

MC/12/1873

Date Received: 7 August, 2012

Location: Hempstead Valley Shopping Centre, Hempstead Valley Drive, Hempstead, Gillingham, ME7 3PD

Proposal: Part demolition of, and alteration to the existing southern mall of the Hempstead Valley Shopping Centre and the adjacent building, and redevelopment for mixed use scheme comprising Use Class A1, A2 and A3 (shops; financial and professional services; food and drink establishments) D1 and/or D2 (non residential institutions; assembly and leisure). Improvements to and development of new public realm and landscaping and reconfigured car parking and provision of new public transport and taxi waiting facilities.

Applicant: The Trustees of Hempstead Valley Shopping Centre

Agent: Ms Beardmore GL Hearn Ltd 20 Soho Square LONDON W1D 3QW

Ward Hempstead & Wigmore

---

**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 13 February, 2013.**

**Recommendation - Approval subject to:**

- A) Referral to GOSE as a departure from the Development Plan due to the floor area proposed.
- B) The applicant entering into an agreement under the terms of S106 of the Town and Country Planning Act 1990:
  - (i) Not to implement planning permissions MC/10/2971 or MC/10/0150
  - (ii) To contribute £4k towards the cost of the Council's involvement in the monitoring and co-ordination of the Travel Plan; and
- C) The imposition of the following 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:

201 Rev 01, 202 Rev 01, 203 Rev 01, 204 Rev 01, 205 Rev 01, 206 Rev 01, 207 Rev 02, 255 Rev 02, 257 Rev 02, 259 Rev 01 and 260 Rev 01 received 7 August 2012

198 Rev 02 and 199 Rev 01 received 3 September 2012

Revised drawings 399.010 Rev F, 251 Rev 12, 252 Rev 09, 253 Rev 08, 254 Rev 04, 256 Rev 04, and TPPasc\_HVSC Rev 10 received 15 January 2013

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

- 3 Upon occupation of the retail units hereby permitted, individual window displays appropriate to the occupier of the relevant unit and the shopping parade as a whole shall be provided and maintained.

Reason: To safeguard the character and appearance of the premises and the area in which they lie in accordance with policy BNE1 of the Medway Local Plan 2003.

- 4 Prior to the first occupation of the development hereby permitted details of the design and location of security measures including any proposed CCTV cameras and anti-ram raid bollards shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first use of any of the retail units hereby granted and such security measures shall thereafter be retained and maintained in working order.

Reason: To ensure a safe and secure environment in accordance with Policy BNE8 of the Medway Local Plan 2003.

- 5 Prior to first occupation of any of the A3 uses hereby approved, a scheme for the extraction and treatment of cooking fumes, including details for the control of noise and vibration from the system for each of the A3 units, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the relevant A3 unit is brought into use and thereafter maintained in accordance with the approved details.

Reason: To ensure the satisfactory dispersal of cooking odours and fumes in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 Prior to the commencement of the development hereby permitted, a construction code of practice that describes measures to control noise and dust impacts arising from the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved construction code of practice and measures to control noise and dust shall be implemented in full during the construction period of the approved development.

Reason To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with policies BNE2 and BNE3 of the Medway Local Plan 2003.

- 7 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 8 to 11 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 11 has been complied with in relation to that contamination.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 8 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 9 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 10 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 11 In the event that contamination that was not previously identified is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 9 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 10.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 12 Prior to the commencement of the development, details of filtration of surface water drainage into the ground from the large-scale car parking area shall be submitted to and approved in writing by the Local Planning Authority. Car park area surface water drainage should be through appropriate pollution prevention measures only or to the mains. The approved details shall be implemented in full prior to the opening of the car park area to the public.

Reasons: The site overlies a major aquifer and further assessment is required under the Environment Agency Groundwater Protection Policy.

- 13 Prior to commencement of development, details of the proposed bus interchange to facilitate level access for services, including adequate waiting space for 5 buses, taxis and coaches, high quality technology bus timetable displays and adequate waiting areas for passengers, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and made available on or before the approved development is open to public.

Reason: To ensure that the development does not prejudice conditions of amenity and highway safety and to accord with policy T6 of the Medway Local Plan 2003.

- 14 Prior to commencement of development, details of the proposed car parking management strategy including enforcement regimes for the bus interchange area, shall be submitted to and approved in writing by the Local Planning Authority. The Strategy must include a timetable for review of the Car Parking Strategy after 6 months of opening and annually thereafter, with written approval from the Local Planning Authority.

Reason: To ensure that the development does not prejudice conditions of amenity and highway safety and to accord with policy T1, T6 and T13 of the Medway Local Plan 2003.

- 15 Prior to occupation of any phase or sub-phase of the development a revised and updated Travel Plan for the whole centre should be submitted to and agreed in writing with the Local Planning Authority. The submitted Travel Plan must include:

- Details of a Travel Plan Forum to be established involving as many tenants as possible, to meet twice a year (minutes of these meetings to be sent to the Local Planning Authority for information)
- An Action Plan with proposed measures to reduce single occupancy car use
- Details of monitoring and assessment of the existing cycle parking facility and the provision of additional or alternative arrangements should the findings of the monitoring deem it necessary.
- Details of a strategy for monitoring and managing staff parking
- Provisions for the annual monitoring and review of the Travel Plan.

