

Medway Council
Meeting of Planning Committee
Wednesday, 20 January 2016
6.35pm to 10.10pm

Record of the meeting

Subject to approval as an accurate record at the next meeting of this committee

- Present:** Councillors: Bowler, Carr, Mrs Diane Chambers (Chairman), Etheridge, Gilry, Hicks (Vice-Chairman), McDonald, Pendergast, Potter, Royle, Saroy, Tejan, Tranter and Wildey
- Substitutes:** Councillors:
Shaw (Substitute for Griffiths)
- In Attendance:** Councillor Jane Chitty
Michael Edwards, Principal Transport Planner
Grahame Gould, Planning Consultant
Dave Harris, Head of Planning
Paul Ives, Senior Planner
Councillor Andrew Mackness
Priscilla Mumby, Flood Drainage and Special Projects Officer
Vicky Nutley, Planning and Licensing Lawyer
Carly Stoddart, Planning Manager East
Ellen Wright, Democratic Services Officer

642 Record of meeting

The record of the meeting held on 16 December 2015 was agreed and signed by the Chairman as correct.

643 Apologies for absence

An apology for absence was received from Councillor Griffiths.

644 Urgent matters by reason of special circumstances

There were none.

645 Chairman's Announcements

The Chairman advised the Committee that planning application MC/15/3987 – The Former Royal Marine Public House, 7 River Street, Brompton, Gillingham ME7 5RJ would be deferred from consideration at this meeting for further information.

Planning Committee, 20 January 2016

The Chairman also informed the Committee that this would be the last meeting attended by Grahame Gould as Planning Consultant as he was soon to take up a post with the Planning Inspectorate. The Committee expressed their appreciation to Grahame and wished him well for the future.

646 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

Councillor Bowler referred to planning application MC/15/2035 – Land North of National Grid LNG and West of the B2001 Grain Road, Isle of Grain and advised the Committee that he would leave the room for the consideration and determination of this planning application as he had previously expressed a general view on the issue of wind turbines.

Councillor Etheridge advised the Committee that he would leave the room for the consideration and determination of planning application MC/15/4214 – 131 City Way, Rochester on the basis that a colleague was involved in this planning application.

Councillor Tejan advised the Committee that he would leave the room for the consideration and determination of planning application MC/15/4214 – 131 City Way, Rochester on the basis that his Ward colleague was involved in this planning application.

Councillor Potter advised the Committee that he wished to address the committee as the local Ward Councillor on planning application MC/15/0411 – Land at West Motney Way, Rainham and therefore he would withdraw from the Committee and take no part in the determination of this planning application.

647 Planning application - MC/15/3086 - Flanders Farm, Ratcliffe Highway, Hoo St Werburgh ME3 8QE

Discussion:

The Planning Consultant outlined the planning application in detail.

The Committee discussed the application and referred to a similar application from the same applicant for the siting of caravans for rural workers at Meresborough which had recently been approved by the Committee subject to a restriction that the caravans would not be occupied continually for 12 months. It was therefore suggested that should this application be granted a similar condition be imposed.

Planning Committee, 20 January 2016

Decision:

Approved with conditions 1 – 5 as set out in the report for the reasons stated in the report and a new condition 6 as set out below:

6. The caravans hereby approved shall not be used for human habitation between 31 December in any year and 1 March in the following year.

Reason: To reflect the special occupational need for the permitted development and its situation in an area where residential development would not normally be permitted in accordance with Policy BNE25 of the Medway Local Plan 2003.

648 Planning application - MC/15/2265 - Flanders Farm (Land adjacent to Bellwood Cottage), Ratcliffe Highway, Hoo ME3 8QD

Discussion:

The Planning Consultant outlined the planning application and explained the reasons why the applicant was seeking to vary the operating hours previously set out in condition 1 of planning permission MC/08/1121.

He advised that consideration had been given to the location of the closest properties to the application site and it was considered that with the acoustic screening provided, the extension of hours would not cause disturbance to the residents of those properties.

The Committee expressed concern that the applicant had been operating in breach of their permitted operating hours for some time and therefore suggested that if the extension of hours was approved, they would not expect the applicant to exceed the revised hours. In the event that the applicants did breach the revised hours condition, Members would expect officers to pursue enforcement action.

Decision:

The application to vary condition 14 of planning permission MC/08/1121 to change the operating hours to between 05.30 to 23.00 Monday to Sunday for a period of 18 months or until such time that the development is commenced on application MC/14/3063 and the acoustic fencing as submitted as part of MC/14/3063 are installed be approved for the reason stated in the report but renumbered condition 1.

