
**SECTION 106 FUNDING
DEED OF PLANNING OBLIGATION
WIMPEY'S, GENEVA LANE/SOUTH PARK AND
CAPITAL PROGRAMME 2006/07
RELEASE OF FUNDS FOR RECONFIGURATION OF THE LEARNING DISABILITY
SERVICE**

Responsible Cabinet Member - Councillor Don Bristow, Resource Management Portfolio

Responsible Director - Cliff Brown, Director of Community Services

Purpose of Report

1. To request the release of funding associated with the Deed of Planning Obligation, Wimpey's Geneva Lane/South Park for development of a sports pavilion and equipped play area in South Park and other sports facilities within the Borough and Capital Programme resources for facilities for service users with learning disabilities.

Information and Analysis

2. The original planning obligation to provide a 10 changing room pavilion at the Victoria Road end of South Park and upgrade the football pitches was renegotiated earlier this year and the planning obligation was discharged. In place of this, a new planning obligation has been put in place as follows:

‘The Council shall apply the sum as to £670,011 in the provision of a new pavilion at South Park and sports facilities in other open locations within the Borough and as to the £25,000 in the provision of enhanced equipment, play areas in the vicinity of the site or South Park.’

New Development

3. The new development at South Park will comprise of a building that will be utilised by sports teams, in particular Spraire Lads and Lasses, Adult Services (for adults with learning difficulties) and the Youth Service. The building will generally comprise of four changing rooms for teams, two officials' changing rooms, two workshops/communal rooms and a rest area. The building will be able to be operated as one overall unit or two separate units of changing facilities and workshops/communal rooms. Attached as **Appendix 1** is a plan of the proposed scheme, although it must be noted that final drawings need to be worked up, which will of course be subject to Planning.

4. The intended use of the new facility will be as follows:
 - (a) To provide changing accommodation for football and other sports taking place on the show field (in particular Spraire Lads and Lasses).
 - (b) A facility for clients with adult learning difficulties to engage in positive activity, particularly around arts and crafts, and be involved in the park itself.
 - (c) There is also the opportunity for the Youth Service to provide a drop-in facility for Youth Workers to engage with young people who hang around in the park and surrounding area.
5. The estimated cost of the project at present is £877,000. The project will be funded from the Capital Programme and from the Section 106 Agreement as follows:
 - (a) Adult Services - £366,000 contribution from the approved capital programme for Reconfiguration of the Learning Disability Service. £0.558m which includes a contribution of £0.058m has been released to date of which £0.165m has been used on other projects leaving £0.393m unused.
 - (b) Section 106 Geneva Lane Site - £511,000 contribution

Additional CCTV

6. As part of the original proposal, it was intended to install one camera at the Victoria Embankment entrance to the park. It is believed that this would still be appropriate and therefore an allocation of £30,000 from the Section 106 money has been identified for this camera.

Sports/Play Provision in the Vicinity

7. From the original Section 106 funding of £695,011, the following has been allocated:
 - (a) £511,000 towards a pavilion, South Park
 - (b) £30,000 additional CCTV, Victoria Embankment
 - (c) £25,000 from the agreement which must be dedicated towards play equipment
8. This leaves an estimated £129,000 that can be utilised for sports facilities in other locations within the Borough in line with the Section 106 Agreement.
9. As part of the Local Area Agreement, consultation is about to take place with residents on Skerne Park with a view to developing an environmental improvement plan. It is intended that this will include providing play equipment in the area and potentially a football pitch. It is proposed that the remaining funding from the Section 106 Agreement is utilised along with any Local Area Agreement funding to facilitate the improvement of sporting/play provision within Skerne Park.

Other Options Considered for the Utilisation of the Section 106 Agreement Funding

10. Utilisation of the Section 106 Agreement funding, is for specific purposes as follows:-
 - (a) Provision of a pavilion in South Park
 - (b) Provision of sports facilities in other locations within the Borough
 - (c) Provision of enhanced equipment to play areas in the vicinity of the site or South Park
11. Although there is no specific reference to CCTV, it is clearly evident that in the provision of additional facilities, there is a requirement to protect them and CCTV is one way of doing this.
12. Other options have not been considered, as the Section 106 money is fairly prescriptive.