The findings of the annual monitoring and review of the plan shall be submitted to and approved in writing by the Local Planning Authority, within 2 weeks of being produced, in order to update or amend provisions where it is found necessary. The Travel Plan shall be prepared, submitted and implemented in accordance with the details and timetable approved by the Local Planning Authority and shall remain in use at all times thereafter, as altered where necessary by the approved monitoring and review findings and consequent plan updates.

Reason: To ensure that the development does not prejudice conditions of amenity as a result of transport matters in accordance with policy T14 of the Medway Local Plan 2003.

- 16 Prior to first occupation of the new freestanding part of the development a servicing plan with proposed servicing arrangements and limitations for every unit within the proposed new freestanding building should be submitted to and agreed in writing by the Local Planning Authority. The plan must set out the largest servicing vehicle wishing to load/ unload at Service Area 4, and the times of day services are planned for. The servicing plan should be updated when new tenants move in to ensure optimum management of Service Area 4 and shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented on or before any part of the approved new freestanding building is open to the public.

Reason: To ensure that the development does not prejudice conditions of amenity and highway safety and to accord with policy T6 of the Medway Local Plan 2003.

- 17 No development shall take place until details of the method for piling foundations or any other foundation designs using penetrative methods and any other proposals involving below ground excavation relating to that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. Piling works shall be implemented in accordance with the approved details.

Reason: To prevent pollution of the water environment in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 18 No development shall take place until details of the proposed means of surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall then be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment.

- 19 The cumulative noise level of any plant, air conditioning or extraction system on each unit shall be at least 5dB(A) below the background level L(A)90 as measured in accordance with BS4142:1997

Reason To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with policy BNE2 and BNE3 of the Medway Local Plan 2003.

- 20 Prior to first occupation of any A3 use, an acoustic report that provides details of impact in terms of noise on any residential premises shall be submitted to and approved in writing by the Local Planning Authority. The report shall set out measures to minimise any noise that could cause harm to the residential amenity of the area and the approved measures shall be undertaken prior to first occupation of the relevant unit and thereafter maintained.

Reason To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with policy BNE2 and BNE3 of the Medway Local Plan 2003.

- 21 No goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart within the application outside the hours 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday or at any time on Sunday or Bank Holidays.

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

- 22 Prior to first occupation of any part of the development, a signage strategy, including details of height, style and size of signage to be displayed shall be submitted to and agreed in writing by the Local Planning Authority. All adverts and signs displayed on the buildings hereby approved shall conform to the approved strategy unless otherwise first approved by the Local Planning Authority.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with policies BNE2 and BNE3 of the Medway Local Plan 2003.

- 23 Prior to the commencement of the community use, an acoustic report that details the acoustic performance of the building shall be submitted to and approved in writing by the Local Planning Authority. The total acoustic performance  $R_w$  shall be at least 35dB(A).

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with policy BNE2 and BNE3 of the Medway Local Plan 2003.

- 24 No development shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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.

- 25 The detached units with the A2 and A3 use shall only operate between the hours of 09:00 to 23:00 Mondays to Sundays including Public Holidays.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 26 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping (hard and soft) and boundary treatment; this shall include details of the green screen along Sharsted Way. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or completion of the development, whichever is the earlier. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 27 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with British Standard 3998:2010 Tree Work - Recommendations or any revisions thereof.

b) If any retained tree dies, or is removed, uprooted or destroyed, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) Notwithstanding the details submitted and approved, no development shall commence until tree protection measures and methods of working, designed

to protect retained trees and habitat on the site, have first been submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures and methods of working shall comply with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations or any revision thereof and shall be implemented before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

28 No development shall commence until the developer has:

- (a) instructed an arboricultural consultant, approved in writing by the Local Planning Authority, to liaise with the developer and/or his architect or engineer to approve details of construction methods, oversee the works and report to Medway Council throughout the period of the works insofar as the works may affect trees within the site; and
- (b) submitted to and obtained the written approval of the Local Planning Authority details of a monitoring programme for the details specified in (a) above.

After commencement of the project, all persons employed or engaged on the project shall immediately comply with any reasonable instruction, advice or request given or made by the arboricultural consultant in respect of works in so far as they relate to or affect trees within the site, including an instruction to cease work if the arboricultural consultant considers that works have deviated from the agreed working methods. In these circumstances works shall not recommence until or unless written authority has been given by the Local Planning Authority or the arboricultural consultant that such works may recommence.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

## **Recommendation**

For the reasons for this recommendation for approval please see planning appraisal section and conclusions at the end of the report.

## **Proposal**

The application is for the part demolition of, and alteration to, the existing southern mall of the Hempstead Valley Shopping Centre and the adjacent building; redevelopment for mixed use scheme comprising Use Classes A1, A2 and A3 (shops; financial and professional services; food and drink establishments); Use Classes D1 and/D2 (non residential institutions; assembly and leisure); Improvements to and development of new public realm; landscaping and reconfigured car parking; and provision of new public transport and taxi waiting facilities.

The development involves 13,311m<sup>2</sup> gross internal area (GIA) of new, quality retail floorspace, replacing 6,461m<sup>2</sup> (net increase of 6,850m<sup>2</sup>), 1,603m<sup>2</sup> GIA of bespoke new food and beverage floorspace to replace the existing 1,314m<sup>2</sup> (net increase of 657m<sup>2</sup>); replacement of the community centre and centre management offices; provision of new bus and taxi waiting facilities; creation of new high quality public realm landscaping; and the consolidation of the existing southern car park (red car park).

