

PLANNING COMMITTEE
29 APRIL 2015
REPORT ON SECTION 106 AGREEMENTS:
JANUARY TO MARCH 2015

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 2015 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 2015, 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 has been updated and approved at Cabinet on 5 July 2014 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/CIL 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. 2% 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.

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Background papers

Section 106 agreements signed between January to March 2015.
Guide to Developer Contributions 2014

APPENDIX 1 : S106 funding received January to March 2015

App no. MC/	Site	Ward	For	Amount
12/0758	Victory Pier	Gillingham North	Primary, secondary and sixth form school facilities (1 st 2 of 4 instalments)	£321,724.61
			Develop/improve facilities at the Strand (1 st of 2 instalments)	£56,007.18
11/0768	Victory Pier	Gillingham North	'Hillyfields' CPZ (2 nd and final instalment)	£43,792.52
07/0537	Land adj 54-61 Shanklin Close, Chatham	Princes Park	Informal open space (1 st of 2 instalments)	£6,457.91
97/0224/GL	Dockside	River	Retail contribution	£5,267.90
97/0224/GL	Dockside	River	Leisure contribution	£2,905.68
14/1713	277 Gillingham Road	Gillingham South	Tactile crossing points and re-positioning of the dropped kerbs (where necessary) at junctions of Gillingham Road with Franklin Road, Gordon Road, Priestfield Road, Linden Road, Windsor Road and Ferndale Road	£11,400.00
				£447,555.80

APPENDIX 2 : agreements signed between January to March 2015

Plan app MC	Location	Ward	Proposal	Towards	Amount
10/2068	Quarry Parsonage Lane Frindsbury	Strood Rural	Application to infill existing disused chalk pit and construct temporary access road	No financial contributions. Obligations cover submission of barn and cowshed repair scheme for approval by the council. Implementation of repair scheme.	
14/3317	B&Q Strood	Strood South	Demolition / replacement building for 3 retail units, café, gym	Traffic management improvements on Commercial Road	£2,214.00
				Towards pedestrian crossing facilities on the Strood Retail Park access road	£15,048.00
14/1760	Land, buildings and jetties at Salt Lane, Cliffe (Alpha Lake and Chalk Lake North Sea Terminal)	Strood Rural	Enhancement of Alpha Lake and Chalk Lake	No financial contributions. Obligations cover submission, for approval, of : <ul style="list-style-type: none"> - schemes of works to enhance Cliffe Fort, and reinstatement of storm damaged section of Saxon Shore Way. - Submission of specification for 3 low stone benches. All works to be completed by 05/03/2020	
14/2145	Land at rear of 17 – 31 Fleet Road, Rochester	Rochester East	Demolition / 6 x 1 bed flats, 5 x 2 bed houses	Open space and playground improvements at Copperfields open space	£15,679.86
				Provision/improvement of walking bus to school scheme at Delce Road infants school	£1,503.81
				Enhancement of NHS services to support registration of new patients and surgeries within a 3 mile radius of the site	£5,147.00
				To support youth activities at Good Intent Youth Club based at Delce Road	£292.00
14/1772	Land at 389 – 393 High Street, Chatham	River	11 x 1 bed, 13 x 2 bed apartments above ground floor commercial floorspace	Towards routine inspections of footbridges in the Great Lines Heritage Park as a result of opening up new public access into Fort Amherst	£5,997.60
				Recreation and play improvements to Chatham Riverside	£45,697.60

Plan app MC	Location	Ward	Proposal	Towards	Amount
14/1772 (continued)	Land at 389 – 393 High Street, Chatham			Towards education and the provision of nursery, primary, secondary and sixth form school places	£25,417.60
				Upskilling of local people	£3,600.00
				Towards the provision and maintenance of equipment, services and facilities at White Road Community Centre	£3,281.04