

PLANNING COMMITTEE
20 JANUARY 2016
REPORT ON SECTION 106 AGREEMENTS:
OCTOBER TO DECEMBER 2015

Report from: Richard Hicks, Director, 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 2015 and sets out what the contributions must be spent on according to the Section 106 agreements.

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.

1. Budget and Policy Framework

1.1 The Cabinet has adopted the Supplementary Planning Document 'Medway Council Guide to Developer Contributions', which sets out the Council's S106 requirements for developments of 10 dwellings and above. This report and accompanying appendices list the Section 106 agreements which have been signed in the period October to December 2015 and itemises the obligations covered by these agreements.

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 The S106/CIL Officer's 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 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. Recommendation

8.1 That the Planning Committee consider and note the Section 106 funding received and those Section 106 agreements signed during the period July – September 2015 as set out in Appendices 1 and 2.

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Background papers

Section 106 agreements signed between October to December 2015.

Guide to Developer Contributions 2014

<http://www.medway.gov.uk/planningandbuilding/applyforplanningpermission/developercontributions.aspx>

Appendices

Appendix 1 S106 funding received October to December 2015

Appendix 2 Agreements signed between October to December 2015

APPENDIX 1 : S106 funding received October to December 2015

App no. MC/	Site	Ward	For	Amount
12/1791	Former cement works Halling (Cemex)	Cuxton & Halling	Travel plan	£4,125.90
			Public transport infrastructure and accessibility improvements on the A228 (2 nd and final instalment : total received £42,660.96)	£21,660.96
			Halling railway station : for improvements including new passenger waiting facilities and lighting upgrades	£49,286.92
			Safer routes to school	£15,059.52
			Public transport service provision (1 st of 2 instalments)	£130,742.95
			Pedestrian accessibility : improvements on Kent Road and Station Approach Road (1 st of 2 instalments)	£54,345.27
			Nursery education (2 nd and final instalment : total received £280,063.89)	£142,201.49
			Primary education : towards improvement of primary school facilities at Halling Primary School and/or Cuxton Infant and Junior School (2 nd and final instalment : total received (£696,694.85)	£353,744.45
97/0224/GL	Dockside	River	Retail contribution	£2,654.40
			Water activities contribution	£159,202.45
15/2485	88 Duncan Road	Gillingham South	Mitigation measures to avoid adverse effects on the North Kent Marshes Special Protection Areas and Ramsar Sites	£223.58
15/3175	112 Canterbury Street	Gillingham South	Bird disturbance mitigation works	£223.58

APPENDIX 2 : agreements signed between October to December 2015

Plan app MC	Location	Ward	Proposal	Towards	Amount
14/2467	Garage site r/o 23-29 Seagull Rd, Strood	Strood South	Demolition of garages / construction of 10 flats	“towards the provision of open space and playground improvements to Knight Place recreation ground and open space of Albatross Avenue”	£12,059.04
				“towards equipment upgrades at Woodside community centre”	£1,367.10
				“towards the maintenance of footpaths within the Great Lines Heritage Park”	£1,249.50
15/1585	Land at Gleamingwood Drive, Lordswood (Maidstone Borough Council application)		Outline for 89 dwellings	(Under the terms of the Unilateral Undertaking Medway Council will collect the following contributions because many of the residents of the development will be using Medway Council facilities)	
				Employment/training : either submit and obtain approval for scheme of employment training and workforce development for the construction of the development, or pay £17,000	
				Additional classrooms and dining rooms at Greenacre Boys School and Walderslade Girls School	£202,243.00
				To expand play equipment at Lordswood Leisure Centre	£80,000.00
				Towards improved information technology and education facilities at Hook Meadow Community Centre	£12,167.19
				Towards improved facilities at Lordswood Community Healthy Living Centre	£44,647.20
15/2288	Freemasons Hall Balmoral Rd	Gillingham South	Conversion to 11 flats	Play improvements at Balmoral Road play area and open space	£12,832.96
				Towards repair/maintenance of RSME Bicentenary Bridge at Fort Amherst	£2,748.90
				For a development study for community use of the facilities at the Marlborough Road annex site	£1,503.81
				Bird disturbance mitigate measures	£2,459.30

Plan app MC	Location	Ward	Proposal	Towards	Amount
Habitat regulations agreements					
15/2137	22 Cliffe Road, Strood	Strood North	3 dwellings	Bird disturbance mitigation works	£670.74
15/0504	Land south of Merryboys Rd, Cliffe Woods	Strood Rural	9 dwellings	Bird Disturbance Mitigation Works at Land south of Merryboys Road, Cliffe Woods	£2,012.22
15/3175	112 Canterbury Street, Gillingham	Gillingham South	Conversion to 3 dwellings	Bird disturbance mitigation works	£223.58
15/2031	R/o 21 Ross St, Rochester	Rochester East	1 dwelling	Bird disturbance mitigation works	£223.00
15/2485	88 Duncan Rd Gillingham	Gillingham South	Change of use/alterations to form 2 flats	Mitigation measures to avoid adverse effects on the North Kent Marshes Special Protection Areas and Ramsar Sites	£223.58
15/2503	Land adj Three Mariners PH, 509 Lower Rainham Rd	Rainham North	4 dwellings	Bird disturbance mitigation works at North Kent Marshes SPAs/Ramsar sites	£894.32
15/3083	Land fronting 112 Marshall Rd Gillingham	Rainham Central	1 dwelling	Bird disturbance mitigation works	£223.58
15/2927	94/96 Duncan Rd Gillingham	Gillingham South	Change of use/4 dwellings	Bird disturbance mitigation works at North Kent Marshes SPAs/Ramsar sites	£894.32
15/3488	263-269 High St Chatham	River	4 flats	Towards provision of measures to mitigate the impact of wildlife habitat at the site	£1,444.32
15/3636	175 Beacon Rd Chatham	Luton & Wayfield	Demolition/1 dwelling	For mitigation measures to avoid adverse effects on Thames Estuary	£223.58