The proposal involves the reduction in the size of the red car park by 74 spaces and the introduction of additional disabled, parent and child parking spaces closer to the entrance and also formation of a new public open space to accommodate the existing visiting markets and to create opportunities for additional kiosks or attractions.

A new mall is proposed integrating a wider, double height frontage into the existing centre.

It is proposed to demolish the existing freestanding building and replace it with new A1 (retail) units, A3 (restaurant) units and one A2 bank/building society, together with a new active frontage with canopy and building cantilevers to provide a sheltered and safe bus pick-up and taxi drop off/waiting area.

The proposal provides a reduction in the space allocated to service area 3 whilst maintaining its function and capacity and the provision of screening to the service areas.

The documents advise that the divisional layout of units shown in the proposed plans are indicative and may be subject to alteration with the possibility of the indicated units being split up and/or enlarged. The final unit configuration will be dependent on tenant requirements but will be contained within the parameters of the built form that is shown on the proposed drawings. The framed structure of the proposed units will also allow for future adaptability as shop layouts may be reconfigured without affecting the building footprint or enclosure.

Following negotiation the plans have been revised to:

- Remove the terrace area to unit N8,
- Reconfigure the footpath leading to the disused subway to retain the existing embankment profiles and existing trees,
- Modify the elevation of the community centre entrance,
- Increase in number and change in layout the windows to the first floor accommodation,
- Subdivide unit N11,
- Alter the proposed landscaping and demarcation of pedestrian route in the car park providing a level access via the existing footpath to Sharsted Way pedestrian crossing,
- Increase in density the new tree planting to Sharsted Way margins and consequent modification to the line of the "green screen" to the new service yard.

### **Relevant Planning History**

There are a large number of applications relating to Hempstead Valley Shopping Centre. Listed below are those relating to extensions to the shopping centre itself or to the car parking areas.

MC/10/2971

Outline application for part demolition of, and alterations to existing southern and eastern malls and the adjacent freestanding building, and redevelopment for mixed use scheme comprising use classes A1, A2, A3 and/or A5 (Shops; Financial and Professional Services; Food establishments), D1 and/or D2 (Non-residential institutions; assembly and leisure); and car parking facilities. Improvements to and development of new public realm and landscaping and alterations to vehicular access points and provision of new public transport and taxi waiting facilities  
Approved 4 January 2011

MC/10/0150

Application for a new planning permission to replace an extant planning permission (MC2006/1481 - Extension to existing shopping centre to provide 3 additional retail units (class A1 - A4), reconfigured main entrance and internal mall, reconfigured car parking together with associated pedestrian access and landscaping)  
Approved 10 March 2010

MC2006/1481	Extension to existing shopping centre to provide 3 additional retail units (class A1 - A4), reconfigured main entrance and internal mall, reconfigured car parking together with associated pedestrian access and landscaping Approved, 1 Feb 2007
MC2006/1192	Town and Country Planning (EIA) Regulations 1999 for a screening opinion to determine the need for an environmental statement to accompany a planning application for an extension to provide 3 new retail units. EIA not required, 14 July 2006
GL/95/0368/71/0129	Proposed extension and refurbishment of existing Food Court area Approved, 25 July 1995
GL/93/0476/71/0129	Proposed alteration to service area access road and the infilling of an existing bus lay-by Approved, 27 August 1993
GL/91/0633/71/0129	Proposed extension to Savacentre Unit, with re-arrangement of shop units and dry cleaners Approved, 11 October 1991
GL/71/129/91/461	Proposed extension to Savacentre Unit, including mezzanine floor, rearrangement of shop units and dry cleaners. Approved, 30 August 1991
GL/71/129T	Extension to existing shopping centre incorporating a large retail unit, link mall with shops and a multi-level car park Approved, 05 April 1990
GL/71/129N(I)	Renewal of outline permission GL/71/129N dated 25/7/85 for 8,250 square metres gross shopping floorspace, health centre, cinema complex pedestrian malls and car parking, part of Hempstead Valley Shopping Site. Approved, 20 January 1989
GL/71/129H(6)	Extension and alterations to existing Savacentre store Approved, 20 August 1984
GL/71/129H(5)	Internal refurbishment including installation of new mezzanine floors for retail use. Approved, 21 July 1983

GL/71/129N	Approx. 8, 250 sq.metres net increase in gross shopping, health clinic, cinema complex, garden centre, pedestrian malls and roof car parking. Refused, 09 April 1981
GL/71/129M	Staff and coach park to be used in association with adj. Hempstead Valley Shopping Centre. Approved, 17 April 1979
GL/71/129G(1)	Additional Car Park (approx. 520 cars). Approved 27 July 1978
GL/71/129H(1)	Submission of amended details - covered mall scheme, following planning permission GL/71/129A dated 16/1/73. and GL/71/129B dated 6/1/76. Approved 14 April 1978
GL/71/129F	New showrooms with service road and car parking. Approved, 10 August 1976
GL/71/129H	Single storey and multi-storey buildings for use as retail, public house and office premises including associated roads, footpaths and car parking. Approved, 30 July 1976
GL/71/129G	Use of land as car park ancillary to the Hempstead District Shopping Centre. Approved, 30 July 1976
GL/71/129B	The construction of a single carriageway of Orbital Road connecting with Hoath Way and the erection of a shopping centre comprising 250,000 sq.ft. of retail floor area together with ancillary provisions. Approved, 19 July 1976
NK3/71/129A	Development of land at Hempstead - construction of a single carriageway of orbital road connecting with Hoath Way and a shopping centre comprising 150,000 sq.ft. of gross retail floor area public house, health centre, library, petrol filling station and garage, surface and multi-level car parks and assembly facilities, referred to in your application for permission dated 4.2.72., as modified by the revised application form and drawing no. 33B1 accompanying the agents letter dated 13.10.72. Approved, 05 February 1973

