

MC/14/3317

Date Received: 11 November, 2014

Location: B&Q, Strood Retail Park, Commercial Road, Strood, Rochester, ME2 2AB

Proposal: Construction of a replacement building to provide three retail units (Class A1), cafe (Class A3) and a gym (Class D2), removal of existing slip road, alterations to car park and other associated works (demolition existing unit)

Applicant: Ropemaker Properties Ltd

Agent: Ms S Rolls Turley The Charlotte Building 17 Gresse Street London W1t 1QL

Ward Strood South

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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 4 March, 2015.**

**Recommendation: Approval subject to:**

A) The applicant / owner entering into an agreement under Section 106 of the Town and Country Planning Act to secure:

- i) £2,214 towards traffic management improvements on Commercial Road;
- ii) £15,048 towards enhanced pedestrian crossing facilities on the Strood Retail Park access road.

B) 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: Drawing 8194 15;201;204;205;206;207;208;209;210;211;212;214 received by this Local Planning Authority on 11 November 2014;8194-205-A received on 14 January 2015; 8194-202-A received on 16 January 2015 and amended application forms and notice of ownership received on 16 January 2015.

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

- 3 Notwithstanding the details shown on plan 8194 - 205 A, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of all boundary treatment to be erected which shall include full details of the proposed pedestrian access improvements from Commercial Road pedestrian crossing (leading to the market car park) to the Retail Park Car Park area. The works shall be completed before any of the buildings are occupied and shall thereafter be retained. 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.

- 4 Details and samples of any materials to be used externally (including roofing materials, facing bricks and/or other cladding materials, mortar, bonding and pointing details, lintels, cills, entrances, fenestration and any other external details) shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and 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.

- 5 Notwithstanding the details submitted, no part of the development shall be occupied until there has been submitted to and approved by the Local Planning Authority a fully detailed scheme of hard and soft landscaping. The scheme shall be developed in consultation with the Local Planning Authority and shall include the following:

- details of all landscaping within the area shown on drawing number 8194 212
- the treatment of the whole of the slip road (incorporating the removal/replacement of guardrail and redundant crossing points)
- a revised design of the pedestrian ramp and steps
- details of the pedestrian footway
- details of any minor artefacts and structures (e.g. external furniture, bollards, cycle racks, refuse or other storage units, signs, lighting, etc.)
- planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance), schedules of plants (noting species, plant sizes, and proposed numbers/densities where appropriate) and implementation programme.

All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following first 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. All hard and soft landscaping shall be carried out in accordance with the details to be approved and thereafter maintained.

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 Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 6 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved.

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.

- 7 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 the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, 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) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars 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. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

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 Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 8 No development shall take place (except as may be agreed in writing by the Local Planning Authority) until the developer has secured the implementation of a programme of archaeological work in accordance with a written specification and time table which has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved specification.

Reason: To safeguard the archaeological interest in the site in accordance with Policy BNE21 of the Medway Local Plan 2003

- 9 Prior to the commencement of development full details of the gas protection measures necessary in relation to the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the details as approved shall be implemented and maintained.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 10 No development shall take place until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency. The details of the surface water drainage shall be implemented as approved and thereafter maintained

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with Policy CF12 of the Medway Local Plan 2003.

- 11 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 12 to 15 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 15 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 Policies BNE23 and CF12 of the Medway Local Plan 2003 and to protect the underlying groundwater from risk of pollution in accordance with the requirements of NPPF 2012.

- 12 A desk top study, 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 and shall include details of the foundation design to be used. 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,
- archaeological 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 and to protect the underlying groundwater from risk of pollution in accordance with the NPPF 2012.

- 13 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 and to protect the underlying groundwater from risk of pollution in accordance with the NPPF 2012.

- 14 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 and to protect the underlying groundwater from risk of pollution in accordance with the NPPF 2012.

- 15 In the event that contamination is found at any time when carrying out the approved development that was not previously identified 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 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, 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 13 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 14.

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 and to protect the underlying groundwater from risk of pollution in accordance with the NPPF 2012.