649 Planning application - MC/15/2440 - Flanders Farm Ratcliffe Highway, Hoo Rochester ME3 8QE

Discussion:

The Planning Consultant outlined the planning application seeking to discharge condition 13 of planning permission MC/14/3063 relating to foul and surface water discharge.

He drew attention to the supplementary agenda advice sheet on which was a replacement site plan relating to this planning application.

In addition, he informed the Committee that the applicant had written advising that discussions had taken place with some family members of Solomons Farm adjoining the applicant's land regarding options available for the discharge of foul and surface water but that such discussions were still ongoing in the hope that an agreement could be reached about implementing an eastern ditch option. However, the applicant had requested that in the meantime, the application be determined in its current form.

Having regard to the ongoing discussions between the applicant and the adjoining landowners at Solomons Farm, the Committee considered that it would be advantageous to defer consideration of this planning application until such time that these discussions had concluded.

Decision:

Consideration of the application be deferred pending the outcome of discussions between the applicant and adjoining land owner at Solomons Farm.

650 Planning application - MC/15/0411 - Land at West Motney Way, Rainham, Gillingham Kent ME8 7TZ

Discussion:

The Head of Planning reminded the Committee that this application had been the subject of a site visit on 9 January 2016. At the site visit he had explained what the application was for and summarised the representations received. He had advised Members that they needed to consider key planning issues as they related to the principle of the development, the issue of sustainable development as it related to social, economic and environmental factors, the visual impact of the proposal, landscape, design and external appearance and means of access.

At the site visit, the applicant's agent had circulated computer generated images of the proposal and clarified a number of matters relating to the proposed development including the siting of the proposed houses as they related to the road and the flood zone area.

Planning Committee, 20 January 2016

The Committee was also informed that at the site visit, it had been clarified that the flood zone related to tidal flooding as opposed to flooding from rainfall.

A summary of the concerns raised by residents at the site visit was set out on the supplementary agenda advice sheet along with information as to points raised by Members, including one of the local Ward Councillors.

With the agreement of the Committee, Councillor Potter spoke on this planning application as Ward Councillor and outlined the concerns of local residents insofar as they related to flooding, existing problems with sewage after heavy rainfall, the fact that the soil, being chalky is non-porous and therefore does not drain well, queries as to the designation of the flood zone, the amenities of the occupiers of the nearby bungalows and concerns regarding overlooking, concerns regarding vehicular access from the application site and that the development was not appropriate on a greenfield site in a rural area.

In response to questions about possible overlooking, the Head of Planning advised the Committee that the proposed development had been carefully designed and that all distances exceeded the guidance set out in the Council's Housing Design Standards.

The Flood Drainage and Special Projects Officer referred to the concerns expressed by residents relating to flooding and advised the Committee that the Environment Agency had confirmed that it was satisfied with the submitted flood risk assessment and surface water drainage details.

The Committee discussed the application in detail having regard to the points raised by the Ward Councillor and, in particular, the location of the application site. Members noted that the Head of Planning had advised that whilst the application site was located in a rural area and was outside of the village boundary as defined on the proposals map that accompanied the Medway Local Plan 2003, the Council had been unable to demonstrate that Medway had a five year housing land supply and therefore the Committee was required to consider the principles set out in the National Planning Policy Framework in favour of sustainable development namely, economic, social and environmental principles.

Decision:

Approved subject to:

- A) A Section 106 agreement being entered into to secure a contribution towards the Habitat Regulations of £223.58 per dwelling (£670.74) and
- B) Conditions 1 – 18 as set out in the report for the reasons stated in the report.

Planning Committee, 20 January 2016

651 Planning application - MC/15/3549 - 77 Barnsole Road, Gillingham ME7 4EA

Discussion:

The Head of Planning reminded the Committee that consideration of this planning application had been deferred on 16 December 2015 to enable officers to obtain further information.

He advised that in response to queries raised by Members at the last meeting, should this application be approved, the facility would be available for use by Medway Council for the placement of homeless individuals and, any other Local Authority. In addition, he advised that whilst the applicants had provided an assurance that it was intended that the tenants would be 18 years and above and homeless or classed as homeless without any drug, alcohol or mental health issues/dependencies, this would be under the control of the applicant.