## Representations

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

Southern Water, Swale Borough Council, Hempstead Residents Association, Gravesham Borough Council, Tonbridge and Malling Council, Maidstone Council, Wigmore Residents Association, The Environment Agency, Southern Gas Networks, Kent County Constabulary, and EDF Energy have also been consulted

**Hempstead residents' association** have written to advise that while they do not object to the application they make the following observations:

- Loss of parking will cause problems at busy periods
- Potential noise from the restaurants if they are allowed to stay open after 10pm especially as they will all certainly be licensed
- Concerned about construction especially at weekends. Would like no work to commence until 8am Monday-Friday with cessation at 6pm and work to end at weekends by 1pm
- If the application is granted no construction traffic should be allowed to use roads in the village i.e. Hempstead Valley Drive, but access to and from the site should be via Sharsted Way and either the Southern Relief Road or the M2.

**Kent Police** have written to advise they have no significant objection to the proposal but offer the following observations:

- Seek to ensure that the wide pedestrian priority crossing point to the South Mall has been adequately researched and will not cause any adverse safety concerns to pedestrians or motorists or give rise to conflict and confusion over who has priority at the crossing area.
- Suggest measures to deter the newly created shared surface from becoming a "drop off/collection point" for visitors.
- Recommend CCTV coverage to deter or detect criminal activity
- Landscaping should not detract from natural or formal surveillance opportunities
- Where possible recessed or unobserved recessed areas should be avoided as they could assist in concealing offenders and restrict surveillance
- Rear servicing area 1 and area 3 have semi-concealed narrow routes to the rear of units. It is suggested that if these cannot be designed out to have some form of access controlled gates or similar incorporated, which may reduce vulnerability of rear doors of these units to forced attack
- Beneficial to ensure the management suite incorporates as many windows as possible in order to maximize surveillance opportunities. Additionally internal security routines and access control arrangements will need to ensure the Community facility and suites are only accessible to authorised persons

- Rear fire escape staircase from the community/management suite, which may become a point for congregation or to cause damage or force the fire door. May be useful if this escape staircase could be designed with gate or similar at ground level to prevent access up it, whilst ensuring safe egress in case of emergency, alternatively the location should benefit from CCTV coverage
- Need to consider the opening hours from the commercial and food outlets to ensure that late night trade will not adversely affect residential amenity or encourage persons to congregate or linger in the vicinity or cause antisocial behaviour
- Contractors will need to ensure that Security and Health and safety measures are maintained in all areas and during all phases of both the demolition and build processes. A detailed and comprehensive site security strategy is recommended to be required as part of a planning condition to ensure security over site materials and that plant is not compromised
- Recommended that staffing is reviewed in order to maintain a sound management and maintenance and respond to appropriately to any incidents or issues on site
- Crowded places remain attractive for international terrorists. It is good practice to try and exclude unscreened vehicles from heavily crowded areas to limit the effect on people and property. In an ideal world this is achieved by designing in “pedestrian only” areas in densely crowded places and avoiding roads near the crowded shopping areas. It is accepted that this may not be practical; another way of reducing this threat is to install blast resistant glazing or apply bomb blast film to the windows. The use of ETFE glazing in parts of the application is a positive addition to this application as it is understood that this simply evaporates in the event of a blast rather than shattering and harming people. However, it is suggested that the addition of blast resistant film/glazing on the entrance doors and shop windows would help to reduce injuries in the event of a blast
- Use of bollards at the front of the centre is a positive addition to this application, it is suggested that they are manufactured to PAS 68 standards and installed to PAS 69 standards as this would ensure they are independently tested to withstand a hostile vehicle attack
- Suggest training for staff on counter terrorism awareness

**Southern Water** have written to advise of their concerns with regard to the public sewers and water distribution and to ask the applicant to contact them for further advice and have suggested conditions to be applied to any approval.

**Spokes East Kent Cycle Campaign** have written to advise that the design has missed the opportunity to include some much needed cycle parking in order to encourage sustainable journeys to be made.

**Southern Gas Networks** have written to advise of the presence of gas mains in the area and advise that works carried out should be in accordance with HSE publication HSG47 and that advice on the gas safety card should be followed.

**Environment Agency** have written with no planning objection but ask that conditions relating to contamination and surface water drainage are placed on any consent

**Tonbridge and Malling Council** have no objections to the application.

## **Development Plan**

The Development plan for the area comprises the South East Plan 2009 and the Medway Local Plan 2003. The policies referred to within these documents and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

## **Other Material Considerations**

Medway Council Retail Needs Study March 2009

## **Planning Appraisal**

### *Background and Need*

The Site comprises the southern portion of land occupied by the existing Hempstead Valley Centre and includes the southern mall together with the existing freestanding unit (currently vacant) to the south and the at-grade car park to the south (red car park).

