

MC/18/1522

Date Received: 21 May 2018

Location: Former Dickens World Leviathan Way Chatham Maritime  
Chatham

Proposal: Reconfiguration of former Dickens World floor space to allow for the creation of two new D2 (leisure) units and change of use of part of first floor level to restaurant (use class A3) in order to extend the existing Nando's restaurant below together with external alterations to the building

Applicant Schrodgers UK Real Estate Fund C/O Schroder Property Investments

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Ward: River Ward

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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 24th October 2018.**

### **Recommendation - Approval with Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers: PL001A, PL002A, PL003, PL006C, PL007C and PL008A received 21 May 2018, and PL100C, PL101B, PL004B, PL005B, PL009F, PL010C, PL011F and PL012C received 31 May 2018.

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order with or without modification) no unit shall be subdivided into any commercial premises used for the purposes of D2 Leisure.

Reason: To safeguard any future impact on Chatham town centres.

- 4 The use hereby permitted shall only operate between the hours of 8am to 11pm.

Reason: To keep opening hours in line with surrounding uses and to ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 All materials used externally shall match those of the existing building.

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 this report.**

## **Proposal**

This is a full application for the reconfiguration of the former Dickens World floor space to allow for the creation of two new D2 (Leisure) units and change of use of part of first floor level to restaurant (Use Class A3) in order to extend the existing Nando's restaurant below, together with external alterations to the building.

Under the current planning permission, the former Dickens World building is subject to a personalised planning permission (ref: MC/2004/2592). As such, no other D2 use can take place within the unit. Following the closure of Dickens World in 2016, this application seeks an open D2 use to take place within the former Dickens World space in addition to an extension to an existing A3 restaurant space.

With regards to the proposed D2 use, the existing unit would be sub-divided into two. Whilst permission for an open D2 use is sought so that a range of leisure uses could occupy the units, it is intended that the units will be occupied by Mighty Claws at ground floor and part of the first floor (Unit GU01 at 2818m<sup>2</sup>) and Gymfinity at first floor (Unit GU09 at 1761m<sup>2</sup>).

Mighty Claws is a dinosaur themed miniature golf operator and is part of the Playgolf Group. The concept is to provide adventure golf for all ages with each location having

A bespoke theme. Each location is supported by a children's story. It is intended that at Chatham the theme will centre around the existing Victorian attraction and will include the following elements:

- Victorian dinosaur exhibit;
- Two indoor adventure golf courses;
- Destination bar and dining;
- Course side bar; and
- Bookable party areas.

It is anticipated that the attraction will employ around 40 members of staff. On the basis of the two existing locations at Colchester and Bournemouth, the following opening hours are anticipated:

- 10am – 11.30pm (Sunday to Wednesday)
- 10am – 01.30am (Thursday to Saturday)

Gymfinity intend to occupy the majority of the first floor level. Gymfinity provide gymnastics facilities and classes for children of all ages. This is the UK's first gymnastics operator that offers activities specifically for children aged 0-16 years. Their overall aim is to inspire children to keep fit, improve their health, strength and wellbeing, but above all to have fun. The facilities include traditional equipment such as beams, bars and vaults as well as monkey bars, trampolines, rings and slides.

Gymfinity currently operate in Colchester, Leeds, Reading, and Farnborough. These locations offer the following activities, which would be replicated at Chatham:

- Gymnastics classes;
- Ninja Zone classes which are a mix of martial arts, freestyle movement and gymnastics;
- Pre-school classes;
- Baby balance classes;
- Holiday camps;
- Children's parties; and
- Programmes with schools.

In terms of number of visitors, on average 92 children per day on the weekday and 113 children per day at the weekend are expected (this excludes parties). It is then anticipated that 40% of parents spectate with the remainder dropping and collecting children.

It is anticipated that the attraction will employ around 12 full time members of staff. On the basis of the two existing locations, the following opening hours are anticipated:

- 8am – 9pm (7 days a week)

With regards to the first floor extension to the existing ground floor Nandos restaurant (Unit GU06, Use Class A3), this additional space will accommodate toilet facilities and restaurant seating. By locating the toilet facilities at first floor Nandos will be able to increase the seating capacity at ground floor level.

To facilitate the reconfiguration and sub-division of the former Dickens World unit, external alterations are also proposed to the north and south elevations.

