

11. Section 106 Obligations

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Purpose of the Report

It was agreed at the regular meeting of the Area Chairs that it was necessary for the newly appointed Section 106 Officer to introduce himself to each of the Area Committees and provide information in relation to Section 106 agreements that have been signed in the last 3 years for each area.

Public Interest

Section 106 Obligations are a key aspect of most major planning development approvals granted by the Authority however they are also necessary to provide additional control in relation to smaller schemes. The items captured within Section 106 Obligations usually deal with the additional infrastructure costs that will be incurred within the area of the Authority arising from the completion of a development. Depending on the scale of the proposed development the sums of money associated with a Section 106 Obligations can be considerable.

This may take the form of changes to highways, contributions toward increased schools provision, creation/maintenance of open spaces, recreational areas and so on. The costs arising from these are often significant and require negotiation and settlement between officer and the developer, through the use of nationally agreed formulae.

There is a variety of ways in which these requirements can be delivered. Normally the developer makes a payment to allow the relevant authority to provide the requirement e.g. Schools or Play areas. Alternatively, the developer may be charged with completing the work directly for example a new highway junction.

By their very nature Section 106 Obligations require specified actions/payments to take place within a pre-defined timescale or event (known as 'triggers') and it is essential that the Section 106 officer has a system and processes in place that ensures the agreements are effectively managed.

Members will appreciate that the level of contribution that was secured from each development was dependent upon several factors, particularly the 'formula' that was being used for calculating the Sports, Arts and Leisure contribution at the time of each application. It is also important to emphasise that it is very difficult to make meaningful comparisons between obligations that were sought on different developments, as each scheme has to be considered on its own merits.

Recommendations

- 1) Members note the report and endorse the actions taken in respect of the monitoring of Section 106 Planning Obligations and;
- 2) Comment on the report detail required and the regularity of presentation at future Area North Committee meetings.

Background

Section 106 Obligations are a key aspect of most major planning development approvals granted by the Authority however they are also necessary to provide additional control in relation to smaller schemes. The items captured within Section 106 Obligations usually deal with the additional infrastructure costs that will be incurred within the area of the Authority arising from the completion of a development. Depending on the scale of the proposed development the sums of money associated with a Section 106 Obligations can be considerable.

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A Section 106 (S106) officer was appointed on 1 April 2010. This post sits within the Development Management service with the specific responsibility for ensuring that all requirements of S106 obligations, including the collection and spending of financial contributions are monitored.

The S106 Officer work programme to date has included: -

Data Management

Formerly, data relating to S106 agreements has been held within a number of different Services across the Council. Work has been carried out to cross-reference these with the data held in the main legal database. We are now in a position where we have captured in one-list, details of agreements to be entered into one system ahead of the monitoring process beginning.

Monitoring System

A monitoring system has been developed with the required functionality to enable the S106 Officer to effectively manage the legal agreements and the obligations within them. Management and monitoring reports can be designed and extrapolated from the system. The population of the database is well under way.

Agreement Pro-forma

In conjunction with the Principal Solicitor and Assistant Director (Legal and Corporate Services) a pro-forma has been produced for all planning officers to complete detailing requirements to be covered when drawing up the legal agreements. This will allow consistency in capturing details and hopefully help the agreements to be produced more efficiently.

Additional Information

In addition to the above the new S106 Officer has been working with officers from other services, investigating agreements where triggers have been reached and actively sought and distributed contributions where appropriate.

It is anticipated that a training workshop event will be held early in the new year (2011) to provide members with a greater understanding of 106 agreements and an update on the proposed changes to the system.

Financial Implications

No direct financial implications from this report however members will be aware that poor management of planning obligations does have the potential to require the district council to refund contributions to developers.

Corporate Priority Implications

The effective management of planning obligations will be beneficial in achieving all of the Council's Corporate Priorities

Carbon Emissions & Adapting to Climate Change Implications (NI188)

Section 106 Planning Obligations have a key role in delivering sustainable communities thereby contributing to a reduction in carbon emissions and helping to adapt to climate change.

Equality and Diversity Implications

Section 106 Planning Obligations have a key role in delivering sustainable communities thereby ensuring access to facilities, homes and services for all members of our community.

Background Papers: Audit Committee report, July 2010.