Hempstead Valley Shopping Centre was originally opened in 1979. It is a popular retail and community centre with over 50 shops.

Since opening, Hempstead Valley Shopping Centre has been the subject of a long planning history, growing over time through a number of extensions that have culminated in the Centre now having 52 separate units and a gross floorspace of approximately 41,364m<sup>2</sup>. The centre is designated as a District Centre in the Medway Local Plan 2003.

The applicants have previously advised that, despite relatively healthy levels of trading over the past decade, the Centre is now 30 years old and is becoming dated and in need of further enhancements to ensure its ongoing success. This need for improvements is further reinforced by requests from existing tenants to upgrade their current accommodation to a standard more appropriate to modern day retailing requirements. The applicants are now looking to the next 30 years and have assessed a range of investment options for the Centre in order to maintain its retail role, enhance its mix of uses and to improve the public realm and transport facilities. In particular the southern mall contains a number of small units, which do not meet modern retailer requirements.

### *Principle of Development*

The proposed development involves the following:

- 6,850m<sup>2</sup> of net additional retail floorspace (GIA)
- 657m<sup>2</sup> of food and beverage floorspace (GIA)

In practice, the maximum retail figure of 13,311m<sup>2</sup> referred to in the proposal, equates to the creation of 4,736m<sup>2</sup> of additional comparison retail floorspace at the centre; this reflects both the amount of retail floorspace to be demolished (6,461m<sup>2</sup>) and the “surrender” of the extant planning permission (MC/10/2971) for the extension to the Eastern Mall (2,114m<sup>2</sup>)

Paragraph 6.2 of the Medway Local Plan sets out the retail hierarchy in Medway with Chatham described as a main retail/city centre with 5 District Centres comprising Rainham, Strood, Gillingham, Rochester and Hempstead Valley.

Policy R13 of the Medway Local Plan advises that retail development outside of the main retail centres will only be permitted when it is demonstrated that sites suitable for the proposed retail development have been considered in the sequence set out within the policy. The core areas of Chatham, Strood, Gillingham and Rainham should be considered first, followed by the edge of centre sites (within 200-300m of the core area) and finally within or adjacent to one of the local centres, village centres and neighbourhood centres.

Policy R7 of the Medway Local Plan seeks to limit the expansion of Hempstead Valley Shopping Centre for 2 reasons. First because the centre does not offer all the functions traditionally associated with a 'district' level centre and second to ensure that significant retail investment is directed to Chatham as a first priority.

The mall, the subject of the application, currently includes a number of small format retail units together with a food court and ancillary office and community space. Retailers now require units with larger footprints, larger structural grids (i.e. less columns) and increased floor to ceiling heights. Customer expectations have changed over the years and have increased in respect of levels of service, quality of finished and provided space standards. The agents advise that whilst the application seeks a net increase in retail space a key objective is to retain the existing retailers (such as BHS) at the centre but in the right sized units so that they can continue to operate successfully at the centre rather than considering other locations; in this way the total number of retail units will be similar to or less than currently exists.

A key part of the application is also the relocation of the bus facility, which is currently housed near the southern mall service yards and is effectively “tucked away”, and to move it to a new “front door” location at the southern mall which is expected to enhance passenger facilities and the sustainability of the centre.

The proposal also seeks to provide new and improved community facilities, which will be a direct replacement for the existing first floor community hall.

The National Planning Policy Framework (NPPF) was adopted on 27 March 2012; this sets out the Governments' planning policy for England. The NPPF is based on a presumption in favour of sustainable development that means that plan making and decision taking will facilitate suitable opportunities to meet the development needs of an area and ensure that the process of decision-making is undertaken positively and efficiently. The planning system is required to perform a number of roles, which are defined as follows in paragraph 7 of the NPPF:

- **An economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- **A social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- **An environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The NPPF sets out 12 Core Planning Principles, described in detail in paragraph 12, summarised as follows:

- be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.
- be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognizing the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;

- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognizing that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

The NPPF at paragraph 23 advises that local planning authorities should:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- define a network and hierarchy of centres that is resilient to anticipated future economic changes;
- define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
- retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;

- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;
- allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;
- set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;
- recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and
- where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.

Paragraph 24 advises that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Impact assessments are required for retail, leisure and office development outside of a town centre if the development is over 2,500m<sup>2</sup> or a locally set floorspace threshold. The test should include:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

The agents have advised that they do not consider the need for a sequential test given that Hempstead Valley is in a defined centre within the adopted and emerging local plan. In addition to this they propose that the application will diversify the District Centre role of Hempstead Valley, the net additional retail floorspace proposed is relatively modest and that the proposals are primarily designed to maintain the vitality and viability of the Centre and cater for retailers and shoppers who are already using the centre and will not substantially increase its attractiveness. Notwithstanding this, the scheme is assessed against the two tests set out in the NPPF:-

*1) The impact of the proposal on existing committed and planned public and private investment in a centre or centres in the catchment area of the proposal*

The net additional retail space proposed is a small increase in relative terms (approx 12%) on the existing retail floor area at the Centre with the intention to reconfigure the centre and provide a smaller number of more modern retail units (as well as other facilities consistent with the Centre's District Centre status) rather than to substantially expand the centre. It is not the aim to compete with Chatham or other district centres. The proposed reconfiguration of units will deliver space for which there is an identified need and allow a leasing strategy focusing on existing tenants and so will not threaten the planned investment (private or public) and regeneration of Chatham or the viability of any of the either identified district centres.

