

OFFICER DECISION RECORD

For staff restructures, please also complete an RA1 form to update the HR Portal. This is attached at Annex 2.

Decision Ref. No:
AHWB/043/2017 Far
Field/Church Balk Public
Open Space Improvements

Box 1

DIRECTORATE: Adults, Health and Wellbeing

DATE: 24th May 2017

Contact Name: David Ridge

Tel. No.: 735925

Subject Matter: Far Field/Church Balk Public Open Space Improvements – Section 106 Funded & Deed of Variation with Harron Homes

Box 2

DECISION TAKEN:

1. To approve the allocation of £326,688 Section 106 monies for the enhancement of Far Field/Church Balk Public Open Space, Edenthorpe as follows:

- a) £292,293 - Capital build estimated costs
- b) £34,395 - Revenue maintenance costs

Conditional on the developer accepting the Deed of Variation outlined below.

2. To approve the award of tender and scheme implementation conditional on the resulting project value being maintained within the total available Section 106 funding (maximum £370,824), unless other funding identified.
3. To approve the Deed of Variation to allow:
 - a) the £300,000 (three hundred thousand pounds) payable towards the provision enhancement and maintenance for 15 years to include the Public Open Space at the Church Balk Fields/Far Field site within the parish of Kirk Sandall and the Mere Lane site within the parish of Edenthorpe
 - b) for part of the Section 106 sum to be set aside for the maintenance for a period of 15 years of the Public Open Space at the Church Balk/Far Fields site and the Mere Lane site

Box 3**REASON FOR THE DECISION:****Give relevant background information**

The scheme will be funded in full from the following Section 106 commuted sums:

Line Ref: 179 12/01015/FULM Church Balk Gardens, Edenthorpe

Line Ref: 190 14/00297/4FULM Athelstane Crescent, Edenthorpe

At the time of compiling this ODR, a Section 106 agreement POS commuted sum associated with planning reference 16/01430/FULM is being negotiated and if agreed then the commuted sum (Estimated at £37,000) will be allocated to Far Field/Church Balk as the receptor site to be paid on successful completion of the relevant trigger point. Such funding will be used to further enhance the scheme being proposed.

The scheme will be managed by Doncaster Council with DMBC's architects being responsible for the design, contract/tender process, scheme management and payment of all invoices to contractors/suppliers.

The improvements will include the following:

- 1) Outdoor gym equipment
- 2) Allotment plots
- 3) Community Garden
- 4) Footpaths
- 5) Play Equipment
- 6) Interpretation boards
- 7) Entrance point enhancements
- 8) Seating
- 9) Litter bins
- 10) Associated landscaping
- 11) Fencing
- 12) Car parking area

Actual costs will not be known until the tender process is complete. Should the total cost exceed the funding available the scheme will be refined accordingly. See Appendix A for breakdown of cost estimate details.

The site and equipment will be maintained by the Council's Street Scene service. Revenue maintenance costs are projected as follows:

Grounds maintenance - £241 per year (15 yr term)

Litter bin emptying - £452 per year (15 yr term)

Play equipment maintenance inc Gym - £1600 per year (15 year term)

Total (15 year period) £34,395

The scheme was included in the Finance and Performance Improvement Report: 2016/17 Quarter 3 which was considered and approved by Cabinet at its meeting on 28th February 2017.

Part of the receptor site falls within the Kirk Sandall parish boundary, however the Section 106 agreement for the Athelstane Crescent development (14/00297/4FULM) only provided for the monies to be spent within the parish of Edenthorpe. Therefore a Deed of Variation is required to vary the agreement to allow the funding to be used to fund improvements on the area of the site that falls within the Kirk Sandall boundary as well. The commuted sums concerned already allow for the funds to be used in areas of the site that fall within the Edenthorpe parish boundary. The Athelstane development is within close proximity to the receptor site.

The variation to the agreement will also allow for some of the Section 106 funds to be used for improvements at Mere Lane, Edenthorpe – The scheme approval element for Mere Lane will be the subject of a separate ODR.

