

MC/17/3484

Date Received: 10 October, 2017

Location: Hempstead Valley Shopping Centre, Hempstead Valley Drive,  
Hempstead, Gillingham

Proposal: Redevelopment of existing surface level car parks to provide for  
retail or retail and leisure development, construction of a car park  
deck, amendments to access routes, servicing and internal  
pedestrian and vehicular routes, public realm works and  
landscaping

Applicant: Trustees of the HVSC

Agent: Mr E Hall TDH Estate Ltd 11 Old Road North Kempsey  
Worcester WR5 3JZ

Ward Hempstead & Wigmore

Case Officer Amanda Barnes

Contact Number 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 14 February 2018.**

**Recommendation - Approval Subject to;**

A) Referral to the National Planning Casework Unit (NPCU) due to the retail floor area proposed.

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:

**Received 9 October 2017**

3971 PL 018 REV 00

3971 PL 019 REV 00

3971 PL 020 REV 00

3971 PL 022 REV 00  
3971 PL 026 REV 00  
3971 PL 027 REV 00  
3971 PL 029 REV 00  
3971 PL 030 REV 00

BMD.16.032.DR.601

**Received on 10 October 2017**

3971 PL 031 Rev 00  
BMD.16.032.DR.602

**Received 15 December 2017**

3971 PL 010 REV 01  
3971 PL 011 REV 01  
3971 PL 013 REV 01  
3971 PL 014 REV 01  
3971 PL 015 REV 01  
3971 PL 016 REV 01  
3971 PL 017 REV 01  
3971 PL 021 REV 01  
3971 PL 023 REV 01  
3971 PL 024 REV 01  
3971 PL 025 REV 01

**Received 18 December 2017**

3971 PL 028 REV 01

**Received 19 December 2017**

3971 PL 012 REV 03  
BMD-16-032-DR-100-B  
BMD-16-032-DR-101-B  
BMD.16.032.DR.301 Rev B  
BMD.16.032.DR.302 Rev B

**Received 17 January 2018**

3971 PL 032 REV 00

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

- 3 Phase 1 of the development as set out on approved plan 3971 PL 032 REV 00, shall be completed and open for use before commencement of Phase 2. Phases 2 and 3 of the development shall be completed and open for use before occupation of any part of the retail units in Phase 4.

Reason: To ensure all the parking is available prior to first use of the retail units in accordance with Policies BNE2, T1 and T13 of the Medway Local Plan 2003.

- 4 Details of the proposed cycle storage shall be submitted to and approved in

writing by the Local Planning Authority prior to completion of the deck car park. The approved details shall be implemented in accordance with the plans prior to first use of this car park.

Reason: To ensure that the development provides adequate cycle parking in accordance with Policy T4 of the Medway Local Plan 2003.

- 5 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

- 6 No development on any phase 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 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.

- 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 relating to that phase of the development 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 that phase 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 that phase of the 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.

- 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 that phase 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 that phase of the 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 that phase 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 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 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 first occupation of each retail unit herein approved a servicing plan with proposed servicing arrangements for the unit to which it relates shall be submitted to and approved in writing by the Local Planning Authority. The plan must set out the largest servicing vehicle wishing to load/ unload at the Service Area, and what times of day's services are planned for. The servicing plan should be updated when new tenants move in to ensure optimum management of the Service Area. The approved plan shall be implemented on or before the relevant retail unit is open to the public.

Reason: To ensure that the development does not prejudice conditions of amenity and highway safety in accordance with Policies BNE2 and T6 of the Medway Local Plan 2003.

- 13 Prior to first use of the deck car park a plan showing a barrier to restrict access to vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved barrier shall be implemented in accordance with the approved details and retained thereafter.

To prevent anti-social behaviour and late night noise associated with the use of the car park in accordance with policy BNE2 of the Medway Local Plan 2003.

- 14 The car park deck hereby permitted shall only be in use between the hours of 07:00 to 23:00 Mondays to Saturdays inclusive and between the hours of 09:00 to 22:00 Sundays and 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.

- 15 The free standing retail units herein approved shall only operate between the hours of 07:00 to 23:00 Mondays to Saturdays and 09:00 to 22:00 on Sundays and, 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.

- 16 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: Required prior to commencement to ensure the development does not prejudice conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 17 Prior to the occupation of the first retail unit herein approved, details of at least 5 electric vehicle charging points within the red line area shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the specification of the charging point, a plan to show their location and signs to identify users to their location. The approved details shall then be provided prior to occupation of the first retail unit and shall thereafter be maintained.

Reason: To ensure the development does not prejudice conditions of amenity by reason of air quality, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 18 The cumulative noise rating level ( $L_{A,T}$ ) associated with the commercial units shall be at least 10dB below the background noise level ( $LA_{90,T}$ ) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014.

Reason: To ensure the development does not prejudice conditions of amenity by reason of noise transmission, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 19 An acoustic assessment of compliance with condition 18 shall be submitted to the Local Planning Authority prior to the occupation of each commercial unit hereby permitted. The results of the assessment and details of any mitigation measures which need to be made to control noise pursuant to condition 18 shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before each commercial unit is occupied, and thereafter be maintained.

Reason: To ensure the development does not prejudice conditions of amenity by reason of noise transmission, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 20 The construction of the development, hereby permitted, shall only be carried out outside of the bird breeding season (March-August Inclusive), unless an experienced ecologist, who is a Member of the Chartered Institute of Ecology and Environmental Management (CIEEM), or other suitably qualified and experienced ecologist who is first agreed in writing by the Local Planning Authority, has examined the site within a 7 day period prior to commencement of works on the site and found no breeding birds or their fledglings to be present on the site. If any nesting birds are found on site and / or are recorded either by the ecologist during their inspection or subsequently discovered all works must cease, in that area, until all the young have fledged and the recommencement of operations have been approved by the above mentioned Ecologist.

Reason: In the interests of ecology and in accordance with the provisions set out under Policy BNE37 of the Medway Local Plan 2003.

- 21 No development shall take place above slab level within any phase until details of biodiversity enhancement measures for that phase have been submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes. The development shall be implemented in accordance with the approved details and thereafter retained.

Reason: To enhance biodiversity in accordance with Policy BNE37 of the Medway Local Plan and paragraph 118 of the National Planning Policy Framework 2012.