Nathaniel Lichfield and Partners (NLP) were commissioned by Medway Council in 2009 to prepare a Retail Needs Study, including an assessment of the main Chatham town centre together with the five district centres (including Hempstead Valley Shopping Centre). The 2009 study assessed the future need for additional retail, commercial leisure facilities and other town centre uses. The study found that comparison retailing dominated the representation at Hempstead Valley centre, with all other uses in the centre being under-represented, with all categories of services being below the national average, with the exception of A1 services which were slightly above the national average. The study concluded that Hempstead Valley does not provide the range of uses normally associated with a district centre with no independent traders, a lack of representation from a range of convenience retailers or service retailers and has limited entertainment and civic functions. They also advised that the accessibility by public transport could be improved and that there were poor links between the centre and the surrounding residential area.

The proposal for new A1, A2 and A3 space will improve the service provision within the centre and the proposal for a replacement community hall with the potential for an additional community/leisure facility will help diversify the uses at the centre. The proposal also seeks a new and enhanced bus and taxi interchange provision together with improved cycle parking on the site.

In summary, it is considered that the current proposals will not impact on the existing committed and planned public and private investment in Chatham or the other district centres and will in fact enhance the private sector investment at Hempstead Valley.

2) *The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.*

Hempstead Valley is a defined District Centre and as such the location of new retail and other town centre uses within it is fully in accordance with the sequential approach in the NPPF and as such the improvements being proposed by the application will strengthen the centre and enhance its vitality and viability.

As previously mentioned, the scale of the additional floorspace proposed is comparatively limited and the intention is not to significantly expand the centre, but rather to reconfigure and provide a smaller number of more modern retail units so as to maintain its vitality and viability and not to compete with Chatham or other District Centres.

While additional retail is part of this application, it is not the only part. The application also seeks new food and beverage space, a new community and leisure facility, provision of new bus and taxi waiting facilities, creation of a new high quality public realm and the consolidation of the existing southern car park.

In summary, it is considered that the current proposals are designed to further enhance the District Centre status. The Local Plan policy restricts development to minor extensions (in practice in order not to impact adversely on Chatham), but at the same time recognises the need for continuing improvements to maintain the Centre's competitiveness. In light of the above, it is considered that the proposed scheme will support the delivery of a sustainable economic development outcome that is compatible with the Centre's district centre status, which accords with planning policy at the national, regional and local levels.

#### *New freestanding units and loss of trees*

The frontages of the new units have been orientated to overlook the public space; a large overhanging canopy creates a covered street area which links into the existing footpath. The restaurant frontages are set back below the canopy with room for signage above. The block screens the "community square" from the road to create an enclosed area that is more pedestrian-friendly.

Views to and from the shopping centre are characterised by existing mature trees. In order to build the new block, trees will be removed along Sharsted Way and as such the scheme needs to be considered against policy BNE43 of the Medway Local Plan where the policy states that "*Development should seek to retain trees, woodlands, hedgerows and other landscape features that provide a valuable contribution to local character*". At present the majority of the shopping centre complex benefits from mature tree planting around its perimeter, providing an attractive wooded setting. However the tree belt is not complete along Sharsted Way in that it is cut back adjacent to the vehicle entrance to allow for the placement of the present vacant freestanding building located quite close to Sharsted Way. The proposed new units will replace this building and extend further along the Sharsted Way frontage, resulting in the removal of all but four existing trees between the slip road from Sharsted Way up to the disused subway entrance. These

trees currently form part of a tree belt, which serves to screen/soften the development. To try and mitigate this loss, tree planting is proposed east of unit N8 and the service area and extends slightly further north along Sharsted Way. The proposed planting will be in a more limited space which will lead to the formation of a row of trees compared to the existing planting belt. On balance, it is considered that, while the loss of the trees will alter the appearance of the Sharsted Way frontage, the proposed planting and remaining trees will still have a softening affect and are considered appropriate for the site, which is a district shopping centre. To ensure that the remaining trees are not affected by the development appropriately worded conditions are recommended.

The existing freestanding building is relatively low and has windows that face outwards onto Sharsted Way. In contrast the proposed units are higher and turn their back on Sharsted Way to present relatively blank facades. To the rear and fronting onto Sharsted Way there is a service yard. The size of this has been kept to a minimum and has been located to be accessible by service vehicles whilst not creating conflict with pedestrian movement. Due to the tree removal it is considered appropriate that the rear service façade of the building should be screened. Following negotiations, a large 'green fence' of climbing plants on a frame is proposed together with tree planting. It is considered that the green fence should be reasonably effective in providing a green frontage to the road, albeit in a different way to the current tree belt. It is important that the screen fence is as big and assertive as possible and therefore a condition is recommended to any consent to control this.

Following negotiations there has been an increase in the number and a change in the layout, of the windows to the first floor accommodation to improve the surveillance of public areas from the management offices and to add more animation to the facades at first floor. In addition to this changes have been made to the community hall entrance to serve to identify the facility and give the south east elevation added interest. The scheme is considered to be in accordance with policy BE1 of the South East Plan 2006 and policies BNE1 and BNE43 of the Medway Local Plan 2003.

### *South Mall*

The design aim is to create a high quality, attractive, and welcoming southern entrance by replacing the existing units fronting the south elevation with double storey units, providing larger floor areas and ceiling heights to meet future commercial requirements.

