



**REPORTS FOR DECISION BY THE  
CABINET MEMBER FOR COMMUNITY AND LEISURE SERVICES**

Date Issued: 11 August 2011

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**A Record of Decision will be issued following the conclusion of 5 clear working days from the date of issue of the Report**

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# Agenda Item 1

## **MAIDSTONE BOROUGH COUNCIL**

### **CABINET MEMBER FOR COMMUNITY AND LEISURE SERVICES**

### **REPORT OF ASSISTANT DIRECTOR OF ENVIRONMENT AND REGULATORY SERVICES**

**Report prepared by Jason Taylor**

**Date Issued: 11 August 2011**

#### **1. PROPOSALS FOR ALLOCATION OF S106 DEVELOPER CONTRIBUTIONS FROM THE LAND AT WATERSIDE, FAIRMEADOW, MAIDSTONE, KENT MA/05/0211)**

##### 1.1 Issue for Decision

1.1.1 To consider the proposed allocation of funds received as an offsite S106 developer contribution of £30,027.15 from the above named development.

##### 1.2 Recommendation of the Assistant Director of Environment and Regulatory Services.

That the Cabinet Member for Community and Leisure Services approves the proposed allocation of £30,027.15 received as a S106 contribution from the development of the site on the former Land at Waterside, Fairmeadow, Maidstone development and it is allocated as follows, for the reason described in the body of this report:

- Towards the total cost of £48,257 for the refurbishment of the toilets in Brenchley Gardens.

##### 1.3 Reasons for Recommendation

1.3.1 A S106 contribution has two forms;

- the first an on-site contribution;
- the second, an off-site contribution.

The former involves incorporation of significant usable open space within the development design and/or installation of play facilities to a borough council agreed standard to benefit those who will occupy the development. There is currently a movement away from acceptance of such non-strategic methods of amenity provision, from which arise 'pocket handkerchief', low play value areas.

The latter is based on a situation where it is clear the developer is not able to incorporate a meaningful amenity space into the development and as a consequence is asked to make an off-site financial contribution. The proposed targeted spend for such contributions is submitted within a report such as this.

- 1.3.2 The S106 Agreement for this development stipulates that the Council covenants that it will only expend the Landscape Contribution on the upgrading and landscaping of the area of Brenchley Gardens adjacent to the Land.”
- 1.3.3 Officers have looked at the location of the development and have identified a suitable on site scheme to upgrade and improve Brenchley Gardens. Therefore it is recommended by officers that the S106 developer contribution of £30,027.15 from the Land at Waterside, Fairmeadow, Maidstone be allocated to the following scheme:
  - 1.3.4 That the contribution of £30,027.15 be used towards the refurbishment of the toilets in Brenchley Gardens. An issue which has long been identified with the toilets in the gardens is that they are too large which encourages people to loiter in them. The proposal is to not only refurbish the toilets but also to greatly reduce their size which will stop groups and individuals loitering. This will also enable additional storage to be created which will be used to store the seating used in the park during the band season. This has previously been stored in a shipping container in the gardens which looked unsightly and detracted from the beauty of the gardens. Whilst these works are taking place the current mess room will be extended to enable the town centre team to be based in the park. This will have the added advantage of providing much more of a council presence in the gardens. The total cost of the toilet refurbishment is £48,257, and this will be split three ways. With a contribution of £8,023 To come from a further S106 Developer contribution from development MA/07/0463, which is subject to an additional report. The final part of the funding will come from the Property section in the council.
- 1.4 Alternative Action and why not Recommended
- 1.5 The money could be spent in a different way. However, this is not recommended as a range of schemes were considered and this scheme is felt to be the best use of resources. There has been an increase in visitors to the gardens since the improvement works and this is likely to continue once the improved museum reopens.
  - 1.5.1 Another alternative is delay allocating the developer contribution. This is not recommended, as after a period of 5 years, the money would need to be paid back to the developer with accrued index-linked interest.

1.5.2 This would not benefit the residents of the Borough in any way or fulfill the reasoning behind writing an off-site contribution into the Heads of Terms of the S106 during the application process.

1.6 Impact on Corporate Objectives

1.7 As specified above, spending the money as indicated contributes to achieving the following corporate objectives and outcomes as detailed in the Councils Strategic Plan 2011-15:-

- i) For Maidstone to be a decent place to live and continue to be a clean and attractive environment for people who live and visit the Borough

1.8 Risk Management

1.8.1 The Council is subject to the risk of having to repay the developer its index-linked contribution should the monies not be spent within the allocated time span (5 years from receipt). It could also open itself to adverse public and representative criticism should it fail to do carry out the proposed works.

1.9 Other Implications

1.9.1

1. Financial	X
2. Staffing	
3. Legal	
4. Equality Impact Needs Assessment	
5. Environmental/Sustainable Development	
6. Community Safety	X
7. Human Rights Act	
8. Procurement	
9. Asset Management	

1.9.2 Financial implications – the costs are met from the S106 agreement

1.9.3 Community Safety implications – the Council’s Community Safety team and the Police architectural liaison officer have been consulted and agree to the proposals

1.10 Background Documents

Maidstone Borough Council Strategic Plan 2011-15  
Open Space Development Plan Document (2006)

**NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED**

Is this a Key Decision?      Yes          No   

If yes, when did it appear in the Forward Plan? \_\_\_\_\_

Is this an Urgent Key Decision?      Yes          No   

**How to Comment**

Should you have any comments on the issue that is being considered please contact either the relevant Officer or the Member of the Executive who will be taking the decision.