- 22 No development above foundation level on any phase shall take place until a scheme of hard and soft landscaping including the provision of generous native planting and boundary treatment relating to that phase has been submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping shall be undertaken prior to first occupation of the phase to which it relates. 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 phase to which it relates or completion of the phase, 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.

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.

23 In this Condition "retained tree" means an existing tree which is to be retained in accordance with plan 3971 PL 010 REV 01 ; 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, 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) Fencing for the protection of any retained tree shall be undertaken 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 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.

24 No development above slab level within a phase shall take place until details and samples of all materials to be used externally relevant to that phase 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.

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

## **Proposal**

The proposed scheme involves the redevelopment of existing car parks to the North

East corner of the site to introduce a mix of retail and leisure uses that expand on the type of units available within the centre. The proposal involves:

- 7,522 sqm GIA of new, quality retail and leisure floorspace.
- Consolidation and enhancement of the existing Sainsburys car park, Green car park and Northern car parks (Blue and overflow car park) to provide 709 parking spaces replacing 759 existing spaces currently provided by the existing car parks.
- New car park entrance and circulation building.
- Creation of new high quality public realm landscaping.

The proposal involves the formation of 5 new large retail units across two levels within the existing Eastern (Yellow) car park. Units 1 and 2 closest to the East mall entrance will be built as single storey retail units with flexibility for tenants to introduce mezzanine levels if required. Units 3 and 4 will be built as single storey retail units adjacent to the Blue car park with unit 5 on the first floor, accessed via the ground floor access core with either a retail or leisure use.

The Northern (Blue and overflow) car parks will be consolidated with improved vehicular and pedestrian layout with a new raised car park deck over part of the carpark. Spaces for employees are provided within the proposed service yard of the new units and new parking is provided in the green car park adjacent to Sainsburys and the sprinkler tank. In total there will be an overall loss of 50 spaces.

A new feature entrance and circulation building adjacent to Sainsbury's pedestrian access route is proposed.

The external area by the East mall entrance area will be repaved and the existing trolley bay replaced with feature seating.

A new pedestrian covered walkway along the frontage to the new units with new soft landscaping and seating is proposed.

The service road is proposed to be realigned to accommodate a continuous pedestrian walkway along the new shopfronts and Western car park boundary along with the addition of a mini roundabout at the junction to the new car park access ramp along the Northern boundary.

A new service yard to the rear of the units is proposed.

### **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 the car parking areas.

MC/16/4395	Application for non-material amendment to planning permission MC/14/3706 for Unit N6 to accommodate a 5m clear height internally to rear extension Approval With Conditions 24 November, 2016
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- MC/15/1915                      Application for non-material amendment to planning permission MC/14/3706 - for the reduction in size of unit N08 to accommodate tenants requirements for external covered space together with removal of one parking bay to allow for easier access to unit  
Approval With Conditions 18 June, 2015
- MC/14/3706                      Variation of condition 2 to allow a minor material to planning permission MC/12/1873 -as previously varied by MC/13/1491 - to provide amended units sizes.  
Approval With Conditions 23 February, 2015
- MC/12/1873                      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.  
Approval With Conditions 15 April, 2013
- 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  
Approval With Conditions 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  
Approval, 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 Approval, 25 July 1995
GL/93/0476/71/0129	Proposed alteration to service area access road and the infilling of an existing bus lay-by Approval, 27 August 1993
GL/91/0633/71/0129	Proposed extension to Savacentre Unit, with re-arrangement of shop units and dry cleaners Approval, 11 October 1991
GL/71/129/91/461	Proposed extension to Savacentre Unit, including mezzanine floor, rearrangement of shop units and dry cleaners. Approval, 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 Approval, 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. Approval, 20 January 1989
GL/71/129H(6)	Extension and alterations to existing Savacentre store Approval, 20 August 1984
GL/71/129H(5)	Internal refurbishment including installation of new mezzanine floors for retail use. Approval, 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. Refusal, 09 April 1981
GL/71/129M	Staff and coach park to be used in association with adj. Hempstead Valley Shopping Centre. Approval, 17 April 1979

GL/71/129G(1)	Additional Car Park (approx. 520 cars). Approval, 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. Approval, 14 April 1978
GL/71/129F	New showrooms with service road and car parking. Approval, 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. Approval, 30 July 1976
GL/71/129G	Use of land as car park ancillary to the Hempstead District Shopping Centre. Approval, 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. Approval, 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. Approval, 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, Gravesham Borough Council, Tonbridge and Malling Council, Maidstone Council, The Environment Agency, Southern Gas Networks, Kent County Constabulary, and EDF Energy have also been consulted

**Kent County Constabulary** has written to advise the following:

- They wish the applicants to contact them to discuss the application
- It is very important that the proposed new additional parking deck does not

allow easy overlooking of the neighbouring properties from the upper deck or stair cores in the interests of privacy and security.

- It is important that provision of safety rails and/or screens are incorporated into the final design at sufficient height to prevent falling or climbing and could also be designed to aid privacy to any neighbouring residential properties. CCTV and lighting will also need to be installed to cover the existing and proposed new deck. It is important that any CCTV or lighting columns are located so as not to provide climbing aids over any safety barriers.
- The use of the BPA SPS for the car park elements and the use of the SBD Commercial initiative are recommended for retail units of this proposal.
- If this planning application is given approval and no contact has been made to the Crime Prevention Design Advisors (CPDAs) by the applicant/agent, then we would suggest that a condition be included as part of the planning approval to ensure that Crime Prevention is addressed effectively.

**Southern Water** has 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 and informatives to be applied to any approval.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy.