SECTION 106 MONITORING REPORT - Area North

This information relates to signed agreements over the last three years to early October 2010.

If Members have queries relating to specific legal agreements then it is recommended that they contact the 106 Monitoring Officer directly as he will be able to provide a more detailed overview of the requirements and the current status.

Application Details Location and Description	Agreement Notes Trigger Remarks and Status	Financial and Non-Financial Contributions
<p>Ward: Curry Rivel</p> <p>09/00023/FUL</p> <p>Parish: Curry Rivel</p> <p>Developer: Yarlington Housing Group</p> <p>Land Rear Of Westfield House, Westfield Road, Curry Rivel TA10 0HX</p> <p>The demolition of 9 dwellings and the replacement with 20 dwellings with associated access, parking and landscaping. (GR 338356/124790)</p> <p>Agreement Date: 09-Nov-09</p>	<p>Contributions to be paid on or before the occupation of the first dwelling.</p> <p>Current status: Scheme commenced but no occupation. November '10.</p>	<p>Equipped Play Contribution: £20,318 comprised of £9,657 for the acquisition and installation of play equipment and £5,489 for long term maintenance on the Recreation Ground, Westfield, Curry Rivel. £3,793 for Youth Facilities in Curry Rivel with a further £1,379 commuted sum for the long-term maintenance.</p> <p>Open Space Contribution: £12,587 towards costs of improvement/enhancement of any recreational area or open space in Curry Rivel.</p> <p>Sports & Leisure Contribution: £30,071 towards costs of improvements/enhancements of any sporting leisure or cultural facilities within or serving District of South Somerset.</p>

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<p>Ward: Islemoor</p> <p>08/05090/FUL Parish: Ilton Developer: Yarlington Housing Group</p> <p>Land And Garages at Copse Lane, Ilton.</p> <p>Demolition of existing buildings and the construction of 40 dwellings (GR335071/117656)</p> <p>Agreement Date: 09-Nov-09</p>	<p>Contributions to be paid on which any dwelling first brought into occupation.</p> <p>Current status: Invoice for financial contributions sent to Yarlington Housing Group December '10.</p>	<p>Off-Site Recreation Contribution: £30,900 for improvement/refurbishment of the neighbouring Ilton Recreation Ground.</p> <p>Strategic Community Facilities Contribution: £69,781 to be used towards one or both of the following: a) The development of a new sports field to serve the community of Ilton. b) The development of sports, leisure and recreation facilities including provision of synthetic pitches in Langport or Yeovil.</p> <p>Play Equipment Contribution: £32,359 comprised of £22,251 for the acquisitions and installation of play equipment along with £8,065 commuted sum for the long-term maintenance of the equipment for the Ilton Recreation Ground. £7,411 for Youth Facilities and £2,697 for long-term maintenance in Ilton.</p>
<p>Ward: Islemoor</p> <p>06/02920/FUL Parish: Curry Mallet Developer: Walter Robert Alexander Ross</p> <p>Lyddons Farm, Higher Street, Curry Mallet, Taunton TA3 6SY</p> <p>Conversion of existing redundant farm buildings into 4 no. Dwellings and carports, 1 no. Office and 6 no. Affordable homes with access and parking areas. (GR 332389/121810)</p> <p>Agreement Date: 28-Mar-08</p>	<p>Prior to the first occupation of the Converted Dwellings.</p> <p>Current status: Agent contacted regarding payment of contribution December '10</p>	<p>Recreation Contribution: £8,000 to meet recreational needs generated by development in locality of scheme.</p>

