

PLANNING COMMITTEE
30 AUGUST 2017
REPORT ON SECTION 106 AGREEMENTS:
APRIL TO JUNE 2017

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

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Summary

This report informs Members on the amount of Section 106 funding received between April to June 2017 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 April to June 2017 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 April – June 2017 as set out in Appendices 1 and 2.

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Appendices

Appendix 1 S106 funding received April to June 2017
Appendix 2 Agreements signed between April to June 2017

Background papers

Section 106 agreements signed between April to June 2017

Guide to Developer Contributions 2014
<http://www.medway.gov.uk/planningandbuilding/applyforplanningpermission/developerc ontributions.aspx>

APPENDIX 1 : S106 funding received April to June 2017

App no. MC/	Site	Ward	For	Amount
01/1432	Goldsworth Drive	Rede Court	Play facilities at Broomhill and Goddington Road (£4,000) and education (£4,000)	8,000.00
97/0224	Dockside	River	Retail	2,708.59
16/2653	Elmsleigh Lodge	Chatham Central	Tree replacement	1,942.82
Habitat regulations : contributions received				
16/3917	r/o 75 London Rd	Rainham Central	1 dwelling	223.58
17/0597	2 Hamond Hill, Chatham	River	1 dwelling	223.58
15/2897	Junction of Maidstone Rd and Sir Evelyn Rd	Rochester West	4 dwellings	894.32
14/1891	Stout Farm, Clinch St High Halstow	Peninsula	1 dwelling	223.58
16/2376	10 The Ridgeway Chatham	Rochester South & Horsted	1 dwelling	223.58
16/4760	Cunningham House, St Margaret's St	Rochester West	1 dwelling	223.58
16/1173	153 Maidstone Rd Chatham	Rochester South & Horsted	1 dwelling	223.58

App no. MC/	Site	Ward	For	Amount
16/2050	Old Bakery, Barton Rd Strood	Strood North	1 dwelling	223.58
17/0858	92 Woodside, Rainham	Rainham Central	1 dwelling	223.58
17/1460	63 Luton Rd, Chatham	Luton & Wayfield	5 dwellings	1,117.90
17/1630	153-155 High St Chatham	River	8 dwellings	1,788.64
17/0902	Victoria House, Ratcliffe Highway	Peninsula	1 dwelling	223.58
17/0679	233 Hempstead Rd	Hempstead & Wigmore	1 dwelling	223.58
16/2653	Elmsleigh Lodge	Chatham Central	4 dwellings	894.32
17/0443	Garage block, Thatchers Lane	Strood Rural	2 dwellings	447.16

APPENDIX 2 : agreements signed between April to June 2017

Plan app MC/	Location	Ward	Proposal	Towards	Amount
16/0370	183, 185 and 185A Walderslade Rd	Walderslade	Demolition + 20 units	Bird disturbance mitigation	£4,471.60
				Improvements to play facilities at one or more of Hook Meadow or Princes Ave.	£46,727.00
				Footpath improvements at GLHP	£4,499.00
				Nursery education facilities : at one or more of Oaklands Primary, Swingate Primary and/or St Mary's Island Primary School	£15,558.00
				Primary education facilities at one or more of Oaklands Primary, Swingate Primary and/or St Mary's Island Primary School	£32,733.00
				Secondary education facilities at one or more of Greenacre Academy, Walderslade Girls and/or Thomas Aveling	£33,112.00
				Sixth form education facilities at one or more of Greenacre Academy, Walderslade Girls and/or Thomas Aveling	£8,714.00
16/5009	13 Ordnance Terrace, Chatham	Chatham Central	17 units	Improvements to connectivity between Chatham Town Centre and Great Lines Heritage Park	£4,248.30
				Improvements to the public open space at one or both of Victoria Gardens or Perry Street	£12,299.84
				Improvements to the community facilities at White Road Chatham	£2,324.04
				Towards the refurbishment of the Halfway Surgery	£7,955.15
				Towards the provision of communal waste bins; maintain litter bin LB0850	£2,642.48
				Bird disturbance mitigation	£4,350.86
16/2860	142-152 Luton Road	Luton & Wayfield	14 units	Open space : improvements to Luton Millennium Green	£14,981.76
				Great Lines Heritage Park : improving connectivity from Chatham town centre to Fort Amherst/GLHP	£3,498.60
				Bird disturbance mitigation	£3,130.12

Plan app MC/	Location	Ward	Proposal	Towards	Amount
16/4304	13 – 17 Church St Chatham	River	21 units	Car free : no parking permits	
				Health : improvements at 1 or more of College Health Boots, Bryant St surgery, Kings family practice Magpie Hall Lane, Halfway Surgery	£9,826.95
				Nursery education : New Rd Primary	£2,745.90
				Primary education : New Rd Primary	£8,236.80
				Secondary education : Victory Academy	£7,803.60
				Sixth form education : Victory Academy	£2,631.20
				Open space : improvements to the Paddock	£31,274.25
				Great Lines Heritage Park : improvements to access from Chatham to Fort Amherst	£5,247.90
				Bird disturbance mitigation	£4,925.18
				Cost of removal and possible replacement of tree on Church Street	
16/1847	94-100 High St Chatham	River	16 flats	Car free : no parking permits	
				Bird disturbance mitigation	3,577.28
				Nursery education facilities at 1 or more New Road Primary School or Luton Infants School	1,747.20
				Primary education facilities at 1 or more New Road Primary School or Luton Infants School	5,241.60
				Secondary education : science facilities at Victory Academy	5,023.20
				Sixth form education : science facilities at Victory Academy	1,674.40
				Open space : improvements to Town Hall Gardens/Chatham Riverside	18,305.60
				Heritage : improvement to Old Brook Pumping Station	7,840.45
				Health : upgrade of current telephone system at College Health	6,419.51