- 16 No materials, plant or other equipment of any description shall be stored in the open other than in areas and to such heights as have been approved in writing by the Local Planning Authority.

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.

- 17 None of the retail units hereby permitted shall be occupied/used until the service yard has been constructed in accordance with the approved details.

Reason: To ensure the development does not prejudice conditions of amenity and highway safety in accordance with Policies T1 and T2 of the

Medway Local Plan 2003.

- 18 The service yard shown on the approved plans shall be kept available for such use and no obstruction should be placed within this area which would impede the manoeuvring and parking of service vehicles within the area. HGV access and parking for the purposes of delivering goods must only take place in the designated service and access area as shown on the approved plans.

Reason: To ensure the development does not prejudice conditions of amenity and highway safety in accordance with Policies T1 and T2 of the Medway Local Plan 2003.

- 19 Other than that shown on the approved plans, no additional mezzanine floor shall be constructed within the retail units hereby permitted without the prior written consent of the Local Planning Authority.

Reason: In order to regulate the development and to protect the vitality of the Retail Park in accordance with Policy R4 of the Medway Local Plan 2003.

- 20 The retail units hereby permitted shall not be altered or sub-divided without the prior written consent of the Local Planning Authority.

Reason: In order to control the development and protect the vitality of the retail park in accordance with Policy R4 of the Medway Local Plan 2003.

- 21 No development shall commence until a construction environmental management plan that describes measures to control the hours of demolition and construction working, noise from construction, wheel and chassis cleaning, dust control measures, pollution incident control and site contact details for any complaints impacts arising from the construction phase of the development have been submitted to and approved in writing by the Local Planning Authority and all construction works shall be undertaken in accordance with this approved plan.

Reason: In order to minimise the impact of the construction period on the amenities of local residents with regard to Policies BNE2 of the Medway Local Plan 2003.

- 22 Piling or any other foundation design using penetrative methods shall not be permitted other than with the express consent of the Local Planning Authority which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to ground water. The development shall be carried out in accordance with the approved details.

Reason: The site is underlain by a principle aquifer and is in a SPZ1 for a public water abstraction.

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

## **Proposal**

This application is for the construction of a replacement building to provide five units including 3 retail (Class A1), a cafe (Class A3) and a gym (Class D2), removal of existing slip road, alterations to car park and other associated works (demolition existing unit). The existing unit to be demolished has a gross internal floor area (GIFA) of 3255 m<sup>2</sup>, including a mezzanine of 171m<sup>2</sup>.

The proposed building would utilise the existing footprint but would be enlarged to the side closest to Commercial Road by approx 16.5m and reduced to the rear by approx 9.5m to allow a wider service yard to be created at the rear, with a turning area, which would be a continuation of the service area for the adjacent retail units. This area would be concreted and a galvanised steel mesh fence introduced to the north-eastern boundary to enclose this area. There would also be foul water connections to new and existing manholes within the service yard.

The proposed enlargement would step in at the northern corner of the building in addition to the replacement of the main building. This stepped element would be largely glazed and the height of the building overall will match that of the existing.

- Units C1 and C2 would have a Gross Internal Floor Area (GIFA) of 1300m<sup>2</sup> approx, including mezzanines of 650 m<sup>2</sup>;
- Unit C3/C4 would have a GIFA of 1665 m<sup>2</sup> with a mezzanine of 325m<sup>2</sup>;
- Unit C5 would have a GIFA of 135m<sup>2</sup> for Class A3 usage; and
- Unit 6 at first floor level would have a floor space of 1474m<sup>2</sup> for Gym (Class D2) usage (the lobby and delivery areas are not included with this floor space information).

The materials for the building include russet/brown wire cut facing brickwork and microrib faced cladding with projecting eaves and horizontal profiled cladding detail. The colours are generally HPS 200 colourcoat 'Hamlet' and feature bands/panels in HPS 200 colourcoat 'Merlin Grey'. The main change involves the alteration from orange window and door openings to mid grey. There would also be bespoke steel framed signage features, painted white, for each unit, with glazed canopies (all signage would be dealt with by separate application if the scheme is approved). New perimeter fencing is proposed to enclose the service area where needed.

