
RELEASE OF SECTION 106 FUNDS

Responsible Cabinet Member - Councillor Andy Scott, Health and Leisure Portfolio

Responsible Director - Cliff Brown, Director of Community Services

SUMMARY REPORT

Purpose of the Report

1. To request the release of developer contributions through Section 106 Agreements to carry out improvements to parks and play areas.

Summary

2. Through the Planning process, a number of Section 106 Agreements have been entered into with the developers providing funding to improve parks and play areas at a number of locations in the Borough.
3. Generally the Section 106 Agreements are specific about what the funding can be used for and in the majority of cases, identify target locations and timescales when the money must be spent to avoid it being returned to the developer. This report covers eight agreements totalling £281,960.

Recommendation

4. It is recommended that Members approve the release of Section 106 Funding as detailed in the report.

Reasons

5. The recommendation is supported to enable the continued improvement of parks and play areas across the Borough.

**Cliff Brown
Director of Community Services**

Background Papers

No Background papers were used in the preparation of this report.

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CLD

S17 Crime and Disorder	Providing a range of facilities in parks and play areas for young people does have a positive impact on crime and disorder.
Health and Well Being	Continuing to improve parks and play areas across the Borough provides the opportunity, particularly for young people to partake in positive activities in the open air thereby impacting on their health and well being.
Sustainability	Wherever possible, sustainable approaches to improvements in parks and play areas are adopted.
Diversity	Full consultation takes place with relevant groups in the location of the parks and play areas to ensure that local circumstances are taken on board. In addition, consultation takes place with an inclusion group made up of six children through DAD to consult on plans for parks and play areas.
Wards Affected	Sadberge and Whessoe, Central, College, Park East, Park West.
Groups Affected	The main impact on different groups will be those utilising parks and play areas. Full consultation takes place with Friends Groups and young people.
Budget and Policy Framework	It is not considered that this report has any impact on the budget or policy framework.
Key Decision	It is not considered that it is a key decision.
Urgent Decision	This is not an urgent decision.
One Darlington: Perfectly Placed	Improvements to parks and play areas will contribute to the Greener Darlington and Safer Darlington themes.

MAIN REPORT

Information and Analysis

6. The Council is currently holding funds from a number of Section 106 developer contributions for the improvement of parks and play areas from housing developments. Work is ongoing to develop schemes for a number of sites, utilising this funding as well as other sources. The eight Section 106 Agreements totalling £281,960 are as follows:

(a) **Site 1 - Land at Former Sadberge School Site**
Residential development comprising of 16 dwelling houses and associated access roads, footpaths and landscaping. Planning Reference: 07\00676\FUL

This is a sale of land obligation where contributions towards enhancement of existing play areas using developer contributions of £11,200. There are no deadlines for completion of works.

It is proposed to utilise this funding to purchase a small section of an adjacent field to the existing play area in Sadberge, fence off as required and improve drainage to the site.

(b) **Site 2 - Bowes Court Residential Development, Allan Street**
Residential development site to provide 41 dwellings, associated access and works. Planning Reference: 01\00442\FUL

This is a Section 106 Agreement. Maintenance of public space at Dodsworth Street and Eastmount Road using developer contribution of £12,300. There are no deadlines for completion of either capital or revenue works associated with this agreement.

Work is ongoing to develop a project brief for improvements to the public open space on Albert Hill adjacent to Dodsworth Street/Nestfield Street. A package is being developed to fund these works, looking at various sources of funding. It is proposed that developer contributions of £12,300 is used toward this scheme.

(c) **Site 3 – Church House, Barton Street**
Residential development of 26 dwellings, access from Barton Street, associated parking and amenity space.
Planning Reference: 02/00906/FUL

This is a Section 106 agreement for repairs and maintenance of the play area at Nestfield Street. Developer contribution of £19,200. Deadline for spending contribution of ten years from the completion of the final dwelling, which was 9 June 2006.

