

MC/17/4048

Date Received: 22 November, 2017

Location: Formby Terrace, Halling, Rochester, ME2 1AP

Proposal: Proposed off-street car parking area comprising 24no. spaces to the rear of Formby Terrace to provide improved parking arrangements for existing dwellings

Applicant: St Andrews Leisure

Agent: Mr John Collins DHA Planning Eclipse House Eclipse park  
Sittingbourne Road Maidstone ME14 3EN

Ward Cuxton & Halling

Case Officer Madeline Mead

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 17 January 2018.**

**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:

Drawing 17/9907/DWG/AJ/5 and 100 received on 22 November 2017.

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

- 3 The vehicle parking area shall not be brought into use, until the access and parking areas have been surfaced and drained so that no surface water disperses onto the public highway. Thereafter it shall be kept available for the use of the residents of 1-12 (inclusive) Formby Terrace and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this parking area.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and to accord with Policy T1 of the Medway Local Plan 2003.

- 4 Prior to the vehicle parking area being brought into use a lighting scheme for the parking area shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and thereafter maintained.

Reason: To safeguard conditions of amenity within the scheme of development permitted in accordance with Policy BNE2 of the Medway Local Plan 2003.

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

### **Proposal**

The application proposes the formation of a off-street car parking area comprising 24no. spaces to the rear of Formby Terrace. The parking area would be to provide parking for the residents of the dwellings in Formby Terrace.

The area of land to be used for the off-street parking would be the rear gardens of Formby Terrace and a small area of land currently used for commercial.

Areas of landscaping are proposed within the new parking area to break up the hardstanding areas.

### **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.

### **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 2012 and are considered to conform.

### **Planning Appraisal**

#### *Principle and background*

The site falls outside of the defined urban area and is covered by Policy ED1 of the Local Plan. Policy ED1 lists the site as an Existing Employment Area where only B1, B2 and B8 uses will be permitted. This policy states that proposals for development on

these sites that results in the loss of existing industrial, business or storage and distribution development to other uses will not be permitted. However, this Policy and the site definition applied in 2003 when the cement works were in operation. Since then the cement works have ceased, planning permission was granted for St Andrews Park and that permission has been implemented. As part of the St Andrews Park proposals, an indicative masterplan was submitted that showed residential development on the west side of the A228, with some commercial uses and a leisure use of the lake, with the east side of the A228 being largely for employment purposes but including a football pitch for the benefit of existing and prospective residents in Halling. The east side included the cottages the subject of this application and showed them being demolished and employment development taking their place.

Redrow were unable to secure vacant possession of all the cottages and subsequently sold the cottages to the current applicant, who rather than demolishing them chose to refurbish them and bring them back into residential use. This work did not require planning permission and has largely been undertaken. The refurbishment has been undertaken to a high standard and includes the provision of new front gardens to serve each of the properties. The result has been a significant improvement to the appearance of both the properties and the area, while also providing much needed residential accommodation.

The one issue that needs to be resolved relates to the matter the subject of this application. Previously residents of the cottages needed to park on road in a layby in front of the properties. However, with the road alterations undertaken as part of the St Andrews development the layby was removed, partly on the belief at that time that the cottages were to be demolished. This means that the cottages no longer benefit from car parking and it is not possible to park on road. The proposal is therefore to construct a new access road to the south and to provide rear parking for each of the properties, taking part of the garden area and a small part of the employment area remaining to the rear.

On the basis that the proposal supports the bringing back into use and high quality refurbishment of the cottages providing much needed residential accommodation and will only take a part of the employment area to the rear which will remain of a size that will be viable to use (and indeed it has been made known that there is a potential occupier), it is considered that the principle of the development is acceptable and material planning circumstances exist that should carry greater weight than the outdated policy requirement (in so far as it relates to this site) in the Local Plan.

### *Design*

The car park area is enclosed by 2m high fencing and hoardings and screened from the highway by the dwellings of Formby Terrace. The submitted drawing shows the access road laid out in tarmac with the parking areas laid out in block paving. Areas of landscaping are proposed to the rear boundaries of Formby Terrace. Overall the proposed development would be considered acceptable in design and materials and would comply with Policy BNE1 of the Local Plan.

### *Amenity*

The rear gardens of the properties in Formby Terrace would be significantly reduced in depth to enable the parking area to be accommodated. As the garden areas have already been reduced in size it is unclear exactly how much garden area has actually been lost to the development. The proposed drawings now show the rear gardens with a depth of approx. 5m. The national described standards does not give advice regarding what is an acceptable size for a rear garden and therefore guidance is taken from the Medway Housing Standards. The Medway Housing Standards baseline for private gardens requires a minimum length of 7m on constrained sites. Although the gardens will fall below these standards, in consideration of the above facts regarding the removal of the layby and lack of any possibility of on street parking and benefit the occupiers of the dwellings, it is considered that the loss of the garden area to create an off street parking area for the residents of Formby Terrace would be considered acceptable.

The proposal would introduce additional parking to the rear of the properties in Formby Terrace. In consideration of distance from habitable rooms to the parking area and the volume of traffic within this area, no residents would be adversely affect by the development. The proposal would comply with the objectives of Policy BNE2 of the Local Plan.

### *Flood Risk*

The site lies within the level 2 and 3 flood zone as specified on the Environment Agency Flood Map. No comments have been received from the Environment Agency and in consideration that the land would be used for the parking of cars, no objection is raised in terms of flood risk and the development is considered to be in accordance with the NPPF and Policy CF13 of the Local Plan.

### *Highways*

The proposed development would be accessed via an existing vehicular crossover from Formby Road. Although the use of this existing access will be intensified, as the area would provide parking for all the residents of Formby Terrace, it is not considered that the increase in traffic exiting or entering the site would have a detrimental impact in terms of highway safety and the vision splays provided would be sufficient.

It is considered that the proposal would comply with Policies T1 and T3 of the Local Plan.

## **Conclusions and Reasons for Approval**

The application is acceptable in terms of principle, design and appearance, and raises no issues in terms of neighbour amenity and highways. The proposal, therefore accords with Policies BNE1, BNE2, T1 and ED1 of the Medway Local Plan 2003 and is recommended for approval.

The application would normally be determined under delegated powers but is being referred to Committee as Councillor Mackness is one of the parties involved with the

applicants, St Andrews Leisure.

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