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# Agenda Item 2

## **MAIDSTONE BOROUGH COUNCIL**

### **CABINET MEMBER FOR COMMUNITY AND LEISURE SERVICES**

### **REPORT OF ASSISTANT DIRECTOR OF ENVIRONMENT AND REGULATORY SERVICES**

**Report prepared by Jason Taylor**

**Date Issued: 11 August 2011**

#### **1. PROPOSALS FOR ALLOCATION OF S106 DEVELOPER CONTRIBUTIONS FROM 11 BUCKLAND HILL, MAIDSTONE, KENT MA/07/0463)**

##### 1.1 Issue for Decision

1.1.1 To consider the proposed allocation of funds received as an offsite S106 developer contribution of £16,823.25 from the above named development.

##### 1.2 Recommendation of the Assistant Director of Environment and Regulatory Services.

That the Cabinet Member for Community and Leisure Services approves the proposed spending of £16,823.25 received as a S106 contribution from development of the site on the former 11 Buckland Hill, Maidstone development and it is allocated as follows, for the reason given in the body of this report:

- a. £4,800 be spent on upgrading existing landscaping of Brenchley Gardens.
- b. £8,023.25 to be used towards the refurbishment of the toilets in Brenchley Gardens.
- c. £4,000 be used for a scheme to protect the War Memorial steps.

##### 1.3 Reasons for Recommendation

1.3.1 A S106 contribution has two forms:

- The first, an on-site contribution
- the second, an off-site contribution

The former involves incorporation of significant usable open space within the development design and/or installation of play facilities to a borough council agreed standard to benefit those who will occupy the development. There is currently a movement away from acceptance of such non-strategic methods of amenity provision, from which arise 'pocket handkerchief', low play value areas.

The latter is based on a situation where it is clear the developer is not able to incorporate a meaningful amenity space into the development and as a consequence is asked to make an off-site financial contribution. The proposed targeted spend for such contributions is submitted within a report such as this.

- 1.3.2 The S106 Agreement for this development stipulates that the Council covenants that it will only expend the Landscape Contribution on the upgrading and landscaping of the area of Brenchley Gardens adjacent to the Land."
- 1.3.3 Officers have looked at the location of the development and have identified suitable on site schemes that would upgrade and improve the area of Brenchley Gardens.
- 1.3.4 Therefore it is recommended by officers that the S106 developer contribution of £16,823.25 from 11 Buckland Hill, Maidstone which is to be used on "upgrading and landscaping of Brenchley Gardens" be allocated as follows:
  - 1.3.5 £4,800 is used for improvements to the landscaping in Brenchley Gardens including a Wellingtonia tree and reseating of the stone wall in the newly planted central bed.
  - 1.3.6 £8,023.25 towards the refurbishment of the toilets in Brenchley Gardens. An issue which has long been identified with the toilets in the gardens is that they are too large which encourages people to loiter in them. The proposal is to not only refurbish the toilets but also to greatly reduce their size which will stop groups and individuals loitering. This will also enable additional storage to be created which will be used to store the seating used in the park during the band season. This has previously been stored in a shipping container in the gardens which looked unsightly and detracted from the beauty of the gardens. Whilst these works are taking place the current mess room will be extended to enable the town centre team to be based in the park. This will have the added advantage of providing much more of a council presence in the gardens which will make users feel more secure.  
The total cost of the toilet refurbishment is £48,257, and this will be

split three ways. With a contribution of £30,027 To come from a further S106 developer contribution from development MA/05/0211, which is subject to an additional report. The final part of the funding will come from the Property section in the council.

- 1.3.7 £4,000 for protection of the War Memorial steps. The War Memorial has suffered from Skateboarders using it to try out their various tricks and moves. By installing some form of protection on to the steps of the War Memorial skateboarders will be prevented from using it to practice which will help to preserve the condition of the War Memorial

#### 1.4 Alternative Action and why not Recommended

- 1.4.1 The money could be spent in a different way. However, this is not recommended as all Parks and Leisure Section Officers with their respective disciplines were invited to comment on this useable financial resource. Consultation with ward councillors was additionally taken into account in identifying these works. The works listed are those most highly recommended on a priority basis for the locality given.

- 1.5.1 Another alternative is delay allocating and using the developer contribution. This is not recommended, as after a period of 5 years, the money would need to be paid back to the developer with accrued index-linked interest.

- 1.5.2 This would not benefit the residents of the Borough in any way or fulfill the reasoning behind writing an off-site contribution into the Heads of Terms of the S106 during the application process.

#### 1.6 Impact on Corporate Objectives

- 1.7 Using these resources as indicated contributes to achieving the following corporate objectives and outcomes as detailed in the Councils Strategic Plan 2011-15:-

- i) For Maidstone to be a decent place to live and continue to be a clean and attractive environment for people who live and visit the Borough

#### 1.8 Risk Management

- 1.8.1 The Council is subject to the risk of having to repay the developer its index-linked contribution should the monies not be spent within the allocated time span (5 years from receipt). It could also open itself to adverse public and representative criticism should it fail to do carry out the proposed works.

1.9 Other Implications

1.9.1

1. Financial	X
2. Staffing	
3. Legal	
4. Equality Impact Needs Assessment	
5. Environmental/Sustainable Development	
6. Community Safety	X
7. Human Rights Act	
8. Procurement	
9. Asset Management	

1.9.2 Financial implications – the costs are met from the S106 agreement

1.9.3 Community Safety implications – the Council’s Community Safety team and the Police architectural liaison officer have been consulted and agree to the proposals

1.10 Background Documents

Maidstone Borough Council Strategic Plan 2011-15  
Open Space Development Plan Document (2006)

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Is this a Key Decision?      Yes          No   

If yes, when did it appear in the Forward Plan? \_\_\_\_\_

Is this an Urgent Key Decision?      Yes          No   

**How to Comment**

Should you have any comments on the issue that is being considered please contact either the relevant Officer or the Member of the Executive who will be taking the decision.