The Committee discussed the application and referred in particular to the size of the proposed kitchen which would be shared by occupants of the premises. The Head of Planning reassured the Committee that whilst the kitchen did not meet required Housing Design Standards, there was an adjoining sun room which, when combined with the kitchen, provided a suitable space for cooking and dining.

The Committee also noted that the applicant would need to apply for a licence to operate a House in Multiple Occupation and that the provisions of such licence would involve regular inspections.

Decision:

Approved with conditions 1 – 5 as set out in the report for the reasons stated in the report.

652 Planning application - MC/15/3987 - The Former Royal Marine Public House 7 River Street, Brompton Gillingham ME7 5RJ

Decision:

Consideration of this application was deferred pending further information.

653 Planning application - MC/15/4214 - 131 City Way, Rochester ME1 2BD

Discussion:

The Senior Planner outlined the planning application in detail and advised the Committee that a Phase 1 Environmental report had been received from GO Contaminated Land Solutions Ltd which included a desktop study, site walkover, risk assessment and conceptual site model. Due to the historical use of the site, it was recommended in the contamination report that an intrusive

Planning Committee, 20 January 2016

investigation be carried out. On this basis, should the Committee be minded to approve the planning application, it was suggested that a number of changes be made to the proposed conditions and that further conditions be added, details of which were set out on the supplementary agenda advice sheet.

The Committee discussed the planning application noting that as part of the proposed development the existing vacant house located on the site would be demolished.

Some concern was expressed as to the proposed level of parking to be provided as part of the development but the Principal Transport Planner advised that within the development there would be two parking spaces per house and one parking space per flat. Therefore, the proposed development fell one parking space short of the Council's Parking Standards. However, as there was availability for on street parking in the vicinity of the application site, this was not considered to be an issue.

Decision:

Approved subject to

- A) The applicant signing a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure:
 - i) £2012.22 towards Designated Habitats Mitigation;
 - ii) Replacement tree planting on a highway verge in City Way, Rochester; and

- B) Conditions 1 – 9 as set out in the report for the reasons stated in the report, condition number 11 as set out in the report but renumbered condition 10, condition 10 as set out in the report but renumbered 12 and new conditions 11 and 13 – 16 as set out below:

- 11. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 12 to 15 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 15 has been complied with in relation to that contamination.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 13. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to

Planning Committee, 20 January 2016

human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

14. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 13 are complete and identifying any

Planning Committee, 20 January 2016

requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 14.

Reason: In the interest of protecting human health in accordance with Policy BNE23 of the Medway Local Plan 2003.

16. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be 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 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 before commencement of development to avoid any irreversible detrimental harm to residential amenity as a result of increased noise and dust in accordance with Policy BNE2 of the Medway Local Plan 2003.

654 Planning application - MC/15/2221 - Frindsbury Car Wash, Frindsbury Road, Wainscott, Rochester ME2 4JR

Discussion:

The Head of Planning outlined the planning application which sought to vary condition 5 of planning permission MC/15/1016 to change the hours of operation of the Frindsbury Car Wash.

He explained that in considering this planning application, it was possible for the Committee to reassess other conditions attached to the previous planning permission granted in October 2015. He drew attention to various issues that had arisen at this site in respect of the specific locations where vehicle washing took place and advised that this could be regularised by an amendment to condition 3. Furthermore, he advised that an amendment to condition 8 could require the acoustic screening be erected and maintained. Both amended conditions were set out on the supplementary agenda advice sheet.

With the agreement of the Committee, Councillor Chitty spoke on this planning application as Ward Councillor and outlined the problems that local residents had experienced with the car wash facility. She advised that when the original application had been considered by the Committee in 2015, it had been a

Planning Committee, 20 January 2016

retrospective planning application. She advised that whilst the facility has an acoustic barrier screen, some vehicles washed at this site were large and therefore not adequately screened in respect of noise and water spread.

Councillor Chitty advised that there was an elderly care home located both adjacent to and at the rear of the car wash site and expressed concern that with such long operating hours, there was no respite for the elderly residents of the care homes. In particular, this would be an issue should the applicant's request for Sunday trading be permitted.

The Committee discussed the planning application having regard to the concerns of the Ward Councillor and whilst supportive of the request from a small business to extend its operating hours, the Committee was mindful that the applicant had already operated without the benefit of planning permission and then breached conditions attached to the planning consent once it had been granted. The Committee was also mindful that the application site, although located on a busy road, was in a residential area.

