

Decision under Delegated Powers
To approve the adoption of public open space at Wykes Close, Quorn

Officer Making the Decision

Head of Contracts (Leisure, Waste and Environment)

Recommendation

That the Borough Council adopts land off Wykes Close, Quorn – Planning Application Ref: P/12/2569/2 (see plan below, area outlined in red).

Reason

To provide an appropriate mechanism for ensuring the maintenance of the open space to be adopted and to comply with the Section 106 agreement associated with the planning permission at the site P/12/2569/2.

Authority for Decision

The Section 106 agreement entered into by the Council and the developer contains provisions for the land to be adopted by the Council once certain conditions have been met.

Decision and Date

Approved 25/11/24



Matt Bradford
Head of Contracts (Leisure, Waste and Environment)

Background

Under the provisions of the Corporate Strategy 2024 - 2028, there is a commitment to ensure that a growth in homes and infrastructure benefits residents through improved community facilities, affordable housing and protection of open spaces. In addition the Corporate Plan makes a commitment to protect and enhance green and open spaces and support the creation of open spaces, encouraging healthy lifestyles through the delivery and promotion of sporting and recreational facilities.

Under Planning Application P/12/2569/2 the land for adoption was set aside as Public Open Space.

Detail

Developers have prepared and maintained the open spaces to a standard acceptable to the Borough Council.

In accordance with the Section 106 agreements, the freehold of the following land is now to transfer to the Borough Council:

- a) Children and Young Peoples Facilities – Size 0.53 hectares.
- b) Amenity Open Space – Size 1.07 hectares.

Transfer from Bellway Homes Ltd Planning Ref: P/12/2569/2

Financial Implications

U Mistry : 25/11/24

The Section 106 Agreement included provision of an index linked open spaces maintenance sum. On transfer of the open space the Council will receive £197,853.04 commuted maintenance sum from Bellway Homes Ltd. In addition, the sum of £4,133.05 has been agreed and will be paid by Bellway Homes Ltd to meet the cost to the Council of replacing dead trees and a broken play area panel.

The Council's annual maintenance cost for the areas (as detailed above and shown on plan below) to be adopted (total of 1.12 hectares) is £6,907.83. Costs are broken down as follows:

MOS Contract:

	Area	Rate (£)	Cost
Children & Young Peoples Facilities	532 Sq. M	1.4881	£791.67
Amenity Green Space	10,661 Sq. M	0.4292	£4,575.70
TOTAL	11,193 Sq. M		£5,367.37

Cleansing Contract:

	Area	Rate (£)	Cost
Cleansing Contract (Task 16)	11,193 Sq. m	0.0709	£793.58
Bin Emptying	2 No.	£373.44	£746.88
TOTAL			£1,540.46

Total cost per annum:

£5,367.37 MOS Variation Cost + £1,540.46 Cleansing Contract Cost = £6,907.83

The total maintenance contribution of £197,853.04 is to be paid into L460 J0604 in full in 2024/25 in accordance with the S106 agreement, which will then be used to fund future maintenance costs until the agreed funding has been spent in full.

Risk Management

No risks have been identified

Key Decision: No

Background Papers None

Red Line Plan

