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**Delegated Officer Report**  
**(Non Key and Contracts up to a value of £100k)**

**Decision Maker:** Carol Brown – Director of Environmental Services

**Date of Decision:** 16 June 2021

**Subject:** Proposal to allocate S106 resources from DB401 - Hive House, Hive St Hollinwood (PA/339344) for the provision of replacement safety surfacing at Incline Road Play Area.

**Report Author:** Joanne Robinson

**Ward (s):** Hollinwood

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**Reason for the decision:** To seek approval for the allocation of resources secured through Section 106 (S106) planning obligations to fund the provision of replacement safety surfacing at Incline Road Play Area

**Summary:** Planning permission for the development at Hive House (PA/339344) was granted subject to a Section 106 planning obligation. The obligation was signed on 22/08/2017, whereby the developer agreed to pay the sum of £6,000.00 upon completion of the agreement for the provision of safety surfacing within the Incline Road play area. This was paid 22/08/2021 and with interest the sum now totals £6,134.32. There is no time limit on the length of time the Council has to spend this contribution. The current safety surfacing at Incline Road Play Area is in urgent need of replacement. It has become uneven and is at the end of its serviceable life. It needs to be replaced before it becomes a risk to users of the play area. Environmental Services have sought costs for

the required works, which total £4,461. This includes the supply and fitting of the safety surfacing, and supply and erection of Heras fencing around the area for the duration of the contract.

The works will be carried out by a specialist contractor.

As part of this report it is also proposed to allocate the remaining £1,673.32 (plus any future interest accrued) for any 'patch repair' of the safety surfacing, as and when required. Thus allocating the whole of the S106 contribution (plus interest) for replacement safety surfacing and ongoing repairs.

There are no revenue implications to this project as it involves an existing play area, which is covered by the Environmental Services maintenance budget (Glenn Dale).

***What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):***

Option 1 - do nothing. This is not an option. The provisions of the S106 agreement is specifically to enable the replacement of the safety surfacing at Incline Road Play area, and not to carry out this scheme would go against the obligations of the agreement, and risk the Council having to return the money unspent to the developer.

Option 2: To allocate the S106 funding as set out in the report to enable the safety surfacing to be replaced, and the remaining funding available to be allocated to fund future patch repair of the new surfacing, as and when required. This is the preferred option.

***Consultation: including any conflict of interest declared by relevant Cabinet Member consulted.***

*Consultation was carried out as part of the planning process prior to the approval of the development. This process resulted in the requirement for the developer to enter into a S106 agreement and pay a commuted sum for the improvement of the safety surfacing at Incline Road play area.*

***Recommendation(s):***

*To approve the allocation of £6,134.32 Section 106 resources (plus any interest accrued) from DB401 - Hive House, Hive St Hollinwood (PA/339344) to Environmental Services for the*

*replacement of safety Surfacing at Incline Road Play area, Hollinwood, and it's future repair.*

**Implications:**

*What are the **financial** implications?*

The costs for the replacement of safety surfacing at Incline Road Play area, Hollinwood, will be £4.46k and charged against the Environmental Services revenue budget.

This will be funded from an existing Section 106 resource (DB401 - Hive House, Hive St Hollinwood) which has a total value of £6.13k.

If this spending proposal is agreed, the balance of funding remaining against the relevant S106 resource (DB401) will be £1.67k.

The remaining balance will be held and used for patch repairs to the play area when required.

(John Edisbury)

*What are the **legal** implications?*

The proposals are an appropriate use of the S106 funding (A Evans)

*What are the **procurement** implications?*

The Commercial Procurement Unit supports the recommendation outlined in the report. Environmental Services sought one quote from a specialist contractor, in line with the Councils Contract Procedure rules. (Emily Molden)

*What are the **Human Resources** implications?*

N/A

*What are the **Children and Young People** Implications?*

None. This project will result in the improvement of a facility for children in the vicinity of the Play area.

***Equality and Diversity Impact Assessment** attached or not required because (please give reason)*

N/A

*What are the **property** implications*

*This involves the improvement of an existing Council asset which is already being maintained by the Council within existing resources.*

**Risks:** This project is to renew the safety surfacing at an existing play area. A suitably qualified specialist contractor will carry out the work.

**Co-operative agenda** The provision of well maintained play facilities is important to local residents and provides locations for local communities to get together, and help support a strong sense of local identity and belonging.

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Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council’s Constitution? **Yes/No**

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council’s budget? **Yes/No**

Are any of the recommendations within this report contrary to the Policy Framework of the Council? **Yes/No**

**There are no background papers for this report**

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<b>Report Author Sign-off:</b>	
	
<b>Date:</b>	15.06.21

In consultation with Director

Signed :  . Date: 16 June 2021