

## Decision under Delegated Powers

To approve the adoption of Public Open Space (Area 44) at Hallam Fields, Birstall.

### Officer Requesting Decision

Planning Liaison Officer

### Officer Making the Decision

Head of Cleansing and Open Spaces

### Recommendation

That the Borough Council adopts land (Area 44) Hallam Fields, Birstall – Planning Application Ref: P/00/2507/2 (see plan below, area outlined in red).

On adoption of the Public Open Space the freehold title and responsibility for ongoing management and maintenance of the area will transfer to the Borough Council.

### Reason

To provide an appropriate mechanism for ensuring the maintenance of the open space to be adopted and to comply with the Section 106 agreement associated with the planning permission at the site P/00/2507/2.

### Authority for Decision

The Section 106 Agreement entered by the Council and the developer contains provisions for the land to be adopted by the Council once certain conditions have been met. These conditions have been met.

### Decision and Date

Approved



Matt Bradford  
Head of Cleansing and Open Spaces  
11<sup>th</sup> August 2020

### Background

Under the provisions of the Corporate Plan 2016 - 2020, there is a commitment to ensure that a growth in homes and infrastructure benefits residents through improved community facilities, affordable housing and superfast broadband. In addition, the Corporate Plan makes a commitment to protect and enhance green and open spaces and support the creation of open spaces, encouraging healthy lifestyles through the delivery and promotion of sporting and recreational facilities.

Under Planning Application P/00/2507/2 the land for adoption was set aside as Incidental Open Space.

DD128 2019 set out provision for the adoption of Areas 33 – 36 (Incidental Open Space), Areas 45 – 52 (Incidental Open Space), Areas 1 – 31 (Strategic Open Space) and Area 55 (Strategic Open Space). Area 44 was not included in the proposed areas to be adopted under DD128 2019. Developers have prepared and maintained the open spaces to a standard acceptable to the Borough Council and agreement to transfer the land is now required.

In accordance with the Section 106 agreement, the freehold of the following Incidental Open Space is to transfer to the Borough Council:

Area 44 (Incidental OS) - Area = 135 Sq. metres

Transfer from Jelson Homes Ltd Planning Ref: P/00/2507/2.

### **Financial Implications**

The Section 106 Agreement included provision of an index linked open spaces maintenance sum. On transfer of the Open Space the Council will receive £2,250.45 commuted maintenance sum from Jelson Homes Ltd (calculated in accordance with S106 index linking terms BCIS using 189 as a base figure and 328 as a final figure).

The annual contract maintenance cost for the area (as detailed above and outlined in red on plan below) to be adopted (135 Sq. metres) is £51.58.

In addition, the Cleansing contract costs are: 135 sq. metres @ £0.05 per sq. m = £6.75 per annum

Total cost per annum:

£51.58 MOS Variation cost + £6.75 Cleansing Contract Cost = £58.33

This additional cost to the Council will be met annually from L460 J0604 open spaces S106 Developer Contributions by a budget increases each year from 2020/21.

### **Risk Management**

No specific risks have been identified with this report

Key Decision: No

Background Papers: P/00/2507/2 Section 106 Agreement

### POS Transfer Plan



