

**Decision under Delegated Powers
To approve the adoption of public open space at Nine Riggs Square and
Field Leys Way, Birstall.**

Officer Making the Decision

Head of Cleansing and Open Spaces

Recommendation

That the Borough Council adopts Public Open Space land at Nine Riggs Square and Field Leys Way, Birstall – Planning Application Ref: P/00/2507/2 (see plan below, areas shaded in green).

Reason

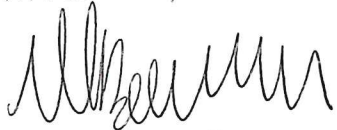
To provide an appropriate mechanism for ensuring the maintenance of the open space to be adopted and to comply with the Section 106 agreement associated with the planning permission at the site P/00/2507/2.

Authority for Decision

The Section 106 Agreement entered into 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

23/9/19.

HEAD OF CLEANSING AND OPEN SPACES.

Background

Under the provisions of the Corporate Plan to 2016 - 20, 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 encourage healthy lifestyles for all our residents through physical activity programmes and the provision of sports facilities and green spaces.

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 ongoing maintenance of public open spaces.

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

Detail

Developers have prepared and maintained the open spaces to a standard acceptable to the Borough Council.

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

Areas 1 (Field Leys Way OS) - Area = 84 Sq. metres

Areas 2 (Nine Riggs Square OS) - Area = 496 Sq. metres

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

Developers have prepared and maintained the open spaces to a standard acceptable to the Borough Council.

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 £9,668.60 commuted maintenance sum from Taylor Wimpey 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 areas (detailed above and shown in green below) now to be adopted (total of 0.058 hectares) is £219.94.

Costs are broken down as follows:

- a) Area 1 (Field Leys Way) – Amenity Open Space 84 Sq. metres = £31.85.
- b) Area 2 (Nine Riggs Square) – Amenity Open Space 496 Sq. metres = £188.08.

In addition, the Cleansing contract costs are: 580 sq. metres @ £0.05 per sq. m = £29.00 per annum

Total cost per annum:

£219.94 MOS Variation cost + £29.00 Cleansing Contract Cost = £248.94

This additional cost to the Council can be met annually from L460 J0604 open spaces S106 Developer Contributions on an ongoing basis.

Risk Management

No risks have been identified

Key Decision: No
Background Papers P/00/2507/2 Section 106 Agreement

POS Transfer Plan



