

WELWYN HATFIELD BOROUGH COUNCIL
CABINET – 6 JUNE 2017
REPORT OF THE EXECUTIVE DIRECTOR (RESOURCES, ENVIRONMENT AND
CULTURAL SERVICES)

RELEASE OF SECTION 106 FUNDING – REFURBISHMENT OF A CHANGING PAVILION

1 Executive Summary

- 1.1 This report asks Cabinet to note the release of Section 106 funding agreed with Crest Nicholson Operations Limited following their redevelopment of part of the Sir Frederic Osborn School playing fields in Welwyn Garden City.
- 1.2 The developer has agreed to pay a Playing Pitch Compensation Sum in respect of the loss of part of the school playing fields. A supplemental Deed to vary the existing Section 106 agreement was signed between the developer and the Borough Council on 9 May 2017.
- 1.3 This Deed of variation identifies a sum of £124,036.14 (including indexation) towards the refurbishment of the existing changing pavilion within the King George V Playing Fields. An index-linked payment is included because of the time which has elapsed since the Section 106 agreement was first signed. This amount has been confirmed by the council's Planning Obligations and CIL Officer.

2 Recommendation(s)

- 2.1 That Cabinet notes the release of the Section 106 funding of £124,036.14 from Crest Nicholson Operations Limited under the terms of the relevant Deed of variation, and agrees to allocate it towards a full refurbishment of the existing changing pavilion within the King George V Playing Fields in Welwyn Garden City.
- 2.2 That Cabinet recommends to the Council that this sum is reflected in the current year's capital programme and budget.

3 Explanation

- 3.1 A planning application was received in July 2006 on behalf of the Sir Frederic Osborn School in Welwyn Garden City. This sought planning consent for the development of a new sports hall, an all-weather sports pitch and new residential housing on part of their school site.
- 3.2 Planning permission was granted to the applicant, Hertfordshire County Council, referenced as N6/2006/923/OP. Contained within Schedule 3 of the planning permission were the council's covenants in respect of payments of a Highways Infrastructure / Traffic Management Contribution; a Childcare and Youth Facilities Contribution; a Library Contribution; and a Playing Pitch Compensation Sum.

- 3.3 A Section 106 agreement under the Town and Country Planning Act 1990 was arranged which required a payment of £350,000 to the Council as the Playing Pitch Compensation Sum. The payment was index-linked and, with the passage of time, the total sum received is now approximately £409,000.
- 3.4 At the time planning permission was granted, a number of projects were identified in consultation with Finesse Leisure to improve existing sports facilities in Welwyn Garden City. A report on this went to the Planning Control Committee in November 2007. As construction work did not commence until much later than permission was given, the Section 106 agreement was not signed until December 2011.
- 3.5 Given the time which has elapsed since then, it was recently agreed through the Planning Service with Crest Nicholson Operations Limited that a Deed of variation should be signed to set out how this Section 106 contribution should be allocated.

Implications

4 Legal Implication(s)

- 4.1 There are no direct legal implications arising from the content of this report.

5 Financial Implication(s)

- 5.1 This funding will result in expenditure of up to £124,036.41, which will be fully covered by the planning contribution received from the property developer.

6 Risk Management Implication(s)

- 6.1 A risk assessment has not been prepared in relation to this report. The release of Section 106 money to fund this refurbishment work is consistent with the Deed of variation which has been signed between the developer and the Borough Council.

7 Security & Terrorism Implication(s)

- 7.1 There are no known security or terrorism implications associated with the content of this report.

8 Procurement Implication(s)

- 8.1 Following the release of this Section 106 funding, a specification of the works required and a tendering and procurement exercise will be undertaken by the Corporate Property service ahead of an award of contract to the successful bidder, in accordance with the normal legal requirements.
- 8.2 Quotes are expected to be obtained through the Supply Hertfordshire portal in the same way as other bids for capital work funded by the Borough Council.

9 Climate Change Implication(s)

- 9.1 There are no known direct climate change implications arising from the content of this report.

9.2 However where projects seek to enhance the facilities owned by the Borough Council, approved work will seek to limit or reduce the carbon footprint of any new equipment procured.

10 Link to Corporate Priorities

10.1 The content of this report is linked to the Council's Corporate Priority to *maintain a safe and healthy community*, and specifically to providing a wide variety of leisure covering arts, culture, fitness and sports.

11 Equality and Diversity

11.1 An Equality Impact Assessment (EIA) has not been carried out in connection with this report, as it relates to notification of a release of Section 106 funding only.

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Date **May 2017**

Background Paper

Supplemental Deed to Vary a Section 106 Agreement (May 2017).