

**PLANNING COMMITTEE**

**30<sup>th</sup> JANUARY 2014**

**REPORT OF HEAD OF REGULATORY SERVICES**

**USE OF S106 FUNDING FOR THE PLAY CLOSE SKATE PARK RENEWAL PROJECT**

**1.0 PURPOSE OF REPORT**

- 1.1 To seek members agreement for the release of the monies paid in respect of a s.106 agreement attached to planning permission 05/00496/FUL granted for the development of 24 flats off Windsor Street, Melton Mowbray, to be used appropriately for an external recreation and exercise provision.

**2.0 RECOMMENDATIONS**

- 2.1 **Members agree the use of s.106 funding allocated through the s.106 agreement to contribute towards new equipment associated with the skate park, Play Close, Melton Mowbray.**

**3.0 KEY ISSUES**

- 3.1 Monies for the provision of off-site open space have been paid as part of the s.106 agreement attached to planning permission 05/00496/FUL for the development of the flats on Windsor Street.

- 3.2 The Development Committee resolved at the meeting on 9<sup>th</sup> August 2005 to permit the development subject to the conditions in the report and further discussions being held with the developer on the siting of the main entrance to the development and "*the open space aspect of the Section 106 agreement being reviewed by officers and returned to the Committee with options for further consideration*". Members will recall declining a request to utilise these funds for the purposes of enhancements to the Scalford Brook Play Area in the Country Park at the meeting of 13<sup>th</sup> June 2013 on the basis that it was considered to be too distant and disconnected from the development concerned.

- 3.3 Play Close is considered to be sufficiently close to the development at Windsor Street and as a town centre location included within the main parkland likely to be made use by its residents. The expenditure of S. 106 funds are required to be related to the development to which they were acquired (CIL Reg. 122) and it is considered that this is sufficiently close and related to fulfil this requirement.

- 3.4 This site is the closest suitable site for such activities and the section 106 funds would be used to 'top up' other allocated funds thereby enabling new equipment for the site to be purchased and installed.

**4.0 POLICY AND CORPORATE IMPLICATIONS**

- 4.1 There are no direct policy or corporate implications as a result of this report.

**5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

- 5.1 The majority of funding identified for new equipment for the Play Close project and recreation site is being sought through the appropriate Policy Committee. Members approval to release the associated funds in respect of the s.106 agreement attached to the planning permission for the Windsor street Development, 05/00496/FUL, being sought through this report will allow the renewal project to proceed and be realised.

5.2 Members are asked to release the open space allocation (£10,000) provided through the above mentioned s.106 agreement for provision of open space and equipment as stated above.

**6.0 LEGAL IMPLICATIONS/POWERS**

6.1 There are no direct legal implications as part of this report.

**7.0 COMMUNITY SAFETY**

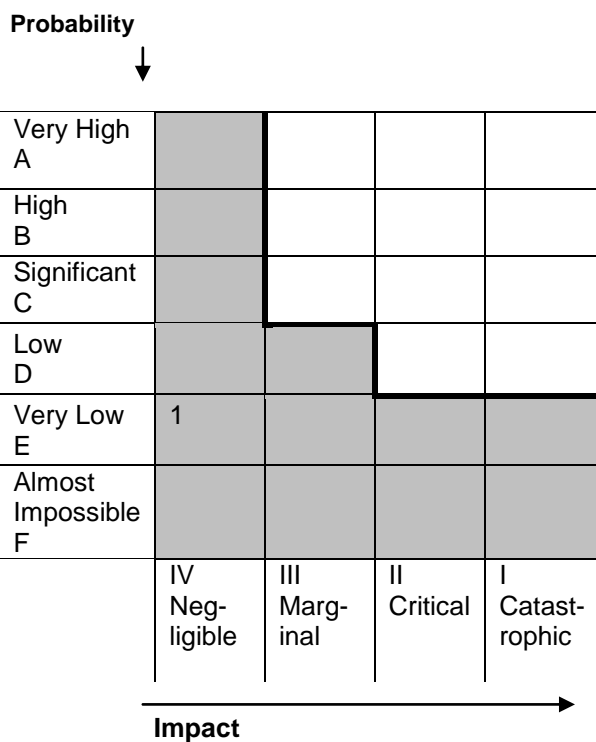
7.2 All the proposed new equipment will be purchased and installed by a national leading supplier and accordingly is expected to meet all required health and safety standards and accordingly is not expected to give rise to any community safety implications.

**8.0 EQUALITIES**

8.1 There are no equalities issues arising directly from this report.

**9.0 RISKS**

9.1 There are no specific risks associated with this report.



Risk No.	Description
1	Challenge that the linkage between to source and use of the funding is insufficient (see para 3.3. above).

**10.0 CLIMATE CHANGE**

10.1 There are no climate change issues arising from this report.

**11.0 CONSULTATION**

11.1 The wider project to which these funds would contribute has been developed in consultation with users of the facility. The project will proceed only if the business case is approved by the appropriate Policy Committee.

**12.0 WARDS AFFECTED**

12.1 Play Close and the skate park is a well patronised public facility that attracts visitors from

many a wide area including all parts of the Borough therefore changes to the parks facilities will affect all wards.

Contact Officer J Worley  
22 Jan 2014

Date:

Appendices :

Background Papers: Planning Application/Permission 05/00496/FUL

Reference : X : Committees\?