

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	5068
Author:	Adrienne Kelly
Department:	Resident Services
Contact:	Adrienne Kelly (Job Title: Greenspace Development & Strategy Manager, Email: adrienne.kelly@nottinghamcity.gov.uk, Phone: 01158764970)
Subject:	Section 106 Funding for Park Projects
Total Value:	£586,390.72 (Type: Capital)
Decision Being Taken:	(1). To note that the proposed expenditure has been approved by the Spend Control Panel (ref:2820)(2) To authorise the use of the Section 106 allocations as detailed on Appendix 1. (3) To amend the capital programme to reflect the expenditure detailed in Appendix 2. (4) To delegate authority to the Director of Communities, Environment and Resident Services to enter into contract, and sign off orders for spend detailed.
Reasons for the Decision(s)	The open space Section 106 funding currently available across the City is set out in Appendix 2, along with proposed spend proposals; these are taken from the Park Investment Plans, which were refreshed in 2022 to reflect current priorities (Appendix 1).The proposed expenditure was approved by the Spend Control Panel on 3 January 2024 (reference: 2820).
Briefing notes documents:	S106 Monies awaiting approval 2023 Appendix 1.docx
Other Options Considered:	If the Section 106 funding is not used for the purposes detailed within Appendix 1, within 5 years of receipt, it could be reclaimed by the developer. Therefore other spend options have been discounted.
Background Papers:	None
Published Works:	None

Affected Wards:	Berridge, Bestwood, Bilborough, Castle, Clifton West, Hyson Green and Arboretum, Lenton and Wollaton East, Mapperley, Meadows, Radford, St Ann's
Colleague / Councillor Interests:	None
Consultations:	Date: 01/11/2022
	Ward Councillors: See Appendix 1
	All Ward Councillors have been consulted in relation to the Park Investment Plans. See attached appendix 1.
	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	The investments across a number of Wards will assist with making Parks and Open Spaces a safer environment.
Equality:	EIA not required. Reasons: EIAs will be produced as necessary as the projects are further developed.
Social Value Considerations:	N/A
Decision Type:	Portfolio Holder
Subject to Call In:	Yes
Call In Expiry date:	12/01/2024
Advice Sought:	Legal, Finance, Procurement, Other: Eddie Curry(eddie.curry@nottinghamcity.gov.uk)
Legal Advice:	As confirmed by the Finance Advice the sums listed in the Appendix to this DDM are available for commitment. the proposed purposes for which the monies are to be spent appear consistent with the relevant s106 Agreement under which they were obtained. The s106 Agreements generally require and financial contributions to be re-paid on request if they are not spent or committed for spend within 5 years of receipt. In a majority of cases the commitment to spend authorised by this DDM will satisfy that requirement and the risk of repayment being demanded is therefore small. However the s106 Agreement in respect of 04/01657/PFUL3 Nazareth House, Priory Street, Lenton requires repayment of the financial contribution if it is not utilised for the purpose specified within 3 years of receipt. This payment therefore needs to be spent by 30/12/23 otherwise the Council is contractually obliged to repay it. Advice provided by Ann Barrett (Team Leader) on 25/10/2023.

Finance Advice:

The attached Appendix 2 provides details of each of the S106 contributions proposed to be committed within this approval. This provides the Planning Reference and Site from where the receipt has originated, the specific conditions for spend (the Council's Obligations at the Second Schedule of the Agreement), the dates receipts are received and by which they should be committed, the amounts received, any admin and monitoring fees allowed by the Agreement that have been deducted, the amount available and proposed for commitment, and the description of the proposed projects.

It is confirmed that the sums listed in Appendix 2 are available for commitment.

Upon completion of this approval, the Capital Programme team will allocate capital project codes to each approved scheme and add these items to the Capital Programme for monitoring.

Advice provided by Sarah Baker (Senior Commercial Business Partner) on 20/10/2023.

Advice documents: S106 Parks Projects Appendix 2 - 2023 10 20.docx

Procurement Advice:

There are no significant procurement concerns with the decisions being sought. Of the projects listed in Appendix 2, one is valued above £100k and 5 above £25k, and the contracts for these must be awarded subsequent to obtaining a minimum of three written tenders / quotes respectively, in accordance with Article 18.55 of the Constitution; unless existing corporate contracts or compliant arrangements established by third parties are used in accordance with Article 18.34 or 18.43, as applicable. The remainder of the projects listed are valued below £25k and can be awarded contracts subject to Contract Procedure Rules. Advice should be sought from the Procurement Team to ensure all appointments are made compliantly, and that applicable provisions of both Contract Procedure Rules and the Public Contracts Regulations 2015 are adhered to.

