

PLANNING COMMITTEE
18 JANUARY 2017
REPORT ON SECTION 106 AGREEMENTS:
JULY TO DECEMBER 2016

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

Author: Dave Harris, Head of Planning Service

Summary

This report informs Members on the amount of Section 106 funding received between July to December 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.

Due to unforeseen problems with invoicing, the level of contributions received from July to September was much lower than usual, and a decision was made to incorporate the July to September information with the October to December quarterly report.

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 July to December 2016 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 – December 2016 as set out in Appendices 1 and 2.

Lead officer contact

Dave Harris, Head of the Planning Service
Gun Wharf
Telephone: 01634 331575
Email: dave.harris@medway.gov.uk

Background papers

Section 106 agreements signed between July to December 2016

Guide to Developer Contributions 2014

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

Appendices

Appendix 1 S106 funding received July to December 2016

Appendix 2 Agreements signed between July to December 2016

APPENDIX 1 :

S106 funding received July to September 2016

App no. MC/	Site	Ward	For	Amount
97/0224	Dockside	River	Retail	£2,654.40
<i>Habitat regulations : contributions received</i>				
16/0438	40 High Street, Chatham	River	1 dwelling	£223.58
16/0580	Former Alma PH Strood	Strood South	1 dwelling	£223.58
16/1003	Mayfield House, 34 Kingswood Rd	Gillingham North	1 dwelling	£223.58
16/0042	1 Mountbatten Avenue	Luton & Wayfield	1 dwelling	£223.58
16/1627	99 Woodlands Road	Gillingham South	1 dwelling	£223.58
16/3230	The Gatehouse, Seaford Court	Rochester West	1 dwelling	£223.58
16/2567	173 High St Rainham	Rainham South	1 dwelling	£223.58
16/0948	22 High St, Chatham	River	4 dwellings	£894.32
16/1697	52, 54, 54A Green St	Gillingham South	3 dwellings	£670.74
16/1831	Land adj 9 Tizard Pl.	Gillingham North	1 dwelling	£223.58

App no. MC/	Site	Ward	For	Amount
16/1505	226-228 Nelson Rd	Gillingham South	5 dwellings	£1,117.90
16/0314	113A Barnsole Rd	Watling	1 dwelling	£223.58
16/3040	305A Lordswood Lane	Lordswood and Capstone	1 dwelling	£223.58
15/4220	2 and 3 Denison Mews, Lower Stoke	Peninsula	1 dwelling	£223.58
16/1627	99 Woodlands Rd Gillingham	Gillingham South	1 dwelling	£223.58
16/0614	Cart Lodge (unit 5) Manor Farm, Cliffe	Strood Rural	2 dwellings	£447.16
16/0592	Granary and Wagon Lodge, Manor Farm, Cliffe	Strood Rural	1 dwelling	£223.58
16/3230	The Gatehouse Seaford Court, Rochester	Rochester West	1 dwelling	£223.58

S106 funding received October to December 2016

App no. MC/	Site	Ward	For	Amount
97/0224	Dockside	River	Retail	£2,654.40
13/0674	Former Adult Education Centre, Green St, Gillingham	Gillingham South	Towards maintenance of feature lighting and park furniture in Great Lines Heritage Park	£9,894.00
			Towards Healthy Living Centre in Gillingham	£18,527.00
			Waste and recycling	£6,929.00
15/0335	Horsted (former Mid Kent College)	Rochester South & Horsted	Provision/improvement of small and medium sized business space within Medway either by creation of Innovation Centre 2 or a satellite facility of the Innovation Centre	£120,000.00
13/3340	Port Werburgh, Hoo	Peninsula	Improvement/maintenance of open space at Pottery Lane recreation ground	£42,280.19
			Towards provision of upgraded equipment at Chattenden community Centre	£3,036.34
14/1760	Former Temple School	Strood Rural	Open space (1 st of 2 instalments)	£76,838.51
			Great Lines Heritage Park	£8,718.36
			Education (1 st of 2 instalments)	£140,276.55
			Community/neighbourhood facilities	£7,249.57
			Youth facilities	£2,289.34
			Training and workforce	£13,954.97
			Health	£16,325.57
			Waste and recycling	£11,506.57
			Public realm : core retail area of Strood	£17,094.83

