

**Medway Council**

**PLANNING COMMITTEE – 03 March 2021**

**Supplementary Agenda Advice**

**Page 22      MC/19/0765      Land at East Hill, Chatham**

**Representations**

38 additional representations have been received reiterating previous objections.

**Page 78      MC/20/2839      Land Off City Way (Former Playing Field), Chatham**

**Recommendation**

**Amend** Recommendation to read as follows:

Recommendation - Approval subject to S106 agreement and

- A. Referral to the Secretary of State.
- B. The applicant entering into a Section 106 agreement to secure:
  - 1. Contribution of £15,000 towards improvements to right of way along the southern boundary (Boundary Road to City Way).
- C. And the following Planning conditions:

**Replace** condition 12 to read as follows:

The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the Air Quality Mitigation Statement prepared by Stroma dated March 2021 (Reference 04-20-82925).

Reason: In the interests of the amenities of the adjoining properties and in accordance with Policy BNE24 of the Medway Local Plan 2003.

**Representations**

9 additional representations have been received reiterating previous objections and raising the following:

- Comments that the field is used by the school and dog walkers.
- Timing of highway survey during lockdown/COVID
- Usability and poor condition of the PROW
- Increased litter in the surrounding areas

**Additional** letter attached to this agenda in full from the Interim Assistant Director, Education and SEN, Medway Council.

## **Planning Appraisal**

**Add** the following section after the Climate Change Section:

### *S106 Matters*

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken into account if the obligation is:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

The obligations proposed, comply with these tests because they are necessary to make the development acceptable in planning terms, they are directly related to the development and are fair and reasonable in scale and kind. The following contributions are sought:

A Section 106 Agreement under the terms of the Town and Country Planning Act 1990 to secure the following developer's contributions:

- i. Contribution of £15,000 towards improvements to right of way along the southern boundary (Boundary Road to City Way)

**Page 118    MC/20/2107                      Bridgeside, Warwick Crescent, Borstal, Rochester**

## **Recommendation**

**Replace** the following words in Condition 6:

'No development shall commence...' with 'No dwelling shall be occupied...'

**Amend** the reason to Condition 8 to include the following words at the start:

'Required before commencement of development to avoid any irreversible detrimental impact to trees in order...'

**Amend** the reason to Condition 11 to include the following words at the start:

'Required before commencement of the development in order...'

**Add** the following words to Condition 13 after the word 'maintained'

'in working order.'

**Replace** the reason to Condition 15 to read as follows:

'Required prior to commencement of development to ensure no long-term detrimental harm to conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.'

**Delete** the following words from Condition 17

',' unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority'

**Replace** the reason to Condition 17 to read as follows:

'Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents and with regard to Policy BNE2 of the Medway Local Plan 2003.'

**Delete** Condition 18 as it duplicates requirements of Condition 17.

**Renumber** Conditions 19 to 24 to be Conditions 18 to 23.

**Reword** former Condition 19 (New 18) as follows:

Reference to conditions 20 to 22 in the first sentence to be conditions 19 to 21.

Reference to condition 23 in the last sentence to be condition 22.

**Replace** the reason to Conditions 19 to 22 (New 18 to 21) to read as follows:

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

**Reword** former Condition 23 (New 22) as follows:

Reference to conditions 20 and 21 in the second sentence to be conditions 19 and 20 respectively.

Reference to conditions 21 and 22 in the last sentence to be conditions 20 and 21 respectively.

## **Representations**

The **Environment Agency** have written to withdraw their objection