

Decision under Delegated Powers

Officer Requesting Decision

Developer Contributions Monitoring Officer

Officer Making the Decision

Head of Planning and Growth

Recommendation

That the sum of £6,283.37 of Section 106 monies, received as a contribution “to the Council for the provision, improvement and maintenance of the Town Centre Parks.” Will be used as a contribution towards propping works required at Queens Park Café Wall.

Reason

The release of this funding is in accordance with the relevant clauses in the Section 106 agreement attached to planning permission P/19/1420/2 which states that the Town Centre Parks contribution is to be used towards “the Council for the provision, improvement and maintenance of the Town Centre Parks.” To enable Section 106 monies that have been received for the provision of improvement and maintenance of the Town Centre Parks be used for works within Queens Park, Loughborough.

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 by the Head of Finance and Property Services” (Item 8)

For all Heads of Service to approve the release of funds they must be satisfied that the works to be carried out fulfil the requirement as set out in the section 106 agreement and have written confirmation for the relevant body that the monies are used for their intended purpose. Any unspent monies after 5 years of receipt by the Borough Council shall be returned to the developer as per the relevant clause within the section 106 agreement.

Decision and Date



15 November 2024

Background

Planning permission was granted for the redevelopment to provide student accommodation ranging from 3-7 storeys in a range of purpose built accommodation and approximately 1,702 sq. m. of associated reception area, and flexible commercial space in use class A1, B1 and D1 (retail, offices, communal areas, community space), together with public realm, landscaping, roof terrace and football pitch with associated green roofs, plant rooms, cycle storage, with servicing, refuse and recycling areas and car parking spaces with new vehicular access from Aumberry Gap following demolition of existing building and associated works at land west of Aumberry Gap, Loughborough under planning application P/18/2067/2, as part of the approval, a Section 106 was established on 22nd March 2019, requiring a Town Centre Parks contribution of £5,778.29 plus indexation, payable to Charnwood Borough Council.

The Officers report noted that an off-site Town Centre Parks contribution of £5,778.29 was requested. The s106 specifies that the contribution must be used for improvement or maintenance of Town Centre Parks and not for any other purpose.

An amendment to the original permission (P/18/2067/2), which included 18 additional bedrooms; alterations to ground-floor windows and reduction in volume of townhouse roofs was approved unconditionally on the 3rd September 2019 under planning application P/19/1420/2.

The officers report also noted that a deed of variation to the original s106 agreement has been signed and sealed. This variation secures increased developer contributions to take account for the proposed additional accommodation, including an increase in the Town Centre Parks contribution to £6,417.67 plus indexation. The triggers and terms of the original s106 agreement remain unchanged.

Loughborough Town Deal secured £16.9 million from the Government's Towns Fund, backing 11 projects that together represents more than £40 million of investment in the town. As part of these works, one identified project is the installation of a new canopy to improve the outdoor seating at Queen's Park Café, next to Charnwood Museum in Loughborough. The new canopy will provide better protection for visitors using the outdoor area in various weather conditions.

During a survey of the area, large vertical cracks were discovered in the boundary wall adjacent to the properties on Frederick Street, Loughborough. These cracks have caused the lower-level brickwork to shift outward, with the brickwork leaning towards the café area.

It has been determined that propping works will be necessary to ensure the area is safe before the canopy is installation can proceed.

The total costs for these works are estimated at £6,871. Of this, £6238.37 will come from the Town Centre Parks contribution, with the remaining amount being met by Charnwood Borough Council revenue budget.

Financial Implications

The money has been received and there are no financial implications for Charnwood Borough Council. The payment will be coded to L480 D0555.

Risk Management

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
			Very Low (1 - 2)	

Key Decision

No

Background Papers

All contained on planning files P/18/2037/2 and P/19/1420/2