

## **PLANNING COMMITTEE**

**1 JUNE 2016**

### **REPORT ON SECTION 106 AGREEMENTS: JANUARY TO MARCH 2016**

Report from: Richard Hicks, Director Regeneration, Culture, Environment and Transformation

Author: Dave Harris, Head of Planning Service

#### **Summary**

This report informs Members on the amount of Section 106 funding received between January to March 2016 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 January to March 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.

### **Lead officer contact**

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### **Background papers**

Section 106 agreements signed between January to March 2016

Guide to Developer Contributions 2014

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

### **Appendices**

Appendix 1 S106 funding received January to March 2016

Appendix 2 Agreements signed between January to March 2016

**APPENDIX 1 : S106 funding received January to March 2016**

<b>App no. MC/</b>	<b>Site</b>	<b>Ward</b>	<b>For</b>	<b>Amount</b>
14/2063	107 Richmond Rd Gillingham	Gillingham North	Healthcare	£9,446.36
			Provision of recreation and play space improvements in Hillyfields Community Park	£17,437.00
			GLHP : towards footpath maintenance	£2,499.00
97/0224/GL	Dockside	River	Retail contribution	£5,308.80
97/0224/GL	Dickensworld	River	Leisure contribution	£2,937.88
15/3980	58 Silverweed Road	Walderslade	Towards public health initiatives at Thomas Moore Primary and Oaklands Primary Schools	£1,000.00
14/3317	B&Q Strood	Strood South	Towards traffic management improvements on Commercial Road	£2,214.00
			Towards pedestrian crossing facilities on the Strood Retail Park access road	£15,048.00
<b>Habitat regulations : contributions received</b>				
15/2927	94-96 Duncan Rd	Gillingham South		£894.32
15/2436	18 Northwood Avenue High Halstow	Peninsula		£223.58
15/3515	33A Holmside Gillingham	Watling		£223.58
15/3806	Land adj 18 Cardens Rd, Cliffe Woods	Strood Rural		£223.58

<b>App no. MC/</b>	<b>Site</b>	<b>Ward</b>	<b>For</b>	<b>Amount</b>
15/0411	Land west of Motney Hill Rd	Rainham North		£670.74
16/0017	91 Cleave Rd, Gillingham	Watling		£223.58
15/4214	131 City Way	Rochester South & Horsted		£1,788.64
15/4381	189 Luton Rd	Luton & Wayfield		£1,341.48

**APPENDIX 2 : agreements signed between January to March 2016**

Plan app MC	Location	Ward	Proposal	Towards	Amount
15/4214	131 City Way, Rochester	Rochester South & Horsted	Demolition / 4 flats, 5 houses	Bird mitigation	£1,788.64
				Towards removal of and replacement of 3 trees and maintenance for 24 months after replanting	£1,258.72
15/3980	58 Silverweed Rd Chatham	Walderslade	Hot food takeaway	Towards public health initiatives at Thomas Moore Primary and Oaklands Primary Schools	£1,000.00
15/3104	Land at Peninsula Way Chattenden	Peninsula	Up to 131 dwellings	Towards public realm improvements in Strood Town Centre	£32,095.00
				Great Lines Heritage Park	£16,368.15
				Contributions for the following services are to be calculated on final number of dwellings :	
				Waste services towards canine/litter bins/ compactor at Cuxton Waste site/education provision for new residents/graffiti removal for residents of the development	
				Wintering birds contribution	
				Nursery and primary education at one or more of Chattenden Primary School, Hundred of Hoo Academy Primary and Hoo St Werburgh Primary school	
				Secondary education at Hundred of Hoo Academy	
				Refurbishment of community facilities at Chattenden	
				Improvements to facilities at one or more of St Mary's Island Surgery, The Elms Medical Centre, the Parks Medical Practice, St Werburgh Practice	
				Improving off site open space serving the development at Hoo Recreation Ground North and/or Hoo recreation Ground South and/or Hoo Common	

Plan app MC	Location	Ward	Proposal	Towards	Amount
<b>Habitat regulations agreements</b>					
15/3679	2 View Rd, Cliffe Woods	Strood Rural	Demolition /1 dwelling		£223.58
15/3808	36 Hughes Drive, Wainscott	Strood Rural	1 dwelling		£223.58
15/4094	238-248 Dale St, Chatham	Rochester South & Horsted	3 dwellings		£670.74
15/2436	18 Northwood Avenue High Halstow	Peninsula	1 dwelling		£223.58
15/2613	33A Frindsbury Road Strood	Strood North	1 dwelling		£223.58
15/3515	33A Holmside Gillingham	Watling	1 dwelling		£223.58
15/3794	Land adj 15 Mansion Row	River	2 dwellings		£447.16
15/3806	Land adj 18 Cardens Rd Cliffe Woods	Strood Rural	1 Dwelling		£223.58
15/0411	Land west of Motney Hill Rd, Lower Rainham	Rainham North	3 dwellings		£670.74
15/4287 supercedes 15/2503	Land adj Three Mariners PH, 509 Lower Rainham Road	Rainham North	4 dwellings		£894.32
15/3898	Land fronting Elaine Avenue r/o 162/164 Darnley Road, Strood	Strood South	3 dwellings		£670.74

<b>Plan app MC</b>	<b>Location</b>	<b>Ward</b>	<b>Proposal</b>	<b>Towards</b>	<b>Amount</b>
16/0372	2 Bells Lane Hoo	Peninsula	2 dwellings		£447.16
16/4128	The Windmill PH, Hoo	Peninsula	8 dwellings		£1,788.64
16/0017	91 Cleave Road	Watling	1 dwelling		£223.58
15/4381	189 Luton Rd	Luton & Wayfield	6 dwellings		£1,341.48
16/0148	330 High St Chatham	River	6 dwellings		£1341.48