App no. MC/	Site	Ward	For	Amount
15/2288	Freemasons Hall, Balmoral Road	Gillingham South	Towards play improvements at Balmoral Road play area and open space	£12,832.96
			Towards repair and maintenance of RSME Bicentenary Bridge at Fort Amherst	£2,748.90
			Community facilities	£1,503.81
			Bird mitigation	£2,459.30
Habitat regulations : contributions received				
16/3231	Livingstone Arms Gillingham Road	Gillingham South	2 dwellings	£447.16
16/2318	Chatham Docks, Chatham Waters	River	1 dwelling	£223.58
16/1867	10 St Peter St	Rochester East	1 dwelling	£223.58
16/3799	66 New Road, Chatham	Chatham Central	1 dwelling	£223.58
16/2957	14 London Rd, Rainham	Twydall	4 dwellings	£894.32
15/2137	22 Cliffe Rd, Strood	Strood North	3 dwellings	£670.74
15/1624	The Countryman, 134 Saunders St	Gillingham North	5 dwellings	£1,117.90
16/3040	Land adj 305 Lordswood Lane	Lordswood & Capstone	1 dwelling	£223.58

App no. MC/	Site	Ward	For	Amount
16/3797	Land adj 77 Lyndhurst Ave, Rainham	Rainham Central	1 dwelling	£223.58
16/3296	Romany Lodge, Romany Rd Gillingham	Twydall	4 dwellings	£894.32
16/1805	121 Brompton Farm Rd	Strood North	2 dwellings	£447.16
16/3559	16 Albany Terrace	Chatham Central	2 dwellings	£447.16
16/3538	59-61 High St Gillingham	Gillingham South	6 dwellings	£1,341.48
16/2767	The Barge, 63 Layfield Rd	Gillingham North	1 dwelling	£223.58
16/2808	17 Cherbourg Crescent	Luton & Wayfield	1 dwelling	£223.58
16/0614	Cart Lodge, Manor Farm	Strood Rural	2 dwellings	£447.16
16/0592	Granary & Wagon Lodge, Manor Farm	Strood Rural	1 dwelling	£223.58
16/4063	149 New Rd, Chatham	River	2 dwellings	£447.16
15/3679	2 View Rd, Cliffe Woods	Strood Rural	1 dwelling	£223.58
16/1971	74-76 Ingram Rd, Gillingham	Gillingham North	1 dwelling	£223.58

App no. MC/	Site	Ward	For	Amount
16/2208	Pamela Court, 94/96 Jeffery St, Gillingham	Gillingham North	2 dwellings	£447.16
16/3584	1A Cedar Rd, Strood	Strood South	1 dwelling	£223.58

APPENDIX 2 :

agreements signed between July to September 2016

Plan app MC/	Location	Ward	Proposal	Towards	Amount
14/0285	Station Road (Bakersfield) Rainham	Rainham North	Outline for approx. 90 dwellings	Nursery school places at one of Riverside Primary School, Thames View Primary School or Mierscourt Primary School	£58,073.00
				Primary school places at one or both of Riverside Primary School or Thames view Primary School	£103,721.00
				Secondary school places at one or more of Rainham Girls school, The Howard School or Rainham Mark Grammar School	£104,351.00
				Training and workforce : to provide a scheme for employment training...or pay for training workforce development	£18,750.00
				Maintenance of footpaths and vegetation at Great Lines Heritage Park	£11,245.50
				Open space improvements at Rainham Recreation Ground	£91,728.00
				Pedestrian accessibility improvements on Station Road at Tilbury Road/Station Road junction	£9,000.00
				Pedestrian accessibility improvements on Station Road at William Street, Henry Street and Wakeley Road junctions	£4,000.00
				Comply with reptile translocation plan	
16/0654	The Fox PH	Chatham Central	13 flats	Provision of feature lighting at Fort Amherst	£1,624.35
				Towards improvements at Perry Street play area	£13,670.00