The Deed of Variation also allows for an element of the funding (up to a maximum of £75,000) to be used to cover maintenance costs for a 15 year period for this and the Mere Lane proposal as the original agreements were time limited to 5 years.

Planning Case Officer Comments (N Elliott):

There is a deficit of children's play space in the communities of Edenthorpe and Kirk Sandall and an increase in dwellings which are capable of accommodating families will place further burden on these limited facilities. In accordance with UDP policies RL 1 and RL 4, and Core Strategy policy CS 16, a commuted sum in lieu of public open space is required to make the development acceptable in planning terms. Given that there are play space deficiencies within the Community Profile Area, which includes Kirk Sandall, and that the adjacent playing field is located within Kirk Sandall, it is more likely that children from the development will utilise facilities in closest proximity to the site. Therefore, it can be argued that using funds secured via the s106 agreement for the enhancement of facilities on the Church Balk/Far Field site is in accordance with CIL in that it is necessary, directly related to the development and fairly and reasonably related in scale and kind.

The Mere Lane site is further away from the development and therefore a greater distance for children to walk, however it is still located within the Edenthorpe parish and would provide a wider community benefit for Edenthorpe, hence still meets with CIL.

Box 4**OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION:**

If other options were considered, please specify and give reasons for recommended option

Deed of Variation

There are no other suitable alternative options considered available. To enter into a Deed of Variation as above is the most appropriate course of action to take with regards to this project.

Overall Scheme

There are no other suitable alternative options considered available. The proposed approach is considered the most appropriate and realistic route to follow to ensure the proposed enhancements are delivered.

Box 5**LEGAL IMPLICATIONS:**

The original agreement provides for the Public Open Space Commuted Sum to be spent in the parish of Edenthorpe. Section 106 agreements are able to be varied by agreement with the party to the original agreement; any variation proposed should still meet the tests for a planning obligation, namely that it is necessary, directly related to the development and fairly and reasonably related in scale and kind. Confirmation that this test is considered to be met is given above.

In addition the developer has confirmed that they are willing to enter into a Deed of Variation and that they are also willing for part of the sum to be set aside for maintenance purposes. If the sums are not paid within a specified period then there are obligations within the agreement for the Council to repay the money to the developer.

Name: Karen Winnard **Signature:** By email **Date:** 1st June 2017

Signature of Assistant Director of Legal and Democratic Services (or representative)

Box 6**FINANCIAL IMPLICATIONS:**

The Far Field/Church Balk Public Open Space Improvements project is already included in the Council's capital programme at a value of £333,000 funded from S106 contributions. This was achieved via the Finance and Performance Improvement Report: 2016/17 Quarter 3 which was approved by Cabinet 28th February 2017 and represents the key decision required in respect of a project of this value.

Scheme costs will not be fully determined until the tender process is complete. Current estimates indicate a full scheme cost of £326,688 but recognises that there is an on-going maintenance element to the scheme. The current cost to be recognised in the

capital programme is £292,293 with £34,395 funding to be held for 15 years to cover maintenance costs incurred in the revenue budget. After that period has elapsed, the Council will be required to identify further funding for continued maintenance of the site. Any changes to the capital value will be reported through the quarterly capital monitoring process as the project develops.

The current available balance of S106 monies available to Edenthorpe parish/ward is £370,824 detailed as follows: -

- Line Ref: 179 12/01015/FULM re. development at Church Balk Gardens, Edenthorpe

Balance £62,887 including accumulated interest and has been received for the provision or enhancement of public open space elsewhere within the Edenthorpe Ward. The contribution is time limited and must be spent by March 2019 and will need to be invested in those areas of the site falling within the Edenthorpe ward; otherwise it will be at risk of return to the developer.