The proposed scheme seeks an overall increase in building form and scale at the existing South Mall, which is considered to be in line with the established scale and character of the existing centre. The centre's surrounding context is one of relatively low density housing and open fields. However, due to the extensive area for parking that immediately surrounds the build form of the centre and the dense mature vegetation, it is considered that there is scope to extend the building without adverse impact on its wider setting.

It is proposed to use a translucent ETFE screen to the mall and main entrance elevation together with a projecting cornice in a warm coloured timber cladding. This high level feature links the two elevations either side of the entrance which are clad principally in the same material. It is considered that combined, these elements form the focus of the public face of the shopping centre. It is proposed to use brickwork for the base of the extensions to give a robust base. The south east corner of unit N4 is proposed to be constructed in brick to provide a visual link with the brick built south east corner of unit 28 (the existing Argos unit). To break up the façade it is proposed to use coloured render to break down the scale of the elevations. On the southeast and south west corners, the design allows for either signage or windows which will complement the double height glazing provided to unit N2.

This design and layout is seen as a welcome modernisation of a slightly out of date shopping centre that will be attractive and relates well to its surroundings. The development is acceptable and in accordance with policy BE1 of the South East Plan and policy BNE1 of the Medway Local Plan 2003.

### *Landscaping*

Policy BNE6 of the Local Plan states that *'major developments should include a structural landscaping scheme to enhance the character of the locality'* with detailed landscaping plans to be submitted before development commences.

The proposed scheme creates a large public square some 20m wide and 40m long located to the southern entrance. It is envisaged that this area will form a focal point for events, performances and local community activity. The proposals seek to reorganize the red car park and to partially screen it from the dining terrace of the restaurant units with evergreen hedges, trees and a colourful landscape planting and regular gaps are proposed in the hedge to allow for pedestrian access.

Hard landscaping has been used to alter the priority of vehicles over pedestrians passing in front of the Southern entrance. The design of this area is currently configured to prioritise vehicles. The proposals include resurfacing this area from the roundabout in the east to the entrance to the red car park in the west, including a shallow table at each end, flush kerbs and a continuous paved surface to contrast with the surrounding highway. It is envisaged that these changes will alter the perception of the drivers to allow for pedestrian priority and slow driving speeds.

As discussed above, a green fence is proposed along Sharsted Way to screen Service Yard 4. Trees are also proposed to be located outside the sightlines which will help to further screen the yard and create an attractive entrance to the shopping centre. A telescopic sliding gate is proposed for delivery vehicles, which will be able to manoeuvre within the yard before exiting again in a forward gear through the gate.

In summary the scheme is considered to be in accordance with policies BNE1 and BNE6 of the Medway Local Plan 2003. *Neighbours' amenities*

The proposed extension would be located to the southern side of the existing shopping centre building. The proposed extension would be immediately flanked by the internal road network and car parking areas and by the built form of the centre itself. Beyond the centre's boundaries there are residential properties, however they are set a considerable distance from the centre and will not be affected by reason of loss of sunlight, daylight, outlook or privacy. The proposed extensions would be located well within the site and away from surrounding residents to ensure there would be no detrimental impact and the development is therefore considered to be in accordance with policy BNE2 of the Medway Local Plan.

In terms of activity levels and traffic generation, noise and odour these will be dealt with as part of the sections below.

### *Contaminated Land*

The desktop study includes a site history, site walkover and information on the geology and hydrogeology at the site. Previous ground investigations that have been undertaken at the site have been summarised in the report. A conceptual site model has been developed for the site. The desktop study recommends that a site investigation is undertaken to support the conceptual site model.

The Environmental Desktop Appraisal is considered to be acceptable. However, the applicant should ensure that the recommendations made in the report are implemented if planning permission is granted and an appropriately worded condition is recommended. Subject to this the development is in accordance with policy BNE23 of the Medway Local Plan.

### *Noise and odour*

There are concerns that noise and odour from cooking activities associated with the proposed uses may give rise to disturbance to the surrounding residential areas. It is recommended that suitably worded conditions with regard to opening hours and flue details are added to any approval to ensure that the development does not impinge on the amenity of the surrounding residential units. Subject to these conditions the scheme is considered to be in accordance with policy BNE2 of the Medway Local Plan 2003.

### *Highways*

This application seeks permission for part demolition of, and alteration to, the existing southern mall and the adjacent freestanding building. Works also include the provision of new public transport and taxi waiting facilities and an improved public realm at the entrance to the southern mall.

The site benefits from an extant permission (MC2010/2791), which permitted an extension to the centre, providing three new retail units and a total of 6795m<sup>2</sup>. This consented development also involved the loss of 85 car parking spaces from the Yellow car park (east of Argos).

In terms of the impact of the proposals on traffic generation and parking, these are considered separately:

### *Traffic Generation and Impact*

The development involves 13,311m<sup>2</sup> gross internal area (GIA) of new, quality retail floorspace to replace an existing 6,461m<sup>2</sup> (net increase of 6,850m<sup>2</sup>). However when considering the extant consent for 6795m<sup>2</sup> which has not been constructed, the effective net increase in retail floor area would be 55m<sup>2</sup> GFA. Clearly this is likely to generate a negligible increase in traffic over that currently consented. The development aims to re-configure the existing units within the centre in order to enable the centre to continue to trade favourably. Many of the existing units at the centre are small and the tenants have expressed a desire to move into bigger units. The potential impact on trips and visitors is likely to be longer dwell times as there will be a better retail offer for existing customers visiting the centre. It is reasonable to conclude that traffic generation would not increase substantially to the detriment of the local highway network and it is not considered that the development would add to the risk of road traffic accidents and as such no objection is raised under policies T1 or T2 of the Medway Local Plan 2003.

