

## **PLANNING COMMITTEE**

**17 JANUARY 2018**

### **REPORT ON SECTION 106 AGREEMENTS: JULY TO DECEMBER 2017**

Report from: Richard Hicks, Director Regeneration, Culture, Environment & Transformation and Deputy Chief Executive

Author: Dave Harris, Head of Planning Service

#### **Summary**

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

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### **Appendices**

Appendix 1 S106 funding received July to December 2017  
Appendix 2 Agreements signed between July to December 2017

### **Background papers**

Section 106 agreements signed between July to December 2017

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

# **APPENDIX 1 : S106 funding received July to December 2017**

App no. MC/	Site	Ward	For	Amount
12/1791	Former cement works, Halling known as St Andrews Park	Cuxton & Halling	Safety improvements at A228/Bush Road/Station Road junction in Cuxton	£161,454.40
15/4539	Land to the east of Mierscourt Road	Rainham South	Towards improvements at the A2/Mierscourt Rd junction including the installation of traffic signal equipment, MOVA equipment, the removal of a guardrail and civil works to remove the traffic island and widening the crossing	£113,500.00
14/1760	Former Temple School, Strood	Strood Rural	Open space (2 <sup>nd</sup> and final instalment)	£79,259.76
			Education (2 <sup>nd</sup> and final instalment)	£144,696.81
			Health(2 <sup>nd</sup> and final instalment)	£16,840.00
12/0758	Victory Pier	Gillingham North	Off site affordable housing provision	£500,000.00
			Waste/recycling	£7,490.78
			Youth services in Gillingham	£16,113.10
16/0370	Land at 183, 185, 185a Walderslade Road	Walderslade	Great Lines Heritage Park : footpath improvements	£2,249.50
			183, 185, 185A Walderslade Road	£4,471.60
13/1469	Greatfield Lodge, Darnley Road	Strood South	Towards a community healthy living centre in the Strood area	£11,773.22
			Site provision and/or maintenance or improvements of outdoor open space at Northcote Recreational Ground and/or Sycamore Road play area and/or Rede Common	£29,352.34
			Waste and recycling	£4,402.85

App no. MC/	Site	Ward	For	Amount
12/0758	Victory Pier	Gillingham North	Improvements at Strand public recreation ground (2 <sup>nd</sup> and final instalment)	£59,310.67
			Safer routes to school	£38,711.92
12/1791	St Andrews Park (Cemex)	Cuxton & Halling	All contributions 2 <sup>nd</sup> and final instalments Waste and recycling	£22,459.53
			Safer routes to school	£15,873.86
			Public transport provision	£137,812.85
			Pedestrian accessibility	£57,283.99
97/0224/GL	Dockside	River	Retail	£5,417.18
<b>Habitat regulations : contributions received</b>				
17/2001	Land adj and opposite 11 Wedgewood Drive, Wayfield	Luton & Wayfield	1 unit	£223.58
16/3672	16 Mountbatten Ave	Luton & Wayfield	1 unit	£223.58
17/2684	British Red Cross, 9 Stoke Rd, Hoo	Peninsula	2 units	£467.90
17/2328	Garages r/o 11 Glebe Rd	Watling	4 units	£894.32
17/1814	Land adj 28 Cunningham Crescent	Luton & Wayfield	1 unit	£223.58
15/4094	238-248 Dale St	Rochester South	3 units	£670.74

App no. MC/	Site	Ward	For	Amount
		& Horsted		
17/2648	Land adj 110 Frindsbury Road	Strood North	2 units	£447.16
17/3192	Rose Cottage, 326 Hempstead Road	Hempstead & Wigmore	1 unit	£223.58
17/2826	149-151 High St Chatham	River	6 units	£1,341.48
17/2753	Barn Buckhole Farm, Cooling Rd, High Halstow	Peninsula	1 unit	£223.58
16/4278	47 Moor Park Close Rainham	Rainham South	1 unit	£223.58
17/2222	212-214 Maidstone Rd Rochester	Rochester West	1 unit	£223.58
17/2965	298 Darnley Rd Strood	Strood South	1 unit	£223.58
17/2705	5 Shirley Ave Chatham	Rochester South & Horsted	3 units	£670.74
17/2086	5 Otway Terrace	Chatham Central	7 units	£1,565.06
15/4417	Land adj 32 Christmas Lane, High Halstow	Peninsula	1 unit	£223.58
15/3898	Land fronting Elaine Avenue (r/of 162-164	Strood South	3 units	£670.74