Advice provided by Jonathan Whitmarsh (Lead Procurement Officer) on 18/11/2022.

Other Advice:

The section 106 contributions listed within appendix 1 are all allocated for park improvements and have been assigned to local ward based priority park improvement projects. The funding will help to upgrade existing facilities and will also help to improve the quality of facilities within the local areas.

Advice provided by Eddie Curry (Head of Green Space & Natural Environment) on 07/11/2023.

Signatures

Corall Jenkins (PH Energy, Environment and Waste Services, Parks)

SIGNED and Dated: 05/12/2023

Colin Parr (Corporate Director, CERS)

SIGNED and Dated: 29/11/2023

Appendix 1

***S106 allocation - Councillor Notification / Consultation – in accordance with Park Investment Plans now updated via the RDO Ward Tracker updated quarterly**

Planning Reference	Specifics of S106 agreement	Amount	Ward	Site to be allocated to	Project details	*Councillor Notification / Consultation
17/01754/PFUL3 Former Dunkirk Inn, 71 Montpelier Road	Improvement of infrastructure at Highfields Park	£14,604.48	Wollaton East and Lenton Abbey	Highfields Park	Park Improvements	Email 04.11.22
15/01844/PFUL3 29-31 Upper Parliament St	Arboretum tropical house & aviaries	£15,878.80	Hyson Green and Arboretum	Arboretum	Improvements to the aviaries	Email 04.11.22
18/02040/PFUL3 102-103 Palm St	Headley Villas Park	£14,592.07	Berridge	Hedley Villas	Improvements to the play area and wider park	Email 04.11.22
19/01437/PFUL3 806 Woodborough Road	Provision and/or enhancement of Open Space in Nottingham City	£15,030.89	Mapperley	Mapperley Ward Parks and Open Spaces	Park improvements	Email 04.11.22
17/01760/PFUL3 109, 111 & 113 and land to the rear of 107-119 Ruddington Lane	Ruddington Lane Park	£24,653.07	Clifton West	Ruddington Lane Park	Park improvements	Teams Mtg with Cllr Rule and RDO Claire McCurdy. Email sent to Cllr Steel who was unable to attend the meeting.
18/00143/POUT William Olds Youth Centre, 84 Chiltern Way	Improvements to facilities at Southglade and/or	£30,895.32	Bestwood	Open Space improvement to Sandybanks and Southglade Park	Open space improvements	Email 04.11.22

	Sandy Banks Nature Reserve					
20/00746/PFUL3 Angelace House, Holland St	Provision and/or enhancement of Open Space in Nottingham City	£17,416.00	Hyson Green and Arboretum	Forest Recreation Ground	Improvements to toilet provision on site	Email 04.11.22
17/02891/PFUL3 177 Forest Road West	Ronald Street Play Area	£7,810.68	Radford	Ronald Street Park	Open space improvements	Email 04.11.22
19/00375/PFUL3 25-29 Lister Gate	Queens Walk Recreation Ground	£4,986.08	Meadows	Queens Walk Recreation Ground	Open space improvements	Email 04.11.22
04/00239/PFUL3 Basford Works, Egypt Road	provision or enhancement of Open Space in the City of Nottingham	£15,676.25	Berridge	Open space improvements within Berridge Ward	Open space improvements within Berridge Ward	Email 04.11.22
04/01657/PFUL3 Nazareth House, Priory Street, Lenton	provision or enhancement of Open Space in the City of Nottingham	£55,715.25	Enhancement of Parks & Open Spaces	Open space improvements	Open space improvements	Email 04.11.22
06/02470/PFUL3 Basford Works, Egypt Road	provision or enhancement of Open Space in the City of Nottingham	£1,323.11	Berridge	Open space improvements within Berridge Ward	Open space improvements within Berridge Ward	Email 04.11.22
12/03284/PVAR3 Catherine House, Woolpack Lane	provision or enhancement of Open Space in the City of Nottingham	£21,799.65	Castle	Park and Open Space Improvements	Park and Open Space Improvements	Email 04.11.22
17/01620/PFUL3 Christian Centre, 78-85 Talbot Street	Improvements to play areas at Wallan Street and Bridlington Street in the City of Nottingham	£70,516.01	Hyson Green and Arboretum	Wallan Street/ Bridlington Street	Park and Open Space Improvements	Email 04.11.22