**Maidstone Council** raise no objection

**Gravesham Borough Council** raise no objection

**Environment Agency** has written seeking conditions on any approval with regard to contamination and piling.

**Petition with 35 signatures** has been received making the following comments:

- How long the work will take
- Concern about the times they will work on site
- Concern about the access to the site during work
- Query why the multi storey cant be built next to or replace the underground car park already in existence
- Concern about cars parking in Kingsdown Close
- Query what shops will be built
- Will security be a No.1 priority so that local residents are not inconvenienced any more than they are at the moment
- Noise

- Concern about the car park being used for boy racing stunts and concern about their safety
- Concerned that they were not formally notified and that people within a minimum of a mile radius of the site should have been notified. More time should be given to comment
- There are empty shops at the centre so there is no need for more shops
- Residents of Coppice Court are elderly between 69 and 101 years of age
- Pollution
- Not an industrial area

**26 letters** have been received raising the following concerns:

- There is a need for more parking and so the loss of 30 spaces is not acceptable
- Rodents infest residential homes when extensions are built
- The current building needs repairs and there are vacant shops so there is no need for an extension
- The extensions are too close to residential properties
- Sharsted Way is already congested this will make it worse
- Hope that the additional shops are not to the detriment of Gillingham and Chatham Town Centers
- Current parking spaces are too small for modern vehicles so often spaces are under utilized as cars cannot fit in and then people park over the lines, but re-marking the bays to make them larger will loose more spaces
- There must be a prediction of a substantial increase in revenue from the five new shops to justify the expense of the proposed development. How does this square with the Transport Assessment document's estimate of such a small increase in traffic?
- A traffic impact assessment should encompass effects upon a greater area of the local road system not only by cars, but also by additional HGVs supplying the new shops.
- The new Aldi has already increased traffic at the Hempstead Road/ Hoath Way /Amberly Road mini roundabout.
- How realistic is the small traffic increase estimate? What happens if it is wrong and traffic levels increase significantly? Is there a plan B for parking and road traffic management?
- The parking model should be based on peak demand, it is not. The transport model should seek to encourage modal shift to sustainable modes of transport, it does not.
- A parking beat survey was undertaken on Friday 5th and Saturday 6th February 2016 to ascertain current parking demand at HVSC. It is hard to think of a quieter time for the shopping centre. A survey undertaken on a weekend in February is not representative of peak demand which I would expect to occur around Christmas/New Year.
- Not good access for cycling, not flat, cycling figures are low compared to the figures in Medway's Cycling Action Plan This growth does not appear to have been reflected in journeys to Hempstead Valley. This development is a case where under the Cycling Action Plan Medway should be obtaining a commitment from the developer to provide positive infrastructure interventions to create safe new cycle routes to the site.

- Query over working hours and if new infrastructure/access will be created
- New car park must be built before new units to reduce parking problems
- Where are cars to park while new car park is being built? Local residents should not be made to suffer from on street parking (which will happen);
- Entrance by Hungry Fox will not be able to accommodate increased traffic flow;
- Local residents will be considerably inconvenienced by building works during the week so can weekends be kept free from work?
- Applicant should have spoken with the Chairman of Hempstead Residents Association before submitting the application
- Concern about the method of consultation
- Lights will shine into the houses from the car park
- Loss of privacy from the deck of the car park
- Disturbance during the build
- Noise from cars using the car park until 11pm
- Concern about access to the shops during construction and health and safety
- Where will mother and baby and disabled parking spaces go
- Query over what shops and leisure will occupy the units
- Concerns about the use of the new car park by boy racers and how the security staff will manage the car parks
- What is the need for the car parks to be open till 11pm when most shops shut at 8pm
- Not in accordance with the Local Plan
- The North Kent Study advised that Chatham remains at the top of the hierarchy and should be the main location for additional retail growth. No further retail was recommended at any of the other Centres so such proposals should be resisted. Hempstead Valley could be modernised and support the current day to day usage
- Concerns about air quality
- Location of the multi-storey will cause queues onto the road
- Concern that people will use the car park to gain entry to the surrounding houses
- Elderly complex of houses will lose its peace and enjoyment
- Concern that people were not notified up to a mile away from the site
- People not given enough time to comment
- The shops will turn Hempstead Valley into a Business Park
- It has always served as a small scale more intimate shopping experience. Expanding into larger units on the outside does not seem to be in keeping with that original ethos. Hempstead Valley does not need to compete with other shopping Centres like Maidstone and Bluewater as it is quite unique in itself.
- Concerned about the state of our town centres in Gillingham, Chatham and Strood. Before considering allowing Hempstead Valley to expand and moving more retail out of these town centres would it not be more prudent to help the town centres to attract this new business in order to help them regenerate instead?
- Concerned that Hempstead Valley seem to have made very little attempt to advertise this new venture whereas the changes to the restaurant side 'The Venue' were extremely widely broadcast.
- It would be more aesthetically pleasing and better for neighbours to have the

car park alongside the existing Sainsbury's.

- Proposal has no regard for residents
- Existing rat problem at the centre may come closer to the residential properties
- Disagrees with the Noise Report
- Light pollution from cars and the lights on the car park deck
- Loss of privacy from the deck especially as the trees are deciduous and the impact on children playing in the garden
- No tree survey to be able to assess the impact on the current trees
- The proposed landscaping will not be able to survive under the canopy of existing trees and with therefore not help with screening
- Loss of sunlight
- Unclear how the land levels work with the deck car park
- Detrimental affect on wildlife
- No mention of an increase in public transport
- Will affect Medway's other town centres, in terms of impact on retail spending and tourism
- HVSC do not maintain their current landscaped areas to the rear of properties in Mulberry Close, they are unlikely to maintain the new areas around the proposed decked car park.

**Pentagon Shopping Centre** – Have objected on the following points:

- Applicant has placed insufficient weight on the adopted local development plan which seeks to restrict the provision of additional retail floorspace at Hempstead Valley and instead seeks to promote Chatham Town Centre as Medway's main town centre.
- The documents accompanying the application do not fully assess the sequential or impact tests set out in retail planning policy and thus the application should be refused on that basis;
- There are a number of issues with the assumptions underlying the Transport Assessment.
- It suggested that the units would be occupied by retailers who require a larger footprint unit and usually seek a retail park, however, this appears to be at odds with changes being made within the existing centre to sub-divide the former BHS unit, despite a concern that the centre already has a disproportionate number of small retail units
- The new units could be occupied by higher value retailers, either new to the centre, or involving the relocation from existing units that the retailers find too small for their needs. This would then free up space within the centre for new retailers, with no restrictions on occupiers.
- The scale of development could be greater than implied in the application, given at least two of the units have been designed to allow the introduction of mezzanine floors and there is no certainty that only four A1 retail units would be provided at ground floor level, each of which would be entitled to install a 200 sqm mezzanine under permitted development rights.
- The development represents a 22% increase on current total provision at the

Centre, however, the increase in comparison floorspace will be significantly greater. GVA estimate that HVSC currently has 11,759 sqm net comparison floorspace. The proposed development would increase this by over 50%. HVSC would increase its comparison offer from around a third of that in Chatham Town Centre to over 50%. This has significant implications for the likely effect of the proposed development and particularly the impact on Chatham Town Centre, both in terms of the impact of the proposed development and the cumulative effect with other recent commitments.