On the south side, the elevational changes will comprise the installation of three new windows at first floor. Glazing will be clear glass and frames to match the existing restaurant windows. Two of the windows will open onto the first floor D2 leisure use and the third onto the A3 use proposed for Nandos. The current 'townscape' panels along the first floor at the front of the building would be removed.

Changes to the north side of the building will comprise the creation of two new pairs of access doors for new refuse stores. Frames and doors will match the existing refuse store doors elsewhere in the building.

Access to the ground floor D2 use will be via the main entrance into the building previously used by Dickens World. Access to the first floor D2 use will be via the entrance into the building previously used by Dickens World Porters Bar that provides entry to the ground floor of the existing stair core, where stairs and an existing passenger lift will provide access the first floor accommodation.

Access to the A3 extension remains unchanged and is via the existing ground floor entrance to Nandos that will be linked to the new first floor of the restaurant by means of a new staircase.

The application drawings include proposed signage zones to be utilised by the new occupiers. However, details of this will be submitted in separate advertisement consent applications at a later date.

### **Relevant Planning History**

MC/14/0939	Variation of condition 50 on planning permission MC/2004/2592 to depersonalise the permission by removing reference to Dickens World Leisure Attraction Decision Approval with conditions Decided 21 August 2014
MC/14/0938	Construction of new entrance Decision Approval with conditions Decided 2 June 2014

MC/11/2515	<p>Installation of temporary artificial ice rink and winter wonderland Christmas grotto</p> <p>Decision Approval with conditions</p> <p>Decided 25 November 2011</p>
MC/10/1791	<p>Alternations to existing car park layout to increase pedestrian and Seating area in front of Dickens World and associated A3/A5 units and to create additional disabled/parent and child parking bays</p> <p>Decision Approval with conditions</p> <p>Decided 13 April 2011</p>
MC/10/3491	<p>Retrospective application for installation of internally illuminated LED text display screen</p> <p>Decision Refused</p> <p>Decided 7 February 2011</p>
MC/10/3419	<p>Temporary change of use of vacant 1st floor unit from A3 to D2 to allow it to be used as part of the Dickens World visitor attraction for a "winter wonderland experience" with ice rink, grotto and real snow toboggan run</p> <p>Decision Approval with conditions</p> <p>Decided 29 December 2010</p>
MC/10/3432	<p>Temporary change of use of land to allow for the installation of a Temporary artificial ice rink</p> <p>Decision Approval with conditions</p> <p>Decided 26 November 2010</p>
MC/10/3457	<p>Change of use of part of car park in front of Dickens World to allow occasional use to hold an audience to view films and live sporting events shown on the existing outdoor LED screen adjacent to the Odeon Multiplex. Audience area to be within a fenced enclosure with an open sided marquee shelter</p> <p>Decision Approval with conditions</p> <p>Decided 19 November 2010</p>
MC/10/1244	<p>Change of use of part of car park in front of Dickens World to allow occasional use to hold an audience to view films and live sporting events shown on the existing outdoor LED screen adjacent to the Odeon Multiplex. Audience area to be within a fenced enclosure with an open sided marquee shelter</p> <p>Decision Approval with conditions</p> <p>Decided 9 June 2010</p>
MC/2008/1497	<p>Change of use from Retail (A1) to Restaurant (A3) with additional access point to side of building</p>

	Decision Approval with conditions Decided 28 October 2008
MC2007/ 1545	Installation of windows to first floor offices on eastern elevation Decision Approval with conditions Decided 23 October 2007
MC2007/1019	Installation of a new shopfront Decision Approval with conditions Decided 31 July 2007
MC2007/0497	Construction of a clock tower at first floor level to front of building Decision Approval with conditions Decided 24 May 2007
MC2007/0491	Installation of shopfront incorporating alterations to unit frontage to form an entrance canopy and side pillar Decision Approval with conditions Decided 24 May 2007
MC2006/1948	Installation of shopfront Decision Approval with conditions Decided 14 December 2006
MC2006/1470	Installation of shopfront Decision Approval with conditions Decided 21 September 2006
MC2004/2592	Reserved matters application pursuant to outline planning application GL97/0224 for construction of building for use as leisure (Class D2) and restaurants (Class A3) and associated parking Decision Approval with conditions Decided 28 January 2005
MC/2002/0334	Reserved matters application (pursuant to outline application ref GL/97/0224 for Factory Outlet Centre, Leisure Facility etc.) for the construction and formation of an eight hundred vehicle car park Decision Approval with conditions Decided 31 May 2002
97/0224/GL	Outline application for the redevelopment of land and buildings including 3 Listed Buildings for leisure, business, retail and food and drink uses Decision Approval with conditions Decided 31 August 2000

