

Crawley Borough Council

Consideration Report for Delegated Decision by Leader

Expected Date of Decision 5th January 2018

S106 Monies for Site of Former Ifield Community College, Lady Margaret Road, Ifield (Highway Works)

Report of the Head of Economic & Environmental Services: **PES/265**

1. Purpose

- 1.1. This consideration report seeks Council Leader approval for the transfer of S106 Highways monies to West Sussex County Council, these monies have been received for the provision of Roundabout Works at Ifield Drive/ Ifield Avenue mini roundabout.

2. Recommendations

- 2.1. To the Leader: Approve the transfer of £229,597.59 of Section 106 monies, for Roundabout Works services, to West Sussex County Council.

3. Reason for Recommendations

- 3.1. Section 106 monies must be used for the purpose specified in the associated legal agreement. The monies that are being allocated in this report are specifically required to be allocated to roundabout works at Ifield Drive/ Ifield Avenue mini roundabout as set out in Roundabout Works Plan.

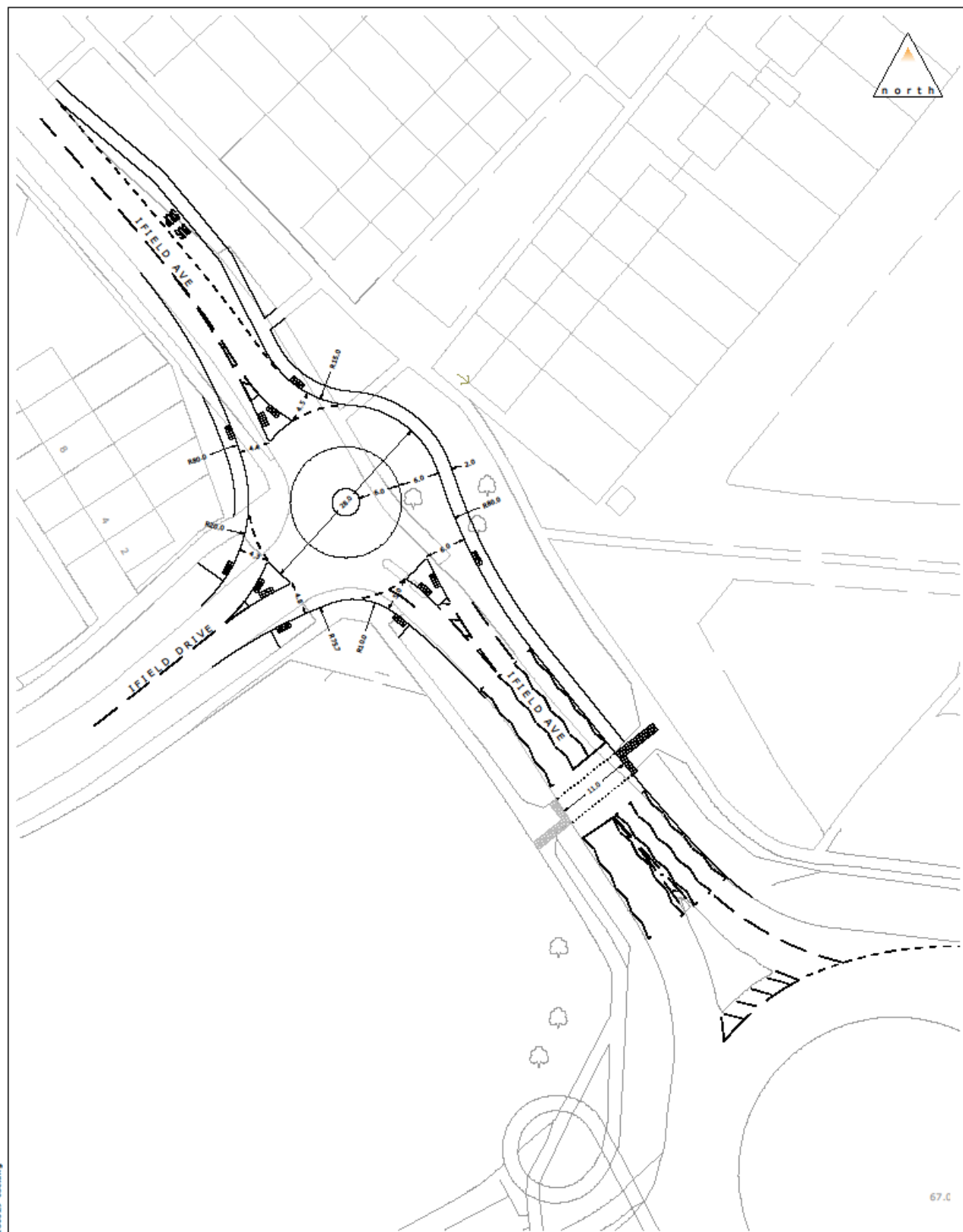
4. Background

- 4.1. Monies for roundabout works at Ifield Drive/ Ifield Avenue mini roundabout has been received through Section 106 legal agreement connected to planning permissions for a residential development, for immediate onward transmission to the County Council.

5. Description of Issue to be resolved

- 5.1. The need carry out the roundabout works as set out in the S106 clause below and the accompanying works plan.

PLANNING REF	ADDRESS	VALUE	S106 Clause
CR/2015/0389/FUL	SITE OF FORMER IFIELD COMMUNITY COLLEGE, LADY MARGARET ROAD, IFIELD	£229,597.59	9.31 Prior to the occupation of the 50 th unit, pay the council, for immediate onward transmission to the county council, the roundabout contribution. The enlargement of the existing Ifield Drive/Ifield Avenue mini-roundabout to form a compact roundabout as shown for the purposes of identification only on the Roundabout Works Plan



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motion

230 High Street
Guildford
Surrey
GU1 3SP

T: 01483 531 300

Golden Cross House
8 Dancannon Street
London
WC2R 4JF

T: 020 7031 8141

www.motion-uk.co.uk

Project:
Former Ifield College

Title:
Proposed Ifield Drive / Ifield Avenue Mitigation Scheme

Scale: 1:500 (A3)

Notes:

Drawing:
130529-03

Revision:
C

- 5.2. This scheme is deemed an eligible use of S106 monies since it is in line with the legal agreement, presented above.

6. Information & Analysis Supporting Recommendation

- 6.1. WSCC as the Local Highway Works Authority identified where to allocate the S106 monies, taking into account the impact of the development.

7. Implications

Financial Implications

- 7.1. The monies being allocated have been received from one developer through an S106 agreement associated with residential development. The terms of the legal agreement require the monies to be spent on the specific provision of roundabout works at Ifield Drive/ Ifield Avenue mini roundabout. Therefore other uses for the monies cannot be considered. The monies are currently held by the Borough Council and will be transferred to WSCC.

Legal Implications

- 7.2. Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as S106 agreements, are a mechanism which make a development proposal acceptable in planning terms. The legal agreement sets out the obligations which are appropriate to that development and must be complied with.

Other Implications

- 7.3. The monies will be spent by WSCC as stipulated in the S106 agreement. Therefore there are no other direct implications to the Borough Council in relation to the implementation of the schemes to which the monies are being allocated.
- 7.4. The Constitution states that the Leader has the authority to approve the transfer of S106 monies between £100,000 and £500,000 to West Sussex County Council which have been collected specifically for spend categories within the County Council's remit.