The Head of Planning informed the Committee that should it be minded to refuse the application, it would not be possible for the Committee to seek to make any amendments to the conditions previously attached to planning permission MC/15/1016.

Taking all factors into consideration, the Committee considered that whilst it was willing to approve an extension to the hours of the car wash on Monday - Saturday, it could not support the operation of the facility on Sundays owing to the site being located in a residential area and the need to protect the amenity of local residents, including those elderly residents of the care homes.

Having regard to the view of the Committee, the Head of Planning referred to the planning conditions as set out in the committee report and outlined the various changes that would be required to the conditions should the Committee agree to vary the hours of operation in any format.

Decision:

Approved with the conditions as set out below for the reasons stated:

1. The development hereby permitted shall be carried out in accordance with Site Location Plan, received on the 23 June 2015 and Drawing No. 15/JB, received on the 6 October 2015.

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

2. The washing of vehicles shall only take place under the canopy area, described as car wash area on drawing 15/JB, the valeting of vehicles shall only be undertaken either under the same canopy area or in the parking space described as valet parking area on drawing 15/JB and replacement of tyres shall only take place within the tyre

Planning Committee, 20 January 2016

shop or the tyre bay as described on drawing 15/JB. These uses shall not take place on any other part of the site.

Reason: In order to limit the spread of the use over the site in the interests of amenities of neighbours and with regard to Policy BNE2 of the Medway Local Plan 2003.

3. There shall be only two pressure washers (Nicolini Motori Elettrici & C. S.r.l Interpumpgroup 47 Series) in use, at any given time, with one held back in reserve in case of breakdown and a single Karcher Puzzi 8/1C Spray Extraction Cleaner model, used for valeting. All equipment shall be operated in accordance with the approved details set out in the "Peter Moore Acoustics Ltd" Acoustic Report 150802/1, received on the 22 September 2015; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of neighbours and with regard to Policy BNE2 of the Medway Local Plan 2003.

4. The use hereby permitted shall only operate between the hours of 08:00 to 18:00 Mondays to Fridays inclusive and between the hours of 09:00 to 17:00 on Saturdays with no trading on Sundays and Bank 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.

5. During trading hours on Mondays - Saturdays, pressure washers are only to be used on vehicles positioned underneath the covered canopy of the forecourt, shown on drawing No. 15/JB, received on the 6 October 2015.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

6. The new acoustic barrier screen erected immediately to the north of the car wash area shown on drawing 15/JB and set out in the Peter Moore Acoustics Report 150802/1 dated 4 September 2015, shall be maintained in the position and height set out in that report.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

7. The drainage of surface water shall be maintained in accordance with Drawing No. JB/15, received on the 6 October 2015.

Planning Committee, 20 January 2016

Reason: In the interests of residential amenity and contamination objectives in accordance with Policy BNE2 and Policy BNE23 of the Local Plan 2003.

655 Planning application - MC/15/4244 - 5 - 7 Frindsbury Road, Strood, Rochester ME2 4TA

Discussion:

The Head of Planning outlined the planning application and advised the Committee that this application was a resubmission of planning application MC/15/2815. However, the applicant had modified the proposed development by reducing the number of guest bedrooms, removing all single bedrooms and making all double bedrooms en-suite.

The Committee discussed the application noting the modifications that had been made to the proposed development. Some Members expressed the view that they continued to have concerns as to the limited provision of parking facilities.

Decision:

Approved with conditions 1 – 10 as set out in the report for the reasons stated in the report.

656 Planning application - MC/15/3806 - Land adjacent to 18 Cardens Road, Cliffe Woods, Rochester ME3 8TU

Discussion:

The Planning Manager East outlined the planning application and advised the Committee of an amendment to the section of the report on Housing Design Standards as set out on the supplementary agenda advice sheet.

The Committee discussed the application and the Planning Manager East answered questions relating to the location of the proposed development in relation to nearby properties.

Decision:

Approved subject to:

- A) The applicants signing a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure £223.58 towards Designated Habitats Mitigation; and
- B) Conditions 1 – 8 as set out in the report for the reasons stated in the report.

Planning Committee, 20 January 2016

657 Planning application - MC/15/3317 - 23 Sundridge Hill, Cuxton Rochester ME2 1LH

Discussion:

The Planning Manager East outlined the planning application and confirmed that since originally submitting this application, the applicant had reduced the number of bedrooms in the proposed properties from 4 to 3.

Decision:

Approved with conditions 1 – 9 as set out in the report for the reasons stated in the report.