- Consider that as the Medway Local Plan policies are consistent with the NPPF, current applications can only be approved if they are consistent with the Development Plan, unless material considerations indicate otherwise. As cited in a Secretary of State decision relating to a retail scheme on land north of Honiton Road and west of Fitzroy Road, Exeter (APP/Y1110/W/15/300533).
- Clear that the proposed development is not in accordance with the development plan. The proposal is for 7,522 sqm of retail floorspace outside of Chatham Town Centre, contrary to Policy R1; it considerably exceeds any definition of a minor extension at the HVSC, contrary to Policy R7 and it does not address the sequential approach to development, contrary to Policy R13, which also requires a consideration of the effect of the proposal on the strategy and objectives of the Local Plan.
- There is clear advice from the North Kent Retail Study, as set out in Section 6 of the EMLP Development Options document, that Chatham should remain at the top of the retail hierarchy and be the main location for additional comparison goods retail growth (EMLP, Para 6.3). In contrast, the suggested approach for HVSC is to modernise and support day-to-day uses (EMLP, Para 6.4). This reflects the findings of the North Kent SHENA – Retail and Commercial Leisure Assessment 2016
- The impact assessment provided by the Applicant is flawed and incomplete - the sales density assumed for the retail floorspace could easily be exceeded as could the net retail floorspace provided - as a result, further sensitivity testing is required to ascertain how changes to the assumptions may affect overall impacts;
- The impact assessment needs to consider the cumulative effect of the proposal and other commitments on existing town centres
- The impact assessment is currently incomplete as it gives no consideration to the effect of the proposal on investment, as required by the NPPF;
- The impact assessment needs to consider both the quantitative and qualitative impact of the proposals on Chatham town centre given its current health;
- In accordance with MLP Policy R13, a sequential assessment is required;
- The assumptions and findings of the TA need to be reviewed as the approach adopted appears to be flawed - the TA indicates that the methodology adopted to estimate the effect of expanding the centre is based on data relating to previous extensions at the Sainsbury's foodstore - this is clearly inappropriate for a major retail scheme that seeks to expand an existing shopping centre by providing a major increase in comparison goods retail floorspace.

**One letter of support** has been received

**15 letters** have been received following the receipt of amended plans making the following comments:

- Still failed to itemise and prioritise as per several comments from others, is the increase in the traffic and road use due to the expansion of Hempstead Valley and its Units.
- What further measures are going to be made to widen and better the current road infrastructure as this will not cope. It doesn't cope at Christmas or at peak times in week days or at weekends, it certainly will not cope after any further works unless a new road is created purely for the Centre's use.
- Residents need a contact complain number for works that will inevitably occur over unsocial hours. Particularly that this work will be scheduled to be carried out over the Spring and Summer months, this will lead to later and earlier finish and commencement times.
- Very little has changed, although now the view of the deck is more apparent and not environmentally friendly
- Not aware of any surveys have been compiled
- If the volume of traffic is not going to increase as a result why is a multi-storey necessary
- Signed Chatham Town Centres death warrant
- The car parks are still used as a race track
- Disabled parking still too far away
- The location of the deck carpark should not be based on money and its location is still the inferior location
- Traffic survey is not accurate as the proposal has not been built
- Building a raised deck so close to the Hungry Fox entrance will cause queues onto the road
- This new development is more akin to a Town Centre not a village location
- Hempstead Valley is not a business park
- Hempstead Valley has enough shops
- Money should be spent on maintenance of the current shops
- Not all plans have come to fruition, the proposed café by Argos never happened and instead the bank was lost, which was much needed
- Concerns not adequately addressed
- Deck will cause a loss of privacy
- Noise from use of the car parks currently only used as an overflow
- Increased air pollution
- Light pollution from the proposed lights on the deck
- Proposed CCTV will invade privacy of homes and gardens
- Deck area is a threat to children from overlooking into gardens and homes
- Contrary to Policy BNE43 of the Local Plan and should have had an arboricultural assessment
- Proposed landscape mitigation will not work on the depths and slopes, scheme is contrary to Policy BNE6 of the Local Plan
- Local Plan should be adhered to until superseded by a new Local Plan
- A raised deck would not prevent access to the water main for maintenance should it ever be needed. If the building of all structures had to avoid water mains, nothing would ever get built.
- The statement *“Multiple deck solutions become increasingly less efficient & less well liked by shoppers, being particularly unsuited in this location where*

*many customers will have a major food shop & thus trolleys.*” Is unfounded

- There is other land available on site, to relocate the raised deck away from neighbours. The car park by the new restaurant development could be used, with a deck crossing over the internal road to link to the M&S multi storey. People using the restaurants would look at a car park, but this would only be for a couple of hours; not their whole life like it would be for neighbours if the raised deck is built.
- Blue car park is on raised land, the embankment is not ‘tucked in’ for neighbours in Kingsdown &, Tamarind Closes. Raising the car park will make it not ‘tucked in’ for neighbours in Coppice Court. Purple & blue car parks are situated too close to residential neighbours for any raised development to be acceptable. However, the priority seems to be building the ‘cost effective’ i.e. cheapest option, with little regard or consideration for the impact on the welfare of neighbours
- Proposed location of the multi-storey is nonsensical and wouldn’t provide shelter from the elements which is the purpose for a multi-storey
- Overshadowing of gardens from the deck
- The council should be injecting life into the High Streets
- Devalue property
- The turnover of shops means there are often empty units which surely it makes more sense to fill instead of building new ones
- Light pollution
- Contravention of European Convention on Human Rights. Article 8. Due to loss of privacy
- The proposed car deck is out of character for a residential area
- HVSC should have consulted residents
- Revisions to the car park are minor and do not improve the situation for those living opposite

**Gravesham Borough Council** raise no additional comments to the applications

**Kent Police** have advised that they met with the applicant/agent and that recommendations made will or have been incorporated into the proposal.

### **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 (NPPF) and are considered to conform.

### **Planning Appraisal**

#### *Screening Opinion*

In establishing whether an Environmental Impact Assessment (EIA) is required, local planning authorities need to consider whether the development falls within any of the criteria set out in Schedule 1 or Schedule 2 to the Regulations. Development of a type listed in Schedule 1 always requires an EIA. Development listed in Schedule 2

requires an EIA if it is likely to have significant effects on the environment by virtue of the factors such as its size, nature or location.