It is proposed to utilise this contribution on the site adjacent to Dodsworth Street/ Nestfield Street.

- (d) **Site 4 - Darlington College of Technology, Cleveland Avenue Residential Development, 114 new build dwellings comprising of 4 storey apartment block, 3 storey townhouses and single detached dwellings, associated parking and garages. Planning Reference 02\00937\RM2**

This Section 106 Agreement is for the enhancement of the equipped play area at Green Park and/or Stanhope Road using developer contributions of £104,800. The deadline for completion of any capital works is April 2011 and any associated revenue works, April 2019.

The Council are working with the Friends of Green Park on a project to develop a master plan to enhance the park for the benefit of local residents. It is proposed that the majority of this funding is allocated to that project specifically around providing equipped play equipment. It is also proposed that the tennis courts at Stanhope Road are refurbished utilising approximately £20,000 of this money.

- (e) **Site 5 - Land Adjacent to Queen Elizabeth Sixth Form College Residential development of 61 dwellings to include private amenity space and associated rear parking. Planning Reference: 01\0473\FUL**

This is a Section 106 Agreement for contributions to the enhancement of equipped play areas at Green Park and Stanhope Park in accordance with adopted supplementary Planning guidance using developer contributions of £16,800. The deadline for completions of any capital works is March 2011 and the deadline for completion of any revenue works, March 2016.

It is proposed that a contribution of £16,800 be utilised within Green Park to supplement the funds from the site mentioned above in this report.

- (f) **Site 6 - Land at Merrybent Residential development of 83 residential units Planning Reference: 02\00394\FUL**

This is a Section 106 Agreement for the provision of equipped play areas within the Community Forest land at such locations as shall be agreed between the parties and failing such agreement, at Broken Scar Picnic Site, Darlington or such other site or sites as the Council and the developer shall in their reasonable discretion agree in accordance with supplementary Planning guidance.

Developer contribution of £89,800. The deadline for completion of capital works is 2012.

In correspondence with the developer, George Wimpey and Groundwork West Durham and Darlington who have taken over Community Forest interests, agreement has been reached that this funding could be utilised at Broken Scar. It is therefore proposed to replace the recently removed play equipment at Broken Scar and associated works.

This agreement is specific with regard to the site for the location of the play equipment, either on Community Forest land or at Broken Scar Picnic Site. It is therefore not possible within the terms of the agreement, agreed by the Planning Applications

Committee, to use the developer contribution elsewhere in the Borough.

- (g) **Site 7 - Geneva Lane (former Bakery site)**
Redevelopment of site to provide 15 dwellings, 12 semi-detached, two bungalows and one detached. Planning Reference: 04\01185\FUL

This is a Section 106 Agreement for the provision of works of maintenance and works of repair to children's play equipment in the vicinity of the development using developer contribution of £16,060. The deadline for completion of works is ten years after the occupation of the last house.

A project has been developed to extend the existing play area at South Park to provide a range of new toddler equipment to increase capacity of this extremely busy site. It is proposed that this contribution of £16,060 go towards that project.

- (h) **Site 8 - Land North of Parkside**
Housing development of 14 two storey houses and 12 bungalows, mixed tenure with associated roads, paths, etc for Three Rivers Housing Association.
Planning Reference: 02\01090\FUL

This is a Section 106 Agreement for the provision of play areas with a commuted sum of £11,800. The deadline for the completion of capital works is 30 April 2009 and any revenue works by 30 April 2014. It is proposed to utilise this contribution as above towards a toddler play extension for South Park.

Outcome of Consultation

7. Detailed consultation is ongoing with local communities, young people and Ward Members for the development of each of these projects. Young people and an inclusion group from DAD are involved in the selection process for any play equipment/play designs to ensure they are fit for purpose.
8. The funding received through the Section 106 Agreements is allocated in line with the requirements in the Open Space Strategy.