

Delegated Officer Report

Decision Maker: Nasir Dad, Director of Environment

Date of Decision: 28 April 2023

Subject: Proposal to allocate Section 106 resources from DB 432 (PA/343302) Land at rear of Dog & Partridge Public House, Medlock Road, & DB427 (PA/34055) Land at 165 Medlock Road, Failsworth for improvements to Stamford Drive/Woodhouse Park Playspace, plus ongoing future maintenance and the award of the contract.

Report Author: Robin Durkan – Landscape Architect

Ward (s): Failsworth East

Reason for the decision: To seek approval for the allocation of resources secured through Section 106 agreement and subsequent award of contract to winning tenderer for the improvements to Woodhouses Playspace, Stamford Drive, Woodhouses.

Summary: Planning permission for the development of land at the rear of the Dog & Partridge (*DB 432*) (PA/343302) was granted subject to the developer entering into a Section 106 planning obligation. This obligation was signed on 13/01/2020, whereby the developer, Fred and John Buxton and The Sheridan Group Ltd, agreed to pay to the Council commuted sums of £50,000 for the provision of affordable housing within the Borough of Oldham and £110,000 (£55,000 for capital expenditure and £55,000 for maintenance expenditure) for the improvement of play equipment at Stamford Drive Play Area, Failsworth. This contribution was received on 7 September 2021 and included an additional payment of £3,533.87 as it was a late payment. This report seeks to allocate the open space contribution and any interest accrued for

the improvements to Stamford Drive Play area improvement and its ongoing future maintenance.

A second S106 obligation relating to land at 165 Medlock Road (DB 427) (PA/34055) was signed on 19/11/2019. The developer, Carl David Garrity, agreed to pay a commuted sum of £11,017.28 (comprising £6,827.84 laying out costs and £4,189.44 maintenance costs) for the enhancement and improvement of existing public open space in the vicinity of the Site. Specifically, the Stamford Drive play area, Failsworth. This contribution was paid on 23 February 2023.

It is now proposed to use these two S106 contributions towards the scheme to make improvements to Stamford Drive/Woodhouse Park Playspace, and ongoing future maintenance.

The playspace in Woodhouse Park needs investment; some of the existing equipment has come to the end of its life and starting to be removed for safety reasons. New residential properties surrounding the park and families throughout the village are keen to see improvements to enhance the facility to allow more time to be spent in their neighbourhood, fostering greater community cohesion.

The proposal includes removal of redundant play equipment, installation of new play equipment in a landscape-led playspace that occupies more of the park to provide a fit for purpose area where a greater age range can play alongside each other.

Proposals to create a more attractive, inclusive and engaging space for all including natural landscape features like mounds, trees and other planting and the removal of deteriorating rubber surfaces to be replaced by loose fill materials more fitting to the surroundings and providing more fun and a greater biodiversity value for the park.

A request for quotation will be issued via the Chest Procurement Portal for the installation of the equipment and associated landscape works at an estimated budget of £46k including

contingency.

Supply of equipment will be procured directly from different suppliers, totalling £19k to reduce lead-in times allowing the scheme to progress in a more timely manner. The proposed scheme will also re-use refurbished equipment the service already owns.

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

Option 1 – Allocate the S106 resources in accordance with the terms of the S106 obligations and award installation contract to the winning tenderer. This will allow the playspace and wider park to be revitalised and brought up to a good standard for the residents of Woodhouses.

Option 2 – Leave the playspace and wider park without the S106 investment and continue to monitor the existing equipment and remove when further degradation occurs, alternative funds would need to be found to improve and replace the play provision. This would mean that the obligations with the S106 would not be met and that the contributions may need to be returned to the developer.

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

There has been engagement and consultation with Failsworth East Councillors, Woodhouses Village Association, residents of Green Meadow View. The design was developed with input and feedback from the group above and Environmental Services staff.

Recommendation(s):

Option 1 –

- a) To approve the capital allocation of £65,419.16 made up of £58,591.32 from DB432 and £6,827.84 from DB427 towards the implementation of the scheme and also a total of £59,189.44 revenue (plus any additional interest accrued) made up of £55,000 from DB432 and £4189.44 from DB427 towards the ongoing maintenance of the scheme for at least 15 years at £3,945 per annum.
- b) To award installation contract to the winning tenderer.

Implications:

What are the financial implications?

Capital Implications

The cost of the improvement works at Stamford Drive/Woodhouse Park play space are not expected to exceed £65.4k and will be charged to the Environmental Services Capital Programme.

This will be financed from the following Section 106 resource:

S106 Description	Available funding £k	Utilised on this scheme £k	Balance remaining £k
DB 432 - (PA/343302)	58.59	58.59	0
DB427	6.83	6.83	0
Total	65.42	65.42	0

Revenue implications

The new play equipment fifteen year maintenance regime is expected to cost £3.93k per annum and will be charged to the Environmental Services revenue budget.

This will be financed from the following Section 106 resource and transferred to the Service on an annual basis for the first fifteen years of the life of the equipment.

S106 Description	Current available funding (plus any interest accrued) £k	Per Annum £k	Minimum number of years £k
DB 432 - (PA/343302)	55.0	3.66	15
DB427	4.19	0.27	15
Total	59.19	3.93	

After the fifteen years of S-106 contributions have ceased, maintenance costs are expected to be absorbed using existing resources within the Environmental Management Service.

(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. In line with the Contract Procedure Rules (CPRs) written quotes will be obtained for the purchase of the play equipment which is estimated to cost £19,000 in total from various suppliers. The landscape and installation is envisaged to cost approximately £46,000 therefore will be procured compliantly in line with the Council's CPRs using an open request for quotation process via the Chest Portal. (Emma Wall, Category Manager)

What are the **Human Resources** implications?

No HR implications.

(Catherine Pearson, Strategic HR Lead)

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

Following initial (stage 1) EIA there are no identified disproportionate impacts on any protected groups or other people.

What are the **property** implications

The Council own the freehold of the site as part of asset LO1190. It is not anticipated the installation and works will have any impact on the property.

The park and playspace are currently managed and maintained by Environmental Services and will continue to be an asset, the increased revenue contributions will allow both proactive and reactive maintenance operations.

(Katy Webster, Assistant Director – Property & Projects)

Risks:

Contracts for installation works will be administered in compliance with procurement and legal procedures and purchase of materials and equipment will be on receipt of goods. Any risks associated with the implementation of the scheme will be dealt with by Environmental Services and selected contractor as part of the RAMS to be developed for the scheme. The contractor will be required to provide documentation and guarantees as part of the

procurement process along with a project specific Construction Phase Health and Safety Plan.

(Mark Stenson, Assistant Director of Finance)

Co-operative agenda

As a Co-operative Council we are committed to improving the health and wellbeing of our residents. This proposal supports this ambition, using section 106 funding to improve the play offer at Woodhouses Park.

This proposal is linked to Healthy, Safe and Well Supported Residents; A Clean and Green Future & A great Start and Skills for Life.

(Jonathan Downs, Corporate Policy Lead)

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution? Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget? Yes

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

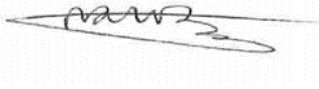
There are no background papers for this report

Report Author Sign-off:	
	Robin Durkan
Date:	17/04/23

Please list and attach any appendices:-

Appendix number or letter	Description

In consultation with Director of Environment

A handwritten signature in black ink, appearing to be 'M. W. S.', written over a light grey dotted rectangular background.

Signed :

Date: 28 April 2023