



Oldham
Council

Delegated Decision

Proposal to allocate Section 106 resources from DB 325 - Land at Borough Mill, Neild Street (PA/58539) – to the minimum of 10 years maintenance for the on site play facilities and Public Open Space at Borough Mill, and allocation of a sinking fund.

Portfolio Holder: Councillor Barbara Brownridge, Cabinet Member for Co-operatives and Neighbourhoods

Report of: Helen Lockwood, Executive Director Economy, Skills and Neighbourhoods

Report Author: Joanne Robinson, Regeneration Officer (Technical)
Ext. 4186

4th January 2018

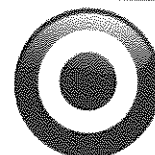
Reason for Decision

To seek approval for the allocation of resources secured through Section 106 planning obligations to fund allocation of £2,500 per annum for a minimum of 10 years plus any interest accrued, to maintain the on site play facilities and Public Open Space at Borough Mill. Also the allocation of a £22,000 sinking fund for repairs and renewals and other one off costs.

Recommendations

To approve the allocation of £49, 813.01 Section 106 resources from DB 325 - Land at Borough Mill, Neild Street (PA/58539) to Environmental Services for the following purposes:

- £25,813.01 (plus any further interest accrued) for a minimum of 10 years maintenance
- £22,000 for the allocation of a sinking fund for repairs and renewals and other one off costs.
- £2,000 for remedial works to bring the adopted facilities to an acceptable standard



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1 Background

- 1.1 Planning permission for the development at land at Borough Mill, Neild Street (PA/58539) was granted subject to the developer first entering into a Section 106 planning obligation. This obligation required the developer, Countryside Properties (UK) Ltd, to transfer the area of Public Open Space (POS) to the council at nil cost and also pay £47,000 to the costs of future maintenance of the public open space. This sum was paid 11/02/2017. With interest accrued this figure is now totals £47,813.01. There is a 12 year expiry from date of the land transfer unless the commuted sum is spent or committed to be spent.
- 1.2 There are issues requiring remediation in respect of certain elements of the facility to be adopted by the Council. The developer was asked to either carry out the necessary remedial works or pay an additional £2000 for the Council to do it. £2,000 was received from the developer in March 2017.

2 Current Position

- 2.1 The land transfer is currently in progress and the remedial works will be carried out by Environmental Services once the land has been transferred to the Council.
- 2.2 Environmental Services has provided costs for maintenance of the on-site POS as £2,500 per annum. At this rate it is expected that the maintenance will last for a minimum of 10 years. It is also proposed to set aside £22,000 of the commuted sum as a sinking fund to deal with repairs/renewals and one off costs in relation to the upkeep of the open space.

2.3 Costs

Item	Amount
Site maintenance for a minimum of 10 years @ approx. £2500 per annum plus any interest accrued	£ 25,813.01
Sinking fund	£ 22,000.00
Remedial works to bring the adopted facilities to an acceptable standard	£ 2,000.00
Total	£ 49,813.01

2.4 Funding

Source	Amount
DB 325 - Land at Borough Mill, Neild Street Oldham (PA/58539)	£49,813.01
Total	£49,813.01

3 Options/Alternatives

3.1 Do Nothing – this is not an option. The terms of the Section 106 agreement specifies that that the Council must use the commuted sum paid by the developer for the maintenance of the on-site POS. Any funding not spent or allocated within 12 years after the transfer of the land to the Council must be returned to the developer.

3.2 Allocate the S106 funding towards the maintenance of the onsite POS and to set aside a sinking fund to deal with future repairs/renewals and one off costs in relation to the open space. This is in accordance with the provisions of the S106 obligation.

4 Preferred Option

4.1 Allocate the S106 funding towards the maintenance of the onsite POS and to set aside a sinking fund to deal with future repairs/renewals and one off costs in relation to the open space in accordance with the S106 obligation.

5 Consultation

5.1 Not applicable.

6 Financial Implications

6.1 Capital Implications

There are no Capital Implications.

6.2 Revenue Implications

The balance of Section 106 funding available for DB 325 is £49,813.01. The cost of Revenue works as set out in section 2.4 can be fully funded from the available S106 funds.

6.3 The maintenance requirement after the 10 year period will require additional funds to be secured or it will have to be addressed as part of the overall annual environmental services maintenance budget.
(Chris Curran/Sadrul Alam)

7 Legal Services Comments

7.1 The proposals are an appropriate use of the section 106 funding. (A Evans)

8. Co-operative Agenda

8.1 There are no co-operative issues or opportunities arising from this report.

9 Human Resources Comments

9.1 Not applicable

10 Risk Assessments

10.1 The Head of Corporate Governance was consulted, no comments were received.

11 IT Implications

11.1 Not applicable.

12 Property Implications

- 12.1 The recommended course of action would fulfil both the developers obligations in respect of the transfer of the land and the Council's with regard to the allocation of the S.106 monies collected. The agreement will also secure the provision of a well maintained play facility at this particular location, for which an identified demand was established as part of the planning process.
Bryn Cooke.

13 Procurement Implications

- 13.1 Not applicable

14 Environmental and Health & Safety Implications

- 14.1 The remediation works will improve the condition of the open space and its annual maintenance will ensure that it is kept in a good state. The sinking fund will ensure that potential future repairs/remediation can be carried out when necessary.

15 Equality, community cohesion and crime implications

- 15.1 The site is public open space which is accessible to all throughout the year.

16 Equality Impact Assessment Completed?

- 16.1 No

17 Key Decision

- 17.1 No

18 Key Decision Reference

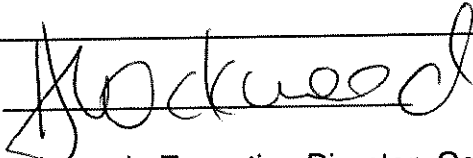

- 18.1 N/A

19 Background Papers

- 19.1 None

20 Appendices

- 20.1 None

Signed  Helen Lockwood, Executive Director, Co-operatives and Neighbourhoods	Dated <u>21/12/17</u>
Signed  Councillor Barbara Brownridge, Cabinet Member for Co-operatives & Neighbourhoods	Dated <u>4.1.18</u>