Application Details Location and Description	Agreement Notes Trigger Remarks and Status	Financial and Non-Financial Contributions
<p>Ward: Langport and Huish</p> <p>09/02237/FUL Parish: Langport Developer: Yarlington Housing Group</p> <p>Land At Eastover, Langport.</p> <p>Demolition of 8 PRC dwellings and the erection of 17 dwellings with 32 car parking spaces and associated highway works (GR: 342490/127040)</p> <p>Agreement Date: 22-Dec-09</p>	<p>£4,870 for enhancement/improvements at the Langport Cricket Club & £2,478 as a commuted sum payment for the long-term maintenance to be paid on or before commencement of the Development.</p> <p>All other contributions to be paid on the completion of the development.</p> <p>Current status: Discharge of Planning Obligation Application received from Yarlington Homes requesting that zero financial contributions to be sought on grounds of viability. Financial statement received December '10, application being determined.</p>	<p>Off-Site Recreation Contribution: £18,748 allocated as follows, £4,870 for enhancement/improvements at the Langport Cricket Club. £2,478 as a commuted sum payment for the long-term maintenance. £11,400 for costs and expenses incurred towards the improvements to the Langport & Huish Memorial Recreation Ground.</p> <p>Strategic Community Facilities Contribution: £11,265 towards one or more of following a) Sports Halls & Swimming Pools within the District b) Octagon Theatre, Yeovil c) Sports pitches within the Langport area.</p> <p>Equipped Play Contribution: £11,077.00 comprised of £7,062 for the acquisition and installation of equipment and £4,015 for the long-term maintenance at the Langport & Huish Memorial Recreation Ground.</p> <p>Youth Facilities Contribution: £4,096 comprised of £3,003 for Youth facilities in Langport and £1,093 to provide long-term maintenance of those facilities.</p>

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<p>Ward: Langport and Huish</p> <p>09/04391/S73 Parish: Huish Episcopi Developer: Romford Wholesale Meats Ltd</p> <p>The Abattoir, Muchelney Road, Huish Episcopi, Langport TA10 9HG</p> <p>Application to vary condition 3 of decision notice 99/01576/FUL to permit the extension of working hours for meat processing. (GR 342890/126238)</p> <p>Agreement Date: 2010</p>	<p>Application to vary condition 3 of decision notice 99/01576/FUL to permit the extension of working hours for meat processing.</p> <p>Current status: Monitoring Log in place.</p>	<p>Not applicable</p>
<p>Ward: Martock</p> <p>08/04485/FUL Parish: Martock Developer: Mr Rodney Male</p> <p>Land OS1677, Town Tree Lane, Martock TA12 6AR</p> <p>The erection of a farm managers dwelling with garage/store, landscaping works and access. (GR 345157/121768)</p> <p>Agreement Date: 11-Feb-10</p>	<p>Agricultural Workers Dwelling. Owner's covenants with the Council regarding occupation, ownership and the providing of information when requested.</p> <p>Current status: Monitoring Log in place.</p>	<p>Not applicable</p>

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<p>Ward: Martock</p> <p>09/01861/FUL Parish: Martock Developer: John Reginald Yandle</p> <p>Yandles Garage, North Street, Martock TA12 6ER</p> <p>Demolition of existing garage/workshop and adjacent dwelling and the erection of 20 dwellings associated parking, landscaping, highways and associated works. (GR 346256/119981)</p> <p>Agreement Date: 28-Sep-09</p>	<p>Contributions to be paid on or before date on which any Dwelling is first brought into occupation.</p> <p>Current status: Scheme not commenced as of December '10.</p>	<p>Off Site Recreation Contribution: £29,335 to be made up of £22,977 towards expenses incurred or to be incurred in connection with improvements/enhancements at Martock Recreation Ground and £6,358 to provide long term maintenance of those facilities.</p> <p>Play Equipment and Youth Facilities Contribution: £25,089 to be made up of £16,754 for acquisition & installation of play equipment at the Martock Recreation Ground with £8,335 commuted sum for the long term maintenance of the equipment.</p> <p>Strategic Community Facilities Contribution: £21,816 for development of strategic sports, arts and leisure facilities within the District of South Somerset.</p>
<p>Ward: South Petherton</p> <p>07/01276/FUL Parish: Seavington St Mary Land Adjacent Millennium Hall Water Street Seavington St Mary Ilminster Somerset</p> <p>Erection of a single storey community village shop and cafe (GR/340682/114643)</p> <p>Agreement Date: 13-Mar-08</p>	<p>Shop building to remain available for community use in perpetuity.</p> <p>Current status: Monitoring Log in place.</p>	<p>Not applicable</p>

