

Planning Committee – Supplementary Agenda

A meeting of the Planning Committee will be held on:

Date: 31 March 2010

Time: 7.00pm

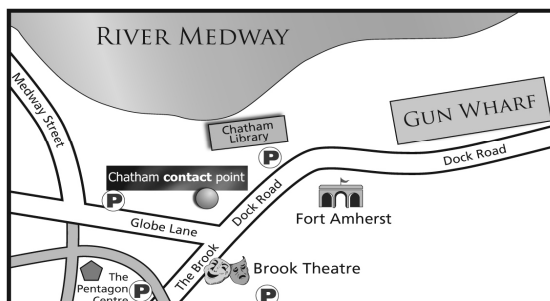
Venue: Meeting Room 9 - Level 3, Gun Wharf, Dock Road, Chatham ME4 4TR

Items

- 12 Urgent Item - MC/09/1682 - National Grid Property Holdings, Grain (Pages 1 - 4)
- 13 Urgent Item - MC/09/2626 - Land bounded by The Brook, Queen Street, Slicketts Hill and Cross Street, Chatham (Pages 5 - 6)

For further information please contact Ellen Wright, Committee Co-ordinator on Telephone: 01634 332012 or Email: democratic.services@medway.gov.uk

Date: 31 March 2010



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A summary of this information can be made available in other formats from **01634 333333**

If you have any questions about this meeting and you want to speak to someone in your own language please ring **01634 335577**

ভাষা 331780
中文 331781

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PLANNING COMMITTEE

31 MARCH 2010

URGENT ITEM - NATIONAL GRID PROPERTY HOLDINGS GRAIN – PLANNING APPLICATION MC/09/1628

Report from: Robin Cooper, Regeneration, Community and Culture

Author: Dave Harris, Development Manager and Angela
Drum, Head of Legal

Summary

This report asks the Committee to consider an issue relating to the Section 106 agreement approved for Planning application MC/09/1682

1. Budget and Policy Framework

- 1.1 The Planning Committee has the authority to consider issues relating to Section 106 agreements.
- 1.2 Reason for urgency: It is necessary for the Committee to give consideration to amending the Section 106 agreement for planning application MC/09/1682 at this meeting so as to retain the funding from external sources.

2. Background

- 2.1 The Planning Committee at its meeting on 10 March 2010 approved planning application MC09/1682 (National Grid Property Holdings, Grain Road, Isle of Grain) subject to the applicants entering into a Section 106 agreement and various conditions. One of these conditions was that the developer pay a financial contribution of £5,375,000 towards safety and capacity improvements on the A228 between the site and Four Elms Roundabout.
- 2.2 However, the report to committee on 10 March 2010 clearly indicated that this funding would be spent on the replacement of Stoke level crossing with a bridge structure
- 2.3 Given that the funding for the Stoke Highway Works (proposed bridge over Stoke Crossing) is reliant on external sources (the Community

Infrastructure Funding), it is necessary for the Section 106 agreement to factor in scenarios in the event that for some reason the Stoke Highway Works do not take place.

2.3 One such scenario is set out below as an example:

In the event of the Stoke Highway Works not taking place, the Council shall be entitled to apply the Stoke Crossing Highway Works Contribution (£5 million) to such other highway improvement works between the Site and Four Elms Roundabout (inclusive) as the Council decides and for the developer to implement the planning permission in this scenario.

2.4 Members are requested to confirm that this flexibility can be built in to the s106 agreement in the event that the Council is not able to proceed with the Stoke Highway Works.

3. Consultation

3.1 The applicant has requested that the s106 agreement contain fallback provisions allowing them to proceed with the development even if the Council are unable to proceed with the Stoke Crossing Highway Works. They are satisfied that the Council would be entitled to retain the s106 agreement monies to use on other highway schemes if the Stoke Crossing Highway Works could not occur.

4. Financial and legal implications

4.1 The provisions of the s106 Agreement will be binding on the landowner and successors in title and need to reflect the resolutions of the Planning Committee.

5. Recommendation

5.1 The Committee is requested agree that the Section 106 agreement approved at Minute 649(A) can be concluded in a form that permits the development to proceed in the event that the Stoke Highway Works cannot be undertaken, on the basis of payment of the £5,375,000.00 from the developer to be used by the Council on such other highway improvement works between the Site and Four Elms Roundabout (inclusive) as the Council decides.

Lead officer contact

Dave Harris, Development Manager, Gun Wharf, 331575,
dave.harris@medway.gov.uk

Angela Drum, Head of legal, Gun Wharf, 332022,
angela.drum@medway.gov.uk

Background papers

Planning application files MC/09/1628

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PLANNING COMMITTEE

31 MARCH 2010

URGENT ITEM - MC/09/2626 - LAND BOUNDED BY THE BROOK, QUEEN STREET, SLICKETTS HILL AND CROSS STREET, CHATHAM

Report from: Robin Cooper, Regeneration, Community and Culture

Author: Dave Harris, Development Manager and Angela Drum, Head of Legal

Summary

This report requests that the Committee approve an additional head of term for the Section 106 agreement relating to planning application MC/09/2626 – Land bounded by The Brook, Queen Street, Slicketts Hill and Cross Street, Chatham

1. Budget and Policy Framework

- 1.1 The Planning Committee has authority to consider Section 106 agreements relating to planning applications.
- 1.2 Reason for urgency: It is necessary for the Committee to give consideration imposing an additional requirement in the s106 Agreement relating to planning application MC/09/2626 at this meeting prior to the issue of the planning permission. A report agreeing to impose the s106 terms required by Planning Committee will be considered at Full Council on 15 April 2010.

2. Background

- 2.1 The Planning Committee at its meeting on 10 March 2010 approved planning application MC/09/2626 – Land bounded by The Brook, Queen Street, Slicketts Hill and Cross Street, Chatham
- 2.2 Since the meeting on 10 March, it has been recognised that there is a need to impose the following additional requirement as a term of the proposed s106 Agreement in order to address the requirement for 25% affordable housing on site, which was part of the application.
- 2.3 It is therefore suggested that the proposed s106 agreement be required also to oblige the developer as set out below:

- (vi) A requirement that 25% of the housing units to be provided on the site be provided as affordable housing units in accordance with the relevant provisions of the Council's Guide to Developer Contributions.

- 2.4 It is intended that if Planning Committee agree this term then this will be added to the full Council report for 15 April 2010

3. Financial and legal implications

- 3.1 To not impose this requirement could potentially result in a legal challenge that the Council is treating its own applications in a different manner to other large scale residential applications. It could also result in other developers using the failure to require the provision of affordable housing on this site as a precedent for other large scale residential developments.

4. Recommendation

- 4.1 The Committee is requested to approve the additional term of the required s106 agreement as set out at paragraph 2.3 of the report.

Lead officer contact

Dave Harris, Development Manager, Gun Wharf, 331575,
dave.harris@medway.gov.uk

Angela Drum, Head of legal, Gun Wharf, 332022,
angela.drum@medway.gov.uk

Background papers

Planning application file MC/09/2626