The proposed development is not identified within Schedule 1. The proposed development is of a character that falls within Article 10b (Urban Development Projects) to Schedule 2 of EIA Regulations 2017 by virtue that it exceeds the indicative threshold for development in this category of 1ha.

Development within this category causing significant environmental effects is required to be subjected to an EIA. Given that the proposed development falls within Schedule 2 under Regulation 5(4) the Local Planning Authority need to take into account the selection criteria as set out in Schedule 3 as relevant to the proposed development in reaching a decision as to whether it is EIA development.

The planning application is accompanied by a number of supporting statements, including Retail Statement, Habitat Survey, Transport Assessment, Air Quality Assessment, Design and Access Statement, Sustainable Energy Strategy Report, Noise Report and Transport Assessment. Given the nature of the application, and based on the work that has been undertaken to date, the proposed development and previous planning history it is unlikely that these proposals will give rise to any significant environmental effects as set out below: *Characteristics and Location of a Development* - The proposed development would consist of an extension to an existing district shopping centre, which when considered in comparison to the existing size of the centre would be modest. It would be constructed/sited within the existing designated district centre. Given the predominantly retail nature of the area the proposed extension is not considered to have any detrimental impact upon the on the area to justify the need for an EIA.

*Location of development* – The proposed development is not located within any consultation area for any Special Protection Areas (SPA's), which are classified as sensitive areas according to the Regulations, nor is the development located in an area where protected species will be affected

*Types and characteristics of the potential impact* – The application site largely comprises existing car parks. Whilst there will be removal of some of the existing trees to enable the scheme, mitigation is proposed through the planting of replacement trees as part of the landscape proposals. The site is not located within a floodplain. Construction of the development may lead to some temporary disruption for shoppers and tenants; this however would be short term. Furthermore the development will lead to additional jobs.

Taking account of the potential cumulative effects, the site characteristics, location and the relationship to the sensitive areas referred to above it is considered there would not be a significant environmental impact. The scheme is of local importance given the size of the site and the existing nature of the land use. The site is not considered to represent a particularly environmentally sensitive location. Furthermore, the proposed use is not associated with unusually complex and potentially hazardous environmental effects either in construction or operational periods.

Taking into account the above points and all of the other factors, it is considered that the site is not within a sensitive area but exceeds the thresholds set out in the

Regulations and Schedule 2; however the proposals do not have any likely significant environmental effects and therefore it is considered an EIA is not required.

### *Background and Need*

Hempstead Valley District Centre was first constructed in the 1970's. In the 1980's a further phase of the development was completed comprising a new Marks and Spencer store with mall linking to the existing centre and to a new multi storey carpark. Improvements to the centre continued over the following years with an upgrade to the internal finishes in the Phase 1 Mall, expansion of the food court to provide a better quality seating area, the introduction of a mall coffee shop and numerous smaller improvements.

The original district centre was built to meet retailers requirements of the 1970's, the agents have advised that the original units no longer meet modern retailer requirements which require larger footprints and structural grids (fewer columns), increased floor to ceiling heights. In addition to this customer expectations have also increased in respect of levels of service, quality of finishes and space standards. Proposals were submitted to address these issues with outline planning permission granted in 2011 for redevelopment of the Southern Mall together with freestanding units in the red car park which had previously traded as Going Places and McDonalds.

Further to approval of the outline planning application, proposals were reviewed and developed to suit tenant demand. Full approval for the first phase was granted on 15 April 2013 (ref. MC/12/1873) and works completed in 2016. Subsequently the second phase was implemented with the former foodcourt by the South Mall entrance redeveloped and now occupied by TK Maxx and New Look (completed early 2017). The third phase, redevelopment of the former Bhs store and remainder of the South mall including additional permitted retail area has not been implemented at this time.

The wider area is defined as a District Centre in the Local Plan and contains over 50 stores including Sainsbury's, M&S, Argos, Boots and Pandora, along with restaurants - Nando's, Frankie & Benny's and Bella Italia, cafes, bank, dry cleaner and a community hall.

### *Principle of Development*

The proposed alterations are located towards the eastern edge of the centre backing onto Sharstead Way and Kingswood Close. The proposal as identified on the submitted layout plan includes five predominantly larger footprint retail units extending to around 7,522sqm (80,969 sqft), ranging from 882sqm to 2,192sqm. Paragraph 23 of the NPPF requires a network and hierarchy of centres, which is a principal criterion in the formation of a retail strategy. It requires not merely that there be centres, but that the relationship between them and their relative importance is set out. To suggest that applications for development in any centre are to be considered on the same basis is to ignore the concept of a hierarchy.

The Local Plan sets out the retail strategy including a hierarchy of centres, which is supported by numerous Policies (S1, S5, R1, R2, R4, R5, R6, R7, R8) and their associated preambles. This makes clear the local catchment requirements in relation

to the centre's role and position in the hierarchy. Policies S1, S2 and S5 remain consistent with the NPPF and can therefore be fully applied. Policies R1, R7 and R13 follow suit but could be argued as not being entirely compliant with national policy. A balanced view has been taken to determine the appropriate weight applied to the policies and relevant material considerations.

Policy S1 recognises the importance of economic growth, the need for sustainable development and amongst other things a focus on investment in the urban area with particular attention on specific identified town centres (Chatham, Gillingham, Strood, Rochester and Rainham). These town centres are the focus due to their economic challenges and therefore justifies a need for regeneration. These economic challenges still hold true in the recent retail study concluded in 2016 (North Kent Retail and Leisure Study). The evidence is therefore up to date and confirms the relevance of the 2003 strategy, which is the strategy set out in the Local Plan consulted on in early 2017. The strategy has therefore been tested and verified.

Hempstead Valley Shopping Centre is not mentioned in Policy S1 because it is a healthy centre, not warranting intervention. In particular Policy S2 supports the sequential approach to development and Policy S5 sets out a positive vision for the future of Chatham, identifying appropriate uses, sites and areas for growth. Policy R1 amplifies this position, which is wholly compliant with national policy's requirement to define retail hierarchy.

The retail strategy identifies Chatham Centre as the main retail centre (Policies S5, R1, R2) and is identified as the location for large scale comparison retail growth to emphasise its role within the retail hierarchy. Policy R7 restricts the amount of growth directed to Hempstead Valley based on its role and function and position in the retail hierarchy. It also reflects the need to manage growth at HVSC to enable other centres to grow successful economies where recognised as struggling. It has however acknowledged that this Policy in isolation from the strategy is not wholly compliant with national policy, but the reasoning behind it, i.e. strategy is. The preamble to relevant Policies is fundamental to understanding the retail strategy instead of viewing the Policies in isolation.

