

## Decision under Delegated Powers

### Officer Making the Decision

Head of Neighbourhood Services

### Recommendation

That £8400 of Borough Council capital plan monies and £138,477 of section 106 monies that has been received as a contribution towards the provision of children's play / youth and adult / recreational facilities in Anstey is paid to Anstey Parish Council towards the development of the Mitchell's Field scheme. Payments will be paid on receipt of invoices and confirmation that the scheme is completed.

### Reason

To enable section 106 monies that have been received in Anstey to be spent.

### Authority for Decision

Authority 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 to be the relevant Head of Service by the Head of Finance and Property Services. (item 8 of the delegations to Heads of Service in section 8.3 of the Constitution)

(For the Head of Service 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

*Julie Robinson 24/9/15*

## **Background**

Under the provisions of the Corporate Plan to 2012 - 16, there is a commitment to promoting physical and economic growth and promote development across the Borough including new homes and supporting infrastructure. In addition the Corporate Plan makes a commitment to protect and enhance green and open spaces and support the creation of open spaces, play facilities and to encourage healthier lifestyles through the delivery and promotion of sporting and recreational facilities.

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**

Anstey Parish Council have been developing the Mitchell's Field project for 10 years to meet the identified pitch shortfall to meet the needs of residents in Anstey. The Parish Council have been involved in the scheme since its inception and both the scheme and funding towards the scheme was approved by the Parish Council and Borough Councillors have been involved with the scheme and are fully supportive.

### **Development of new junior pitches and associated changing rooms at Mitchell's Field and Anstey Nomads**

The need for additional junior football pitches in Anstey were first identified in the 2003 Leicestershire, Leicester and Rutland Playing Pitch Assessment and Strategy and in subsequent Playing Pitch Strategies. The Parish Council own Mitchell's Field which they identified as the location where the pitches could be provided and an initial feasibility study was undertaken in 2004 to identify the options for the site.

Section 106 monies that have been received for Anstey since 2004 were identified and applied to the Mitchell's Field scheme to enable it to come to fruition. Various ecological and environmental assessments have been undertaken in the development of the scheme.

The Parish Council have considered various options with regard to changing rooms to support the provision of pitches. The Anstey Nomads ground is directly adjacent to Mitchell's Field and the site supports both Anstey Nomads (senior) and Anstey Swifts (Junior), who have now formed a joint governance structure. The site has both pitches and changing room provision. The changing rooms are in a very poor condition – so the option to combine changing rooms for both sites has been developed.

In order to bring the scheme to fruition a Project Consultant, along with technical support were appointed to further refine the options and put all technical options in place to enable delivery of the scheme. A modular

changing room option has been identified as a medium term solution to meet both Mitchell's Field and Anstey Nomads / Swifts needs to be sited on the Anstey Nomads ground. The changing rooms will belong to Anstey Parish Council and all agreements re community use and maintenance and insurance responsibilities have been put in place. Options for the long term provision of changing rooms will be delivered as part of this phase.

The Parish Council has been out to tender and quote for the different elements of the scheme and the Parish Council at its meeting on the 13 August 2015 evaluated the quotes and agreed the way forward and £30,000 contribution towards the scheme.

Anstey Parish Council has received designs and quotes from four suppliers and the scheme has been approved by Anstey Parish Council. The scheme has been costed and quotes have been received for the installation of the junior pitches, associated car parking and changing rooms totalling £176,877, which includes all professional fees. All associated permissions are in place for the scheme.

The Parish Council are contributing £30,000 towards the scheme, Anstey Nomads are contributing in kind and approval is therefore sought for the balance of £146,877 to be funded from £8400 Borough Council monies that are already included in the Capital Plan for the scheme and £138,477 of section 106 monies to be transferred to Anstey Parish Council for this scheme.

### **Criteria**

Officers are satisfied that the schemes meet the criteria for the use of the section 106 monies. The money will not be released to the Parish Council until the schemes have been completed and appropriate invoices have been received to ensure verification that the money has been spent on the intended purpose. Legal have confirmed that these monies are not affected by Regulation 123 of the Community Infrastructure Regulations 2010 (s106 Pooling) as these were collected prior to the 6<sup>th</sup> April 2015.

The scheme above utilises £8400 of Borough Council Capital Plan monies and £138,477 of section 106 monies received and a written statement has been obtained from the Parish Council that the money will be used for this purpose as stated in the authority and that they will take on the ongoing maintenance responsibilities of the facility. The Parish Council have also confirmed that they own the freehold of Mitchell's Field site and Anstey Nomads own the freehold of their site.

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

PA No	Location	Contribution
P/01/0215/2	Land off Bradgate Road	£62,513.56 recreation provision
P/07/3562/2	Land at 51-53 Gorse Hill	£10,005.75 – children’s play provision
P/07/3562/2	Land at 51-53 Gorse Hill	£6,626.70 – Youth / Adult recreation
P/07/3345/2	Land at Staddon Road	£16,123.68 – Youth/ Adult recreation
P/07/3345/2	Land at Staddon Road	£5340.48 – Children’s Play
P/05/1878/2	Land at 10-36 Staddon Road	£3850 – Youth / Adult Recreation
P/06/0249/2	Land at 169/171 Gynsill Close	£6000 – Youth/Adult Recreation
P/06/3778/2	Land at 169/171 Gynsill Close	£3600 – Children Play
P/05/2671/2 & P/06/2682/2	Land at Latimer & Bradgate Road	£6,340.38 – Youth/Adult/Children’s Recreation
P/07/2671/2	Land adj to Link Road / Bradgate Road	£18,076.45 – Recreational facilities (£50,102 cont – leaves balance of £32,025.55)
		Total - £138,477

### Financial Implications

There are no financial implications for the Borough Council, the monies will be paid directly to Anstey Parish Council and the monies have been received from the developers listed above.

There is an existing approval in the capital plan of £90,200 for Anstey Youth, Adult Recreation and Pitch Projects (incl Mitchell’s Field) in 2015/16 this needs to be increased by £56,677 to £146,877 which is funded by £138,477 of S106 receipts and £8,400 of capital plan reserves.

### Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
All funding not in place	Low	High	Confirmation received that all funding in place
Scheme is over budget	Low	Medium	Quotes received, Resources already received

Key Decision: Yes

Background Papers

Anstey Parish Council letter, drawings and copies of tenders for schemes – along with all required permissions