

STRATEGY AND RESOURCES COMMITTEE

13 JULY 2017

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Report Title	LITTLECOMBE SECTION 106 DEED: COMMUNITY FACILITIES CONTRIBUTION
Purpose of Report	To agree the allocation of funding for community facilities.
Decision(s)	<p>The Committee RESOLVES to:</p> <ol style="list-style-type: none"> 1. Allocate the £355,000 Community Facilities Contribution to which the report refers as follows: <ol style="list-style-type: none"> a. £100,000 to Kingshill House b. £200,000 to The Chantry Centre c. £27,500 to Dursley Tabernacle d. £27,500 to GL11 Community Hub 2. Authorise the Strategic Head of Development Services to reassign the funding, or part thereof, to any of the projects identified in the S106 Deed if the relevant recipient scheme(s) does not proceed.
Consultation and Feedback	Both Cam Parish Council and Dursley Town Council have been involved in considering bids for the funding as set out in the report.
Financial Implications and Risk Assessment	<p>The allocation of the contribution identified in the S106 deed is set out in the decision box. Paragraphs 5 and 6 of the report sets out the conditions around the S106 deed including a payback obligation and the trigger point for the developer to release the s106 contribution.</p> <p>The Council cannot forward fund these projects from its own limited resources, given the conditions around the release of the payment from the developer. If the 194th dwelling is not completed, no s106 contribution would be received.</p> <p>David Stanley – Accountancy Manager Tel: 01453 754100 Email: david.stanley@stroud.gov.uk</p>
Legal Implications	<p>Legal advice has been provided on the correct interpretation of the deed.</p> <p>K Trickey, Legal Services Manager Tel: 01453 754369 Email: karen.trickey@stroud.gov.uk</p>
Report Author	<p>Barry Wyatt, Strategic Head (Development Services) Tel: 01453 754210 Email: barry.wyatt@stroud.gov.uk</p>

Options	It is for the District Council to determine the allocation of funding for the projects identified in the Section 106 Deed.
Performance Management Follow Up	The District Council will ultimately need to establish that the funding has been spent in accordance with the requirements of the S106 Deed or risk the potential that the money is returned to the developer.

Introduction and Background

1. The Littlecombe development is covered by two planning applications relating to two delivery phases. The first planning permission granted in July 2008 included provision for up to 600 dwellings and was conditional on a 'Section 106 Deed'. This document required the developer to build a 'Community Hall Building' within the site. Stroud District Council granted another planning permission in May 2016, part of which included an outline permission for 282 dwellings. Further assessment of existing community facilities near the development indicated that the social and recreational needs of the Littlecombe residents would be better met by improving the quality of the existing community facilities and not adding an additional facility.
2. Consequently, the second planning permission was granted subject to a requirement to replace the new community hall facility on the site for a financial contribution of £355,000 to be used by Stroud District Council for alternative off-site community facilities including:
 - Upgrading the facilities at the Dursley Community Centre, Listers Hall, Chantry Centre and Kingshill House
 - Improve the accessibility of the tabernacle
 - Provision of a new lift at the Dursley Town Hall
 - Refurbishment of the Woodfields Youth and Community Hall
 - A new floor/facilities at Winterbottom Hall
 - Refurbishment of the Holywell Community Orchard
 - Update and improve the GL11community building at Cam/Upgrading and improving the facilities at Ashmead Hall at Cam
 - Providing facilities at the Rackleaze Nature Reserve; and
 - Upgrading the facilities at Everlands Scout Hut near Cam

Allocation of the Funds

3. Notwithstanding the District Council having sole discretion to determine how the monies should be allocated in accordance with the deed, at the request of SDC, Dursley Town Council and Cam Parish Council invited proposals relating to the above projects and formed assessment panels to review the applications received. Each took into account the merits of the individual projects, ability to satisfy the planning criteria and meet the recreational and social needs of the Littlecombe residents, accessibility issues, financial soundness, facility management and governance.

4. Both Dursley Town Council and Cam Parish Council have since each set out how they consider the fund is allocated, as outlined below:

Project	Cam Recommendations	Dursley Recommendations
1. Chantry Centre	£222,800	£230,000
2. Kingshill House	£50,000	£100,000
3. Dursley Tabernacle	£50,000	
4. GL11 Community Hub	£32,000	£25,000

5. The S106 Deed provides a relatively standard obligation which requires any part of the contribution which is unspent and unallocated within a period of five years of the date of the deed (26 May 2016), to be repaid to St Modwen. In resolving the report recommendations, the Council will be allocating the money and thereby removing the risk of the payback trigger being activated.
6. As agreed by the Council, the timing for payment of the £355,000 by St Modwen is prior to completion of the 194th Dwelling. It is currently expected that the 194th dwelling will be constructed between 1st April 2019 and 31st March 2020. The fact that the Council has not yet received the money does not mean that it is unable to allocate the money. Nevertheless, as the agreed timing for the payment may cause some challenges for some recipients, officers will be approaching St Modwen to encourage earlier payment.

Issues for Consideration and Recommendation

7. Although, the Council has complete discretion in terms of how the money is distributed between the identified projects in the deed and is not bound by the recommendations coming from the town and parish councils, the work undertaken by them in adding shape and priority to the list of projects outlined in the S106 Deed, has been helpful. Consequently, the first recommendation of this report seeks to strike a balance between the two.
8. The four projects all require further funding to deliver the entirety of the proposals. The success or failure in achieving additional funding may mean that some do not progress or circumstances may change between now and when the money is received. It is in this context that delegated authority is sought to make any adjustments that may be necessary.