Medway Council is preparing a new Local Plan, which will revisit many of the retail Policies to provide an appropriate and realistic approach to retail planning in Medway. The Council commissioned a joint retail study with a neighbouring authority, which provides an up to date evidence base (2016 North Kent study) to support the emerging Local Plan preparation. The findings of the study confirms the Borough's current retail hierarchy of centres, the health of these centres and the need for further retail floorspace provision based on population projections. The approach to retain Chatham at the top of the hierarchy is therefore still recommended based on health checks, the mix and predominant uses, its role and opportunities for change. Further work is now underway and will confirm the role and function of each of the larger centres across the authority. At present the findings accord/confirms the direction given in the current Local Plan despite the progression of time.

In this case Chatham Centre has been given primacy to other centres and the Policies of the current Local Plan have been drafted with this in mind. Hempstead Valley Shopping Centre is recognised as a non-traditional centre, i.e. without a high street or

essential services and primarily centred around shopping. It therefore has the advantage of being more modern, has the ability to adapt to the modern needs of retailers and therefore attracts retailer interest. Hempstead Valley Shopping Centre therefore poses a threat to the health and vitality of Chatham and other centres and the management of this potential impact in advance of Chatham reaching a stable platform for competition is reflected in the retail hierarchy as associated Policies.

It is recognised that HVSC provides high quality retail and leisure floor space. The value the centre adds to the Authority is therefore noted and supported, which is reflected by the permissions granted for expansion historically. However, given the current hierarchy, Hempstead remains secondary to Chatham and provides a localised offer. Maintenance of the localised offer and the hierarchy is managed partly by the quantity of the offer given limited control over the desired location of national high value retailers.

Whilst the resulting amount of floorspace with the proposal still sits below that identified in Chatham, the amount of floorspace alone does not determine where a centre sits within the retail hierarchy or help to determine the impact. The qualitative impact of this provision and the resulting turnover can have more of a bearing and in this case Hempstead's turnover is well above that of any of the other centres including Chatham, which makes it more attractive, thereby reinforcing its monopoly.

Overall, the applicant argues that development of the site, in the manner proposed, can only serve to act as an enhancement to one of the Medway Towns and would amount to a clear and unambiguous benefit of the scheme sending a clear message about continued investment in the area by well-known national retailers and retention of spend that would otherwise be captured outside of Medway.

Irrespective of the above, the applicant's perceived benefits, as mentioned above, need to be considered in the light of the concerns raised in terms of the resultant impact on Chatham and Gillingham Town Centres. Whilst it is acknowledged that this development represents a significant investment in Medway, it is not considered that that investment would be without impact to the above mentioned centres in that it is believed that the development could draw additional trade away from those centres reducing retailer interest, monopolising the retailer interest in Medway and therefore slowing or hindering improvements to the health of the other centres, particularly where substantial investments are being made to improving Chatham as a destination. This could have the knock on effect of loss of retail employment in those centres and consequently resulting in a further impact on trade.

However, it is recognised that HVSC is doing well and that retail is a fast paced economy, which the Council needs to respond to. Given that Chatham is improving and much further work is required and is underway to support its improvement, it may not be considered reasonable to constrain growth in a well performing centre when the market is supportive, considered a rarity in current times. National Policy also supports competitive centres and the growth of Hempstead with this proposal will retain spend within the Authority, which could bring in further investment into the authority. Chatham is improving and has some resilience to withstand the 2% trade being drawn away. It is considered on balance that in this case the proposal can be supported, reluctantly, in accordance with Paragraph 7, 23, 24, 26, 27 of the NPPF and Policies

R7 and R13 of the Local Plan.

### *Design – New freestanding units*

Paragraph 56 of the NPPF attaches great importance to the design of the built environment and Policy BNE1 of the Local Plan states that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment.

The centre's surrounding context is generally low density housing or open fields but due to the extensive surface parking areas and surrounding boundary (which is planted with trees), the impact of the development is considered minimal considering overlooking distances, screening and the established scale of the existing centre. The existing site has a significant fall along it, therefore the proposed buildings step down to follow the existing contours and ensure heights are kept to a minimum.

The shopfronts to the new units have been designed to give an open feel, with double height shopfronts which are interspersed with a repeating rhythm of timber slatted screens which unify the elevation. The shopfronts have been designed to provide large signage zones for tenants to maintain their visibility as viewed from afar from the surrounding car parks.

The frontage is capped with a dynamic canopy which continues the palette of materials used on the recent TK Maxx development with 'Trespa' timber effect fascia. The canopy is supported on feature columns which sit on pre-cast concrete bases creating visual impact to further draw over customers from the centre. The units are clad in aluminium cladding panels and feature timber slatted panels.

The entrance to unit 5 proposed on the first floor is given prominence with return glazing to the corner and stepping up of the scale of the canopy over.

The development is considered acceptable and in accordance with policy BNE1 of the Local Plan and paragraph 56 of the NPPF

### *Design - Car Park*

The car park deck has been proposed with an entrance building which provides lift and stair access to the upper deck and acts as a visual focus to visitors using the car park. Design and materials continue those of the new units with the same overhanging canopy detail with a floor to ceiling glazed corner clearly identifying the entrance into the car park. The remaining building will be finished in brickwork that matches the existing centre with the lift core expressed as a solid block, again reflecting the design features of the recent TK Maxx development by the South Mall entrance.

The car park deck will be edged in timber slatted balustrades that continue the detailing used on the new units. There are 4 vehicular access points off the centre's service road allowing for efficient movement through the car park.

Internally an extensive network of pedestrian routes provide safe routes within the car park guiding pedestrians to the main pedestrian route up to the centre. Two large lifts

provide access to the upper deck of a size that will accommodate customers with trolleys, as well as separate staircase access. The upper deck will have lighting throughout ensuring it is safe at night time with further wayfinding signage throughout. Vehicular access and exit is via a ramp along the Northern boundary of the site.

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 considered acceptable and in accordance with policy BNE1 of the Local Plan and paragraph 56 of the NPPF.