Learning Disabilities Facility

13. The approved capital programme includes resources for the reconfiguration of Learning Disability Day Care facilities currently provided from Beck House. Resources to date have been approved for a facility at The Grange. The proposal covered by this report is for a new facility to be provided linked to the proposed Sports Pavilion funded from Section 106 monies as outlined in this report. This will minimise construction costs and provide a facility fully integrated into other community facilities.
14. The new facility will provide a community inclusive service for adults with learning disabilities throughout the Darlington Borough. It will provide a base for approximately 20 adults with a range of learning and physical disabilities who will be enabled to access opportunities within the local community and the park itself following the principles of the Government White Paper Valuing People. The resource hopes to develop a range of opportunities to meet the needs of the individuals and also develop links with the communities in the surrounding area. The location within the South Park offers great scope for the development of sensory activities and also offers the opportunity to further develop successful existing initiatives such as Conservation groups, Nature and Photography and History groups.

Further Revenue Costs

15. There will be small increases in revenue associated with the cleaning and maintenance of this new building, although for the changing pavilion facility, the Council will work in partnership with Spraire Lads and Lasses to try to minimise these costs wherever applicable. It is anticipated that there will be cleaning undertaken by the groups using the changing facilities. Any additional cleaning will be limited and this along with fuel costs and repairs will not cause a pressure on existing budgets for repairs and maintenance. For the Adult Services element of the building, there will be revenue funding available for running costs from the provision at Beck House when services are redirected. In the meantime the MTFP includes resources to cover the additional costs during the period of dual running of facilities.

Total Costs of Scheme and How It Would Be Funded

16. The total cost of the sports pavilion/Adult Services training facility will be £877,000. This will be funded as follows:

- (a) £511,000 – Section 106 funding
- (b) £366,000 – Contributions from Capital Programme for reconfiguration of Learning Disability Services

17. In addition, the following will be funded from the remaining Section 106 monies:

- (a) £30,000 for CCTV camera, Victoria Embankment
- (b) £25,000 for increased play provision within South Park
- (c) £129,000 for sporting/play provision within Skerne Park, subject to consultation with residents

Outcome of Consultation

18. Consultation has taken place with Carers, Service Users, Ward Members, Spraire Lads and Lasses, Friends of South Park and Sport England.

19. Through the Planning process, detailed consultation will take place with local residents and users of the facility.

Legal Implications

20. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Section 17 of the Crime and Disorder Act 1998

21. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

22. The area where the sports pavilion/Adult Services training facility will be developed is a run-down area of the park. This facility will have a positive impact by improving the area, thereby reducing anti social behaviour. In addition, utilising funding to enhance facilities on Skerne Park will have a positive impact on anti social behaviour.

Council Policy Framework

23. The issues contained within this report do not represent change to Council policy or the Council's policy framework.

Decision Deadline

24. For the purpose of the 'call-in' procedure this does not represent an urgent matter.

Key Decisions

25. This is a key decision as it involves significant expenditure having regard to the budget for spending and play provision.

Recommendation

26. It is recommended that:

- (a) the £695,011 Cleveland Bridge Planning Obligation funding be released.
- (b) the Director of Community Services in consultation with the Leader of the Council agree how any remaining funds from Section 106 funding be utilised to enhance sporting/play provision either in South Park or within the Borough.
- (c) £0.366m of capital funding previously released for the Reconfiguration of the Learning Disability be used for this new facility for the Learning Disability Service.

Reasons

27. The recommendations are supported by the following reasons:

- (a) To enable the Council to build a sports pavilion with additional facilities to accommodate Adult Services and Youth Service.
- (b) To utilise any underspend from the Planning Obligation funding to the provision of sports facilities or play equipment across the Borough, tying into the Local Area Agreement, in particular focusing on Skerne Park.

Cliff Brown
Director of Community Services

Background Papers

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

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