss of privacy at a level to warrant a refusal.

As such, the proposal complies with the amenity objectives of Policy BNE2 and paragraph 135 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. Paragraph 116 of the NPPF states that development should only be refused on highways grounds if there is an unacceptable impact on highways safety.

The Medway Council Residential Parking Standards requires a minimum of two parking spaces for a four bedroom property. The property currently has one parking space and a garage, however, the garage is not large enough to meet the current Medway Councils Residential Parking Standards of (7m X 3m) to be considered as a car parking space leaving the property with only one parking space. This could cause additional pressure on on-street parking. The addition of two additional off street parking spaces at the property would, therefore, allow the property to meet with the minimum standard.

The proposal would accommodate off street parking provision and would exceed the dimensions of the size standards as set out in Medway Councils Residential Parking Standards (5m x 2.5m). The hardstanding would be formed of porous material, to allow surface water to adequately drain. In addition, acceptable visibility splays would be maintained such that there would be no objections on the grounds of highway safety.

Concern has been raised in regards to the proposed parking spaces causing a loss of parking spaces on the roadway in front of the application site. However, as noted whilst visiting the site, these do not constitute formal parking spaces and the current use of these blocks the driveway to number 91 Waterside Lane. Therefore, no objection is made to the siting of the proposed parking spaces in regards to loss of on-street parking.

Concern has been raised in regards to the noise and inconvenience of building works. Given the nature of the road being a cul-de-sac, there is also the recognition that construction traffic could potentially cause a blockages to the roadway, particularly at peak times of the day. Therefore, a condition is recommended for a construction environmental management plan (CEMP) to be submitted prior to any works being started to set out how hours of working, access to the site, deliveries, storage of materials, dust and lighting will be managed.

Concern has been raised regarding access for emergency vehicles but given the proximity of dwellings to the highway, this would meet with the 45 metre minimum requirement from pump appliance to dwelling entrance to satisfy fire safety concerns for the dwellings at 89 and 90 Waterside Lane.

The location of the proposed EV charger is considered acceptable but no details of the EV charger have been provided and so this is recommended to be sought by condition.

As such, subject to the above-mentioned conditions, it is considered that the proposal would not result in harm to highways function or highways safety. Therefore, no objection is raised on highways grounds and the proposal would be in accordance with Policies T1 and T13 of the Local Plan and paragraph 116 of the NPPF.

Biodiversity Net Gain

As of 2 April 2024 all sites were subject to Biodiversity Net Gain (BNG) as per the conditions of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Notwithstanding, de minimis exemptions wherein BNG does not need to be provided are set out in the Biodiversity Gain Requirements (Expeditions) Regulations 2024, confirming within subsection 4:

- “(1) The biodiversity gain planning condition does not apply in relation to planning permission for development which meets the first and second conditions.*
- (2) The first condition is that the development does not impact an onsite priority habitat.*
- (3) The second condition is that the development impacts:*
 - (a) less than 25 square metres of onsite habitat that has biodiversity value greater than zero; and*
 - (b) less than 5 metres in length of onsite linear habitat.”*

In this instance, both of the above conditions set out by the Act are considered of relevance and, therefore, the application does not meet the threshold for the requirement of a BNG statement.

Landscape and Habitats

The application site lies to the south of the River Medway and the Medway and Estuary & Marshes Special Protection Area and Ramsar. Although not directly adjacent to the site, Policy BNE35 confirms that development will not be permitted that would materially harm, directly or indirectly, the scientific or wildlife interest of these sites.

The minor nature of the proposal and proximity to the SPA and Ramsar site means that there would be minimal impact. However, to mitigate the loss of grass on the amenity land due to the parking spaces, the proposal includes an extension to the hedging around the application site and to maintain the grass on the area of land surrounding the two parking spaces. This would result in an increase in landscaping and biodiversity on the site to off-set the loss of grass from the two parking spaces. A condition is recommended to ensure that the landscaping is undertaken.

Therefore, subject to this condition, no objection is raised in regards to the impact on landscape and habitats and the proposal is in accordance with Policy BNE35 and paragraph 193 and 194 of the NPPF.

Conclusions and Reasons for Approval

The proposed development would not detract from the overall character and appearance of the host dwelling or wider street scene. Likewise, there would be no detrimental impacts in terms of neighbourhood amenity or highways safety. Therefore, the proposal is found in accordance with Policies BNE1, BNE2, BNE35, T1 and T13 of the Medway Local Plan 2003 and paragraphs 116, 131, 135, 193 and 194 of the NPPF.

The application would normally be determined under delegated powers, but is being referred to Planning Committee due to the extent of the representations received expressing a view contrary to the recommendation.

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/>