658 Planning application - MC/15/3910 - Future Court, George Summers Close, Medway City Estate, Rochester ME2 4EL

Discussion:

The Senior Planner outlined the planning application and highlighted the reasons why the application had been recommended for refusal.

The Committee discussed the application and whilst recognising the concerns that if use of the facility was changed from B1 (Business Use) to D2 (Leisure Use) there would be a loss of industrial floor space, there was evidence of other leisure facilities being located on business parks, both within and outside of Medway.

The Committee noted that the building was currently vacant and therefore considered that the proposed use would bring a vacant building back into use and provide a facility for young people.

Decision:

The application was approved and the Head of Planning was granted delegated authority to agree conditions in consultation with the Chairman, Vice Chairman and Group Spokespersons.

659 Planning application - MC/15/4043 - 18 Manor Road, Chatham ME4 6AG

Discussion:

The Planning Manager East outlined the planning application and explained that this application was for the variation of condition 2 on planning permission MC/09/1863 to use the existing church as an education and community centre.

The Committee discussed the application noting that the location of the premises was within a residential area and had limited parking facilities.

Planning Committee, 20 January 2016

Members were reminded that the premises was already in use as a church and therefore the application now being considered related solely to an additional use of the premises for education and as a community centre, therefore, the existing hours when the premises was used as a church would not be affected by the proposal.

Decision:

Approved with conditions 1 and 3 and condition 2 amended as follows for the reasons stated in the report:

2. The use hereby permitted shall only operate between the hours of 09.00 to 21:00 Monday – Saturday inclusive and on Sundays, the premises shall only be used as a place of worship and for no other use falling within use class D1 and the use as a place of worship shall only operate between the hours of 08.00 – 23.00.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

660 Planning application - MC/14/1319 - 112 Mierscourt Road, Rainham, Gillingham ME8 8JB

Discussion:

The Planning Manager East outlined the planning application.

The Committee discussed the application and noted the information supplied by both the Planning Manager East and the Head of Planning as to the reasons why this application had been submitted retrospectively.

The Head of Planning explained should the Committee refuse the application, the Council would meet the cost of reinstating the amenity land and in doing so, the relevant team could be asked to assess whether it was possible to extend the existing on street parking.

Decision:

Refused on the ground set out in the report.

661 Planning application - MC/15/3977 - 2 and 3 College Yard, Rochester ME1 1LB

Discussion:

The Head of Planning outlined the planning application.

Planning Committee, 20 January 2016

Decision:

Approved with conditions 1 – 6 as set out in the report for the reasons stated in the report.

662 Planning application - MC/15/3978 - 2 and 3 College Yard, Rochester ME1 1LB

Discussion:

The Head of Planning outlined the planning application.

Decision:

Approved with conditions 1 – 6 as set out in the report for the reasons stated in the report.

663 Planning application - MC/15/2035 - Land North of National Grid LNG and West of the B2001 Grain Road, Isle of Grain, Kent

Discussion:

The Planning Manager East outlined the planning application.

The Committee discussed the application and expressed concern that there was insufficient information available to enable the Committee to be satisfied that the proposed erection of the wind turbines would not have an adverse effect upon the Thames Estuary and Marshes Special Protection Area/Ramsar and Site of Special Scientific Interest and the Medway Estuary and Marshes Special Protection Area/Site of Special Scientific Interest and Ramsar Site.

Decision:

Refused on the ground set out in the report.

664 Performance Report for the period October - December 2015

Discussion:

The Committee received a report setting out performance for the period October – December 2015.

The Head of Planning also advised the Committee that a recent meeting of the Housing Task Group had involved Members meeting with developers. He confirmed that the developers' responses to questions from Members of the Task Group had been very positive and favourable in respect of their dealings with Medway Council. This endorsed the views previously expressed by developers when meeting with the Head of Planning and Members of the Planning Committee.

Planning Committee, 20 January 2016

Decision:

The Committee noted the report and expressed their appreciation to the Head of Planning and his staff.

665 Section 106 Agreements for the period October - December 2015

Discussion:

The Committee received an report setting out the amount of Section 106 funding received between October – December 2015 and advising upon what the contributions must be spent on according to the Section 106 agreements.

The Head of Planning advised that following the introduction of new Habitat Regulations, Natural England could now seek Section 106 contributions towards mitigation measures where a new development was within 6km of the North Kent Marshes SPA/Ramsar Sites

Decision:

The Committee noted the report.

Chairman

Date:

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