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<p>Ward: South Petherton</p> <p>07/03984/FUL</p> <p>Parish: South Petherton</p> <p>Developer: Persimmon Homes</p> <p>Land Adjoining St Michaels Gardens, Lightgate Lane, South Petherton</p> <p>The erection of 55 dwellings and associated works (GR 343777/117157)</p> <p>Agreement Date: 14-Mar-08</p>	<p>Within three months of the sale of the first Residential Unit to be occupied the Play and Youth Contributions to be paid to the Council.</p> <p>Within three months of the sale of the first Residential Unit to be occupied the Strategic Leisure Facilities Contributions to be paid to the Council. See schedule within Agreement for the landscaping scheme and timing of transfer.</p> <p>Upon transfer of the Public Open Space to the Council the commuted sum for maintenance will be paid.</p> <p>Current status: Contact made with Persimmon Homes. November '10 with a view to sending relevant requests for payments. Invoice for financial contributions December '10.</p>	<p>Strategic Community Facilities Contribution: £39,484 towards swimming pool and sports hall provision with South Somerset.</p> <p>Open Space Contribution: £6,669 for the future maintenance of the public open space.</p> <p>Play and Youth Contribution: £107,217 for the provision of Play and Youth facilities within South Somerset.</p> <p>Bus Pass Contribution: On first occupation of each of the residential units to provide voucher which may be used to claim a Bus Pass from the County Council within 12 months of the first occupation of the residential unit. The sum of £400 to be paid on request to the County Council for each bus pass issued.</p> <p>Education Contribution: £124,248 for the enhancement of capacity at Stanchester School, Stoke-sub-Hamdon.</p>

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<p>Ward: South Petherton</p> <p>07/01252/FUL Parish: South Petherton Developer: Yarlington Housing Group</p> <p>Land At West End Close, West End View, South Petherton.</p> <p>Demolition of Nos. 2-16 (even only) West End Close and garage blocks in West End View and the erection of 19 dwellings and associated additional car parking (GR 342775/116846)</p> <p>Agreement Date: 11-Aug-09</p>	<p>Contributions Index Linked on or before the date which any dwelling first brought into occupation.</p> <p>Current status: Invoice for financial contributions sent to Yarlington Housing Group December '10.</p>	<p>Equipped Play Contribution: £12,650 comprises of £6,958 on the acquisition and installation of play equipment on the existing play area at West End View, South Petherton and £5,692 for the long-term maintenance of the equipment.</p> <p>Strategic Facilities Contribution: £8,020 to be used towards facilities within the Yeovil area.</p> <p>Youth Facilities Contribution: £1,669 for renovation/improvement of any building/facility for young people in South Petherton</p>
<p>Ward: South Petherton</p> <p>09/00937/FUL Parish: South Petherton</p> <p>South Petherton Hospital, Hospital Lane South Petherton TA13 5AR</p> <p>Demolition of existing hospital buildings and erection of a new stroke/rehabilitation/community hospital and ancillary accommodation with car parking, service yard, access drive and improvements and associated works. (GR 343974/117374)</p> <p>Agreement Date: 02-Oct-09</p>	<p>Schedule of Highway works as detailed within Agreement.</p> <p>Current status: Contributions received by Somerset County Council. Monitoring log in place.</p>	<p>Public Rights of Way Contribution: £75,000 paid directly to Somerset County Council.</p>

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<p>Ward: South Petherton</p> <p>09/03095/FUL Parish: South Petherton</p> <p>Flamberts, Prigg Lane, South Petherton TA13 5BX</p> <p>Demolition of existing dwelling and garage and the erection of 6 No. Dwellings and the conversion of an existing barn into 3 No. Dwellings all with associated garages/carports (Revised Application) (GR 343348/116953)</p> <p>Agreement Date: 02-Sep-09</p>	<p>Contributions to be paid within one month of the date of the signed agreement.</p> <p>Current status: Invoice for financial contributions sent to Strongvox Homes December '10.</p>	<p>Open Space Contribution: £27,767.77 for open space and recreational facilities in South Somerset.</p> <p>Youth and Play Space Contribution: £14,404.77</p>