### *Public Realm, Landscaping and ecology*

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 public realm seeks to connect the proposed retail units with the existing Hempstead Valley Shopping Centre via sheltered footpaths and wide crossing points. Numerous seating locations have been identified along key routes offering resting points for shoppers. Additional planting beds have been included in the scheme enclosing the seating areas and providing a buffer between the pedestrian thoroughfares and the main vehicle access road.

Clear sight lines with wider footpaths and crossings link with existing pedestrian routes offering the users an enhanced experience when navigating through the space.

Legibility will be provided between primary and secondary pedestrian routes, through the use of distinct paving materials, echoing those used in Phase 1, with the paving pattern and bond orientated to accentuate these routes. Street furniture has been placed to enhance legibility and comfort, with identical products used from Phase 1 for consistency:

- Benches will be incorporated at nodal points, set within attractive planting
- Bins will be provided in locations close to main routes but away from the direct vicinity of seating
- Two areas of cycle stands will be provided in discreet locations adjacent to the new decked car park
- Lighting bollards and recessed units within paving will be provided to aid legibility in darker hours
- Anti-ram bollards will be provided in key positions along the main access route Wide crossing points will be enhanced through a separate, whilst still distinct, paving palette. This also reflects the materials used on Phase 1 and also provides clear variation from footway paving materials to assist legibility of crossing points.

New ornamental planting areas in key locations along the main pedestrian routes and nodes will enhance these spaces, whilst separating pedestrians from surrounding highways and parking areas. While landscaping plans have been supplied it is recommended that a condition is added to any permission to ensure that the correct species are introduced.

Due to the presence of breeding birds and invasive species on site, it is recommended that a condition is added to any approval to ensure that they are not adversely affected by the development.

The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting or the installation of bat/bird nest boxes. Several recommendations are provided throughout the ecological report and these should be implemented alongside the development. It is recommended that a condition is added to any approval to ensure that measures to enhance biodiversity are secured.

In summary subject to the proposed conditions the scheme is considered to be in accordance with policies BNE1, BNE6 BNE37 and BNE43 of the Local Plan and Paragraph 118 of the NPPF.

### *Neighbours' amenities*

The proposed buildings would be located to the eastern side of the existing shopping centre building. The proposed extension would be immediately flanked by the internal road network and car parking areas, the built form of the centre itself and Sharsted Way. Beyond the centres boundaries there are residential properties however they are set a considerable distance from the proposed free standing units (in excess of 65m) and will not be adversely affected by loss of sunlight, daylight, outlook or privacy. It is considered that the proposed units would be located well within the site and away from surrounding residents to ensure there would be no detrimental impact.

The proposed car park deck would be located above the northern carparks. The levels change across the site and at this point the houses in Kingsdown Close are set at a higher level with those in Tamarind Close set at a lower level than the existing carparks. During the course of the application the deck area of the car park has been significantly reduced and moved further from the boundary. The closest neighbour at 12 Kingsdown Close is approx. 35m away and those at 7-10 (inclusive) Tamarind Close are in excess of 40m away.

The flank of the car park facing onto Tamarind Close is between approx. 5m and 6m in height depending on the land levels and is proposed to be formed from a timber slatted balustrade/screen. While this will alter the view from the rear of these houses it is considered on balance to be acceptable when taking into account the height of the structure which would be akin to the height of a domestic house and the distance between the structure and the houses. Moving the closest part of the car park deck away from the residents has ensured that there will be no adverse overlooking into the residential gardens and houses and ensures that the embankment and all its vegetation to the east is retained.

While the deck is higher than the current ground level it is still below the level of the houses on the eastern side of Kingsdown Close. The closest neighbour at 12 Kingsdown Close would look onto the car park deck with only a small portion of the deck higher than the ground floor level of the house. To the northern site boundary, the proposed deck is now a significant distance from the adjacent houses and will be

screened by the existing landscaping which will be augmented to provide a full landscape screen. While the overflow car park is currently only opened at weekends and periods of high demand, it is a legitimate car park and could be used more intensively than it is currently.

To ensure that residents are not affected by light pollution from car headlights while using the upper deck of the car park, the car park and ramp are proposed with significant parapet walls, which are higher than car headlights and the static lighting proposed for these areas would have “dark sky” fittings to direct all lighting directly on to the area required.

It is considered, on balance, that the development is in accordance with policy BNE2 of the Medway Local Plan and paragraph 17 of the NPPF.

#### *Air Quality*

The air quality assessment is considered acceptable and has been carried out according to current guidance and best practice, especially with regards to assumptions on emissions in future years. The resulting predicted impacts upon air quality at the nearest sensitive receptors can be treated as the worst case scenario. The assessment has predicted that the air quality at the worst case receptor locations is likely to meet the air quality objectives, and that the development will have a negligible impact.

Table 16 of the report details construction related air quality mitigation measures. These should be incorporated into a broader Construction Environmental Management Plan, which is recommended to be secured as a condition on any permission

The air quality assessment has referred to the 2016 Medway Air Quality Planning Guidance with respect to mitigation of development proposals, and has identified that standard mitigation should be implemented in the form of 5 vehicle parking spaces to be provided with an electric vehicle charging point as such a condition to this effect is recommended on any permission. Subject to this condition the application is considered to be in accordance with Policy BNE24 of the Local Plan.

#### *Noise*

The noise assessment is considered to be acceptable. The assessment has shown that noise associated with use of the new car park is unlikely to result in impacts at the nearest noise sensitive properties. The expected levels have been compared against appropriate criteria from WHO and BS8233:2014.

The noise assessment has also considered impacts from servicing the proposed units. The predicted noise levels, using data obtained from other retail sites, have predicted that there should not be any impacts at the nearest noise sensitive properties to the service yard. The predicted levels are also significantly lower than the measured existing levels.

With respect to the proposed units, 4 are for A1 use; however unit 5 is for flexible A1/D2 use. The D2 use poses potentially different noise issues to a purely A1 retail development as D2 includes cinemas, music and concert halls, gymnasiums, indoor sports etc. therefore before any D2 use is implemented an acoustic assessment

should be submitted. It is recommended that this is controlled by condition.

With respect to plant and equipment servicing the new units, this is currently unknown, although locations for plant have been identified on the submitted plans. Plant requirements are likely to vary according to the individual tenants, and this will need to be carefully considered prior to the occupation of any of the units. It is recommended a condition is imposed on any permission to ensure that there is no negative impact on residential amenity.

To prevent anti-social behaviour and late night noise through use of the car park deck it is recommended that a condition is imposed on any approval to restricted late night access to the car park.

