

PLANNING COMMITTEE

9 MAY 2018

REPORT ON SECTION 106 AGREEMENTS: JANUARY TO MARCH 2018

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

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Summary

This report informs Members on the amount of Section 106 funding received between January to March 2018 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 2018 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 January to March 2018 as set out in Appendices 1 and 2.

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Appendices

- Appendix 1 S106 funding received January to March 2018
- Appendix 2 Agreements signed between January to March 2018

Background papers

Section 106 agreements signed between January to March 2018

Guide to Developer Contributions 2014

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

APPENDIX 1 : S106 funding received January to March 2018

App no. MC/	Site	Ward	For	Amount
08/1043	Land r/o 187/193 Princes Ave, r/o 32/41 Gatcombe Close and north of Peak Rise, Walderslade	Princes Park	Training and workforce	£3,451.75
			Towards upkeep/maintenance of Great Lines Heritage Park	£3,159.90
			Towards refurbishment and maintenance of play area at Princes Park	£16,791.63
			Towards the roadside air quality monitoring network	£431.47
97/0224	Dockside	River	Retail	£2,812.88
12/0758	Victory Pier	Gillingham North	4 th and final education instalment	£171,723.77
16/0370	Land at 183,185, 185a Walderslade Road	Walderslade	Great Lines Heritage Park :footpath improvements	£2,249.50
			Open space : improvements to play facilities at one or more of Hook Meadow or Princes Avenue	£46,527.00
			Education : Nursery : Swingate, Oaklands and/or St Mary's Island primary schools Primary : Swingate, Oaklands and/or St Mary's Island primary schools Secondary : Greenacre Academy, Walderslade Girls and/or Thomas Aveling Sixth form : Greenacre Academy, Walderslade Girls and/or Thomas Aveling	£15,558.00 £32,733.00 £33,112.00 £8,714.00
15/3104	Peninsula Way, Hoo	Peninsula	Community facilities : towards refurbishment of community facilities at Chattenden	£17,909.00
			Health : improvements at 1 or more of St Mary's Island surgery, The	£61,301.00

App no. MC/	Site	Ward	For	Amount
			Elms Medical Centre, the Parks Medical Practice, St Werburgh Practice	
			Great Lines Heritage Park	£16,368.00
			Education : nursery at 1 or more Chattenden Primary, Hundred of Hoo Academy Primary phase, Hoo St Werburgh Primary	£111,904.00
			Education : primary at one or more of Chattenden Primary School, Hundred of Hoo Academy Primary Phase and Hoo St Werburgh Primary School	£276,307.00
			Secondary : Provision of secondary education at Hundred of Hoo Academy	£279,027.00
			Open space : improving off site open space serving the development at Hoo recreation ground north and/or Hoo recreation ground south and/or Hoo Common	£249,378.00
			Public realm : improvements in Strood town centre	£32,095.00
			Waste services	£20,364.00
			Bird disturbance mitigation	£29,289.00
Habitat regulations : contributions received				
17/2298	90-92 Station Rd, Rainham	Rainham North	8 units	£1,788.64
17/3452	Barn B, Buckhole Farm, Cooling Rd	Peninsula	1 unit	£223.58
17/3068	59 Rainham Rd	Gillingham South	3 units	£670.74
17/1778	2 Connaught Rd Luton	Luton & Wayfield	1 unit	£223.58
17/4320	Garaques adj 186 Laburnum Rd Strood	Strood South	6 Units	£1,341.48
17/4318	Land adj 2 and 4 Laburnum Rd Strood	Strood South	6 units	£1,341.48

App no. MC/	Site	Ward	For	Amount
17/3756	Land adj 37 Dagmar Rd	Luton & Wayfield	1 unit	£223.58
16/4006	86-88 High St Chatham	River	1 unit	£223.58
17/3808	154 Luton Rd	Luton & Wayfield	1 unit	£223.58
17/3807	156 Luton Rd	Luton & Wayfield	1 unit	£223.58
17/3806	159 Luton Rd	Luton & Wayfield	1 unit	£223.58
17/3760	Mockbeggar Farm, Cliffe Woods	Strood Rural	5 units	£1,117.90
18/0094	Land adj 5 Upper Luton Rd	Luton & Wayfield	2 units	£447.16
17/2634	Land adj 15 Mansion Row, Brompton	River	2 units	£447.16
18/0224	1-26 Cross St, Chatham	River	18 units	£4,024.44
17/3728	160-162 Gravesend Rd	Strood North	3 units	£670.74
17/3963	117 Darnley Rd Strood	Strood South	1 unit	£223.58
17/3144	189 Luton Rd	Luton & Wayfield	2 units	£447.16
17/4338	Coach House,	Peninsula	1 unit	£223.58

App no. MC/	Site	Ward	For	Amount
	Buckhole Farm			
17/3735	21 Berengrave Lane	Rainham North	8 units	£1,788.64
17/4221	70 (and part 68) Toronto Road	Gillingham South	2 units	£447.16
16/3795	Lower Upnor Depot	Strood Rural	8 units	£1,788.64
17/4437	Land r/o 2 and 4 Hollywood Lane	Strood Rural	1 unit	£223.58
15/2039	10-40 & 48-84 Corporation St	Rochester West	57 units	£12,744.06
18/0141	r/o 161-163 High St Strood	Strood South	6 units	£1,341.48
17/4131	Land adj South View, Sharnal St	Peninsula	1 unit	£223.58