## **Representations**

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

**Two** letters of representation have been received, with the following comments:

### **Chatham Maritime Car Park Management Ltd:**

- The multi-storey and surface car park is not controlled or majority owned by the applicant.
- At weekends the car park is at or over full capacity at peak times.
- There are concerns about the accuracy of the core data that informs the submitted traffic report. They were not aware of the survey being undertaken. Automatic Number Plate Recognition (ANPR) system data shows the peak Sunday reading as being some 19% higher than the figures presented in the Transport Statement; subsequent weekends show further variance in the figures. The applicant does not have ANPR data.
- They are currently in discussion with the applicant about improving the car park layout, and understanding the differences in the car park information.

**The agents** responded to this representation as follows:

- The objection only provides summary figures and not data counts. As such it is difficult to comment without the presence of the data to support the alleged conclusions.
- In terms of the base survey data submitted with the planning application, the traffic survey of the car park was undertaken by an independent traffic survey company (Intelligent Data) via video cameras installed at the entry and the exit point over a 24 hour period. The full data from this survey is appended to the Transport Statement and shows that the entry and exist counts are consistent.
- It is also important to note that, in consideration of the higher occupancy figures outlined in the consultation response, the conclusions of the Transport Statement remain unchanged. The Statement recommends that based on the occupancy shown from the traffic survey, measures are needed to encourage use of the multi-storey car park.
- Schroder UK Property Fund is committed to improving the visual signage within the car park to ensure that the multi-storey car park is further utilised. These works can be conditioned as part of any subsequent planning permission.

**Chatham Maritime Car Park Management Ltd** responded further as follows:

- Data from ANPR systems is only kept for a certain period of time and all they have is the core information, which they would be happy to share. This is not alleged data; the figures are entirely factual.
- The video cameras were installed without consent and not necessarily in the best position.
- There remains a data inconsistency and there must therefore be a query over the data put forward from the applicant.
- Chatham Maritime's data continually suggests a high level of car park occupancy and that there is no spare capacity. They invite a new car park analysis with the involvement of Chatham Maritime.
- There is confusion about how there can be no change to the recommendations regardless of the occupancy factor.

**The agents** responded further to this representation as follows:

- In terms of the accuracy of the data they confirm that the survey company did do a spot check and confirmed the data to be within +/-1-2%. This is fairly standard for this type of survey given they watch the video recordings at x30 speed. To put this into context, 1% would be an error of +/- 1 vehicle in any 15 minute period and would not have any material bearing on the conclusions drawn by the transport assessments. The data is therefore wholly appropriate for the purposes of assessing the application and no further assessment is required.
- In terms of the location, the cameras were installed in locations on the entry and exit of the car park. These are therefore wholly appropriate locations for this type of survey.

**Chatham LLP:**

- It is important that any approval is conditioned to ensure the nature of the use does not change in the future and specifically to something that could have been accommodated in the town centre.

### **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 2018 (NPPF) and are considered to conform.



## Planning Appraisal

### *Background*

The Dickens World unit was granted planning permission in 2005. It is a two storey leisure building, since sub-divided into a number of smaller units, including Nandos, Subway, Pizza Hut and Pure Gym. The Dickens World attraction, which occupied the majority of the unit, closed in 2016 following financial difficulties, and has remained vacant since.

There was a personal permission attached to the reserved matters permission for Dickens World. Condition 50 attached to planning permission MC/2004/2592 states as follows:

The premises shall be used for the purpose of Dickens World Leisure Attraction, Restaurants and Cinema and for no other purpose, including any other purpose in Class D2 or A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To take account of the special circumstances of the submitted application and to regulate and control any subsequent use of the premises in the interests of amenity.