The plans show a new electricity substation is to be constructed in the rear service yard area of the new units. It is not considered that this would cause any noise problems as it is some distance from residential properties and is to be screened by the existing earth banks and the new car park.

Subject to the recommended conditions, the application is considered to be in accordance with Policy BNE2 of the Local Plan.

#### *Contaminated Land*

The desktop study includes a site history, site walkover, 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. It is recommended that suitably worded conditions be added to any planning approval to ensure this work is carried out, to ensure the development is in accordance with policy BNE23 of the Medway Local Plan.

#### *Highways – Public Transport and accessibility*

Hempstead Valley is located 0.7 miles from Hempstead Village. The closest town centres and train stations are Chatham, 4.1 miles away, (11 minute drive), closely followed by Gillingham 4.8 miles (14 mins drive). The centre is well connected to the local road network and the M2 motorway.

The centre is well served by frequent bus services (every 10min or less), connecting the centre to Chatham and other local centres, as well as long distance coach services. Currently bus waiting facilities are located near the red car park. Free customer parking is provided.

Existing bike storage for public use is located in the Sainsbury's under ground car park. New bike parking is to be provided along the main pedestrian walkway under the

proposed car park deck as indicated on the proposed plans. A condition is recommended on any approval to ensure that the cycle parking is implemented prior to first use of the deck car park in accordance with Policy T4 of the Local Plan. Level access is currently provided to all shops in the centre with lifts or ramps provided to levels above and below the principal mall level. Lifts are fitted with rail.

The new units will have the same accessibility with the pedestrian walkway providing access into units having level access from the East mall via a level crossing and sloping pavement the reflect the existing falls across the site.

#### *Trip Generation*

Survey data of the existing shopping centre indicates that it attracts 2,037 and 2,624 two-way vehicle trips in the Friday evening peak period and the Saturday peak period respectively. Based on the recorded traffic flows, the proposed units will generate an additional 65 and 84 two-way trips during the Friday and Saturday peak hours respectively. For the purpose of this assessment and for robustness, the Transport assessment split this additional traffic evenly across the three shopping centre accesses, which are not proposed to change. The proposed development is likely to result in a slight increase of no more than 5% in trips at the three main customer accesses to the shopping centre. It should be noted that whilst some of the additional car trips arising from the new retail floor space may be new to the local road network, the majority are likely to already be on the network making a trip to another destination or for another purpose. On this basis, it is unlikely that this increase would be perceptible to existing users or have a significant impact on the operation of the junctions or the wider network, and no objection is raised in relation to Policies T1 and T2 of the Medway Local Plan.

#### *Internal layout and Car Parking*

A new priority junction with the internal spine road is proposed to the north-west of the proposed retail units, which would provide access to the proposed service area to the rear of the units. Swept path analysis has been undertaken to demonstrate that a 16.5 metre articulated vehicle would be able to enter and exit the service area in a forward gear. Access to the decked car park would be taken from the internal spine road immediately to the west of the car park.

The proposed development would result in a net reduction of 50 parking spaces within the shopping centre. The Transport Assessment includes a parking beat survey undertaken on Friday 5<sup>th</sup> and Saturday 6<sup>th</sup> February 2016 to ascertain current parking demand at HVSC. In order to provide a robust assessment of current demand, the Transport Assessment applies a 10% uplift. On this basis, the survey data indicates a maximum parking space occupancy of 85%, which occurred on the Saturday between 1200 and 1300. Taking in to consideration the additional trips generated by the additional units, it is predicted that this occupancy would increase to around 90% at this peak time (1843 spaces occupied out of a new total of 2,040 spaces). On this basis, and taking in to consideration the availability of local bus services, it is considered that the number of parking spaces within the shopping centre would be sufficient and no objection is raised in respect of Policy T13 of the Medway Local Plan.

### *Security and safety*

The documents associated with the application advises that currently all centre malls and car parks are monitored by 24hour CCTV, which will continue following the proposed redevelopment. The centre currently works in partnership with Kent Police regarding security. A key part of the proposal is to create a busy open public space running along the front of the proposed units. This will create a safe space due to combination of activity, absence of any set back or hidden areas and new external lighting. Service vehicle access will be via the internal access road by large service vehicles. The proposal reduces the width of the existing internal access road and introduces traffic calming measures including: a raised crossing area, flush kerbs, continuous paved surfaces to contrast with surrounding conventional highways and large bollard features located close to the carriageway edge, all of which will have the effect of changing the drivers perception of the street as a pedestrian priority space, in which drivers must slow down to be alert to pedestrian movement.

The application is therefore considered to be in accordance with Policies BNE2 and BNE8 of the Local Plan.

### *Phasing*

It is envisaged that works will be carried out in phases and arranged to minimise disruption to the day to day activities of the centre. The phasing is recommended to be conditioned on any approval to ensure that all proposed car parking is available before the new units are first occupied in accordance with Policies BNE2 and T13 of the Local Plan.

The application advises that public access to the mall and existing car parks will be maintained through out.

### *Sustainability*

The proposed site consists of developed 'brownfield' land. The development of brownfield land represents environmental best practice because the reuse of previously developed sites releases their potential and reduces the need for construction on previously undeveloped 'greenfield' land that would result in a net loss of green space, and potentially a negative impact on flora and fauna. The applicant advises that the new units will comply with the current part L2A building regulations for the Conservation of fuel and power. They will be built to the current 2013 edition (incorporating 2016 amendments) which represents a 9% carbon dioxide reduction relative to the previous Part L 2010 edition. The building will also be built to BREEAM 'Good' standard. The car park deck has been designed to use passive ventilation to the surface car park eliminating the use of any mechanical ventilation.

The application is considered to be acceptable and in accordance with paragraphs 96 and 97 of the NPPF.

### *Local Finance Considerations*

None relevant to this application

## **Conclusions and Reasons for Approval**

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 BNE1, BNE8, BNE2, BNE6, BNE23, BNE24, BNE37, BNE43, T1, T2, T13, R7 and R13 of the Local Plan and Paragraphs 7, 17, 23, 24, 26, 27, 56, 96, 97, 118 of the NPPF and the application is accordingly recommended for approval.

This application would normally fall to be determined under delegated powers but has been referred to committee due to the number of representations contrary to the Officers recommendation and the requirement to refer any approval to the National Planning Casework Unit (NPCU).

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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/>