- Line Ref: 190 14/00297/4FULM re. development at Athelstane Crescent, Edenthorpe

Balance £303,038 including accumulated interest and has been received for the provision or enhancement of public open space in the parish of Edenthorpe. The contribution is time limited and must be spent by August 2019 otherwise it will be at risk of return to the developer. However, if the deed of variation is approved then up to £75,000 can be retained for maintenance of the site for 15 years. The deed of variation will also allow for the areas of the site falling within the Kirk Sandall boundary to eligible.

- Line Ref. 146 re. development at Lyndale Avenue, Edenthorpe

Balance £4,899 for the provision or enhancement of public open space elsewhere in the Council's area. These monies are not time limited.

The exact value of individual contributions is dependent on conclusion of the tender process and refinement of the scheme. These sums are also expected to contribute towards another project at Mere Lane, which will be the subject of separate approval. The scope and value of this scheme has not yet been fully determined but potential commitments to the Mere Lane scheme must be taken into account when finalising the contributions to the Far Field/Church Balk Public Open Space Improvements project. Total commitments cannot exceed the available funding unless other resources are identified.

The ODR also refers to a S106 agreement associated with planning reference 16/01430/FULM but these cannot be committed until the contribution has actually been received by the Council and cannot be relied upon as part of the current funding strategy. Commitment of these monies should be dealt with through a further ODR if they are realised.

Name: Dave Rosser Signature:  Date: 26th May 2017
Signature of Assistant Director of Finance & Performance
(or representative)

Box 7

HUMAN RESOURCE IMPLICATIONS:

There are no apparent HR implications within this particular ODR.

Name: Bill Thompson, Senior HR & OD Officer **Signature:** Bill Thompson

Date: 25/05/2017

Signature on behalf of Assistant Director of Human Resources, Communications & Executive Office (or representative)

Box 8

PROCUREMENT IMPLICATIONS:

As highlighted within the body of the report there are a number of individual commissions and procurements associated with this project. All such activities must adhere to the Councils Contract Procedure Rules (CPRs) in seeking competitive quotations / tenders through either existing contract arrangements, internal resources (such as PBM) or through competitive tendering, be that existing national framework agreements or DMBC led tenders.

In all instances the early involvement of the procurement and legal teams is recommended.

Name: S Duffield **Signature:** 

Date: 25/05/17

Signature of Assistant Director of Finance & Performance (or representative)

Box 9

ICT IMPLICATIONS:

There are no ICT implications associated with this decision.

Name: Peter Ward (ICT Strategy Programme Manager) **Signature:**  **Date:** 25/05/17

Signature of Assistant Director of Customers, Digital & ICT (or representative)

Box 10

ASSET IMPLICATIONS:

Far Field/Church Balk Public Open Space is owned by Doncaster Council. The proposal as outlined therefore represents investment in council owned land that will enhance its appeal, support improved health and safety standards and promote increased use, hence ensuring the Council is meeting the on-going needs of service users. As such, the proposal is fully supported from an assets perspective.

It is acknowledged that the Parish Council have expressed an interest in taking on the running of the allotments plots that are to be included as part of the scheme. Assets & Property will need to be directly involved in negotiating any future agreement to facilitate this. Any agreement reached with the Parish Council would need to be the subject of a separate Officer Decision Record.

Name: Gillian Fairbrother (Assets Manager, Project Co-ordinator)

Signature: By email

Date: 26th May, 2017

**Signature of Assistant Director of Trading Services and Assets
(or representative)**

Box 11

RISK IMPLICATIONS:

Should the decision not be taken to release the Section 106 monies and/or approve a Deed of Variation, the project will not progress as there are no alternative funding resources identified. In terms of the Deed of Variation, the current Section 106 Agreement relating to Athelstane Crescent development does not allow for the use of Section 106 funding as described above, therefore this would result in sufficient funds remaining to deliver the scheme in its entirety.

This could potentially result in community dissatisfaction as there is a clear desire from local members, the parish council and local community for the scheme to progress.

(Explain the impact of not taking this decision and in the case of capital schemes, any risks associated with the delivery of the project)

Box 12

EQUALITY IMPLICATIONS:

To be completed by the report author

We are aware of the Equality Act 2010 and the Councils commitment to show 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relationships between those who share a 'protected characteristic' and those who not share a protected characteristic.