The development would require the removal of the existing steps and wall to the northern corner of the existing building. New steps and a ramp with a handrail system mounted on a dwarf brick wall would be installed to the front of the building, at the northern corner. A new landscaped area to the side of the building, incorporating the existing slip road access to the car park (which would be removed) would lead to the new ramp and steps up onto a new paved pedestrian walkway (approximately 6m wide) along the front of the retail units. There would also be cycle racks positioned on the walkway.

The existing car parking area for the retail park (319 car parking spaces including 16



disabled and 2 parent/child spaces) would be re-configured. The mini roundabout on the service road off Knight Road would also be repositioned slightly to the north-east. The extant planning consent increased parking provision within the retail park to 333 spaces. The current application proposes an additional 3 spaces, taking the total provision to 336 spaces, including 15 accessible spaces and 6 parent and child spaces. It is also proposed to reconfigure the existing layout of the car park to improve its legibility and efficiency. Pedestrian facilities will be enhanced through the provision of a new pedestrian access from Commercial Road to the car park and to the front of the units on the east side.

### **Relevant Planning History**

MC/12/1149	Construction of a temporary supermarket together with associated car park and access <b>Decision</b> Finally Disposed of <b>Decided</b> 18/07/2014
MC/07/0167	Installation of mezzanine floor to provide 600 m2 of additional floor area for storage purposes <b>Decision</b> Approval with Conditions <b>Decided</b> 29/03/2007
MC/06/2275	Construction of a block comprising three retail units with associated parking spaces <b>Decision</b> Approval with Conditions <b>Decided</b> 03/12/2007
MC/05/2300	External alterations involving modifications to roof, existing entrance, creation of new additional entrance, new entrance canopies, recladding and additional doors on rear elevation (revised application to MC2005/1823) <b>Decision</b> Approval with Conditions <b>Decided</b> 06/01/2006
MC/05/1823	External alterations involving modifications to existing entrance, creation of new additional entrance, new entrance canopies, recladding and additional doors on rear elevation <b>Decision</b> Approval with Conditions <b>Decided</b> 31/10/2005
MC/05/0849	Part variation of condition 21 of planning permission ME/99/0130/MR (outline application for the construction of a food store, two retail warehouse units and associated development) to allow for a) the off-site highway improvements at the junction between the A2 and Station Road and between Commercial Road and Tolgate Lane to be undertaken no more than 6 months following the opening of the food store rather than immediately prior to its opening; and b) the provision of a bus stop in Knight

	Road rather than within the food store site no more than 6 months following the opening of the food store rather than immediately prior to its opening <b>Decision</b> Approval with Conditions <b>Decided</b> 23/02/2006
89/0870	Demolition of existing buildings and erection of non food retail warehouse and ancillary works including parking area for customers use <b>Decision</b> Approval with Conditions <b>Decided</b> 05/12/1989
85/509	Erection of class 1 non food retail warehouse unit comprising autocentre with ancillary stores, offices, fitting bays, MOT and car wash <b>Decision</b> Approval with Conditions <b>Decided</b> 15/08/1985
MC/12/2054	Construction of a side extension to unit into existing garden centre area, subdivision to create three Class A1 retail units, installation of mezzanine levels, removal of existing slip road, alterations to car park and other associated works (part demolition of rear of unit) <b>Decision</b> Approval With Conditions <b>Decided</b> 7 January, 2013

## 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.

**12 Representations** have been received objecting to the development on the following grounds:

- There are already 3 coffee shops and three cafes in the town centre and any further would be to the detriment of local independent uses
- The space would be better suited for clothing retail or similar
- The loss of the slip road will add to the existing situation of queuing to get out of the retail park as the current slip road offers some relief to existing main roads in the vicinity
- We need to encourage people to Strood and not put them off due to congestion
- The local area is gridlocked and it has a detrimental impact on the local area and business
- More access and exit roads should be provided.
- Loss of a DIY store and the detrimental need to travel for supplies
- Concern about the capacity/movement of traffic in Commercial road in the long term but this could be improved/addressed by condition with any approval granted
- The financial interests of the development seem inappropriate

**Mark Reckless MP** has commented in broad support of improvements to Strood Retail Park but objects to the removal of the existing slip road which would in doing so only exacerbate the existing traffic congestion seen in this area of Strood. Traffic for the Retail Park would be channelled into Knights Road to the only remaining entrance to the park and if the slip road is removed it would most likely create further tailback in the area.

