

Gloucester City Council

COMMITTEE	: PLANNING
DATE	: 9th JUNE 2015
SUBJECT	: SECTION 106 MONITORING - PROGRESS REPORT 2014/15
DECISION TYPE	: FOR INFORMATION ONLY
WARD	: ALL
REPORT BY	: ANDY BIRCHLEY, SENIOR PLANNING COMPLIANCE OFFICER
NO. OF APPENDICES	: 1 – AGREEMENTS SIGNED 2014/15 – SUMMARY DETAILS 2 – CONTRIBUTIONS RECEIVED 2014/15 – SUMMARY DETAILS
REFERENCE NO.	: PT

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 2014/15 financial year.

2.0 RECOMMENDATIONS

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

3.0 RESOURCES

- 3.1 The Planning Enforcement team 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 throughout the year.

4.0 PROGRESS – AGREEMENTS AND PAYMENTS

- 4.1 8 agreements were signed during 2014/15, although four 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 just over £50,000 of contributions agreed.
- 4.2 Not all works or 'public benefits' agreed are financial contributions. For example, some agreements identified in Appendix 1 include restrictions on the use of land and operation of business.
- 4.3 Over £400,000 worth of contributions was received in 2014/15. These payments are almost exclusively towards sports or leisure provision, and 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 2014/15, including:

- Refurbishment of St Michael's House (37 St Michaels Square and 23 Brunswick Road) to provide housing for young people in need, through Gloucester YMCA.
- Highways improvements at Walls Roundabout - now complete
- A project to improve drainage and the head wall of the River Twyver, where it crosses into St Oswalds, are under way. Works currently out to tender.
- Tree planting undertaken at various locations around the City including the Spa, Brunswick Road, Former GLOSCAT site, and Milton Avenue.
- Westgate Leisure Area - works are being considered under application 15/00145/DDD for "Landscape and engineering works to enhance existing public open space including creation of footpaths, footbridges, fishing & viewing platforms, BMX track, realignment of existing car parking, entrance gates and fencing, wetland habitat features, scrapes & seasonal ponds". If approved, this will be funded by s106 contributions paid through the St Oswalds development.

5.2 In addition to the above works at Kingsway continue apace, with the new community 'facility' building, playing fields, sports pavilion, tennis courts, and BMX track all complete and in use. Environmental improvements to the Daniel's Brook corridor are well under way, with a new pedestrian bridge, paths, landscaping works and interpretation boards being provided to date.

5.3 A large amount of improvements to public open spaces, pathways, and sports and play facilities around other areas of the City have been provided during 2014/15, including:

- Additional play equipment has been provided at Monk Meadow play area, in partnership with the Monk Meadow Quay Community Group.
- Additional play equipment, railings and other environmental improvements have been undertaken at Gloucester Park.
- Play equipment has been installed at Robinswood Hill, at the main entrance off Reservoir Road

6.0 FUTURE WORK

6.1 A full review of all outstanding Section 106 obligations will next be undertaken at the end of the 2015/16 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 2015/16.

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 2014/15 FINANCIAL YEAR - SUMMARY DETAILS

DEVELOPMENT	DEVELOPER / OWNER	DATE SIGNED	SUMMARY	WHEN DUE	£	REC'D	LATEST POSITION
Land at Junction of Trier Way and Southgate Street (Residential home for the elderly)	Markey Builders	19/08/2014 & 4/3/15 (variation)	Provision of offsite soft and hard landscaping scheme, immediately adjacent to site, following approval with Council	Works completed within 14 months of commencement			Works commenced
			Maintenance fee for landscaping works	Within 14 days of Council request	27,000		Not yet requested
			Monitoring fee	28 days prior to commencement of development	1,500	-	
Interbrew, Eastern Avenue	Javelin Properties Ltd	19-Aug-14	Trading restrictions relating to unit size, membership and goods sold	Ongoing			Not yet built
Site RS2, adj Glevum Way and Abbeymead Avenue	Gloucestershire County Council	27-Feb-15	Restriction on land use relaxed to allow wider community uses and receipt of any land sale to be used for library facilities in Matson and Hucclecote				
Contract Chemicals, Bristol Road (New scheme)	GMV Three Ltd	19-Feb-15	Deed of variation with no changes to obligations under previous agreement				
St Gobains	Matthew Homes Ltd	19-Feb-15	Deed of variation with no changes to obligations under previous agreement				
Black Bridge	Gloucestershire County Council	11-Feb-15	Deed of variation with no changes to obligations under previous agreement				
Newark Farm, Hempsted	Newland Homes Ltd	01-Apr-14	Education contribution		22,868		County monitoring
					51,368	-	

APPENDIX 2 – CONTRIBUTIONS RECEIVED 2014/15 - SUMMARY DETAILS

DEVELOPMENT	DEVELOPER / OWNER	£ REC'D	DATE	SUMMARY	INTENDED USE	OTHER COMMENTS
Former Hallmark Hotel golf course	Persimmons	103,204	5-Jan-15	Offsite Sports contribution for provision of sports facilities in the Matson and Robinswood ward		Includes indexation
		51,602	5-Jan-15	Offsite Play contribution for the Provision of play facilities in the Matson and Robinswood ward		Includes indexation
Former Gardner Denver site, Barton Street	Barratts	104,095	6-May-14	Public Open Space / Play Area contribution towards improving and maintaining public open spaces, play areas and local attractions (being St James Park Napier Street and Ayland Gardens) within 250m of the site from the Barton Street entrance	Under discussion	Includes indexation - first instalment

		78,192	31-Mar-15	Public Open Space / Play Area contribution towards improving and maintaining public open spaces, play areas and local attractions (being St James Park Napier Street and Ayland Gardens) within 250m of the site from the Barton Street entrance	Under discussion	Includes indexation - second and final instalment
Hucclecote Centre	Barratts	60,474	26-Mar-15	Provision of leisure facilities		Includes indexation
Various	Various	8,000		Monitoring fees	s106 officer contribution	

TOTAL

£ 405,567

