

Gloucester City Council

Meeting:	PLANNING COMMITTEE – 31st May 2016
Subject:	SECTION 106 MONITORING - PROGRESS REPORT 2015/16
Report Of:	ANDY BIRCHLEY, SENIOR PLANNING COMPLIANCE OFFICER
Wards Affected:	ALL
Key Decision:	No Budget/Policy Framework: No
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Appendices:	1. AGREEMENTS SIGNED 2015/16 – SUMMARY DETAILS 2. CONTRIBUTIONS RECEIVED 2015/16 – SUMMARY DETAILS

FOR GENERAL RELEASE

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 2015/16 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 7 agreements were signed during 2015/16, with 3 of these being Deeds of Variation on existing agreements (relating to Kingsway and Gloucester Quays), tying them to new planning approvals and/or making minor amendments to the wording. A further 4 agreements secured contributions, mostly for education. Summary details are provided in Appendix 1, showing just over £173,000 of contributions agreed.

- 4.2 Not all works or 'public benefits' agreed are financial contributions. For example, some agreements require the developers to provide infrastructure and other 'public goods' or may be drawn up to restrict the future use of land. Examples of these are included in section 5 below.
- 4.3 Over £200,000 worth of contributions were received in 2015/16. These payments are almost exclusively towards sports or play provision. 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 2015/16, including:
- Desilting of the River Twyver and improvements to the Head Wall at St Oswalds, to increase flood storage capacity, and improve the function of the watercourse.
 - A Public Art scheme has been commissioned for the Railway Triangle site, and is due to be undertaken and completed in 2016.
 - Further 'environmental enhancements' made to the Daniel's Brook corridor in Kingsway/Copeland Park, including the commissioning and provision of a number of wood sculptures
 - Works to wind up the car club have now been completed, and repayments made to those developers whose contributions were unused.
- 5.2 In addition, the following have been provided or undertaken by developers in 2015/16 as a result of s106 obligations:
- Public open space completed at Mayo's Land and former Gardener Denver site on Barton Street and are about to enter a year-long 'maintenance period' before the Council considers adopting the land
 - A small number of the pleached trees provided on the boundary of Cromwell Street and former GLOSCAT (Media) site have failed and have now been replaced following the intervention of the Council's Tree Officer. The rest of the trees are establishing well.
 - Balancing pond at Clock Tower park has been cleared, awaiting drainage works, and adoption by the City Council
- 5.3 The Council also monitors a number of obligations that should be observed 'in perpetuity' or until such time they may no longer have any legal effect. These include:
- Restrictions on the types of business operating at Westgate Island Business Park, its parking charges, and a requirement to maintain a tidy appearance for the area
 - Use of Ribston Hall extension (dance studio/musical hall) for community use outside of school hours.

- Obligation on Gloucester Rugby Club to provide ongoing contributions towards parking enforcement on match days, operate a park and ride scheme, as well as ensure litter picking takes place follow matches (and other events) held at the stadium.

6.0 FUTURE WORK

- 6.1 A full review of all outstanding Section 106 obligations will next be undertaken at the end of the 2016/17 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 2016/17.

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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