**Southern Gas Network** advise of localised mains records for information and give information on codes of practice and safety awareness details with contacts for reference

**Kent Police Crime Prevention Design Advisor** advises that whilst no objection is raised to the proposed development, the opportunity would be welcomed to work with the applicant to discuss crime prevention issues should the planning application proceed and the applicants wish to achieve crime prevention certification

**Southern Water** have provided recorded information about localised mains and sewers. If approved they request that a condition be imposed to protect any system affected. They also encourage discussion with the applicant in terms of connection to the Public sewer and promote the use of a grease trap to be used and maintained by the imposition of an appropriate condition. Informative's are suggested in terms of water supply and sewer connection.

**The Environment Agency (EA)** had previously raised no objections to the development but highlighted that this area is prone to surface water flooding during intense rainfall events. They encouraged the developer to install grey water recycling facilities and methods for rainfall collection and a condition relating to surface water drainage was recommended to be imposed. Following re-consultation, the Environment agency initially raised objection to the scheme as the level of risk posed by the proposal was considered unacceptable and the application detail failed to provide assurance that the risks of pollution were understood as a preliminary risk assessment including a desk study, conceptual model and initial assessment of risk had not been provided. The applicant should have provided information to the Local Planning Authority that the risk to controlled waters has been fully understood.

The EA following further discussions have written to re-affirm that the works are over, on or adjacent to an infilled dock which may have significant contamination associated with sediments and infill materials. Disturbing or piling through these materials could impact on the public abstraction nearby. Great care is needed to ensure site conditions are fully understood before demolition and re-build activities are considered. Planning permission could be granted subject to the conditions recommended. Without these conditions the works pose unacceptable risks to the environment and objection would be raised. Advice is given in terms of any potential disposal of contaminated waste, use of grey water recycling and encouragement of Green Roofs.

**1 further** letter of objection has been received raising concern at the loss of the slip road.

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework (NPPF), 2012 and are considered to conform unless otherwise stated. The Strood Town Centre Masterplan (2009) has also been referred to in the consideration of this application.

## **Planning Appraisal**

### *Background*

The existing building and enclosed yard is known as Unit C and is a purpose-built retail unit currently occupied by B and Q in the north eastern corner of Strood Retail Park. This proposal represents a change to a previously approved scheme (MC/12/2054) that proposed to replace the existing B&Q store (Unit C) with 3 no. retail units. That application involved a side extension, the installation of mezzanine levels and associated works to remove the existing slip road and for alterations to the car park. The development was approved in January 2013 but has yet to be implemented and the permission remains extant. The applicant proposes to utilise the approved footprint in a more marketable and efficient way by creating five units in total, comprising 3 retail units and a cafe (unit C5) at ground floor and a Gym (class D2) at first floor (unit C6).

### *Environmental Impact Assessment*

The application site exceeds 1 hectare in area and consequently is a major development as defined by the Town and Country Planning (General Development Procedure) Order 2010 (as amended). As such the proposal needed to be screened as to whether an Environmental Impact Assessment is required in relation to the development proposed.

An assessment against Schedules 1 and 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 2011, has been undertaken. The proposed development is not considered to fall under Schedule 1 or Schedule 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 2011. As such, the proposal is not considered to be EIA development.

### *Principles of Development*

The NPPF recognises the importance of supporting the viability and vitality of town centres and states planning policies should be positive and promote competitive town centre environments.

