

## **Decision under Delegated Powers**

**DD number: 019**

### **Officer Requesting Decision**

Developer Contributions Monitoring Officer

### **Officer Making the Decision**

Head of Planning and Growth

### **Recommendation**

It is recommended that the sum of £76,505.84 of section 106 monies that have been received as a contribution towards the provision of off-site open space at Towles Fields recreation ground, Burton on the Wolds be allocated to Burton on the Wolds, Cotes and Prestwold Parish Council to enhance and improve children's play at Towles Field, Burton on the Wolds.

### **Reason**

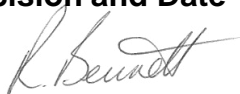
The allocation complies with the relevant clauses specified in the Section 106 agreement linked to planning permission P/19/0041/2. The agreement directs funding "towards the provision, enhancement or improvement of open space or sports facilities or sports equipment for children's play and/or youth facilities to be used for the purposes of sport and/or recreation at Towles Field or in the event that this is not feasible such contribution shall be expended towards such other suitable open space or sports facility within the village payable to the Borough Council.

### **Authority for Decision**

There is a delegation in the Constitution to all Heads of Service "to pay over section 106 Monies in respect of non-housing items received by the Borough Council as the responsible authority, but which will not result in expenditure by the Council and where the Head of Service has been determined to be the relevant Head of Service by the Head of Finance" (Item 8 on Page 8-15)

(For the Head of Service to approve the release of funds they must be satisfied that the works to be carried out fulfil the requirements set out in the S106 agreement and have written confirmation from the relevant body that the monies will be used for their intended purpose).

### **Decision and Date**



### **Background**

Planning Permission was granted for the erection for up to 70 dwellings and associated public open space, landscaping and infrastructure, under

reference P/19/0041/2 – Land off Melton Road, Burton on the Wolds. As part of this approval, a Section 106 agreement was established on the 28<sup>th</sup> April 2021, which required an off-site open space contribution totalling £66,779 (index linked) be paid to Charnwood Borough Council.

Although the local planning authority initially refused the application, permission was granted on appeal. The inspectors report highlighted that the off-site open space contribution was justified and was intended to be used at Towles Field recreation ground. If this was not feasible the funds could be used for other suitable open space or sports facilities within the village if necessary.

During the application assessment, the authority's Open Spaces team advised that suitable equipment or facilities for young people should either be provided on-site or funded through an off-site contribution of £66,779. This was secured in the legal agreement. The developer chose to pay the off-site contribution to meet needs and mitigate the impact of development on existing facilities though new enhanced young person's provision within Burton on the Wolds. Charnwood Borough Council subsequently received £76,505.84 including indexation towards the provision of off-site open space for young people at Towles Field or, if necessary, other suitable facilities.

Burton on the Wolds, Cotes and Prestwold Parish Council have been working with the local community and park users to assess the need for additional recreational facilities. They identified a demand for additional young people's equipment at Towles Fields, Burton on the Wolds to meet the demand and enhance current provision. The area is a heavily used public open space serving both the local parish and wider community. To accommodate the growing population, the Parish Council proposes to use the contribution for new play equipment for all age groups and abilities. This includes a multi- activity unit and a roundabout swing within an extended play area, along with new fencing and gates.

The total cost of the proposed project is £82,805.01. The Parish Council has requested the allocation of £76,505.84 in Section 106 funding from Charnwood Borough Council, in accordance with the agreement attached to planning application P/19/0041/2. The remaining balance will be funded by the Parish Council.

## **Financial Implications**

### **NW 21/01/2025**

The Head of Finance gives his approval for the Head of Planning & Growth to approve this decision as required within the constitution:

### **UM 17/1/25**

The money has been received and there are no financial implications for Charnwood Borough Council. The payment will be coded to X514 S2056 DW428.

## Risk Management

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
There are no risks identified with this decision	Unlikely	None	Very Low (1 - 2)	N/A

### Key Decision:

No

### Background Papers:

All contained on planning file referenced P/19/0041/2