

PLANNING COMMITTEE

13 FEBRUARY 2019

REPORT ON SECTION 106 AGREEMENTS: OCTOBER TO DECEMBER 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 October to December 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 October to December 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 Guide to Developer Contributions and Obligations was approved at Cabinet on 8 May 2018 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 October to December 2018 as set out in Appendices 1 and 2.

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Appendices

Appendix 1 S106 funding received October to December 2018
Appendix 2 Agreements signed between October to December 2018

Background papers

Section 106 agreements signed between October to December 2018

Medway Guide to Developer Contributions and Obligations May 2018
https://www.medway.gov.uk/info/200147/applying_for_planning_permission/127/developer_applications/4

APPENDIX 1 : S106 funding received October to December 2018

App no. MC/	Site	Ward	For	Amount £
MC/13/3340	Port Werburgh	Peninsula	Open space : 2 nd and final tranche – towards improvement and maintenance of open space at recreation ground at Pottery Rd	44,961.61
			Community facilities : 2 nd and final tranche – towards upgraded equipment at Chattenden Community Centre	3,228.90
			Health : towards improvement at GP surgeries within 1.5 miles of the site inc but not limited to the Elms Medical Centre, St Werburgh Practice, Edgeway St Mary's Island, the Sunlight Centre	22,104.68
97/2204GL	Dockside	River	Retail	5,717.89
08/0370	Land north Kingsnorth Industrial Estate	Peninsula	Travel plans	15,695.29
15/0098	Street Farm Hoo	Peninsula	Primary education (1 st of 2 instalments) : either free school or additional nursery/primary phase at Hundred of Hoo Primary Academy	60,115.53
			Secondary education (1 st of 2 instalments) : towards science facilities at Hundred of Hoo Academy	76,814.28

App no. MC/	Site	Ward	For	Amount £
Habitat regulations : contributions received				
17/2333	Rochester Riverside	River	Phase 2	31,300.00
18/2653	Land adj 8 Ivy Street, Rainham	Rainham North	1 unit	239.61
18/2346	31 Beech Road, Strood	Strood South	1 unit	239.61
18/1579	227 Cliffe Road, Strood	Strood North	1 unit	239.61
18/2282	Land adj 75 Shanklin Drive & r/o 45-49 Downsview, Chatham	Princes Park	5 units	1198.05
18/2356	80 Beechwood Avenue, Chatham	Watling	2 units	479.22
17/2135	219 New Road, Chatham	River	10 units	2312.98
18/2358	Titus Barn, Meresborough Lane, Rainham	Rainham South	2 units	479.22
17/2727	The Beacon Court Tavern, 1 Copenhagen Road, Gillingham	Gillingham South	9 units	2012.22
18/2714	75 Strover Street, Gillingham	Gillingham North	8 units	1916.88
18/3061	126 Hempstead Road	Hempstead and	1 unit	239.61

App no. MC/	Site	Ward	For	Amount £
		Wigmore		
18/2481	44 Station Road, Cliffe	Strood Rural	1 unit	239.61
18/1391	65 William Street, Rainham	Rainham North	1 unit	239.61
18/1302	Block HJ, Ocean Drive, Phase 5, Victory Pier	Gillingham North	1 unit	239.61
18/0175	Land east of Formby Road, Halling	Cuxton and Halling	5 units	1117.90
18/3094	1-3 Rhode Street, Chatham	River	9 units	2156.49
18/2741	Land east of North Dane Way, Lordswood	Lordswood and Capstone	1 unit	239.61
18/2985	12 Gillingham Road, Gillingham	Gillingham South	2 rooms in HMO	479.22
17/2722	Court Lodge Farm, The Street, Stoke	Peninsula	1 unit	223.58
18/3016	Coombe Lodge, Coombe Farm Lane, St Mary Hoo	Peninsula	1 unit	239.61
17/3492	Land adj 27 Knavesacre Court, Parkwood	Rainham South	1 unit	223.58
18/2881	35 Rainham Road, Gillingham	Gillingham South	2 units	479.22

