

# Gloucester City Council

<b>COMMITTEE</b>	<b>: PLANNING</b>
<b>DATE</b>	<b>: 6<sup>th</sup> MAY 2014</b>
<b>SUBJECT</b>	<b>: SECTION 106 MONITORING - PROGRESS REPORT 2013/14</b>
<b>DECISION TYPE</b>	<b>: FOR INFORMATION ONLY</b>
<b>WARD</b>	<b>: ALL</b>
<b>REPORT BY</b>	<b>: ANDY BIRCHLEY, SENIOR PLANNING COMPLIANCE OFFICER</b>
<b>NO. OF APPENDICES</b>	<b>: 1 – AGREEMENTS SIGNED 2013/14 – SUMMARY DETAILS 2 – CONTRIBUTIONS RECEIVED 2013/14 – SUMMARY DETAILS</b>
<b>REFERENCE NO.</b>	<b>: PT</b>

## **1.0 PURPOSE OF REPORT**

- 1.1 To identify new Section 106 agreements entered into, contributions received, and any other benefits realised as a result of Section 106 Agreements in the 2013/14 financial year.

## **2.0 RECOMMENDATIONS**

- 2.1 The Committee is asked to RESOLVE that progress be noted.

## **3.0 RESOURCES**

- 3.1 The Senior Planning Compliance Officer (as s106 monitoring officer) undertakes a full review of all outstanding s106 obligations (on agreements signed since 2000) at the end of each financial year, and subsequently reports on progress to members. More urgent or pending matters are dealt with on a more immediate basis.
- 3.2 The Senior Planning Compliance Officer works 0.4FTE in this role, which also includes the management and development of Section 106 systems, with 0.6FTE undertaken on planning enforcement.

## **4.0 PROGRESS – AGREEMENTS AND PAYMENTS**

- 4.1 8 agreements have been signed during 2013/14, although two of these are variations on existing agreements, and a further agreement is for contributions to education, to be monitored by Gloucestershire County Council. Summary details are provided in Appendix 1, showing almost £800,000 of contributions agreed, including £13,500 of monitoring fees towards officer costs.
- 4.2 Not all works or ‘public benefits’ agreed are financial contributions. Those agreements identified in Appendix 1 include, for example, a significant amount of

affordable housing – at least 30 new units - as well as local environmental improvements, to be provided directly by the developer.

4.3 £300,000 worth of contributions has been received in 2013/14. These payments are principally towards public open space and play area improvements. A breakdown of payments is provided in Appendix 2.

## **5.0 PROGRESS – WORKS**

5.1 Contributions received from s106 funding have been used to undertake a large number of projects in 2013/14, including:

- Refurbishment of St Michael's House (37 St Michaels Square and 23 Brunswick Road) is taking place, with the building being converted into 16 units of supported living, predominantly for young people. Works are due to be completed by September 2014.
- Almost £30,000 has been secured and is being used for highways improvements to Walls Roundabout, now under way.
- British energy play equipment repairs works now undertaken and public open space adopted by Gloucester City Council.
- Drainage and ecological works, on the Railway Triangle and at Armscroft Park, are now complete, and a new footbridge installed at Blinkhorns Bridge Lane.
- Tree planting undertaken at various locations around the City including the Lannett and Eastern Avenue.
- Works continue to be undertaken at Hillfield Gardens through contributions received from a number of local developments. These include hedge planting and works, new bins and general enhancement and maintenance works.

5.2 In addition to the above works at Kingsway continue apace, with the new community 'facility' building and sports pavilion under construction, the playing field laid out, all tennis courts completed, Kingsway Primary School opened, and most Framework 4 housing parcels commenced, with some now substantially complete.

5.3 The Gloucester Car Club has now ceased to operate, following Gloucester City Council's decision in June 2013 to terminate the contract.

5.4 There has been significant construction activity in the City during 2013/14, reflecting increasing confidence in the development industry, with noticeable progress at a number of sites where s106s agreements have been signed, including:

- Former Travis Perkins site (Monk Meadow, Hempsted), Glevum Court (former Gardner Denver site, Barton Street), and Frampton Road (former Vicarage Site) – these sites have seen a large number of housing completions during 2013/14.
- Completion of development at St. Oswalds, Lansdown Lawns, Lock Warehouse, and Quayside Way (at Monk Meadow, Hempsted)
- Morrison's store built and open at the Railway Triangle

- Development has now commenced at Mayo's Land, Greyfriars/GLOSCAT site, and land adjacent to Hallmark Hotel, Matson.