Plan app MC/	Location	Ward	Proposal	Towards	Amount
	The Fox PH (continued)			Health : improvements to GP services at one or more of the following : City Way Surgery, Halfway Surgery, New Road, Rochester Healthy Living Centre	
				Towards improvements at the Old Brook Pumping Station	£5,825.00
				Birds disturbance mitigation	£2,906.54
15/1131	Former Redvers Centre, Glencoe Road	Chatham Central	24 units	Nursery and primary education facilities at one or more of Phoenix Junior Academy or Greenvale Infant School	Nursery £4,251.94 Primary £8,191.56
				Open space : improvements at Chalk Pit Park	£7,851.30
				Maidstone Rd sports ground	£7,851.30
				Luton Millenium Park	£1,744.74
				Improvements to community facilities at the Magpie Centre	£1,155.58
				Towards improvements to GP services at 1 or more of Bryant St Surgery, Kings Family Practice, the Halfway Surgery	£3,955.48
				Waste : towards provision of household containers, maintenance of on street waste and recycling facilities in Chatham High Street and leaflet production for waste service information	£1,313.90
				SPA : bird disturbance mitigation	£5,365.92
16/1867	10 St Peters Street, Rochester	Rochester East	1 dwelling		£223.58
16/0438	40 High Street, Chatham	River	1 dwelling		£223.58
16/1620	Darland Farm, Pear Tree Lane	Hempstead & Wigmore	3 dwellings		£670.74

Plan app MC/	Location	Ward	Proposal	Towards	Amount
16/2050	Old Bakery r/o 22 London Rd Strood	Strood North	1 dwelling		£223.58
16/2057	Land side of 42 Main Road, Hoo	Peninsula	1 dwelling		£223.58
15/2039	10-40 and 48-86 Corporation St, Rochester	Rochester West	89 dwellings		£19,898.62
16/1471	205/217 New Road, Chatham	River	1 dwelling		£223.58
16/1927	1 Broad Street Cottage, Main Road Hoo	Srood Rural	1 dwelling		£223.58
16/1697	52. 54, 54A Green St Gillingham	Gillingham South	3 dwellings		£670.74
15/3760	St Mary's Island	River	54 dwellings		£12,073.32
16/1624	The Countryman PH, Saunders St, Gillingham	Gillingham North	5 dwellings		£1,117.90
16/0469	71 Carnation Rd, Strood	Strood South	2 dwellings		£447.16
16/1505	226-228 Nelson Rd, Gillingham	Gillingham South	5 dwellings		£1,117.90
16/1805	121 Brompton Farm Road, Strood	Strood North	2 dwellings		£447.16
16/1831	Land adj 9 Tizard Place	Gillingham North	1 dwelling		£223.58
16/2567	173 High Street, Rainham	Rainham South	1 dwelling		£223.58
16/17	8 Warren Wood, Rochester	Rochester South & Horsted	1 dwelling		£223.58
16/1003	Mayfield House Hotel, 34 Kingswood Road, Gillingham	Gillingham North	1 dwelling		£223.58

Plan app MC/	Location	Ward	Proposal	Towards	Amount
16/3230	The Gatehouse, Seaford Court, Rochester	Rochester West	1 dwelling		£223.58

agreements signed between October to December 2016

Plan app MC/	Location	Ward	Proposal	Towards	Amount
16/1845	Land to the west of Hundred of Hoo Academy	Peninsula	1 form entry primary school	To secure replacement land for playing field; implement a Vertidrain scheme to enable football pitch to be laid down, and establish a multi use games area	
15/0098	Street Farm, Stoke Road	Peninsula	Outline up to 50 dwellings	Bird disturbance mitigation	£11,179.00
				Nursery education	£45,750.00
				Primary education	£112,320.00
				Secondary education	£143,520.00
				Open space : Four Wents and or Pottery Road rec	£23,122.14
				Health	£23,397.50
				Community facilities Chattenden	£6,835.50
				Footpath improvements Stoke Road/Safer routes to school	£9,100.00
15/4539	Land to the east of Mierscourt Rd	Rainham South	134 dwellings	Transport : improvements at A2/Mierscourt Rd junction; installation of traffic signal equipment, MOVA equipment, removal of a guard rail and civil works to remove traffic island and widening the crossing	
				Bird disturbance mitigation	£29,959.72
				Nursery education: places at 1 or more Riverside Primary, Mierscourt Primary or Deanwood Primary	£97,177.60
				Primary education: places at 1 or more Riverside Primary, Mierscourt Primary or Deanwood Primary	£242,611.20