App no. MC/	Site	Ward	For	Amount
	Darnley Rd) Strood			
17/2739	247 High St, Chatham	River	1 unit	£223.58
17/2534	Dormers, Upper Luton Road	Luton & Wayfield	1 unit	£223.58
16/0732	2 Bells Lane, Hoo	Peninsula	1 unit	£223.58
17/3103	Land adj 1 Rowland Ave, Gillingham	Watling	1 unit	£223.58
16/5157	Store, 94 Station Rd	Rainham North	8 units	£1,788.64
17/1845	r/o 56-60 Town Rd, Cliffe	Strood Rural	1 dwelling	223.48
17/1654	100 Luton Rd	Luton & Wayfield	1 dwelling	223.58
17/1509	Former Royal George PH, 380 High St Chatham	River	4 dwellings	894.32
16/4644	1 Temple Gardens	Strood South	1 dwelling	223.58
17/1668	80 High St, Luton	Gillingham North	1 dwelling	223.58
17/0901	Old Lord Raglan, 8 Chatham Hill	Luton & Wayfield	8 units	1,788.64
15/4539	Land east of Mierscourt	Rainham South	134 units	29,959.72

App no. MC/	Site	Ward	For	Amount
17/2343	Morden Arms, 78 John St, Rochester	Rochester East	7 units	1,565.06
17/2546	Land to rear 173-175 Berengrave Lane	Rainham North	2 units	447.16
15/3083	Land fronting 112 Marshall Rd	Rainham Central	1 unit	223.58
17/2022	Barn off Mierscourt Rd	Rainham South	1 unit	223.58
17/2362	61 Rainham Road	Gillingham South	1 unit	223.58
17/2007	1 Otterham Quay Lane	Rainham South	1 unit	223.58
17/2100	245 Napier Road	Watling	1 unit	223.58
17/1631	Wei Hai, St Williams Way	Rochester East	1 unit	223.58
17/2101	128-130 Delce Rd	Rochester East	2 units	447.16
17/0843	Land r/o 13 Park Crescent Chatham	Chatham Central	1 unit	223.58
17/3203	Royal Engineers, Goudhurst Rd Twydall	Twydall	1 unit	223.58

**APPENDIX 2 : agreements signed between July to December 2017**

Plan app MC/	Location	Ward	Proposal	Towards	Amount
17/0962	Land south of Merryboys Road, Cliffe Woods	Strood Rural	13 dwellings	Bird disturbance mitigation	3,456.54
				Health : towards the Park Medical Practice	6,083.00
				Open space : towards improvements to Cliffe Woods recreation ground	36,262.59
				Nursery education : Cliffe Woods primary academy	11,897.60
				Primary education : Cliffe Woods primary academy	29,203.20
				Secondary education : Hundred of Hoo school or free school	14,469.16
17/1884	Land south of Ratcliffe Highway	Peninsula	232 units	Nursery education Hundred of Hoo Academy	178,713.60
				Primary education Hundred of Hoo Academy	379,962.51
				Secondary education Hundred of Hoo Academy	323,671.77
				Health : surgeries at Hoo St Werburgh	108,564.40
				Greenspace : towards the costs to offset insufficient on site green space within the Parish of Hoo	544,583.80
				Greenspace : towards enhancing sports facilities at Deangate Ridge sports ground	530,000.00
				Waste and recycling : towards cost of renewal programme of bins at Cuxton HWRC, provide household containers .....	36,062.08
				Bird mitigation	51,870.56
				Highway improvements : a. Towards improvements to A228 Peninsula Way junction with Main Road, Hoo b. Upgrade existing crossing from uncontrolled crossing across A228 at junction with Bells Lane to facilitate a safe crossing to Deangate Ridge sports ground	60,000.00
				Community facility : towards a new community centre for Hoo Parish	108,960.00

Plan app MC/	Location	Ward	Proposal	Towards	Amount
17/2420	Land 3 High Street Gillingham	Gillingham South	11 units	Birds	1,401.48
				Openspace : towards improvements at either Britton Street or Balmoral Gardens	11,367.51
				Great Llines Heritage Park : towards anti social behaviour mitigation works at Brompton Academy/Marlborough Road entrance	2,748.90
				Health : towards improvements at Railway Street Surgery	5,147.45
16/4268	North Commissioners Road, Strood	Strood North	Up to 130 units	Air quality : submit an air quality mitigation plan for approval setting out proposals for air quality contribution	£71,077.00
				Early years education : at 1 or more of Temple Mill Primary Academy or a new free school to serve Strood	£71,468.80
				Primary education : at 1 or more of Temple Mill Primary Academy or a new free school to serve Strood	£174,015.77
				Secondary education : at 1 or more Strood Academy, Hundred of Hoo Academy or a new free school to serve Strood	£169,002.77
				Waste and recycling	£20,207.20
				Community facilities : towards improvements to Woodside Community Centre and refurbishment of public toilets in Rochester	£17,772.30
				Health : towards improvements to the telephone system at St Mary's Medical Centre in Strood	£60,833.00
				Public realm : towards Strood town centre public realm and journey time improvements (as set out in drawing)	£16,243.50
				Bird disturbance mitigation	£29,065.40
				Open space : towards improvements to Church Green recreational ground	£90,000.00
				25% affordable housing	
				Highway works	