All equality implications will be considered during the design and delivery of this project to ensure the requirements of those with protected characteristics are taken into account.

Name: D W Ridge **Signature:** Electronic **Date:** 16 March 2017
(Report author)

**Box 13
CONSULTATION**

Officers

A Pre-Scheme Site Assessment document has been completed for this location containing observations from the following:

Planning/PROW
Corporate Health & Safety
Street Scene
Public Health
Programmes
Assets & Properties
Pollution Control
Flood Risk Engineer
South Yorkshire Police

Specific service comments can be viewed on request within the Pre-Scheme Site Assessment document.

Consultation has taken place with Legal Services, Programmes Team (Section 106), Planning and Harron Homes in respect of the Deed of Variation.

The parish councils of Edenthorpe and Kirk Sandall have been consulted on the proposals. We have received feedback from Edenthorpe PC who are fully supportive. No response was received from Kirk Sandall PC.

A public consultation was carried out in 2016 where a significant majority of respondents were in favour of seeing the receptor site improved. The priorities for improvements that have been incorporated into the scheme were derived from feedback from the consultation.

Members

Cllr C McGuinness as portfolio holder has been notified regarding the proposed scheme.

Cllrs David Nevett and Andrea Robinson are both supportive of the scheme.

**Box 14
INFORMATION NOT FOR PUBLICATION:**

In accordance with the Freedom of Information Act 2000, it is in the Public's interests for this decision to be published in full, redacting only the signatures.

Name: **Gillian Parker** Signature:  Date: **07/06/2017**
Signature of FOI Lead Officer for service area where ODR originates

Box 15

Signed: _____ Date: 22.06.2017
Director/Assistant Director

Signed: _____ Date: 27/6/17
Additional Signature of Chief Financial Officer or nominated
representative for Capital decisions. _____

Signed: _____ Date: _____
Signature of Mayor or relevant Cabinet Member consulted on the above
decision (if required).

- This decision can be implemented immediately unless it relates to a Capital Scheme that requires the approval of Cabinet. All Cabinet decisions are subject to call in.
- A record of this decision should be kept by the relevant Director's PA for accountability and published on the Council's website.
- A copy of this decision should be sent to the originating Directorate's FOI Lead Officer to consider 'information not for publication' prior to being published on the Council's website.
- A PDF copy of the signed decision record should be e-mailed to the LA Democratic Services mailbox

**Appendix A
Preliminary Cost Estimate**

ITEM	NO.	UNIT	RATE (£)	COST (£)
Prelims (5%)	1	Item	13,200	13,200
Site clearance	1	Item	1,000	1,000
Entrances	6	no.	1,200	7,200
Allotments	1	Item	500	500
Fence	85	lm	100	8,500
Gate	1	no.	1,000	1,000
Car park	13	spaces	2,500	32,500
Road	275	m ²	60	16,500
Timber knee rail	22	lm	20	440
Community Garden	1	Item	5,000	5,000
Fence	110	lm	80	8,800
Stepping stones	20	no.	50	1,000
Interpretation boards	6	no.	1,200	7,200
Artwork	1	Item	3,000	3,000
Paths (Breedon gravel)	590	lm	40	23,600
Path (widened tarmac)	215	lm	80	17,200
Marker posts	20	no.	50	1,000
Play equipment (junior)				
balancing/climbing logs (Wicksteed PU6)	1	no.	15,000	15,000
Install climbing forest	1	no.	4,500	4,713
Rubber mulch	55	m ²	65	3,575
basket swing (Wicksteed birds nest)	1	no.	2,551	2,551
Install basket swing	1	no.	546	546
Rubber mulch	16	m ²	65	1,040
Supply & install Cableway (Wicksteed 30m wood/ramp)	1	no.	22,613	22,613
Landscape	1	Item	1,000	1,000
Play equipment (infant)				
cradle swing (Wicksteed)	1	no.	1,289	1,289
Install cradle swing	1	no.	546	546
Rubber mulch 40mm	20	m ²	65	1,300
balancing/climbing logs (Wicksteed PUS1)	1	no.	1,289	1,289

