

Decision under Delegated Powers

Officer Making the Decision

Head of Cleansing and Open Spaces

Recommendation

That the Borough Council adopts the Play Area (Area 53) off Birstall Meadow Road, Hallam Fields, Birstall – Planning Application Ref: P/00/2507/2 (see plan below, area shaded 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
27th September 2021

Background

Under the provisions of the Corporate Strategy 2020 - 24, there is a commitment to ensure that a growth in homes and infrastructure benefits residents through improved community facilities.

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

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

Area 53 (Incidental OS - LEAP) = 498 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 £8,301.66 commuted maintenance sum from Jelson Homes Ltd.

The annual contract maintenance cost for the area (as detailed above and outlined in red on plan below) to be adopted (498 Sq. metres) is:

- a) Children's Play Area - annual contract maintenance cost is 498 sq. metres @ £1.3406 per sq. m = £667.62 per annum; plus
- b) Cleansing contract costs - 498 sq. metres @ £0.06 per sq. m = £29.88 per annum

Total cost per annum:

£667.62 MOS Variation cost + £29.88 Cleansing Contract Cost = £697.50

The S106 commuted maintenance sum of £8,301.66 will be into L460, in full, in the year it is received

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