The site is located outside the town centre boundary of Strood, as defined in the Medway Local Plan 2003, but is well located in relation to the Core Area. As such, consideration should be given to the provisions of Policy R4 of this Plan, entitled *Retailing in Strood*. This policy broadly accepts and encourages retail development

to the south of Commercial Road, where the application site is located, subject to the criteria in the policy.

The Strood Town Centre Masterplan 2011 supports the objectives to strengthen the role of Strood as a district centre by improving the quality of retail provision and links between retail areas and enhancing the public realm. Strood Retail Park is an established and well-used retail destination in Strood. The current occupier of the existing unit is B and Q. The adjoining occupiers include Next, Argos, Brantano, and Carpet Right, with a further three units (Paul Simon, Matalan and KFC) occupying a more recent building opposite to the north-west, granted permission in 2007.

The purpose of this planning application according to the applicants is:

- to replace and modernise the existing retail floor space to create an environment more attractive to future tenants and so minimise the risk of this unit falling vacant in the future;
- to optimise the potential of the site to provide desirable retail and leisure floor space and so contribute to the vitality and viability of Strood;
- substantially improve the retail park's relationship with Strood's Core Retail Area by presenting an active frontage and more attractive elevation to Commercial Road, by removing the existing slip road from Commercial Road and by creating an upgraded pedestrian access from Commercial Road into the north easternmost part of the Park;
- upgrade the retail park's appearance through modernising the appearance of the accommodation at the site and providing a much stronger and more attractive contribution to Commercial Road, improving site landscaping and creating a more attractive and inclusive retail terrace by setting back car parking; and
- improving parking provision (through 17 additional car parking spaces) and enhancing the attractiveness of more sustainable modes of transport through the provision of 50 cycle spaces.

The proposed development of three further Class A1 retail units would complement the existing occupiers of the retail park and aid its continued refurbishment, plus would support the vitality and viability of the town centre as a whole, particularly with the proposed enhanced pedestrian provision around the site, which will improve access for users coming to and from the town centre. The installation of mezzanine levels to create additional retail floorspace is considered acceptable, particularly as other units in the park have mezzanines. Therefore it is considered that the principle of the development is acceptable subject to design, amenity and highways issues being satisfied.

### *Street Scene and Design*

Development Plan policy places considerable emphasis on the importance of achieving good design to ensure that all new developments are appropriate to the shape, size and location of the site. The NPPF promotes good design and the achievement of high quality and inclusive design for all development, including individual buildings and public and private spaces. It is in favour of Sustainable Development, building a strong competitive Economy and seeks to ensure that the vitality of Town Centres is not compromised. It also seeks to promote Healthy

Communities and Sustainable Transport. At a local level in the Medway Local Plan 2003, Policy BNE1 seeks to adhere to these principles to ensure that the design of development is appropriate in relation to the character, appearance, amenity and functioning of the built and natural environment. Policies R4, R17 and R18 relate to the impact of cafe uses and set out the terms for acceptability and Policy L2 relates to the impact within or on the edge of town centres for leisure development Class D2 uses. The Strood Town Centre Masterplan also aspires to ensure good design contributes to improving the street scene and public realm.

The proposed extension would be located on land currently occupied by the garden centre element of B and Q, which is enclosed by a chain-link fence with security netting above. This area has a negative impact on the street scene in Commercial Road.

The design of the proposed extension is directed by the design of the existing building; it is a continuation of the existing design. However, the proposal is for the replacement of an out-of date, utilitarian unit with five much more up-to-date units that will match the smarter, more modern units to the north and make best use of the land offering more choice of floorspace for visitors for both retail purposes or leisure. The stepped element at the front corner of the extension echoes the design of the opposite building. This part of the building will be fully glazed, which will provide visual interest and an active frontage. Overall, the subdivision of the building with the creation of multiple commercial frontages will help create a more modern and improved complex in general, and will have a positive impact on the street scene in Commercial Road. The use of the ground floor in part as a cafe use (Class A3) will improve activity levels in this part of the site that will complement the proposed Gym (Class D2) that is indicated to operate for 24 hours a day on a low cost flexible contract basis. The uses would complement the retail park as a whole.