An application to depersonalise the permission to delete reference to Dickens World and thereby vary condition 50 was considered in 2014 under reference MC/14/0939. That application was approved with a varied condition as follows:

The premises shall be used for the purpose of Dickens World Leisure Attraction, Restaurants, Cinema and Gym and for no other purpose, including any other purpose in Class D2 or A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To take account of the special circumstances of the submitted application and to regulate the control and subsequent use of the premises in the interests of amenity.

The reason for retaining a condition controlling occupancy was the same as the reason to impose the original condition, i.e. to protect Chatham Centre. This is one of the key issues that will be considered in the main appraisal below.

With no alternative operator to take on the Dickens World attraction following its closure, there is no prospect of it reopening; hence the reason for alternative D2 uses for the building being sought. However, the imposition of condition 50 means that the occupation of the Dickens World unit is personalised, and cannot be used for any other Class D2 leisure use other than as Dickens World. Permission is therefore required in order to allow other D2 uses within the planning unit. It must be noted that in the absence of such a personal condition, planning permission would not normally be required for a change of D2 use.

## *Principle*

The site is located outside Chatham town centre, within Chatham Maritime, as defined on the Proposals Map of the Local Plan. Policy S8 relates to this area, where mixed uses are encouraged, including retail, offices, tourist facilities, and leisure and class A3 uses.

This application seeks to reconfigure the former Dickens World space to allow the creation of two new units for open D2 use. This will ensure that the building is no longer vacant and that it will be occupied in a manner consistent with the policy objectives for the Chatham Maritime area.

Policy S8 seeks a high quality and innovative development. The intended D2 users, Mighty Claws and Gymfinity, would provide adventure golf and gymnastics uses respectively, the nature of which would match these policy aspirations.

Local Plan Policy L2 relates to new leisure facilities, and sets out that proposals for leisure development outside town centre and edge of centre locations will only be permitted when it can be demonstrated that the proposal is inappropriate within a town centre or edge of centre location, or is on a site identified in Policy S8 as being suitable for leisure uses; would not adversely affect the vitality and viability of Chatham town centre; has followed the sequential test in that there are no alternative, suitable and available locations in, or on the edge of, Chatham town centre; would have no significant detrimental impact on neighbouring land uses or residential amenity; and is highly accessible by public transport, affords good opportunities for access by pedestrians and cyclists and is sited near the primary or secondary road network.

The latter two points relating to amenity and transport will be discussed in the relevant sections below.

Taking each point in turn, it has firstly been demonstrated that the application site is a suitable location for leisure use in line with Policy S8.

In relation to the impact on Chatham town centre and the sequential assessment, the starting point for the consideration of this proposal is whether the principle of development in the proposed location is acceptable. The NPPF seeks to pursue sustainable development in a positive way through a presumption in favour of such development, unless the policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (para. 11).

The NPPF (paragraph 86) states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre or nor in accordance with an up-to-date plan. Out of centre sites should only be considered if suitable town centre, and then edge of centre, locations are not available. When considering out of centre proposals, preference should also be given to accessible

out of centre sites, which the application site would fit; it is approximately 1 mile away with regular buses along a straight road link.

Due to the site's out of centre location, and as the application relates to a scheme that will provide floor space totalling more than 2,500sqm, a sequential test and a leisure impact assessment have been submitted in accordance with the NPPF.

### Sequential test

The two proposed D2 users require large amounts of floor space in business models that cannot be disaggregated. As the two operators do not need to be located on the same site the sequential site assessment was undertaken considering the smallest unit. In this instance a figure of 1500m<sup>2</sup> was used.

A review of 32 units being marketed in Chatham showed these were all below the size required and were therefore not suitable for the proposed users. This was equally the case with units being marketed within the Pentagon Centre. The only additional site considered was the Trafalgar Centre site at 270 – 272 High Street, which extends to 1920m<sup>2</sup> and is an irregular shape. Whilst the site is above the minimum site size threshold, due to the irregular configuration of the unit and the limited amount of headroom, it is not suitable for the proposed tenants. The Stapes site was also considered but would need a comprehensive plan for redevelopment to bring this site forward. In this instance the proposed tenants are looking to occupy existing space that is currently vacant and which could be delivered within a reasonable timeframe.

Additionally, no development sites have been identified in edge-of-centre locations that could accommodate the proposed development.

