

Delegated Officer Report

Decision Maker: Nasir Dad, Director of Environment

Date of Decision: 6 October 2023

Subject: Proposal to allocate Section 106 resources from DB 415 (Land at Hillside Nursery, Sholver Lane, Oldham – PA/337690) to asset 2341, Pearly Bank Play Area, for the purchase and installation of new play equipment, refurbishment/painting of existing equipment, plus landscaping.

Report Author: **Sean Mitchell**

Ward (s): **St. James**

Reason for the decision: To seek approval for the allocation of resources secured through Section 106 planning obligations to fund improvements to the play space at Pearly Bank, including a new spinning disc, barkpit, refurbishment/painting of equipment and landscaping works. There is also a need to replace rotten logs with a boulder to enhance natural play.

Planning permission for the development at Hillside Nursery, Sholver Lane - PA/337690 was granted subject to the developer first entering a Section 106 planning obligation. The developer, Rowan Moor Trustees Ltd and John F Scott agreed to pay a commuted sum of £20,000 towards the improvement of existing public open space at Pearly Bank playable space. The commuted sum was paid on 20 November 2019, and with interest, now stands at £20,560.35.

It is now proposed to use the commuted sum plus any interest accrued towards this scheme to undertake the works outlined above.

The purpose of the scheme is to increase the play value of Pearly Bank by introducing new

play equipment, refurbishing existing equipment and carrying out landscaping works. This will improve the play value and enhance natural play for the local community.

Summary:

The S106 contribution from DB 415 (Hillside Nursery) plus any interest accrued is to be used to fund the following at Pearly Bank play area

- 1) Purchase of a dutch disc, 2m wide (this is a spinning disc to add a different dynamic to the playspace) £8.7k
- 2) Installation of a bark pit to meet safety regulations and installation of Dutch Disc plus landscaping works £4.6k
- 3) Refurbishment and painting of play equipment. This will enhance the play space £3k
- 4) Replacing rotton logs used for climbing with boulders spaced for Jumping with installation £3.7k
- 5) Contingency £0.56K

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 obligation and undertake the playspace improvements. This will increase the play value of the site and encourage children and young people to be active. The improvements to the site will also encourage more residents, especially families, to use the site and be more active.

Option 2 – Do not carry out work/improvements and let the existing equipment continue to deteriorate and eventually become in need of major repair. This will reduce the play value of the site. There is also a risk that the developer's contribution would have to be returned to the developer if not used to enhance the play space at Pearly Bank.

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

N/A

Recommendation(s):

To approve the allocation of £20,506.35 (plus any interest accrued) of S106 resources from DB415 Land at Hillside Nursery, Sholver Lane PA/337690 to asset 2341 Pearly Bank play area to carry out the purchase and installation of new equipment and the painting/refurbishment of

existing equipment and replacing logs with boulders to enhance natural play.

Implications:

What are the **financial** implications?

Capital Implications

The cost to deliver improvements to the play space at Pearly Bank will be circa £20.5k and will be capital expenditure.

This will be funded from the 'Pearly Bank S106' scheme within the Environmental Services Capital Programme, which will be financed by Section 106 resource 'DB415 Land at Hillside Nursery'.

	Total £k
Cost of supply of spinning disc	8.7
Installation of spinning disc and bark pit plus landscaping	4.6
Painting and minor refurb	3
Removal of logs and installation of boulder space for jumping	3.7
Contingency	0.56
Total Scheme Expenditure	20.56
S106 Resource DB415	(20.56)

Revenue implications

Due to Section 106 Resource DB415 not having sufficient funds to finance a maintenance regime for a period of years after the works have been completed, 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 allocation of Section 106 funds has no procurement implications, however the manner in which it is spent does. As the costs indicated in the body of the report are under £10k, in line with the Council's Contract Procedure Rules, one written quote is required. (Emily Molden)

What are the **Human Resources** implications?

No specific HR implications identified for Council employees
(Catherine Reed, Strategic HR Lead)

Contracts for the 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.

Oldham Impact Assessment Completed (Including impact on Children and Young People)



impact assessment
report Pearly Bank S

What are the **property** implications

The Council own the freehold of the site as part of asset 1169. It is not anticipated the installation and works will have any impact on the property. The Pearly Bank park site is currently managed and maintained by Environmental Services and will continue to be an asset.
(Katy Webster)

Risks:

The preferred option complies with Section 106 of the Town and Country Planning Act 1990 which will assist in mitigating the impacts of the development proposal at Hillside Nursery. The contracts for the development work proposed will need to be administered in compliance with procurement and legal procedures.

Any risks associated with the implementation of the scheme will be dealt with by Environmental

Services and selected contractor as part of the Risk Assessment Method Statements (RAMS) to be developed for the scheme.

The Pearly Bank Park site and play equipment should continue to be inspected and repaired in line with the current inspections policies.

Vicki Gallacher (Head of Insurance and Information Management)

Co-operative Implications

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 and install new play equipment plus landscaping improvements. This proposal is linked to Healthy, Safe and Well Supported Residents, A Clean and Green Future (Jonathon Downs)

Community cohesion disorder implications in accordance with Section 17 of the Crime and Disorder Act 1998

None

Environmental and Health & Safety Implications

The site & equipment will be inspected to the EN Standards 1176 & 1177, by trained Register of play Inspectors international staff & maintained to the manufacture's specifications.
(Mark Salway)

IT Implications

None

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**

List of Background Papers under Section 100D of the Local Government Act 1972:

Title	Available from

There are no background papers for this report

The background papers to this report contain exempt information under Schedule 12A of the Local Government Act 1972.

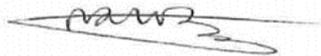
Report Author Sign-off:	
Sean Mitchell	
Date: 22/09/2023	

Please list and attach any appendices:-

Appendix number or letter	Description

In consultation with Director

Signed :



Date: 06.10.2023