The proposal also provides opportunities to improve the landscaping along the street, which is an important gain. Similarly the links between the car park and Strood Town Centre are an important part of maintaining the vitality of the town centre. The application provides little detail on hard and soft landscaping. As the landscape around the building is so important an appropriate condition requiring further details is recommended. This includes the area from the pedestrian access from the car park to the pedestrian crossing leading to the Council's car park.

It is also important that the whole of the slip road is resurfaced to a good standard with appropriate materials, and it would be preferable for the existing guardrail to either be removed or replaced with a more visually attractive alternative. Whilst outline proposals have been submitted showing a new kerb line, repositioned guard rail and new paving, it is also considered appropriate for the detailed design to be secured by condition.

On this basis, the proposal is considered acceptable in terms of Policies BNE1, R4, R17, R18, and L2 of the Medway Local Plan 2003.

#### *Amenity Considerations*

Medway Local Plan Policy BNE2 requires all development to secure the amenities of

its future occupants and protect those amenities enjoyed by neighbouring properties. The design of development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

The application site is located within the Strood retail park and the nearest neighbouring properties are occupied by commercial operators. The proposed use is congruent with the existing use. The development would therefore have no adverse impact upon the conditions of amenity for neighbouring properties. The other units are unrestricted in terms of opening hours and delivery times and therefore it is not considered necessary to impose such conditions in this case.

The applicants have however proposed acoustic measures internally and will provide any Audio and visual equipment on anti vibration mounts to be contained within the building. Due to the 24 hour operation of the Gym, the operation and management of the use will contribute positively to securing a safe environment for users without compromise to amenity due to location.

Appropriate conditions are recommended though relating to minimising disturbance during construction and controlling noise from external plant relating to either the gym or cafe.

The proposal is therefore considered acceptable in terms of amenity and Medway Local Plan Policy BNE2.

### *Highways*

#### *Trip Generation*

The Transport Assessment submitted with the extant application approved in 2013 predicted that the increase in floor space would generate an additional 13 two-way movements during the weekday morning peak, 35 two-way movements during the weekday evening peak and 72 two-way movements between 1200 and 1300 on a Saturday.

The proposed development would effectively replace 1,545m<sup>2</sup> of consented non-food retail development with a 1,474m<sup>2</sup> gym and a 135m<sup>2</sup> coffee shop. The Transport Note submitted with the proposal uses the TRICS trip generation database to estimate that this would generate an additional six two-way trips during the weekday peak periods and 12 two-way vehicle movements between 1200 and 1300 on Saturdays. The Transport Note compares this to survey data obtained from 'The Gym Group', which indicates that the additional trips generated may be lower than predicted by TRICS, with fewer trips generated on a Saturday than the consented non-food retail use.

#### *Access*

The extant planning permission includes the closure of the existing left-in access from Commercial Road, and this is also proposed as part of the current application. This is predicted to increase the number of vehicles using the Commercial

Road/Knight Road signalised junction by 46 during the morning peak, 144 during the evening peak and 207 vehicles during the peak-shopping hour on a Saturday. A capacity assessment indicated that the Commercial Road and Knight Road arms of the signalised junction operate very close to capacity during the weekday evening and Saturday peak periods. Whilst the junction would continue to operate following construction of the proposed development, queuing will be evident on the main arms, as it is currently.

The Council has identified some potential improvements to the highway layout of Commercial Road in order to increase capacity and ease congestion. This would address the current imbalance of traffic across the two lanes by making the nearside lane a dedicated left-turn lane for traffic accessing Knight Road. In light of the additional pressure on this link generated by the development, a financial sum for undertaking these improvements was secured as part of the extant permission. It is requested this contribution also be applied to the current application.

The removal of the slip road would create a more open and less vehicle dominated public realm that provides a better pedestrian link between the Retail Park and the Town Centre. Whilst outline proposals have been submitted showing a new kerb line, repositioned guard rail and new paving, it is recommended that – as with the extant consent - landscaping details be secured by planning condition.