### *Access*

Part of the development at the centre will be the demolition of the separate former Parham building and the erection of 7 individual units. These would be accessed by the off-slip from Sharsted Way, for servicing only and will be gated and have deliveries managed appropriately. A suitably worded condition to limit and control deliveries is recommended to alleviate concerns about how this will operate. Whilst the applicant has submitted swept path drawings to demonstrate that large vehicles can turn in and manoeuvre within the dedicated servicing area, some of the drivers of larger vehicles will find the manoeuvre more difficult and may choose to wait and unload at one side of the off slip that leads into the Centre and the Petrol Filling Station. This is strongly discouraged as it could impact on the free-flow of vehicles using this route. A condition is recommended to enforce the use and operation of Service Area 4 to ensure servicing takes place within the dedicated service area only.

### *Parking*

The site currently benefits from around 2108 parking spaces. Set in the context of Medway Council's Parking Standards the centre provides more than the Council's maximum parking standards by around 300 spaces. Post development, the site would have 2034 parking spaces (a loss of 74 spaces in total). The level of car parking demand at the Centre at present has been established through surveys that took place in July 2010. These surveys highlight a maximum occupation of 91%, during the peak survey period, with around 200 spaces being available. This data suggests the loss of 74 spaces would not result in a negative impact or high levels of parking displacement. However, site observations at the Centre during the Christmas period highlight parking and congestion issues that should be taken into account. The car park at the nearby Hungry Fox car park was made available to the

centre customers (informally, but at a charge) and this car park was well used by Centre shoppers looking to avoid the congestion on the internal access roads. Local roads around the Centre, such as Kingsdown Close and other residential side roads, were also being used by Centre shoppers looking to avoid the internal congestion. These parking issues must be taken into account and perhaps suggest that the survey data do not fully reflect the congestion and intense level of parking demand that is generated by the Centre, particularly over the Christmas period. That said, the Christmas period alone, should not govern the level of car parking a retail use provides and it would be unreasonable for this level of demand to be provided all year round. In general, taking all information into account it is considered that the applicant has adequately demonstrated that the Centre provides adequate levels of parking to meet its demand and the potential loss of 74 spaces is considered to be acceptable. Taking the survey data into account and the improvements that are suggested to vastly improve the public transport facilities (to be discussed below), it is considered that the loss of these parking spaces would not have a detrimental impact on the highway in terms of insufficient parking provision or increased congestion. Therefore the proposal accords with Policy T13 of the Medway Local Plan.

### *Public Transport*

As part of this application, the applicant proposes to relocate and upgrade the bus stop and interchange provision at the site. The scheme incorporates an improved public realm area in front of the southern mall in addition to improved pedestrian facilities, which will link to the proposed new bus interchange. The bus interchange proposals at the site will provide an improved facility in a prominent position to ensure it is highly visible and easily accessible. A vast improvement over the existing provision which accommodates 3 buses. The proposals have been considered in broad terms and it is apparent that a suitable area for 5 buses to be able to access and wait as necessary can be accommodated, although the detail has yet to be agreed. At this stage, the details submitted are considered to be acceptable and a suitable condition is recommended on any consent given which requires the full details of the provision to be agreed between Medway Council and the applicant at a later date prior to commencement of development.

Cycle parking is proposed to the south side of the access road at the main point of arrival to the south mall, the shops and the proposed restaurants, located between the disabled parking spaces and the bus waiting area. The second is at the main point of entry to the community centre and the centre management offices and staff facilities. In total 27 spaces are provided and both locations are covered by the centre's CCTV.

### *Travel Plan*

The applicant refers to their Travel Plan and states that their existing staff Travel Plan will be reviewed and updated. It is recommended that this is secured via condition to ensure a new staff survey of all tenants is undertaken followed by establishing a Travel Plan Forum that will meet regularly which can then inform the Centre Travel Plan with new measures and targets for mode shift. A contribution of £4,000 towards the cost of the Medway Council's involvement in the monitoring and

coordination of the travel plan during its early years of operation is sought to ensure it is achieving its stated targets.

#### *Local Finance Considerations*

None relevant to this application

#### **Conclusions and Reasons for this Recommendation**

The proposed development will not be out of context with its surroundings and is not considered to cause any adverse negative impacts with regard to the neighbour amenities or highways and it is considered to be acceptable for the reasons outlined above. It is therefore recommended that the proposal be approved subject to the imposition of appropriate conditions. The proposal therefore accords with the provisions of Policies BE1, CC6, TC3 of the Southeast Plan 2009 and Policies BNE1, BNE2, BNE6, BNE23, BNE24, BNE43, T1, T2, T13 and, R7 and R13 of the Medway Local Plan and the application is accordingly recommended for approval.

The application would normally be determined under delegated powers but is being referred for determination by Planning Committee due to the sensitivity of the uses and the requirement to refer any approval to the Secretary of State.

---

#### **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://planning.medway.gov.uk/dconline/AcolNetCGI.gov>