

## **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**

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#### **Background papers**

Planning application file MC/09/2626