

Decision under Delegated Powers

Officer Requesting Decision

Developer Contributions Monitoring Officer

Officer Making the Decision

Head of Planning and Growth

Recommendation

To authorise the release of £6,540.00 received in respect of a section 106 agreement attached to planning permissions P/03/0965/2.

The money will be paid to the Hall Drive Residents Association in order to fund driveway repairs at Hall Drive, Burton on the Wolds.

Reason

The release of this funding is in accordance with the relevant clause in the section 106 agreement attached to planning permission P/03/0965/2 which states it will not use the Hall Drive Repair Contribution except towards the repair and future maintenance of the gate pillars at the entrance from Melton Road to Hall Drive and / or the future repair and maintenance of Hall Drive in either case whether undertaken by the Council itself or by way of grant to other undertaking the necessary works;

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 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



21 April 2023

Background

In recognition of the fact that Hall Drive, Burton on the Wolds is a narrow, privately owned access, when planning permission was granted a section 106 obligation was imposed requiring the sum of £8,500.00 to be paid to facilitate towards repair and maintenance of the gate pillars at the entrance and/or the future repair and

maintenance of Hall Drive in either case whether undertaken by the Council itself or by way of grant to other undertaking the necessary works;

Hall Drive Residents Association have requested £6,540.00 in order to pay of the repair works to be carried out on potholes and damage to Hall Drive.

The cost breakdown is outlined below.

Item required	Cost
Hall Drive Pothole reinstatements. Cut, breakdown and cart away potholes and sunken areas as marked out at site meetings. Reinststate areas with SMA surface course Tarmac. Over band joints with hot bitumen	£545.00
VAT	£1090.00
Total Costs	£6,540.00

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/03/0965/2