The Council is undertaking further master planning work for Chatham, and is looking for large scale leisure uses for the future depending on the availability of sites. The submitted assessment has confirmed the unavailability of suitable buildings within or on the edge of the town centre for the proposed D2 uses, and the locational requirements for the uses proposed. It is therefore considered that the sequential test has been satisfied.

### Impact Assessment

The submitted assessment sets out that the Council's Commercial Leisure Assessment (2016) concluded that only 22% of survey participants stated that they took part in at least one of the "entertainment venue" or leisure activities in the local area. This could indicate that there is currently an undersupply of such uses with a limited range. The application proposal for new "entertainment venue" uses that are not currently represented within the local area, could tap into a large part of the population that currently do not make use of any such facilities. The submitted assessment argues that this can only assist in capturing expenditure leakage outside of Medway and strengthen the local economy.

Chatham town centre's main offer in terms of commercial leisure provision is the MFA Bowl located within the Pentagon Centre. It is recognised that this is not a main attractor of visitors to the centre. It is considered that the introduction of enhanced ancillary commercial leisure opportunities, i.e. restaurants and cafes, within the centre is key to attracting further footfall to the town centre provision.

On this basis, the proposed D2 uses are unlikely to adversely affect the vitality and viability of Chatham town centre. However, should there be opportunities for larger scale leisure uses in the centre, these should not be dismissed and should be explored thoroughly. Chatham is a city centre designation, which will require consideration of this location for the provision of retail, leisure and employment uses before any out-of-centre location is considered.

The application proposal seeks unrestricted D2 use, compared to the previous personal permission for Dickens World, which was historically conditioned to reduce the impact on Chatham. Removing this condition entirely leaves Chatham open to impact and should therefore be managed appropriately. It is considered that whilst a similar personal permission is not considered appropriate at this point in time as the proposed D2 use remains acceptable, a condition should be imposed to ensure that should further leisure use opportunities arise, Chatham is considered for this provision first regardless of Dockside's informal leisure destination status, i.e. it is not officially designated and is therefore an out-of-centre location. Without restricting further subdivision, the development could evolve into numerous smaller leisure uses which could potentially be provided in Chatham. It would therefore be appropriate not to restrict the permission personally, but to require permission for any further subdivision over the proposed two units in order to allow the proper assessment process to be followed, and to use every opportunity to explore accommodation in a town centre location as a preference. In terms of the floor space, this would be restricted by a condition setting out the plans approved for this particular proposal.

In the light of the planning policy context, as there are no suitable or available sites for the proposed uses in or on the edge of Chatham town centre, and as leisure uses such as those proposed are encouraged in this location as set out in Local Plan Policy S8, plus as the site is well connected to Chatham town centre, the proposed subdivision for two D2 uses is considered acceptable. The uses will fill a vacant unit, which will also have a positive impact on the area in terms of employment and investment, in line with paragraph 80 of the NPPF.

Alongside the two proposed D2 units, the proposed extension at first floor level to the existing A3 unit (Nandos) located at ground floor (Unit GU06), would make use of the last remaining area of space within the building. This use is also considered appropriate in this location.

## *Design*

Development Plan policy places considerable emphasis on the importance of achieving high quality buildings and places. Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development. Paragraph 127 adds that developments should add to the overall quality of the area, be visually attractive, and sympathetic to local character, including the surrounding built environment and landscape setting.

In relation to the location of the proposed development, Policy S8 of the Local Plan promotes high quality, innovative design approaches to create a vibrant and high quality environment in Chatham Maritime. More generally, Policy BNE1 seeks to ensure that the design of development is appropriate in relation to the character, appearance and functioning of the surrounding area.

The existing building is industrial in character. As part of the development of Dickens World, various restaurant and leisure uses have occupied the ground and first floor space, and therefore the elevations contain glazed shopfronts along the length of the south and east elevations. The proposed windows and doors will be fitted within the grid of the existing cladding panels and will not appear out of place. The first floor and rear (north elevation) is fairly blank at present in terms of windows and doors, and the proposal would help to add visual interest.

It is also proposed to replace the existing townscape panels; materials should be conditioned to ensure replacement panels match existing plain cladding panels.

