

PLANNING COMMITTEE
19 FEBRUARY 2014
REPORT ON SECTION 106 AGREEMENTS:
OCTOBER TO DECEMBER 2013

Report from: Robin Cooper, Regeneration, Community and Culture

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Summary

This report informs members on the amount of Section 106 funding received between October to December 2013 and sets out what the contributions must be spent on according to the Section 106 agreements.

Appendix 2 lists Section 106 agreements which have been signed in the period October to December 2013, and itemises the obligations covered by these agreements.

1. Budget and Policy Framework

1.1 Please see item 2. Background.

2. Background

2.1 Section 106 of the Town & Country Planning Act 1990 provides that anyone with an interest in land may enter into a planning obligation, which is enforceable by a local planning authority. An obligation may be created by agreement or by the party with an interest in the land making a unilateral undertaking.

2.2 Obligations may:

- Restrict the development or use of land
- Require operations to be carried out in, on, under or over the land
- Require the land to be used in any specified way; or
- Require payments to be made to the local planning authority, either in a single sum or periodically.

- 2.3 A planning obligation may only constitute reason for granting planning permission if it is
- Necessary to make the development acceptable in planning terms.
 - Directly related to the development.
 - Fairly and reasonable related in scale and kind to the development.
- 2.4 In February 2007 a S106 Monitoring Officer was appointed whose responsibilities include :
- Monitoring agreements and their trigger dates to ensure that obligations are adhered to
 - Working with developers and internal services/partners to ensure a coordinated approach
 - Being first point of contact once an agreement is signed.
- 2.5 The Medway Council Guide to Developer Contributions was approved at Cabinet on 22 April 2008 for adoption as a Supplementary Planning Document. This Guide sets out Medway Council's S106 requirements for developments of 10 dwellings and above.
- 2.6 An updated version of the Guide to Developer Contributions was approved and adopted by Cabinet on 31 October 2012.

3. Options

- 3.1 Not applicable.

4. Advice and analysis

- 4.1 Although an agreement is signed, it is not a guarantee that the obligations will be delivered; on occasions the approved development is not implemented, and therefore no obligations would be delivered.

5. Consultation

- 5.1 Not applicable.

6. Risk assessment

- 6.1 The Section 106 Officer's responsibilities include monitoring developments to ensure that all obligations, including financial contributions, are met. Failure to pay contributions results in benefits to the community being lost. These benefits include meeting the needs of the new residents regarding educational facilities, open space and play equipment, etc.
- 6.2 Contributions received must also be closely monitored to ensure that contributions are spent within the timescale specified by the agreement. Failure to meet payment deadlines will result in the contribution being returned to the developer/owner with interest at a specified rate (e.g. 4% over base rate).

7. Financial and legal implications

- 7.1 Many of the obligations are financial contributions to services which will support the new development to provide the infrastructure required, for example education, open space, transport, etc.
- 7.2 Service planning can be problematic for say education, where a contribution is expected and school expansion plans are produced, but if the development does not go ahead it can have repercussions to provision in an area where several expected developments would, between them, fund a new school.

8. Recommendations

- 8.1 This report is submitted for information to assist the committee in monitoring the contributions which developers have agreed to as part of new development schemes, and therefore there are no recommendations for the committee to consider.

Lead officer contact

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Background papers

Section 106 agreements signed between October to December 2013.
Guide to Developer Contributions November 2012

APPENDIX 1 : S106 funding received October to December 2013

App no. MC/	Site	Ward	For	Amount £
97/0224GL	Dockside	River	Retail contribution	£5,072.60
97/0224GL	Dickensworld	River	Leisure contribution	£9,301.39
07/1025	Victory Pier	Gillingham North	Controlled Parking Zone (3 rd and final tranche)	£42,077.00
05/0671	Liberty Park	Strood Rural	Education (3 rd of 4 instalments)	£406,032.96
12/1791	Former cement works, Halling	Cuxton & Halling	Great Lines Heritage Park (development study re future access and management of open space and heritage assets)	£20,000.00
13/0718	82-84 King St Rochester	Rochester East	Community Healthy Living Centre in Rochester area	£11,231.00
			Towards the maintenance of additional vegetation management on Great Lines Heritage Park as a result of opening up new public access into Fort Amherst	£2,998.80
			Recreation improvements to the Vines or Eastgate House Gardens	£45,687.20
			Primary school places through remodelling and refurbishments works required for establishment of Chatham Primary Free school	£15,725.00
			Nursery school places through remodelling and refurbishments works required for establishment of Chatham Primary Free school	£5,242.00
			Waste services	£3,092.00
			Adult social care : provision of purpose built facilities to meet the needs of an ageing population inc people with very complex needs in the Rochester area	£9,376.00

App no. MC/	Site	Ward	For	Amount £
	(King Street continued)		Training and workforce	£3,600.00
			Community development : <ul style="list-style-type: none"> • Youth provision • Library/museum • Community centres and neighbourhood facilities 	£1,702.38 £3,974.58 £3,581.04
12/1400	Land at Amherst Hill	River	Restoration and future maintenance of scheduled ancient monument known as Fort Amherst	£50,000.00
			Traffic calming measures to Mansion Row, Wood St, Sally Port, Garden St and Maxwell Rd and their junctions	£46,507.00
13/0604	Courtsole Farm, Cliffe	Strood Rural	Improve play provision within the locality of the site	£26,651.10
			Towards routine inspections of new footbridges in Great Lines Heritage Park as a result of opening up new public access into Fort Amherst	£1,749.30
09/0961	Damhead Creek Power Station	Peninsula	Four Elms roundabout	£261,000.00
13/2011 13/2022	Sandacres	Strood Rural	Amended tree preservation order	£1,468.75
				£976,070.10

APPENDIX 2 : agreements signed between October to December 2013

Plan app MC	Location	Ward	Proposal	Towards	Amount
13/0718	82-84 Kings St Rochester	Rochester East	Demolition/24 flats	Community Healthy Living Centre in Rochester area	£11,231.00
				Towards the maintenance of additional vegetation management on Great Lines Heritage Park as a result of opening up new public access into Fort Amherst	£2,998.80
				Recreation improvements to the Vines or Eastgate House Gardens	£45,687.20
				Primary school places through remodelling and refurbishments works required for establishment of Chatham Primary Free school	£15,725.00
				Nursery school places through remodelling and refurbishments works required for establishment of Chatham Primary Free school	£5,242.00
				Waste services	£3,092.00
				Adult social care : provision of purpose built facilities to meet the needs of an ageing population inc people with very complex needs in the Rochester area	£9,376.00
				Training and workforce	£3,600.00
				Community development : <ul style="list-style-type: none"> • Youth provision • Library/museum • Community centres and neighbourhood facilities 	£1,702.38 £3,974.58 £3,581.04
13/0406 supercedes 11/0564	Courtsole Farm, Cliffe	Strood Rural	14 units	Improvements to play provision within locality of the site	£26,651.10
				Towards route inspections of new footbridges in Great Lines Heritage Park as a result of opening up new public access into Fort Amherst"	£1,749.30
13/2011 13/2022	Sandacres, Upnor	Strood Rural		Regularisation / TPO	£1,468.75