

Decision under Delegated Powers

To approve the adoption of public open space off Wheel Tappers Way and Goods Yard Close, Loughborough

Officer Requesting Decision

Planning Liaison Officer

Officer Making the Decision

Head of Cleansing and Open Spaces

Recommendation

That the Borough Council adopts Public Open Space at Wheel Tappers Way and Goods Yard Close, Loughborough – Planning Application Ref: P/03/1662/2 (see plan below, areas outlined in red).

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

Reason

To provide an appropriate mechanism for ensuring the management and maintenance of the open space to be adopted, making it available for community use and to comply with the Section 106 agreement associated with the planning permission at the site (P/03/1662/2).

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 8th March 2021



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/03/1662/2 the land for adoption was set aside as public open space. Under the Section 106 Agreement attached to the development three pieces of play equipment, one of which is a multiplay facility, should have been provided within the open space on site. During development it was identified by Persimmon Homes that the location for the proposed play equipment was unsuitable due to an underground sewer easement and other site constraints. Persimmon Homes have sought to resolve the lack of play equipment provision on site. In the meantime, the maintenance of the open space areas has been poor and remedial landscaping works are now required to bring them up to a maintainable standard.

In order to meet the obligations under the Section 106 the Council has agreed to adopt the open space in it's current condition with a financial contribution of £21,291.59 to carry out remedial landscaping works and supply and install play equipment suitable for the site. This will ensure that provision is to the standard required and resolve a long-standing local issue, ensuring local needs are met. An additional sum (£7,500) has been received for the ongoing maintenance of the site as per the terms of the Section 106 agreement.

In accordance with the Section 106 agreement, the freehold of the following lands is now to transfer to the Borough Council:

Amenity Open Space – at Wheel Tappers Way and Goods Yard Close, Loughborough:

- Area A – Size 440 Sq. Metres
- Area C – Size 286 Sq. Metres

Children's Play Area - at Wheel Tappers Way, Loughborough:

- Area B – Size 347 Sq. Metres

Transfer from Persimmon Homes Ltd
Planning Ref: P/03/1662/2

Financial Implications

Prior to agreeing the adoption of POS (Areas A – C) the Council has costed the works required to bring the areas up to standard. This includes the supply and installation of play equipment and remedial landscaping works. The cost of the works and budget has been set at £21,291.59 and payment of this amount was received from Persimmon Homes in December 2019 and paid into accounting code L460 J0599.

The Section 106 included provision for a commuted maintenance sum of £7,500. This sum was received from Persimmon Homes in December 2019 and was paid into accounting code X837 R2140 DW114.

The additional annual maintenance cost to the Council will be as follows:

Area A and Area C –

Amenity Green Space (726 Sq. Metres). The annual contract maintenance cost @ £0.3821 is £277.40

Area B –

Children's Play Area (347 Sq. Metres). The annual contract maintenance cost @ £1.3249 is £459.74

Areas A – C –

In addition, the Cleansing contract costs of all areas are: 1,073 Sq. Metres @ £0.06 per sq. m = £64.38 per annum

Total cost per annum:

£737.14 MOS Variation cost + £64.38 Cleansing Contract Cost = £801.52

The additional maintenance costs £801.52 (2020/21 figures) will be funded annually from X840 X0266 until the £7,500 balance is used up. Thereafter, the cost will be met from existing budgets and requires annual virements from L045 E0733.

Is a virement (budget transfer) required to fund this decision? Yes

Risk Management

No specific risks have been identified with this report

Key Decision: No

Background Papers: P/03/1662/2 Section 106 Agreement

POS Transfer Plan



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