The applicant's previous assessment of the Knight Road/Retail Park access road junction indicated that, whilst it will continue to operate within capacity during the weekday peak hours following completion of the development, the approach to the junction along the Retail Park access road would exceed its theoretical capacity for a short period of time on Saturdays. This will result in more vehicles queuing along the Retail Park access road waiting to join the highway network, but will not impact upon the operation of Knight Road itself. The proposed change of use would not significantly worsen this. Given the short period of time involved and the practical constraints that prevent any modifications to the form or size of the junction, this impact is considered acceptable.

The closure of the inbound access from Commercial Road and the traffic generated by the development will produce between 54 and 244 additional vehicle movements along the Retail Park access road during the peak periods alone. In order to reduce the risk of conflict with pedestrian movements between Morrisons and the retail park, a financial contribution towards upgrading the existing courtesy crossing over the access road was secured as part of the extant consent. It is requested this contribution also be applied to the current application.

Subject to the above, the application is considered to accord with Policies T1, T2 and T3 of the Local Plan, and no objection is raised.

### Parking

A total of 319 car parking spaces are currently provided within the retail park. The applicant undertook parking surveys on a Friday and Saturday in April in order to understand the current utilisation of the spaces. The Friday surveys showed that the highest level of parking demand occurred from 1030 to 1445, when between 200



and 277 vehicles were either parked or circulating and a maximum of 259 spaces were occupied at any one time. The Saturday survey shows that peak demand occurred between 1100 and 1600, when between 250 and 326 vehicles were either parked or circulating and a maximum of 310 spaces were occupied at any one time. On this basis it is reasonable to conclude that, whilst the car park operates comfortably within capacity on Friday, it experiences high utilisation levels on a Saturday.

The extant planning consent increased parking provision within the retail park to 333 spaces. The current application proposes an additional 3 spaces, taking the total provision to 336 spaces, including 15 accessible spaces and 6 parent and child spaces. It is also proposed to reconfigure the existing layout of the car park to improve its legibility and efficiency. Pedestrian facilities will be enhanced in particular to the front of the units on the east side.

The Transport Assessment submitted with the consented development estimated that a maximum of 298 vehicles would either be parked or circulating within the car park during peak shopping hours on a Friday, rising to a maximum of 340 vehicles on a Saturday. The current application would not significantly alter this: whilst most of the parking spaces will probably be in use during the core shopping hours on a Saturday, the overall provision continues to comply with the Council's Parking Standards and there is ample spare capacity in the public car park next to the site to accommodate any overspill. Furthermore, limiting the increase in parking spaces allows for improved pedestrian accessibility and landscaping, which is considered appropriate for a site that is centrally located with good access to public transport and within a reasonable walking distance of surrounding residential areas.

Capacity assessments show the Commercial Road and Knight Road arms of the signalised junction operating very close to capacity during the weekday evening and Saturday peak periods, with the practical reserve capacity of the junction breached in the 'with development' scenario. Whilst the junction will continue to operate, queuing and delays will be evident on the main arms. The Council has identified some potential improvements to the highway layout of Commercial Road that could increase capacity and ease congestion, as set out in the applicant's transport assessment. A developer contribution of £2,214 has been requested and agreed towards traffic management improvements on Commercial Road

The closure of the inbound access from Commercial Road, together with the traffic generated by the development, will produce between 54 and 244 additional vehicle movements along the Retail Park access road during the peak periods alone. In order to reduce the risk of conflict with pedestrian movements between Morrisons and the retail park, it is considered appropriate for the existing courtesy crossing over the access road to be enhanced. This could include the installation of Zebra crossing beacons, improved signing and road markings, raising the level of the existing crossing and the introduction of speed restraint measures. A developer contribution of £15,048 has accordingly been sought and agreed with the applicant towards enhanced pedestrian crossing facilities on the Strood Retail Park access road.

Subject to the recommended conditions and contributions the proposal is considered

acceptable in highway terms and in accordance with Policies T1, T2, T3 and T13 of the Medway Local Plan 2003.