Plan app MC/	Location	Ward	Proposal	Towards	Amount
				Secondary education: places at 1 or more The Howard School, Rainham Girls, Rainham Mark Grammar, or the building of a new facility	£244,223.20
	Land to the east of Mierscourt Rd (continued)			Sixth form education : places at 1 or more The Howard School, Rainham Girls, Rainham Mark Grammar, or the building of a new facility	£65,780.00
				Waste : provision of brown bins, litter and canine bins (within 2 mile radius of site), increasing capacity at Hoath Way household waste site, printing of educational leaflets for residents inc. pest control and graffiti removal	£20,289.00
				Health : improvements to 1 or more of Rainham Healthy Living Centre, Thames Avenue Surgery and Maidstone Road Surgery	£62,705.00
				Open space :	
				Towards park, play and amenity improvements at 1 or more of Cherry Tree, Rainham Recreation ground and Ryetop	£160,764.10
				Towards outdoor sports improvements at 1 or more of Rainham Recreation Ground, Ryetop and Cozenton Park	£64,070.00
				Towards allotment improvements at Bloors Lane allotments	£6,880.00
				Community facilities : towards the provision of 2 additional rooms at the Rainham Oast House Community Centre	£18,319.00
Habitat regulations agreements					
16/1579	Wharf Farm, Cliffe	Strood Rural	1 dwelling		£223.58
16/2819	52 Mount Road, Borstal	Rochester West	1 dwelling		£223.58
16./1398	Kingsmead Park, Allhallows	Peninsula	3 dwellings		£670.74

Plan app MC/	Location	Ward	Proposal	Towards	Amount
16/2318	Chatham Waters	River	1 dwelling		£223.58
16/2957	14 London Road, Rainham	Rainham	4 dwellings		£894.32
16/2843	Land rear of 48 Cambridge Rd, Strood	Strood North	1 dwelling		£223.58
16/2472	181 High St, Chatham	River	3 dwellings		£670.74
16/3797	Land adj 77 Lyndhurst Ave, Rainham	Rainham Central	1 dwelling		£223.58
16/2031	199 Wigmore Road	Hempstead & Wigmore	3 dwellings		£670.74
16/2405	208 Canterbury St	Gillingham South	5 dwellings		£1,117.90
16/2656	Broomhill Reservoir	Strood North	2 dwellings		£447.16
16/2767	The Barge, 63 Layfield Rd	Gillingham North	1 dwelling		£223.58
16/2808	17 Cherbourg Crescent	Luton & Wayfield	1 dwelling		£223.58
16/3559	16 Albany Terrace	Chatham Central	2 units		£447.16
16/0614	Cart Lodge, Manor Farm	Strood Rural	2 dwellings		£447.16
16/0592	Granary & Wagon Lodge, Manor Farm	Strood Rural	1 dwelling		£223.58
16/4063	149 New Road, Chatham	River	2 dwellings		£447.16
16/3536	59-61 High St, Gillingham	Gillingham South	6 dwellings		£1,341.48
16/3523	765 Maidstone Rd Rainham	Rainham South	4 dwellings		£894.32
16/4099	33 Station Rd, Rainham	Rainham North	1 dwelling		£223.58

Plan app MC/	Location	Ward	Proposal	Towards	Amount
16/1971	74-76 Ingram Rd, Gillingham	Gillingham North	1 dwelling		£223.58
16/2208	Pamela Court, 94/96 Jeffery St, Gillingham	Gillingham North	2 dwellings		£447.16
16/3584	1A Cedar Rd, Strood	Strood South	1 dwelling		£223.58
16/2992	9 Aspen Way, Chatham	Walderslade	1 dwelling		£223.58
16/3850	124 Pier Road, Gillingham	Gillingham North	9 dwellings		£2,012.22
16/1727	98 Windmill Rd, Gillingham	Gillingham South	3 dwellings		£670.74