APPENDIX 2 : agreements signed between January to March 2018

Plan app MC/	Location	Ward	Proposal	Towards	Amount
17/1820	Land at Station Road, Rainham (Bakersfield)	Rainham Central	90 dwellings	Supercedes MC/14/0285 allowed on appeal	
				Nursery education : either Riverside primary, Thames View primary or Mierscourt primary schools	£58,073.00
				Primary education : either Riverside or Thames View primary schools	£103,721.00
				Secondary education : at one or more of Rainham Girls, The Howard or Rainham Grammar schools	£104,351.00
				Health : Rainham Healthy Living Centre	£42,111.00
				Unilateral Undertaking relates to this application re translocation of reptiles to Bore's Hole and Trenchman's Wharf, Halling	
17/0410	Rookery Lodge, Thatchers Lane, Cliffe	Strood Rural	12 units	Nursery education : Cliffe Woods Nursery	£10,982.40
				Primary education : St Helens Primary School, Cliffe	£18,484.66
				Secondary education : Hundred of Hoo sixth form facility	£13,356.15
				Open space : towards maintenance and improvement of open space land at APCM Cliffe recreation ground	£26,386.92
16/0365	Medway Filling Station 71 Rochester Road	Cuxton & Halling	8 units	Highway works to create 2 small lay by bays to existing curved frontage in front of the site for current car sales business and reinstate the footpath to its full width; and create 5 cross overs to serve parking spaces for the dwellings	
17/1192	Yeoman House, Princes St, Rochester	Rochester East	54 units	Towards improvements at Jackson's Recreation Ground or Watts Meadow	£31,606.40
				Towards improvements to the kitchen facilities at the neighbouring Parish Centre	£3,420.54
				Towards the minor illness clinic in Rochester	£14,974.00
				Bird disturbance mitigation	£7,154.56

Plan app MC/	Location	Ward	Proposal	Towards	Amount
17/1074	9 Cross Street, Chatham	River	13 flats	Bird disturbance mitigation	£2,906.54
				Openspace : towards improvements to Town Hall Gardens and/or Paddock Gardens	£14,840.32
				Great Lines Heritage Park : towards the cost of repair and maintenance of footpaths adjacent to the Chatham Naval Memorial	£3,248.70
				Health : towards improvements to the MCH surgery in the Pentagon	£6,083.00
17/2333	Rochester Riverside	River	Up to 1,400 units	River wall maintenance	£4,500,000.00
				Highway improvements	£55,000.00
				CPZ	£50,000.00
				Provision of new primary school	
				Secondary school education	£2,076,256.00
				Open space	£2,020,133.00
				Health : expansion at The Delce Healthy Living Centre	£655,130.00
				Rochester community assets inc coach park	£660,000.00
				Waste	£214,592.00
				Bird disturbance mitigation	£313,012.00
				Non financial obligations re travel plans, training and employment plans and affordable housing	
17/0092	Land rear of 7-13 New Road, Chatham	River	14 units	Bird disturbance mitigation	£3,130.12
				Open space towards improvements to one or both of Town Hall or Paddock Gardens	£14,960.00
				Great Lines Heritage Park : towards improved wayfinding from Chatham Town Centre	£3,498.60
				Health : towards the provision of new clinical room at Halfway Surgery	£6,551.30
17/2872	Land at Canterbury St	Gillingham South	Up to 13 units	Bird disturbance mitigation	£2,906.54
				Open space : improvements at Gillingham Park	£34,475.49
				Great Lines Heritage Park : towards vegetation and shrub removal works at the Marlborough Rd entrance	£1,624.35

Plan app MC/	Location	Ward	Proposal	Towards	Amount
				Health : improvements to the Medway Medical Centre Malvern Rd, Gillingham	£6,083.35
				Waste and recycling : brown bins; refuse bags and information leaflets	£2,020.72
				Nursery education : Riverside primary	£10,566.40
				Primary education : expansion at St Thomas of Canterbury or towards a new free shool	£23,400.00
				Secondary education at Chatham Grammar School for girls or towards a new free school	£27,906.67
17/3687	Berengrave Nursery	Rainham North	Up to 121 units	Birds	£27,053.18
				Ecological improvements : towards Berengrave Local Nature Reserve (establishing woodland glades and network access routes)	£105,000.00
				Highways : towards pedestrian accessibility and safety improvements to Rainham Town Centre, bus stop infrastructure improvements and enhancement to cycle parking provision to Berengrave Lane	£45,000.00
				Highways : "towards the cost of improvements to the highway capacity at the A2 Bloors Lane junction and/or A2 Birling Avenue junction"	£15,000.00
				Open space : "towards the cost of enhancing park and gardens and outdoor sport provision at Cozenton Park and allotments at Berengrave Chalk Pit allotments"	£99,322.06
				Public rights of way : "towards the cost of improvements to footpaths GB5 and GB6"	£6,230.00
				The following services are included in the S106 - there are formulae to calculate the contributions : this will be done when the reserved matters application is submitted with final numbers of dwellings : Education (nursery, primary, secondary, sixth form) Waste and recycling	