Install balancing/climbing logs	1	no.	546	546
Rubber mulch 40mm	40	m ²	65	2,600
inclusive roundabout (Spinmee by HAGS/SMP)	1	no.	4,947	4,947
Install roundabout	1	no.	1,300	1,300
Rubber mulch 40mm	30	m ²	65	1,950
Bow top railings	40	lm	100	4,000
Outdoor gym (TGOGC medium park gym)	1	Item	20,242	20,242
Post installation inspection Report	1	Item	550	550
benches	6	no.	750	4,500
remove 1 double and 3 single existing bins	4	no.	100	400
double litter/dog waste bins, supply & install	5	no.	520	2,600
bike rack	6	no.	100	1,200
No kite flying signs	4	no.	50	200
Tree planting	10	no.	200	2,000
Reinstatement	1	Item	1,000	1,000
Total				251,137
Contingency (5%)	0.05	%	251,000	12,550
Total build cost				263,687
Maintenance play area £1000/yr	1	Item	15,000	15,000
Maintenance outdoor gym £600/yr	1	Item	9,000	9,000
Flail area of 10,400sq mts 3 x/yr	15	yrs	231	3,465
Mow 1mt along paths of 590 lin mts – 14 x/yr	15	yrs	10	150
Cleansing of the additional one bin – 52 x/yr	15	yrs	452	6,780
Total maintenance				34,395
Planning application fee	1	Item	385	385
Discharge of condition Fee	1	Item	97	97
CDM fees	0.0035	%	264,000	924
Design fees (10%)	0.1	%	264,000	26,400
Phase 1 site investigation	1	Item	800	800
Total fees				28,606
Grand Total				326,688

CAPITAL 1 FORM

PLEASE COMPLETE THIS FORM IF:
(click the box to identify which is relevant)

A capital scheme or funding allocation needs including in the Capital Programme, including leases, and be approved as a change through the quarterly Finance and Performance Improvement Report (please note that schemes **cannot** start incurring or commit to spend until an ODR or scheme specific report has been approved);

A budget proposal is being made as part of the Capital Budget setting process (ODR not required for Budget Bids).

Scheme Title: Improvements to Public Open Space at Far field/Church Balk, Edenthorpe

Reference Number:

Project Manager: David Ridge

Brief Scheme Description:

To undertake improvements to the public open space at Far field and Church Balk, Edenthorpe using Section 106 resources from developments within the Edenthorpe area. Initial improvements currently under consideration include the provision of children's play equipment, MUGA, additional allotment plots, community garden, car parking spaces, footpath improvements, street lighting improvements, outdoor gym equipment, fencing and seating.

CAPITAL COST

Year	2015/16	2016/17	2017/18	2018/19	Later Years	Total
	£'000's	£'000's	£'000's	£'000's	£'000's	£'000's
Estimated Expenditure (Please give a category by category breakdown if known i.e. contractor payments, fees and contingency)			333			
Confirmed Specific Funding: Section 106 Commuted Sums			333			
Confirmed Corporate Resources						
Additional Specific Funding Required						
Additional Corporate Resources Required						
Total Funding			333			

Estimate Prepared By: Simone Gorton – Architect

Additional Information

The scheme will include a 15 years maintenance/energy cost sum which will be drawn down on an annual basis. The current total estimate is £36,800. The scheme cost will be managed within the available budget.

Development costs (including feasibility and procurement cost)

Cost Type	Value	Year	Funding	Cost Centre

Revenue costs (when asset is in operation)

Cost Type	Value	Year	Funding	Cost Centre
Maintenance of equipment, lighting and site plus lighting energy costs	36,800	2017 – 2032 (15 years)	Section 106 for 5 years. Then ongoing revenue contributions from a budget to be confirmed.	