

Decision under Delegated Powers

Officer Requesting Decision

Planning Enforcement Assistant

Officer Making the Decision

Head of Planning and Regeneration

Recommendation

To authorise the return of £15,878.00 to the developer Vistry East Midlands the successor of Linden Homes Ltd and, the reallocation of £10,000.00 to an alternative project at John Storer House, Loughborough.

Reason

The funds were received on the 15th July 2010 in respect of Section 106 agreement attached to planning permission P/08/0857/2. The received funds relate to the delivery of Youth and Adult Recreation and had been allocated by delegated decision in financial year 2015/16 to a project located at the community hub at Thorpe Acre, Loughborough though the project was abandoned and the monies remain unspent.

The money will be paid back to the developer as the time limit for the local authority to allocate the money has now expired after the initial project was abandoned as outlined in the signed s106 agreement though, following discussions with Vistry East Midlands they have agreed a partial reallocation of the money and a time extension for delivery of the new identified project.

The return of this funding is in accordance with the relevant clause in the section 106 agreement attached to planning permission P/08/0857/2, reallocation was also sort as the pervious project had been abandoned.

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 by the Head of Finance and Property Services" (Item 8 on Page 8-15)

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



2 March 2022

Background

Charnwood Borough Council are holding unspent section 106 monies totalling £25,878.00 in relation to planning application P/08/0857/2: Site for residential development with variation of condition 13, 15, 16 and 17 of outline planning permission P/05/3759/2 relating to youth / adult recreation.

The Local Authority committed these funds towards the development of a community hub at Thorpe Acre, Loughborough in partnership with the local Community Association to provide space for youth and adult recreation activities. The development of the project had progressed, though, due to unforeseen circumstances and delays relating to the Covid Pandemic it had been decided not to continue with the project.

The Local Authority recognised that the money had time expired and sought approval from Visty East Midlands who now have full responsibility for matters in association with Linden Homes Ltd to request and extension of time and, reallocation of the monies towards the reconfiguration of an existing community hub venue within John Storer House, Loughborough. The proposal is to extend the community hub and reconfigure the internal space to keep current services running, along with adding the provision of a community shop and co-ordinated health and wellbeing support services to ensure the continued support for local young people, adults and families.

Visty East Midlands have agreed a partial reallocation of the expired s106 as follows:

-) £15,878.00 to be returned as unspent monies in accordance with the s106 agreement; and
-) £10,00.00 being reallocated towards the extension and reconfiguration of the existing Community Hub Venue at John Storer House.

Financial Implications

The money has been received and there are no financial implications for Charnwood Borough Council

Risk Management

No specific risks have been identified

Key Decision:

No

Background Papers

All contained on planning files P/08/0857/2 and P/05/3759/2