## **6.0 FUTURE WORK**

- 6.1 A full review of all outstanding Section 106 obligations will next be undertaken at the end of the 2014/15 financial year, and a report on progress presented to Planning Committee.
- 6.2 In the meantime, officers will keep under review those developments about to commence works, complete, or reach key 'triggers' at which stage payments or other obligations are due, as well as work on any new agreements signed during 2014/15.

## **7.0 CONCLUSION**

- 7.1 Section 106 Agreements continue to provide a valuable source of funding towards the provision of public benefits and 'infrastructure' to offset the impacts of development. This is in addition to a large amount of other benefits provided by the developer, most notably but not exclusively affordable housing, and public open space.

## **8.0 FINANCIAL IMPLICATIONS**

- 8.1 The cost to the Council is officer time in carrying out monitoring duties. Some of these costs are reclaimed through the imposition of a monitoring fee on new Agreements. Other income received from Developers is put towards various schemes as highlighted in Section 5.

## **9.0 LEGAL IMPLICATIONS**

- 9.1 Section 106 obligations are legal agreements between the Council, the developer or landowner and, on occasions, third parties. Obligations contained in the agreements are registered as local land charges and can be enforced against the developer or their successors in title. Legal action is a last resort but is necessary in some circumstances. The Council is also legally bound by some of the obligations contained within agreements.

## **10.0 RISK MANAGEMENT IMPLICATIONS**

- 10.1 There is no risk to the authority connected with the recommendation on this report as it is for information only.

## **11.0 PREDICTIVE IMPACT ASSESSMENTS (EQUALITIES) AND COMMUNITY COHESION**

11.1 There are no risks for customers and staff, in the areas of gender, disability, age, ethnicity, religion, sexual orientation and community cohesion as this report is for information only.

## **12.0 OTHER CORPORATE IMPLICATIONS**

12.1 It is considered that there are no other corporate implications as this report is for information only.

**Background Papers** :

**Published Papers** :

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## APPENDIX 1 - AGREEMENTS SIGNED 2013/14 FINANCIAL YEAR - SUMMARY DETAILS

DEVELOPMENT	DEVELOPER / OWNER	DATE SIGNED	SUMMARY	WHEN DUE	£	REC'D	LATEST POSITION
Mayos Land, Bristol Road, Quedgeley	Bloors	27-Aug-13	Affordable Housing - 10 units	To be constructed prior to 75% of open market housing being completed			Not yet due
			Offsite contributions toward formal sport provision within Quedgeley Fieldcourt	1st instalment 12 months from commencement, 2nd 24 months after	75,000	10,000	Not yet due - commencement January 2014
			Offsite contributions toward formal play provision within Quedgeley Fieldcourt	1st instalment 12 months from commencement, 2nd 24 months after	30,000		Not yet due - commencement January 2014
			Monitoring fee	28 days prior to commencement of development	2,250	2,250	Received
			Bicycle Vouchers (1*150 per property)	On first occupation of each property	7,350		- Development commenced, no completions or occupations to date
Contract Chemicals, Bristol Road (New scheme)	GMV Three Ltd	01-May-13	Affordable housing commuted sum - off site units (to be decided following viability study)				Not yet due
			Affordable housing provision - on site units (to be decided following viability study)				Not yet due
			Residential Travel Plan	2 *equal payments within 28 days of first occupation and 3rd anniversary respectively	48,426		- Not yet due

			Contribution for improvements to the local library	2 *equal payments on 50 and 79 occupations respectively	15,484	- Not yet due
			School contribution for primary and early years improvements to local schools	2 *equal payments on 50 and 79 occupations respectively	247,128	- Not yet due
			Contribution for off-site public open space or improvement of existing within the vicinity of the site	On first transfer of land or 100 occupations, the sooner	51,521	- Not yet due
			Transfer to City Council of, and commuted maintenance sum for, each phase of public open space land	On adoption	34,347	- Not yet due
			Provision and transfer to City Council of Childrens Play Area, with commuted maintenance sum	On adoption	7,806	Not yet due
			Monitoring fee	14 days from commencement of development	3,000	- Not yet due
			Measures to prevent migration of contamination from neighbouring site	Prior to commencement of development		Site cleared but no development taking place
Black Bridge	Gloucestershire County Council	30-Oct-13	1 allotment - fenced area comprising 2798m2 - transferred to City Council, with maintenance sum paid	Payable on transfer	10,097	Not yet due
			Lighting and security measures to upgraded private access drive serving Blackbridge playing fields	Prior to first occupation	-	Not yet due
			Play facilities contribution to use towards improvements public amenities in Podsmead	On commencement of development	20,000	Not yet due
			Monitoring fee	On commencement of development	1,500	- Not yet due