17/00882/PFUL3 Land North of Canal, Castle Boulevard	Infrastructure and play area improvements of open space at Highfields Park.	£14,939.99	Wollaton East and Lenton Abbey	Highfields Park	Infrastructure and play area improvements	Email 04.11.22
18/00227/PFUL3 43-55 Lower Parliament Street & 1-7 Glasshouse Street	enhancement of infrastructure to Robin Hood Chase green corridor	£19,599.97	St Anns	Robin Hood Chase	Open space improvements including infrastructure	Email 04.11.22
18/02566/PFUL3 19/01482/PVAR3 Site of York House, Mansfield Road	Improvements to Elm Avenue, Corporation Oaks and Robin Hood Chase open spaces within Nottingham City.	£101,361.06	St Anns and Mapperley	Robin Hood Chase, Corporation Oaks and Elm Avenue	Open space improvements including infrastructure	Email 04.11.22
19/00393/PFUL3 Nottingham School of Martial Arts, Ilkeston Road	enhancement of open space at Radford Recreation Ground	£8,729.28	Radford	Radford Recreation Ground	Open space improvements	Email 04.11.22
19/01186/PFUL3 Spices Indian Restaurant (also known as The Gondola), Wollaton Vale	provision or enhancement of Open Space in the City of Nottingham	£20,023.20	Bilborough	Park and Open Space Improvements	Park and Open Space Improvements	Email 04.11.22
19/01957/PFUL3 land at St James Hotel Conference Centre, Rutland Street	provision or enhancement of Open Space in the City of Nottingham	£7,852.69	Castle	Park and Open Space Improvements	Park and Open Space Improvements	Email 04.11.22

19/02426/PFUL3 Lambert House, Talbot Street	provision or enhancement of Open Space in the City of Nottingham	£58,897.47	Hyson Green and Arboretum	Park and Open Space Improvements and wider site	Park and Open Space Improvements and wider site	Email 04.11.22
20/02618/PFUL3 Westbridge House, Holland Street	provision or enhancement of Open Space in the City of Nottingham	£44,089.41	Hyson Green and Arboretum	Forest Recreation Ground	Improvements to toilet provision on site and wider site	Email 04.11.22
Total NOV 22 DDM		£586,390.72				

Finance Comments – Section 106 Funding for Park Projects – Appendix 2 S106 receipts availability

