

Medway Council

Planning Committee – 15 January 2025

Supplementary Agenda Advice Sheet

Minute Number 547 – Planning Application MC/24/0251 43 – 47A Luton High Street, Luton, Chatham

As per the Supplementary Agenda for the 18 December 2024 Planning Committee the decision reasons were amended to take into account the amended paragraph numbers in the NPPF.

- 1 The proposed development would represent an overdevelopment of the site, that would result in a dominant building, out of character with the surrounding built form, by virtue of its design, scale, mass, height and relationship to the neighbouring non-designated heritage asset and is considered to be contrary of Policy BNE1 of the Medway Local Plan 2003 and paragraphs 131, 135 and 216 of the National Planning Policy Framework 2024.
- 2 The proposed development fails to meet the needs of future occupants as it would result in unacceptable levels of daylight to some habitable room windows. The development is considered to be contrary to Policy BNE2 of the Medway Local Plan 2003 and paragraph 135 of the National Planning Policy Framework 2024.
- 3 The development would result in unacceptable overlooking to the neighbouring property and would be viewed as a dominant form of development from neighbouring property windows and garden area. The development is considered to be contrary to Policy BNE2 of the Medway Local Plan 2003 and paragraph 135 of the National Planning Policy Framework 2024.
- 4 The application fails to address the impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes through either the submission of details to allow the undertaking of an Appropriate Assessment or via a contribution towards strategic mitigation measures. In the absence of such information or contribution, the proposal fails to comply with the requirement of the Conservation of Habitat and Species Regulations 2010 and is contrary to Policies S6 and BNE35 of the Local Plan and paragraphs 193 and 194 of the National Planning Policy Framework 2024.

- 5 In the absence of a suitably worded legal agreement, the application fails to mitigate the additional demand from development, with regard to the services provided within the Medway area, through the lack of secured contributions in line with the Medway Council's Developer Contributions Guide 2019 and is contrary to Policy S6 of the Local Plan and paragraph 58 of the National Planning Policy Framework 2024.

Page 22 MC/23/2680 Morgan Timber, Knight Road, Strood, Rochester, Medway ME2 2BA

Recommendation:

Amendment to Condition 12 (Revised NPPF Paragraph only)

No development shall take place above ground floor slab level until details of the provision of 1 electric vehicle charging point per dwelling has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: In the interests of sustainability in accordance with paragraph 117(e) of National Planning Policy Framework 2024.

Amendment to Condition 22 (Revised Wording)

No development shall take place until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Mitigation Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance and shall include full details of the measures that will be implemented as part of the development to mitigate the development related road transport emissions. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost value calculated as part of the Air Quality Emissions Mitigation Statement. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: Required prior to commencement in the interests of amenity and minimising air pollution in accordance with policy BNE24 of the Medway Local Plan 2003.