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<p>Ward: Turn Hill</p> <p>07/03534/FUL & 09/02917/FUL Parish: Huish Episcopi Developer: C G Fry & Sons LTD</p> <p>Land At Old Kelways, Somerton Road, Langport TA10 9HB</p> <p>Erection of 52 no. Dwellings, B1 employment floor space and extension to hotel (GR 342728 / 127727)</p> <p>Agreement Date: 16-Sep-08</p>	<p>Developer shall not permit the occupation of any Open Market dwelling until the Off-Site contributions are paid in full to the Council.</p> <p>Highway Contributions to be paid prior to the occupation of any dwelling.</p> <p>Travel Plan: Identified works and measures capable of implementation are carries out and completed prior to occupation of development.</p> <p>Current status: Tree contribution £5,000 paid November 2010. Further discussions with Developer regarding other contributions triggered within agreement.</p>	<p>Off-Site Contribution: £141,367 comprised of the following: a) MUGA Contribution: £7,720.96 towards provision of a floodlit multiuse games are in Langport. b) Playing Pitch Contribution: £98,540 towards the provision of playing pitches in Langport. c) Sports Hall Contribution: £23,005 towards the provision of additional badminton courts in Langport. d) Swimming Pool Contribution: £12,101 towards the provision of additional swimming lanes or pools in Langport.</p> <p>Open Space Contribution: £44,000 commuted sum payment for the maintenance of the children's play area, open space and landscaped area.</p> <p>Highways Contribution: £55,000 comprised of: a) Safe Routes to School Contribution: £25,000 b) The A372 junction and/or zebra crossing contribution: £30,000</p> <p>Travel Plan: Package of measures to be adopted by owner and/or developers in the management of the site with a view to reducing trips in the motor vehicle to and from the site and promoting use of environmentally friendly transport.</p>

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<p>Ward: Turn Hill</p> <p>10/00657/OUT Parish: High Ham Developer: Michael John Dunlop & Jayne Dione Dunlop</p> <p>Land Os 6155 Part Picts Hill High Ham Langport Somerset TA10 9EX</p> <p>The erection of a workplace home. (GR 343580/127565)</p> <p>Agreement Date: 23-Aug-10</p>	<p>S106 agreement covering the following: (i) Non-fragmentation of the dwelling and employment site (ii) That the permission is solely for occupancy by someone employed in the employment unit</p> <p>Current status: Monitoring Log in place.</p>	<p>Not applicable</p>
<p>Ward: Turn Hill</p> <p>08/00896/FUL Parish: Aller Developer: Andrew John Maltby & Emma Suzannah Maltby</p> <p>Aller Court Farm, Church Path, Aller, Langport TA10 0QR</p> <p>The erection of an agricultural workers dwelling (GR: 339590/128881)</p> <p>Agreement Date: 08-Sep-09</p>	<p>Owner's covenants with the Council regarding occupation, ownership and the providing of information when requested.</p> <p>Current status: Monitoring Log in place.</p>	<p>Not applicable</p>

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<p>Ward: Wessex</p> <p>09/02848/FUL Parish: Somerton Developer: Anthea Rose Chapman & Nicholas Peter Bond</p> <p>Land Os 2268 Etsome Hill Somerton Somerset TA11 6LQ</p> <p>The erection of a farmhouse and an agricultural building (Revised Application) (GR 348145/129612)</p> <p>Agreement Date: 07-May-10</p>	<p>Owner's covenants with the Council regarding occupation, ownership and the providing of information when requested.</p> <p>Current status: Monitoring Log in place.</p>	<p>Not applicable</p>
<p>Ward: Wessex</p> <p>08/03055/COU Parish: Somerton Developer: Walrond Holdings Limited</p> <p>14A Wessex Park Bancombe Road trading Estate Somerton Somerset TA11 6SB</p> <p>The change of use of building from light industrial (Use Class B1) to an indoor children's play centre (Use Class D2) (GR 347839/129098)</p> <p>Agreement Date: 13-Aug-10</p>	<p>Agreement covenants that the land and building only be used as an indoor play area and no other purpose, and that the unit remains within the ownership of the applicants.</p> <p>Current status: Monitoring Log in place.</p>	<p>Not applicable</p>

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<p>Ward: Wessex</p> <p>07/03066/COU Parish: Somerton Developer:</p> <p>Clear View Farm Somerton Hill Pitney Langport Somerset TA10 9AD</p> <p>Change of use of building to use class B1 (for light industrial purposes) (GR 346794/128285)</p> <p>Agreement Date: 17-Jun-08</p>	<p>Agreement restricting use of premises to class B1</p> <p>Current status: Monitoring Log in place.</p>	<p>Not applicable</p>