

PLANNING COMMITTEE
23 APRIL 2014
REPORT ON SECTION 106 AGREEMENTS:
JANUARY TO MARCH 2014

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 January to March 2014 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 January to March 2014, 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 April 2008 has been updated and approved at Cabinet on 31 October 2012 for adoption as a Supplementary Planning Document. This Guide sets out Medway Council's S106 requirements for developments of 10 dwellings and above.

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 January to March 2014.
Guide to Developer Contributions November 2012

APPENDIX 1 : S106 funding received January to March 2014

App no. MC/	Site	Ward	For	Amount
97/0224/GL	Dockside	River	Retail contribution	£5,151.34
112/1077	111 Nelson Rd, Gillingham (old dairy)	Gillingham South	Nursery places at one or more of Napier, Brompton Westbrook or Saxon Way primary schools	£6,265.00
			Primary places at one or more of Napier, Brompton Westbrook or Saxon Way primary schools	£13,478.00
			Secondary school places at one or more of Robert Napier Secondary School, Brompton Academy, Rainham Girls School or The Howard School	£13,514.00
			Health : towards the development of a Community Healthy Living Centre in the Canterbury Street or surrounding area	£3,143.00
11/0768	Victory Pier (Buildings N and L2)	Gillingham North	1 st instalment of CPZ (known as Hillyfields)	£58,905.19
06/0455	Land east of Bells Lane (the Pastures)	Peninsula	Play space	£400.00
			Primary and secondary education (3 rd and final instalment)	£261,000.00
05/1198	Gillingham Marina	Gillingham North	Primary education (2 nd of 4 instalments)	£11,397.30
			Improvements to and future management of equipped play area and informal open space at The Strand (1 st of 2 instalments)	£13,311.41
12/1400	Land south of Amherst Hill, Brompton	River	Projects to expand primary school place provision at Brompton Westbrook Primary School and/or Napier Primary School	£76,377.00
			Projects to expand nursery school place provision at Brompton Westbrook Primary School and/or Napier Primary School	£31,116.00

App no. MC/	Site	Ward	For	Amount
11/0001	Former Mid Kent College, Horsted	Rochester South and Horsted	Primary education (1 st of 2 instalments)	£119,714.12
			Healthcare facilities (1 st of 2 instalments)	£75,869.86
			Open space - formal sports (1 st of 2 instalments)	£203,998.28
			Great Lines Heritage Park (1 st of 2 instalments)	£24,156.11
			Waste/recycling (1 st of 2 instalments)	£28,373.17
13/0750	Land off Bailey Drive, Gillingham	Watling	Sustainable transport improvements	£30,893.84
			Travel plan	£2,007.40
			Traffic regulation order	£1,003.70
			Training and workforce	£12,249.14
12/1074	Former Earl Estate community centre, Albatross Ave, Strood	Strood South	Great Lines Heritage Park	£2,312.20
			Towards the provision of a Healthy Living Centre in Strood	£8,663.17
11/1333	Former Rochester Police Station	Rochester East	towards improvement and maintenance of the equipped play area at Jackson's recreation ground, the informal open space at Vine Gardens and play provision at Jackson's recreation ground and/or Borstal recreation ground"	£90,199.21
			Primary school places	£85,940.02
			Great Lines Heritage Park	£5,920.41
13/0751	Bells Lane (Coleman land)	Peninsula	Pedestrian accessibility	£22,668.00
			Nursery education (50% of total due)	£44,137.50
			Primary education (50% of total due)	£110,448.00
			Training and workforce (50% of total due)	£11,725.00
			Total	£1,274,337.37

APPENDIX 2 : agreements signed between January to March 2014

Plan app MC	Location	Ward	Proposal	Towards	Amount
13/1469	Land at Greatfield Lodge Darnley Rd, Strood	Strood South	Part demolition/+ 1 st floor to block 2 + new storey to block 1 + associated works into 24 flats	Health : towards a healthy living centre in Strood area	£11,230.80
				Open space : towards off site provision and/or maintenance and improvements of outdoor open space at Northcote Recreational Ground and/or Sycamore Road play area and/or Reed Common	£28,000.00
				Waste and recycling facilities	£4,200.00
13/2513	Wayne Court, Miller Way, Wainscott	Strood Rural	Demolition / 11 flats, 8 houses	Provision of routine inspections of new footbridges in Great Lines Heritage Park as a result of opening up new public access into Fort Amherst	£2,374.05