

Report of Planning Services

Report to Planning Board

Date: 27 March 2015

Subject: S106 MONIES RELATING TO MIDDLETON DISTRICT CENTRE.

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Middleton	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The Council currently holds £190,000 of monies paid by Asda as part of a s106 legal agreement. This money is to be used for improvements to the public realm around Middleton District Centre.
2. Planned improvements have now been drawn up, but do not strictly comply with the wording of the legal clauses. Approval is therefore sought for release of the funds in accordance with a scheme that has been submitted by the Town Team.

Recommendations

3. The Chief Planning Officer is requested to agree to the release of £190,000 from Asda s106 contributions to Middleton District Town Team for public realm improvements.

1 Purpose of this report

- 1.1 To agree the spending of s106 monies arising from development at Asda, St Georges Rd, Middleton, on improvements to Middleton District Centre.

2 Background information

- 2.1 Asda obtained planning permission in 2011 to construct a superstore, car park and office building on a former industrial site, accessed off St Georges Way in Middleton. The store is now built and operating and is sited just on the edge of the identified town centre, Middleton District Centre. The MDC is located to the other side of St Georges Road to Asda.
- 2.2 As part of the original permission a s106 legal agreement was entered into which included 2 contributions of relevance to this report.
- 2.3 Firstly there was a £40,000 contribution towards “District Centre Improvements” which was to be used by the Council to procure “improvements within the Middleton District Centre to include car park resurfacing, landscaping and improvements to shop frontages”.
- 2.4 Secondly there was a £150,000 “District Centre Public Realm Improvement” contribution which was to be used by the Council to procure improvements to the public steps that lead from the District Centre down onto St George’s Road. The clause was worded to include the following: “or other such works as the Council may require to improve the District Centre and which have first been notified to and approved by the Third Owner acting reasonably”. The Third Owner is the owner of the District Centre properties and land.
- 2.5 Since the monies were received by the Council there have been ongoing discussions between Ward Members, the district centre owners, and the occupiers of the retail units in the district centre, as to how the monies should best be spent.
- 2.6 A breakdown of how the monies are now proposed to be spent has been received but does vary slightly from the exact phrasing of the s106, for this reason the matter is referred to Planning Board to seek approval for release of the funds.

3 Main issues

- 3.1 The improvements proposed include works to car park surfaces, including new tarmac, lining, improvements to manholes, block paved areas around trees etc. Also proposed is a ground lighting scheme around planters and on walkways, re-branding of the centre, a new balustrade to the top of the steps onto St George Road, and the installation of an old train carriage onto the embankment outside the centre to be used for advertising the centre (and local initiatives).
- 3.2 The main area of concern is to do with the Public Realm Improvements. Initially it was felt that the steps that lead from the Centre onto St George Road were in need of renovation and enhancement, and the idea was that connections between the Centre and the new Asda should be improved. In part this has been achieved

by the off-site highway works that have taken place, funded by Asda, which includes a toucan crossing between the two sites. In light of this, and considering the existing access arrangements that are in place (there is ramped access at all entrance points) it was decided that the money should be used to enhance the visual appearance of the area, rather than by renovating the steps. This decision was reached by the Ward Members, the district centre occupiers, owners of the shops and agreed by Asda as well.

3.3 Legal advice was sought on how the money could be spent and it was advised that provided all parties were in agreement, and subject to proper process by the Council then it would not result in any clause of the s106 being breached.

3.4 The Chief Planning Officer is therefore asked to agree to the release of funds held by the Council to pay for the improvements.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Ward Members, the centre owners and occupiers of the shops have undertaken negotiations to determine the works they wish to see carry out.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 There are no Equality Diversity Cohesion and Integration issues.

4.3 Council policies and City Priorities

4.3.1 The improvement of the district centre has long been sought, and would fit with Council's plans to improve Regeneration Areas.

4.4 Resources and value for money

4.4.1 Not relevant, involves spending of third party monies.

4.5 Legal Implications, Access to Information and Call In

4.5.1 No legal implications.

4.6 Risk Management

4.6.1 Not relevant.

5 Conclusions

5.1 The proposed spending of the s106 monies has been agreed by all relevant parties, and complies with the spirit of the original clauses.

6 Recommendations

6.1 The Chief Planning Officer is requested to agree to the release of £190,000 from Asda s106 contributions to Middleton District Town Team for public realm improvements.

7 Background documents¹

7.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.