

Report of:	Head of Economic Prosperity
Contact Officer:	Angela Grove
Telephone No:	01543 464517
Portfolio Leaders:	Town Centre Regeneration / Economic Development & Planning / Culture and Sport
Key Decision:	No
Report Track:	Cabinet: 14/03/19

CABINET**14 MARCH 2019****APPROVAL TO SPEND SECTION 106 MONIES: IMPROVEMENTS TO TOWPATH SURFACE AND ACCESS ON TRENT AND MERSEY CANAL AND RAVENHILL PARK IN BRERETON****1 Purpose of Report**

- 1.1 To seek Cabinet approval for expenditure of Section 106 (S106) funding held by the Council for the purpose of improvements to the surface and access to the Trent and Mersey Canal towpath as a contribution to a larger scheme of towpath works planned by the Canal and River Trust (CRT) and improvements in Ravenhill Park in Brereton.

2 Recommendations

- 2.1 That Cabinet agree to allocate S106 monies into the Council's budget to facilitate implementing improvements to the towpath surface and access to the Trent and Mersey Canal in Brereton.
- 2.2 That Cabinet authorise expenditure of the S106 monies held by the Council via implementation by the CRT to carry out towpath and access improvements as generally described in this report.
- 2.3 That authority to enter into any legal agreements between Cannock Chase Council (CCDC) and the CRT required to facilitate the funding and delivery of the proposed work be delegated to the Head of Economic Prosperity in consultation with Portfolio Holders.
- 2.4 That Cabinet agree to allocate and authorise to spend the balance of the sum £8,366 in Ravenhill Park.

3 Key Issues and Reasons for Recommendation

Key Issues

- 3.1 Two planning applications for residential development adjoining the Trent and Mersey Canal in Brereton attracted S106 public open space planning obligations towards towpath and access improvements to the Canal near each site and towards improvements to the existing open space in Ravenhill Park. These sums, currently held by the Council, amount to a total of £19,816.90, comprising £13,766 towards the towpath and access improvements and £8,366 towards Ravenhill Park. Both residential sites have now been developed and the dwellings are occupied.
- 3.2 Recent discussions with CRT in connection with a scheme in Rugeley relating to expenditure of the Tesco S106 monies on public realm improvements (which was authorised by Cabinet on 12th July 2018) revealed the CRT intention to implement a scheme of towpath surface and access enhancements in Brereton and it is considered beneficial to all parties if the Council's S106 funds could be contributed to the CRT for use in conjunction with their own project, thus achieving a more comprehensive result for local residents, in particular the new residents of the contributing sites.
- 3.3 Canal towpath and access improvements form a continuing aspiration of this Council through their contribution to encouraging walking and cycling around the District and in particular sustainable links with Rugeley town centre, with potential health, social and economic benefits as well as the opportunity to encourage interest in the canal- related heritage of the District and to work in partnership with the CRT.
- 3.4 The District Council own Ravenhill Park and the Parish Council have raised the issue of unauthorised parking along the main drive. Existing timber bollards have reached the end of their life so the District Council proposes bollard replacement to address the issue.

Reasons for Recommendations

- 3.5 The Council currently holds S106 monies within its accounts which, once received, need to be spent on the required purposes. The Trent and Mersey Canal is under the control of the CRT, a charity which exists to maintain and develop the inland waterway network to fulfil its economic, social and environmental potential. Expenditure of funds acquired to benefit new residents on the development sites (as well as existing residents in the surrounding area) by improving pedestrian linkages along the Canal would in any case require liaison with CRT, and by contributing to their own scheme would maximise potential benefits.
- 3.6 The adopted Rugeley Town Centre Area Action Plan 2014 seeks to raise the profile of the Trent and Mersey Canal corridor. In addition, the Trent and Mersey Canal is a Conservation Area throughout Staffordshire and Members may recall seeing a new Conservation Area Appraisal and Management Plan SPD at their meeting on 7th February 2019 seeking adoption as Council planning policy. One

of the recommendations of these documents is to work with the CRT to pursue public realm improvements along the Canal, including towpath enhancements. Opportunities for improved cycle and pedestrian linkages between the canal and its surroundings, particularly Rugeley town centre and enhanced access to the towpath at key locations are also noted to be pursued. In addition the documents highlight that new development on the former Power Station site c.300m north of the Canal will benefit from a network of pedestrian and cycle links, including to the Canal, connecting development with the surrounding area and providing future residents and employees with an attractive route to shopping and leisure facilities in Rugeley town centre. The proposed expenditure therefore fully accords with planning policy.

4 Relationship to Corporate Priorities

4.1 This report supports the Council's Corporate Priorities as follows:

- Promoting Prosperity - contributing to creating a positive environment in which businesses in the district can thrive; and creating strong and diverse town centres to attract additional customers and visitors.
- Community Wellbeing - contributing to opportunities for healthy and active lifestyles; sustaining safe and secure communities and promoting attractive and healthy environments.

