



Planning Committee

Central Ward

14 July 2009

REDDITCH BUS STATION – TAXI RANK ARRANGEMENTS - VARIATION OF PLANNING OBLIGATION (SECTION 106 AGREEMENT)

(Report of the Head of Planning & Building Control)

1. Summary of Proposals

To consider a variation to the Section 106 Agreement (planning obligation) associated with the Redditch Bus Station redevelopment in order to release the other parties from a requirement that is no longer appropriate and thus should not be perpetuated, relating to the details of the taxi strategy.

This report cross-references to details approved under Planning Application 2000/168 and is therefore business for the Planning Committee. (2000/168 was an application for Demolition of Existing Buildings and Erection of Four Storey Building Comprising Bus Station at Kingfisher House, Station Way, Redditch)

2. Recommendations

The Committee is asked to RESOLVE that:

the variation to the Section 106 Agreement, dated 3 November 2000 and made between 1) Thornfield Properties (Redditch) No.1 Ltd, 2) Bank of Scotland, 3) Mable Commercial Funding Ltd, 4) The Council of the Borough of Redditch and 5) Worcestershire County Council, regarding the taxi strategy obligations therein, be agreed; namely that the requirement for the use of the feeder rank and signage be now waived and deleted from the Section 106 Agreement, as it has in practice proven to be ineffective and unhelpful to taxi customers.

3. Financial, Legal, Policy, Risk and Sustainability Implications

Financial

- 3.1 The cost to the Council of varying the agreement will need to be borne, but the other party has agreed to bear their own costs. The Council's costs will be met from within existing budgets.
- 3.2 The financial contributions required as part of the planning obligation have been paid, and either spent or committed.

Legal

- 3.3 The legislative framework is provided by Section 106 of the Town and Country Planning Act 1990 (as amended).
- 3.4 Planning obligations, also known as Section 106 Agreements, are typically negotiated between local authorities and developers in the context of granting planning consent. (Sometimes they can take the form of unilateral undertakings made by developers.) They provide a means to ensure that a proposed development contributes to the creation of sustainable communities, particularly by securing contributions towards the provision of necessary infrastructure and facilities required by local and national planning policies.

Policy

- 3.5 Developers are required to provide infrastructure required as part of new developments having regard to standards set out in the Local Plan in force at that time.

Risk

- 3.6 If agreement cannot be reached on the proposed variation, difficulties could occur for the Council's Taxi Licensing Team in their enforcement and liaison roles as the agreed details cannot be complied with for practical reasons.

Sustainability / Environmental

- 3.7 No Sustainability / Environmental / Climate Change implications have been identified.

Report

4. Background

- 4.1 As well as financial contributions, the planning obligation required the submission, agreement and implementation of a taxi strategy prior to the commencement of the use of the bus station. Details were submitted, agreed and implemented.
- 4.2 The agreed taxi strategy required the provision of taxi ranks in three locations – for 8 spaces on the Chicago Rock side of Unicorn Hill, for 5 spaces within the bus station and for 2 spaces at the railway station, as well as a feeder rank with 8 spaces on Station Way.

Associated with this was the provision of infrastructure including a sign at the feeder rank giving information on where there are spaces available, and the necessary sensors and equipment to make the system work.

5. **Key Issues**

- 5.1 Two areas of the agreed taxi strategy have proved to be unworkable, and therefore it is suggested they should be waived from the remaining requirements of the taxi strategy.

Feeder rank

- 5.2 The feeder rank is such that taxis queuing within it cannot leave to answer calls that they receive, and as such its use is not encouraged as it increases response times and causes frustration.

Signage

- 5.3 The signage technology and links between the taxi waiting area and the feeder rank, which should inform taxis when they should depart the waiting area for the feeder rank because there is space for them, does not work, as other taxis can queue jump if they return from other calls directly to the feeder rank.
- 5.4 For these two combined reasons, the use of the waiting area and feeder rank has become ineffective and unhelpful to taxi customers, and as such it is therefore recommended that their implementation, as required in the Planning Obligation, be waived. Officers have considered alternative arrangements in lieu of these, and consider that without these two items, the current arrangements are more than adequate, and therefore do not require any alternatives to be inserted in their place.

6. **Other Implications**

No Asset Management, Community Safety, Human Resources, or Social Inclusion implications have been identified so far.

7. **Lessons Learnt**

This is considered to be a relatively unique situation and thus would have been difficult to foresee when the obligation was written. However, general lessons relating to the content and drafting of planning obligations are always being learned and put into practice.

8. **Consultation**

There has been no consultation other than with relevant Borough Council Officers.

9. **Background Papers**

Original Section 106 Agreement associated with the development of land at Station Way and the planning and legal files.

10. **Author of Report**

The author of this report is Ailith Rutt (Development Control Manager), who can be contacted on extension 3374 (email:-ailith.rutt@redditchbc.gov.uk) for more information.

11. **Appendices**

None.

12. **Glossary of Terms**

A **Planning Obligation** is a mechanism for requiring financial and other conditions to be attached to proposed development, and must be in compliance with the statutory planning framework.

They most commonly take the form of a legal agreement, often known as a S106 agreement relating to the relevant legislation, although they can also be Unilateral Undertakings, where a land owner undertakes to do specified actions or make specific payments, without the Council being party to an agreement. These are more commonly used in appeal situations.