Hucclecote Centre	Barratt Homes	09-Jun-13	Affordable Housing - 12 units	To be constructed prior to 75% of open market housing being completed		Not yet due
			Offsite contributions towards formal play provision within area shown on POS plan	6 months from commencement	60,000	Not yet due
			Multi-use games area	12 months from commencement	100,000	Not yet due
			Monitoring fee	28 days prior to commencement of development	2,250	- Not yet due
Yew Tree Cottages, 106 Bristol Road, Quedgeley			Education contribution	COUNTY MONITORING		
Greyfriars - former GLOSCAT - (variation)	Linden Homes	14-Sep-13	Provision and maintenance of a tree screen on the boundary of Block L in accordance with Tree screening plan	Prior to first occupancy		Not yet due
Lobleys Drive - Erection of a new church community centre.		13-Mar-14	Fencing, gate and directional sign to the public open space car park	Prior to commencement of development		Not yet due
			Off site landscaping works	By first planting season following occupation		Not yet due
			Off site drainage	Prior to completion of building		Not yet due
			Off site footway and bollards	Prior to commencement of development		Not yet due
			Monitoring fee	On commencement of development	750	- Not yet due
Hallmark Hotel, Matson	Persimmons	07-Aug-13	Affordable Housing - 8 units	To be ready for occupation prior to 75% of open market housing being completed		Not yet due

Offsite Sports contribution for provision of sports facilities in the Matson and Robinswood ward	To be received prior to occupation of 30th private unit.	10,000	Not yet due
Offsite Play contribution for the Provision of play facilities in the Matson and Robinswood ward	To be received prior to occupation of 30th private unit.	50,000	Not yet due
Transfer to City Council of, and commuted maintenance sum for, on site public open space land	On adoption	tbc	- Not yet due
Bicycle Vouchers (1*£100 per property)	On first occupation of each property	6,000	- Development commenced, no completions or occupations to date
Monitoring fee	Payment 28 days prior to commencement	3,750	- Not yet received - requested
Noise mitigation to protect nearest residential units from noise of mechanical plant in connection with hotel	To be agreed prior to commencement of development		Due - not yet received - requested

**786,659 12,250**



## APPENDIX 2 – CONTRIBUTIONS RECEIVED 2013/14 - SUMMARY DETAILS

DEVELOPMENT	DEVELOPER / OWNER	£ REC'D	DATE	SUMMARY	INTENDED USE	OTHER COMMENTS
Greyfriars/GLOSCAT	Linden Homes	30,835	3-Jan-14	Off site Public Open Space for the Westgate ward		Includes interest on late payment - received in April 2014
		13,096	3-Jan-14	Off site tree planting within the Westgate ward		Includes interest on late payment - received in April 2014
105 Southgate Street	Scott Winnard	4,000	Various	Car Club contribution	Car Club outstanding commitments	All payments now received (£10,000 total)
Former Pumping Station Adj.To Plock Court Gloucester	Volkswagon Ltd.	3,000	24-Jun-13	Provision of leisure facilities	Plock Court improvements (gate, path)	Settlement of ten year 'bad debt'!
Former Travis Perkins site, Monk Meadow	Linden Homes	50,995	21-Feb-14	Off site play area contribution	To be used in conjunction with Hempsted Grange contribution, scheme awaited	Second and final payment (includes interest for late payment).
		176,810	21-Feb-14	Off site public open space contribution		Second and final payment (includes interest for late payment).
Quayside Way	Bloors	5,000	11-Apr-13	Provision of play and open space facilities at the Monk Meadow Open Space		Funds passed to Monk Meadow Quay Community Group (MMQCG) - update on progress sought

		10,000	11-Apr-13	Provision of a travel plan, park infrastructure and signage for the benefit of the Bloor site		Funds passed to Monk Meadow Quay Community Group (MMQCG) - update on progress sought
British Energy site	Persimmons	1,076	7-Jun-13	Payment to cover snagging works on Public Open Space and play/sports equipment		Repair works now undertaken
Various	Various	4,550		Monitoring fees	s106 officer contribution	

**TOTAL**

**£ 299,362**