

## **Decision under Delegated Powers**

### **Officer Requesting Decision**

Planning Enforcement Assistant

### **Officer Making the Decision**

Head of Planning and Regeneration

### **Recommendation**

To authorise the release of £1,200.00 received in respect of a section 106 agreement attached to planning permission P/20/0642/2 – Erection of 9 dwellings including access, parking and landscaping at Land to the rear of 43 Westfield Drive, Loughborough.

The money will be paid to Idverde for the completion of treeworks at Lodge Farm Allotments, Loughborough.

### **Reason**

The release of this funding is in accordance with the relevant clause in the section 106 agreement attached to planning permission P/20/0642/2 which states that the allotments contribution is to be used towards offsite replacement creation and/or enhancements of allotment provision at the Borough Council's allotment site at Shelthorpe Road, Loughborough or other suitable sites within Loughborough.

### **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 by the Head of Finance and Property Services" (Item 8 on Page 16)

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**



21 April 2023

### **Background**

Charnwood Borough Council has been holding funds received for Section 106 allotments contributions.

As part of the Section 106 agreements attached to P/20/0642/2 Charnwood Borough Council received a total sum of £60,334.06 (subject to indexation) as a contribution towards improving the allotments provisions at Shelthorpe Road, Loughborough or other suitable sites within Loughborough.

Environmental Services have requested £1,200.00 in order to pay for works which have been completed at a Local Authority allotment site namely Lodge Farm, Loughborough.

Treeworks have been completed at the site as light was being obstructed to a number of plots, roots were also affecting the growth of produce in the nearby plots. The removal of the trees are considered as an enhancement for the plots immediately affected but also for the wider site.

The cost breakdown is outlined below.

Item required	Cost
Tree removal at Lodge Farm	£1000.00
VAT	£200.00
<b>Total Costs</b>	<b>£1,200.00</b>

### **Financial Implications**

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

### **Risk Management**

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
There are no risks identified with this decision	Unlikely	None	Very Low (1 - 2)	N/A

### **Key Decision:**

No

### **Background Papers:**

**All contained on planning files P/20/0642/2**