App no. MC/	Site	Ward	For	Amount £
18/3114	Avenue Tennis Site, Glebe Road, Gillingham	Watling	8 units	1,916.88
18/1739	Land adj 163 Main Road, Hoo	Peninsula	2 units	479.22
18/2791	8 Church Green, Hoo	Peninsula	1 unit	239.61
18/3233	14 Castlemaine Avenue, Gillingham	Gillingham North	1 unit	239.61
18/2312	Cobsview, Buckhole Lane, High Halstow	Peninsula	3 units	718.83
18/3523	89 Cooling Road, Strood	Strood Rural	1 unit	239.61
18/3347	Land r/o Walnut Tree Farm, Grain Road, Lower Stoke	Peninsula	3 units	718.83
18/2992	Land rear of 108-110 Woodside, Rainham	Rainham Central	2 units	479.22
18/2997	Grange Redoubt, Grange Road, Gillingham	Rainham North	1 unit	239.61
18/3545	Land adj 1 Marshgate Cottages, Main Road, Cooling	Peninsula	1 unit	239.61

App no. MC/	Site	Ward	For	Amount £
18/2919	Land adj. 43 St James Road, Isle of Grain	Peninsula	1 unit	239.61
18/2171	Beechcroft, Capstone Road, Lordswood	Hempstead and Wigmore	1 unit	239.61

APPENDIX 2 : agreements signed between October to December 2018

Plan app MC/	Location	Ward	Proposal	Towards	Amount
17/2767	Former Chatham Golf Driving Range, Street End Road	Luton & Wayfield	131 units	Nursery education : towards provision in the Walderslade pupil place area	92,102.40
				Primary education : towards provision in the Walderslade pupil place area	222,496.89
				Secondary school education : towards provision at Victory Academy and/or Holcombe Grammar School	195,825.07
				Highways : towards provision of pedestrian safety and accessibility improvement – a vehicle crossing island to the north of the site	30,000.00
				Waste/recycling : towards provision of brown bins to each housing unit	20,362.64
				Allotments : towards improvement of facilities at Street End Road allotments	6,500.00
				Youth : sporting facilities at Barnfield Recreation ground	7,713.00
				Birds	29,288.98
18/0715	Land 21 – 23 New Road Chatham	River	32 flats	Nursery education : towards improving nursery facilities at New Road Primary School	3,244.80
				Primary education : towards improving primary facilities at New Road Primary School	8,900.02
				Secondary education : towards improving the classroom base at Victory Academy	6,396.89
				Open space : towards the improvement/provision of open space facilities at Town Hall Gardens and/or The Paddock	32,253.76
				Health : towards provision/improvement of health and GP facilities at Bryant Street Surgery	14,974.40

Plan app MC/	Location	Ward	Proposal	Towards	Amount
18/0715	21-23 New Rd continued			Waste and recycling : towards the maintenance and improvement of local bring centres (HWRCs and bring sites)	4,974.08
				Great Lines Heritage Park : towards improvements at phase 1	7,996.80
				Heritage : towards heritage improvements inc engineer's survey of the water tank at the Old Brook Pumping Station	18,267.20
				Birds	6,707.40
18/0207	Land at Tara, 419 Walderslade Road, Chatham	Walderslade	32 bed nursing care home	Health: towards improvements to Reach Walderslade	14,974.40
17/4128	78, 80-86 John Street Rochester	Rochester East	16 units	Birds	1,788.64
				Open space: improvements at Jacksons Field and/or Copperfields open space	18,496.00
				Great Lines Heritage Park : towards the repair of wooden step risers	1,999.20
				Heritage : towards improvements to street furniture within the grounds of Rochester Castle	9,133.60
				Health : improvements at Castle Medical Practice	7,487.20
18/1570	Manor Farm, Cliffe	Strood Rural	10 units	Birds	2,396.10
				Education : new school facilities at St Helens Primary, Cliffe	27,669.71
				Waste : towards waste containment on the site inc bins and information (any remainder funds to go towards education at St Helens Primary School, Cliffe)	1,688.60
				Health : towards health and GP facilities at High Parks GP practice	6,170.50
				Open space : Towards improvement of the recreation ground at Church Street Cliffe Towards improvement of facilities at the Great Lines Heritage Park	13,023.80 1,447.08