5 Report Detail

5.1 The two residential development sites from which the S106 funds subject of this report were generated are as follows: (a) Section 106 dated 8 April 2008,(Q248)relating to the former Lea Hall Garage (Bradbury and Brown) site on Armitage Road, Brereton adjacent to the Canal (now known as 103-119 Armitage Road and 1-8 Woodbury Walk) approved under planning application CH/07/0509, which generated a contribution of £16,733 'towards pedestrian access improvements to the Trent and Mersey Canal in the vicinity of the land and towards improvements to the existing public open space in Ravenhill Park'; it is proposed to split this sum 50-50 allowing £8,366 for the Canal towpath work and the same amount for Ravenhill Park; and (b) Section 106 Unilateral Undertaking dated 21 December 2015(Q256) relating to a site at Wheelhouse Road/Armitage Road at the southern end of the Towers Business Park adjacent to the Canal (now known as 1-15 Great Meadow Lane, 1-3 Middle Bannisters Road and 2-10 Lower Croft) approved under planning application CH/14/0399 which generated a contribution of £5,400 'towards surface and access improvements to the towpath on the Trent and Mersey Canal adjoining the land'. The total sum available to allocate to CRT is therefore £13,766 and the total sum available to allocate to Ravenhill Park is £8,366.

5.2 The surface of the towpath varies greatly through the District with the central section close to the town centre finished in a 'Breedon gravel' type self binding surface, which is well used and attractive to pedestrians and cyclists. To the north and south the path has a more natural finish, which is inclined to be muddy. The condition of the south section in particular was mentioned in the

recent public consultation on the Conservation Area documents by Brereton and Ravenhill Parish Council as impeding use by disabled and less able people and by parents with pushchairs. In places the Canal bank has collapsed and would benefit from strengthening to help support the towpath running alongside. The towpath is accessible to the public from various points along its length beside the road bridges and in some places the access points would also benefit from improvements to surfacing and gradient.

- 5.3 The Council is obligated by the terms of the S106 Agreements to use to monies for the purpose stated. The opportunity to contribute the total sum of £13,766 to the CRT to use in conjunction with a scheme of their own will maximise the effect of the expenditure in the appropriate location and provide the most efficient means of administering all available funds in a comprehensive and complementary way. The wider CRT project proposes the investment of c.£200,000 on the canal corridor in Brereton from March 2019 onwards on a scheme of towpath surfacing/resurfacing and associated bank repair.
- 5.4 The expenditure will help secure aspirations of Council planning and building conservation policy as well as contributing to enhancement of the District by improving access along the very attractive Canal corridor for all users, this supporting the Council's Corporate Priorities.
- 5.5 The District Council own Ravenhill Park and the Parish Council have raised the issue of unauthorised parking along the main drive despite the District Council painting double yellow lines and installing bollards. These measures have been successful but the bollards used at the time of installation in 2001 were wooden and as a result have now rotted. Elected Members have recently raised the issue of the bollards being pulled out to allow unauthorised parking in the Park. The Parish Council also have a need for a dray wagon to access the side of their building to deliver supplies. The introduction of a licenced bar in the Community Centre was a later addition and as such the side of the building where access is gained can also allow vehicles to enter the Park. It is proposed to use this funding to purchase and replace these bollards down the main drive.

6 Implications

6.1 Financial

The Council has received two separate S106 contributions for the purpose of improvements to the Trent and Mersey Canal/Ravenhill Park which are held in the Council's reserves. There is no payback provision on either amount. The report now requests the inclusion of £13,766 into the Council's budgets for the purpose of contributing to a larger scheme delivered by the CRT. The amount requested is below the de minimis limit for Capital schemes of £20,000 and so will be treated as Revenue expenditure. Similarly in respect of Ravenhill Park the funding of £8,366 would be allocated to the relevant parks revenue code.

6.2 Legal

The Council is obligated by the terms of the S106 Obligations to use the funding identified above to carry out the works as stated and by contributing to

the CRT towpath improvement scheme and funding improvements to Ravenhill Park would be complying with its obligations. A legal agreement between the Council and CRT will be required to facilitate funding and ensure delivery of the towpath works.

6.3 Human Resources

Any implications will be met from existing staff resources including the anticipated S106 Officer post.

6.4 Section 17 (Crime Prevention)

No Crime Prevention implications.

6.5 Human Rights Act

No Human Rights Act implications.

6.6 Data Protection

The Council's Fair Processing Notice sets out how key data is used in compliance with the General Data Protection Regulation (GDPR) however no personal data is collected in connection with these projects.

6.7 Risk Management

No Risk Management implications.

6.8 Equality & Diversity

The proposed towpath/ access improvements will help to enhance sustainable access opportunities between Rugeley Town Centre, the Trent and Mersey Canal, the Towers Business Park and surrounding residential areas, and potentially the future Power Station development site to the benefit of the whole community. The proposed bollard replacement in Ravenhill Park will help to enhance sustainable access opportunities within the Park.

6.9 Best Value

A contribution of the S106 monies to the proposed CRT towpath improvement scheme is considered most likely to give best value for money.

7 Appendix to the Report

None

Previous Consideration

None

Background Papers –

- Rugeley Town Centre Area Action Plan 2014;
- Draft Trent and Mersey Canal Conservation Area Appraisal and Management Plan SPD 2018;
- Planning Obligation by agreement pursuant to Section 106 of the Town & Country Planning Act 1990 (as amended) between Cannock Chase District Council and Janet Smith and Robert Brown and Walton Homes Ltd dated 08/04/2008;
- Unilateral Undertaking pursuant to Section 106 of the Town & Country Planning Act 1990 (as amended) Spring Rugeley Ltd (acting by its LPA Receiver) and HSBC Bank plc dated 21/12/2015.