On this basis, proposed elevational changes are considered acceptable with regards to the above requirements of the NPPF and Policies S8 and BNE1 of the Local Plan.

## *Amenity*

Para. 127(f) of the NPPF asserts that achieving well-designed places should include creating a high standard of amenity for existing and future users. According to Local Plan Policy BNE2, all development should secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties. The design of the development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

Whilst there are residential properties to the north-east of the site, due to the location of the development within the existing Dockside complex, and with no significant change in the use of the site, there would be no impact on amenities or environmental protection concerns.

The proposed opening hours are largely in line with the existing surrounding uses; the most recent change of use application (MC/08/1497) was granted opening hours until 11pm on Friday and Saturdays, and 10.30pm for the rest of the week.

The submitted Planning Statement states that the proposed opening hours for Mighty Claws are in line with the other existing locations; however from the Mighty Claws website the earliest and latest opening hours for these locations are 9am and 9.30pm respectively. Given there are later opening venues in the vicinity, and that there will be a bar and dining area at the premises, it is felt that the opening hours should be restricted to 11pm at the latest to be in line with surrounding uses. This would seem more appropriate given there are residential uses nearby.

Therefore the proposal is in accordance with Policy BNE2 of the Local Plan and para.127(f) of the NPPF.

### *Highways*

In terms of the principle of the development, the current proposal is unlikely to have a significant impact when compared to the accepted number of trips associated with the previous use (1,000 two way movements over the course of a day and 185 two way movements during the busiest hour). The application uses the trip generation database to demonstrate that the overall daily traffic generation of an open D2 use is lower than that associated with the permitted 'Dickens World'. The traffic generation of the specific end users have been presented as lower than an open D2 use. The majority of the demand and the peak periods associated with an open D2 use and that of the intended occupiers fall outside of the conventional network peaks (08:00 – 09:00 and 17:00 – 18:00).

The application contains parking surveys of the surface level and multi storey car parks, which were undertaken on a Friday, Saturday and Sunday in April. On the Friday, the maximum occupancy of the latter was around 80% (260-315 of the 385 spaces) and on a Saturday it was around 20%. The Friday occupancy reflects the space leasing arrangements in place with other organisations. The maximum occupancy of the surface level car park recorded was 70% on the Friday, 80% on the Saturday and 73% on the Sunday. The proposed development is predicted to increase the occupancy of the surface level car park by 9% during the week. At weekends, it is estimated that a worst case scenario would see parking demand exceed supply by around 40 spaces; this could be accommodated in the multi-story car park, however. This is considered a robust assessment on the basis that it does not take into account trips linked with other uses on the wider site. Furthermore, the specific end users are predicted to generate fewer trips than other D2 uses.

Overall, this proposal to reuse an existing site is not predicted to have a detrimental impact on highway capacity and there is considered to be sufficient car parking to accommodate the demand generated by the development proposals. On this basis, no objection is raised in respect of paragraphs 102 and 105 of the NPPF, and Policy T1 and T13 of the Medway Local Plan.

### *Flooding*

The proposed site is located on the Environment Agency's Flooding Map for Planning as an area benefiting from flood defences.

As the site is located within an area protected by flood defences and as the application is for a change of use from a personalised D2 permission to an unrestricted D2 use and A3 extension, a Flood Risk Assessment has not been submitted and is not considered to be required.

### *Section 106 Matters*

There is a Section 106 leisure contribution linked to the original approval for Dockside (97/0224GL), which is triggered by the commencement of leisure use and/or retail use of the site. The agent has been informed of this matter.

### *Local Finance Considerations*

There are no local finance considerations.

## **Conclusions and Reasons for Approval**

It is considered that the proposed development would introduce uses for the vacant former Dickens World, which is considered to be appropriate for this area. Furthermore, the proposal is considered to be acceptable in relation to matters of design, amenities and transport.

As such the proposal complies with the provisions set out in paragraphs 11, 80, 86, 124, 127, 102 and 105 of the National Planning Policy Framework 2018, and Policies S8, BNE1, BNE2, T1 and T13 of the Medway Local Plan 2003. Therefore the application is recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination as Members at the presentation of the scheme indicated a desire for it to come to Committee for decision due to the need to ensure that concerns raised have been appropriately considered.

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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://publicaccess1.medway.gov.uk/online-applications/>