

Decision under Delegated Powers

Officer Requesting the Decision

Head of Leisure Services

Officer Making the Decision

Director of Leisure and Environment

Recommendation

That the sum of £103,477.52 of section 106 monies that has been received as a contribution towards the provision of community facilities in Syston is used towards the refurbishment of facilities at South Charnwood Swimming Pool.

Reason

To enable section 106 monies that has been received for the provision of community facilities in Syston to be spent.

Authority for Decision

Part 3 of the Constitution includes a delegation to all Directors to pay over Section 106 monies in respect of non-housing items received by Charnwood Borough Council as the responsible authority, but which will not result in expenditure by the Council where the Director has been determined to be the relevant Director by the Chief Finance Officer (item 17 page 3-33)

(For the Director to approve the release of funds they must be satisfied that the works to be carried out fulfil the requirements set out in the S 106 agreement and have written confirmation from the relevant body that the monies will be used for their intended purpose).

Decision and Date

Background

Under the provisions of the Corporate Plan to 2009 - 2010, we are committed to investing in and supporting sustainable development in a dynamic economic context.. To that end we aim to ensure for Charnwood that we plan for sustainable growth in terms of the need for homes and work places and supporting the infrastructure required for a growing population. In pursuit of that aim we will ensure that new developments are carried out to high standards of design and sustainability.

Planning agreements negotiated with developers and land owners under Section 106 of the Town and Country Planning Act 1990 (as amended) provide a vehicle for the delivery of contributions towards infrastructure, facilities and amenities reasonably related in scale and kind to the development proposed and necessary to discharge fully the policy expectations of the Development Plan.

Detail

During the past couple of years there have been several housing developments within Syston, with a number of section 106 agreements having been negotiated, with contributions for Children's Play facilities, Youth and Adult Recreation provision and for provision of and contribution to enhancement of open space and community facilities within the area.

The section 106 agreements for Planning Application P/01/2462/2, Land to the North and South of Barkby Road, contains a developer contribution of £103,477.52 towards community facilities in Syston from a range of specific projects. The Section 106 agreement states that the monies are to be spent by Charnwood on one of the following : Fitness Suite at South Charnwood Swimming Pool, Multi Use Games Area, Age Concern Accommodation, meeting room at Merton School or Cemeteries / Allotment land.

Officers have been working in partnership with a range of stakeholders including Syston Town Council to redevelop South Charnwood Swimming Pool to include the provision of additional facilities including a fitness suite, dance studio, additional dryside changing rooms and car parking. Following discussions with Syston Town Council regarding identification of projects that section 106 monies within Syston could be used towards, it was agreed that the 106 monies received from the development listed above should be utilised towards the redevelopment of facilities at South Charnwood Swimming Pool.

On the 15th May 2008 Cabinet approved the revised proposals for the redevelopment of the facilities and cost estimates for South Charnwood Swimming Pool and approved the following recommendations:

1. That Cabinet endorse the revised proposal for the redevelopment of the facilities for South Charnwood Swimming pool;
2. That £3,100,000 for the scheme is included in the Capital Plan phased over 2008/9 and 2009/10 for the redevelopment of facilities at South Charnwood Swimming Pool;
3. That delegated authority be given to the Director of Leisure and Environment to enter into agreements with Leicestershire County Council and Wreake Valley Community College regarding the lease of additional land and to vary the existing Management Agreement;
4. That an additional £50,000 is allocated in the 2009/10 revenue budgets to offset the loss of income during the closure period for the facility

development works and this will be included as a service pressure for the 2009/10 revenue budget

5. That procurement of this scheme for construction and refurbishment works proceeds through the East Midlands Construction Framework Agreement

The revised proposal approved was to deliver a scheme that provided a range of leisure activities and included the following facilities :-

- All minimal and essential health and safety works to keep the facility going for a further 20-year period
- Refurbishment of the pool hall, changing rooms and reception
- Replacement of the majority of all of the heating, electrical and filtration plant
- Replacement of the roof over the pool
- Creation of a dance studio, fitness suite, associated new dryside changing rooms and additional car parking

The scheme has been procured utilising the NEC3 Engineering and Construction Contract and the Nottinghamshire Framework Agreement. A target cost of £3,090,813.35 was agreed with the nominated contractor and the scheme commenced on site on the 19th January 2009.

Officers are satisfied that the scheme meets the criteria for the use of the section 106 monies. The approval of this Delegated Decision will allocate section 106 monies to an already approved capital scheme and will not result in any further expenditure by the Council.

The following section 106 monies will be utilised towards the scheme :

PA No	Location	Contribution
P/01/2462/2	Land to the North & South of Barkby Rd	£103,477.52 – Community – to be spent by Charnwood on one of the following: Fitness Suite at SCSP, Multi Use games Area, Age Concern Accommodation, Mtg room at Merton School, Cemeteries / Allotment land - received 29/06/2006
		Total - £103,475 received

Financial Implications

There are no financial implications for the Borough Council, the monies have been received from the developers listed above. The monies will need to be added to the current scheme in the Council's Capital Plan. The approval of this Delegated Decision will allocate section 106 monies to an already approved capital scheme and will not result in any further expenditure by the Council.

Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
All funding not in place	Low	High	All funding included in Council's Capital Plan
Scheme is over budget	Low	Medium	Target costs agreed with nominated contractor

Key Decision: Yes

Background Papers Planning Application
P/01/2462/2 Section 106 Agreements
Cabinet Report 15th May 2008

This DD published 25th June 2009.

This DD will come into effect at 5.00pm on 2nd July 2009 unless called-in under Overview and Scrutiny Procedure Rule 13 of Council's Constitution.