### *Environmental Considerations*

The former use of the site could have given rise to contamination. Local Plan Policy BNE23 concerns contaminated land, and requires that proposals for development of land likely to be contaminated be accompanied by the findings of a site examination, which identifies contaminants. The site is underlain by a principle aquifer and is in an SP21. NPPF paragraph 109 seeks to ensure the planning system addresses potential risk by appropriate investigation and paragraph 121 seeks to ensure it is carried out by a competent person.

Although this application is for a brownfield site, the proposed development is for a commercial use. This is considered to pose a lesser risk to human health than if the proposal was for residential development. The need for a desk top study at the application stage is therefore considered to be less critical and in these circumstances it is considered that contamination issues can be adequately controlled by way of appropriately worded conditions. The extension will also need gas protection measures to be installed, which can be controlled by condition. The EA advise that the site may have significant contamination associated with sediments or infill materials due to its historic use that could be disturbed through associated construction works to the detriment of public abstraction nearby. In view of the great care needed appropriate conditions are recommended as required by the EA.

Local Plan Policy CF12 relates to water supply. The Environment Agency has highlighted this area is prone to surface water flooding during intense rainfall events. They would encourage the developer to install grey water recycling facilities and methods for rainfall collection. A condition relating to surface water drainage is recommended.

On this basis, the proposal is therefore considered acceptable in terms of Policies BNE23, BNE24 and CF12 of the Local Plan.

Policy BNE24 of the Local Plan relates to air quality. The proposed site is situated within an area that the Council has declared as an Air Quality Management Area (AQMA). Vehicular traffic is one of the principle sources of air pollution. The operation of the development is likely to increase queuing traffic on Commercial Road. However, the volume of traffic along Commercial Road will not significantly increase and therefore pollutant concentrations are unlikely to increase considerably.

### *Archaeology*

The application site lies in an area of archaeological interest relating to the corridor of the Roman Road, which linked Rochester with London. Romano-British and later activity has been found flanking the line of the modern-day High Street. These remains include Roman and medieval occupation and floor surfaces on the southern side of the High Street, as well as Roman and medieval burials

It is possible that significant archaeological remains may be affected by the development proposals. It is therefore recommended that provision be made in any forthcoming planning permission for a programme of archaeological works.

On this basis, the proposal would comply with Policy BNE21 of the Medway Local Plan 2003.

#### *S106 matters*

New development can create additional demand for local services. Policy S6 of the Medway Local Plan 2003 states conditions and/or legal agreements should be used to make provision for such needs.

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission made after 6 April 2010, a planning obligation (a S106 agreement) may only be taken into account if the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The obligations proposed comply with these tests because they have been calculated based on the quantum and location of the development:

- £2,214 towards traffic management improvements on Commercial Road;
- £15,048 towards enhanced pedestrian crossing facilities on the Strood Retail Park access road.

The applicant has confirmed they consider the financial requests acceptable. As such, if the application were deemed to be acceptable there would be a requirement for the applicant to enter into a Section 106 Agreement to secure the provision of the financial contributions. Accordingly no objection is raised to the proposal under Policy S6 of the Local Plan.

#### *Local Finance Considerations*

None relevant to this proposal.

### **Conclusions and Reasons for Recommendation for Approval**

It is considered that the proposed development would improve the quality of retail provision in Strood and enhance the public realm. The proposal is acceptable in relation to design, amenity, transport, environmental and archaeological considerations. As such the proposal would comply with the provisions set out in the NPPF, and Medway Local Plan 2003 Policies S6, BNE1, BNE2, BNE21, BNE23, BNE24, R4, R17, R18, L2, T1, T2, T3, T13 and CF12. Therefore the application is recommended for approval.

The application would normally be determined under delegated powers but is being

referred for Committee determination due to the extent of the representations received expressing a view contrary to the recommendation.

This application was reported to the Planning Committee meeting of 4 February 2015 but deferred to enable further discussions to take place regarding the access onto Knight Road. The response to these discussions will be provided at the Committee meeting.

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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/>