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**RELEASE OF PLANNING AGREEMENT PAYMENT – SKERNE PARK**

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**Responsible Cabinet Member - Councillor Chris McEwan,  
Economy and Regeneration Portfolio**

**Responsible Director - Richard Alty, Director of Place**

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**SUMMARY REPORT**

**Purpose of Report**

1. To seek Cabinet approval to release money (£100,000) secured through a planning agreement with Miller Homes in relation to their development at Snipe House Farm as a contribution to improvements in community facilities within the Skerne Park estate.

**Summary**

2. The planning agreement dates from 2007 and following recent consultation with residents and various groups a range of appropriate uses have now been identified for the money. The proposals comprise the appointment of a temporary project worker, a security fence for the football pitch and a replacement front door to the Skerne Park community centre building.
3. This project has previously been delayed by the requirement to renew governance arrangements at the community centre. This has now been achieved and the necessary arrangements are in place to make progress with this project.
4. There is a requirement to ensure the money is spent by December 2013.

**Recommendations**

5. It is recommended that: -
  - (a) Cabinet agree in principle that the financial sum of £100,000 submitted by Miller Homes as part of a section 106 planning agreement for community facilities at Skerne Park be released to allow for the following:-
    - (i) The appointment of a temporary project worker to explore how the community can take more ownership of and develop a business case for the community centre and to help organise and promote the usage of the building and bring the various groups on Skerne Park together around

agreed activity.

- (ii) The construction of a security fence around the recently constructed playing field to prevent unauthorised vehicle access.
- (iii) The replacement of the entrance door to the community centre and installation of roller shutter to ensure that health and safety requirements are met.

(b) If it is not possible to secure the project worker then the financial sum be used for the provision of landscaping and / or play equipment improvements or alternatively any other appropriate community use at Skerne Park.

### Reason

- 6. To ensure the money is spent in the interests of the Skerne Park community and it is not lost.

**Richard Alty**  
**Director of Place**

### Background Papers

Planning Agreement associated with planning permission for Snipe House Farm

Roy Merrett : Extension 2037

S17 Crime and Disorder	The proposals are likely to have a positive effect of community safety
Health and Well Being	The proposals will help to protect the football pitch and may promote the development of a number leisure projects in the interests of the health and well being of residents
Carbon Impact	There are no carbon impact implications in this report
Diversity	The proposals would not discriminate against any specific group of people
Wards Affected	Park East ward only
Groups Affected	The proposals would not discriminate against any specific group of people
Budget and Policy Framework	This decision does not affect the budget or policy framework.
Key Decision	No
Urgent Decision	No
One Darlington: Perfectly Placed	Will support the One- Darlington priority
Efficiency	Will help to protect Council owned resources and therefore potentially saving officer time

## MAIN REPORT

### Information and Analysis

#### Background

7. In 2007 planning permission was granted to Miller Homes for the construction of 149 dwellings on land at Snipe House Farm to the south of Skerne Park. The permission was subject to a planning agreement which included various financial contributions from the developer for example covering the provision of play equipment and a bus subsidy.
8. The agreement also consisted of a contribution of £100,000 towards community facilities on the Skerne Park estate although the agreement was not specific with regard to how exactly the money would be used. There was a deadline of June 2013 by which time all planning agreement financial contributions should have been spent however Miller Homes have agreed in principle to extend this deadline to December 2013.
9. Several months ago a consultation exercise was undertaken with local residents as to how the community would like to see the contribution money invested. The ideas coming forward were largely focussed on developing the role of the community centre and surrounding area. They included making physical improvements to the building and developing community support activities there such as citizens advice, a library, a day centre, drop in facility, more facilities for the young and elderly and more leisure entertainment activities. There was support for indoor and outdoor sports and cultural facilities including keep fit classes, gym equipment, a theatre and a playground and extending access to sport through floodlighting the football pitch and increasing access to the MUGA. There were also calls for environmental improvements in the form of more refuse bins, a picnic area and an outdoor area for community events.
10. Officers have for some time been engaged in discussion with various community group representatives at Skerne Park including the Park East Partnership and the Residents Association and in particular with Skerne Park Youth and Community Centre Association. with a view to identifying how best the contribution could realistically be used to help meet some of these aspirations.
11. Development of a children's play area is now well underway at the side of the community centre and the play equipment has now been ordered and this part of the project is expected to be finalised very shortly. This has been made possible due to a separate financial contribution from the developer.
12. In the meantime the following desired outcomes have been identified as key priorities:-
  - (a) The appointment of a temporary project worker to explore how the community can take more ownership of and develop a business case for the community centre and to help organise and promote the usage of the building and bring the various groups on Skerne Park together around agreed activity.

- (b) The construction of a security fence around the recently constructed playing field to prevent unauthorised vehicle access.
- (c) The replacement of the entrance door to the community centre and installation of roller shutter to ensure that health and safety requirements are met.

### **Risk and Mitigation**

13. When the above proposals were first developed there were concerns expressed that the community centre had some governance deficits. Officers have worked with the community centre trustees to ensure that the governance issues have been addressed. An Annual General Meeting was held on 31<sup>st</sup> May 2013 to accept a new constitution and elect a new board of trustees.
14. There is now a board of 8 trustees from a range of organisations on the estate and they all agree that it is important that the centre is supported and can provide a focal point for a range of activities on the estate and surrounding area.
15. The centre already hosts youth activities and bingo sessions but current plans are to hold a mother and toddler group, dance activities including street dance and line dancing, computer courses and model car racing. Other activities including fundraising events and clothes sales are also being discussed.
16. To meet the requirements of the 106 funding it is necessary to spend the funding allocated by the developer by the end of December 2013. The trustees are now at a point where they have the capacity to manage a project worker effectively and where they have a lot of positive ideas that need to be captured.
17. The organisation is currently finalising their accounts for 2012/3 and these show that they are holding some funding for another group and this has been identified as ring-fenced funding. This evidence of understanding the ring-fencing gives confidence that if funding is to be transferred to the association for the payment of the temporary worker they would keep it for that purpose. However a contractual arrangement would be put in place to ensure the Council retains control over this in the interests of legal accountability.
18. It is in line with community resilience strategy that the association is encouraged to look for its own funding going forward and the temporary worker could also look at becoming a self-funding post. Increasing income into the centre will reduce the risk to the Council of the Association folding and the liability of the centre returning to the Council.
19. In the event that for whatever reason it is not possible to secure a project worker an alternative would be for the planning agreement money to be used for straight capital expenditure on further landscaping and play equipment improvements on the estate subject to consultation with the various resident groups.
20. It is considered that all of the above proposals would meet the requirements for which this funding was intended i.e. improvements to community facilities in the Skerne Park Estate.

## **Legal Implications**

21. Officers are satisfied that the proposed use of the planning agreement contribution would be in keeping with government guidance on the use of section 106 contributions. The implication of the money not being spent by December 2013 is that it will need to be re-paid to Miller Homes.

## **Consultation**

22. Consultation has previously taken place and is referred to in the report.