Planning Reference / Site	Specific Conditions of Purpose	Date received	Date to commit by	Amount received	Admin & monitoring fee	Amount available / Committal	Proposed project description
17/01754/PFUL3 Former Dunkirk Inn, 71 Montpelier Road	Improvement of infrastructure at Highfields Park	27/02/20	27/02/25	15,056.17	(451.69)	14,604.48	Highfields Park - Park improvements
15/01844/PFUL3 29-31 Upper Parliament St	Provision and/or enhancement of the former Tropical House & Aviaries at the Arboretum Park	03/12/20	03/12/25	16,369.90	(491.10)	15,878.80	Arboretum - Improvements to the aviaries
18/02040/PFUL3 102-103 Palm St	Improvements to the park and play equipment at Headley Villas Park	23/06/20	23/06/25	15,043.37	(451.30)	14,592.07	Hedley Villas - Improvements to the play area and wider park
19/01437/PFUL3 806 Woodborough Road	Provision and/or enhancement of Open Space within the City of Nottingham	08/03/21	08/03/26	15,495.76	(464.87)	15,030.89	Mapperley Ward Parks and Open Spaces - Park improvements
17/01760/PFUL3 109, 111 & 113 and land to the rear of 107-119 Ruddington Lane	Provision and/or enhancement of Ruddington Lane Park	19/07/21	19/07/26	25,415.54	(762.47)	24,653.07	Ruddington Lane Park - Park improvements
18/00143/POUT William Olds Youth Centre, 84 Chiltern Way	Improvements to facilities at Southglade and/or Sandy Banks Nature Reserve	04/10/21	04/10/26	31,850.85	(955.53)	30,895.32	Open Space improvements to Sandybanks and Southglade Park
20/00746/PFUL3 Angelace House, Holland St	Provision and/or enhancement of Open Space with the City of Nottingham	29/06/21	29/06/26	17,818.41	(534.55)	17,283.86	Forest Recreation Ground - Improvements to toilet provision on site
17/02891/PFUL3 177 Forest Road West	Enhancement and improvement of the Ronald Street play area	05/10/21	05/10/26	8,052.25	(241.57)	7,810.68	Ronald Street Park - Open space improvements
19/00375/PFUL3 25-29 Lister Gate	Queens Walk Recreation Ground	17/02/21	17/02/26	5,140.29	(154.21)	4,986.08	Queens Walk Recreation Ground - Open space improvements
04/00239/PFUL3 Basford Works, Egypt Road	Provision or enhancement of Open Space in the City of Nottingham	08/06/20	n/a	15,676.25	-	15,676.25	Open space improvements within Berridge Ward
04/01657/PFUL3 Nazareth House, Priory Street, Lenton	Provision or enhancement of Open Space in the City of Nottingham	31/12/20	31/12/23	55,715.25	-	55,715.25	Open space improvements within WELA Ward
06/02470/PFUL3 Basford Works, Egypt Road	Provision or enhancement of Open Space in the City of Nottingham	08/06/20	n/a	1,323.11	-	1,323.11	Open space improvements within Berridge Ward
12/03284/PVAR3 Catherine House, Woolpack Lane	Provision or enhancement of Open Space in the City of Nottingham	22/04/20	22/04/25	22,473.87	(674.22)	21,799.65	Park and Open Space Improvements

Planning Reference / Site	Specific Conditions of Purpose	Date received	Date to commit by	Amount received	Admin & monitoring fee	Amount available / Committal	Proposed project description
17/01620/PFUL3 Christian Centre, 78-85 Talbot Street	Improvements to play areas at Wallan Street and Bridlington Street in the City of Nottingham	23/09/20	18/11/20	72,696.92	(2,180.91)	70,516.01	Wallan Street / Bridlington Street - Park and Open Space Improvements
17/00882/PFUL3 Land North of Canal, Castle Boulevard	Infrastructure and play area improvements of open space at Highfields Park.	08/09/21	08/09/26	15,402.05	(462.06)	14,939.99	Highfields Park - Infrastructure and play area improvements
18/00227/PFUL3 43-55 Lower Parliament Street & 1-7 Glasshouse Street	Enhancement of infrastructure to Robin Hood Chase green corridor	25/10/21	25/10/26	20,206.15	(606.18)	19,599.97	Robin Hood Chase - Open space improvements including infrastructure
18/02566/PFUL3 19/01482/PVAR3 Site of York House, Mansfield Road	Improvements to Elm Avenue, Corporation Oaks and Robin Hood Chase open spaces within Nottingham City.	10/09/21	10/09/26	104,495.94	(3,134.88)	101,361.06	Robin Hood Chase, Corporation Oaks and Elm Avenue - Open space improvements including infrastructure
19/00393/PFUL3 Nottingham School of Martial Arts, Ilkeston Road	Provision and/or enhancement of open space at Radford Recreation Ground	31/08/21	31/08/26	8,999.26	(269.98)	8,729.28	Radford Recreation Ground - Open space improvements
19/01186/PFUL3 Spices Indian Restaurant (also known as The Gondola), Wollaton Vale	Provision and/or enhancement of Open Space within the City of Nottingham	30/04/21	30/04/26	20,642.47	(619.27)	20,023.20	Park and Open Space improvements
19/01957/PFUL3 land at St James Hotel Conference Centre, Rutland Street	Provision and/or enhancement of Open Space within the City of Nottingham	29/09/20	29/09/25	8,095.56	(242.87)	7,852.69	Park and Open Space improvements
19/02426/PFUL3 Lambert House, Talbot Street	Provision and/or enhancement of Open Space within the City of Nottingham	16/11/20	16/11/25	60,719.04	(1,821.57)	58,897.47	Park and Open Space Improvements and wider sites
20/02618/PFUL3 Westbridge House, Holland Street	Provision and/or enhancement of Open Space in the City of Nottingham	06/10/21	06/10/26	45,453.00	(1,363.59)	44,089.41	Forest Recreation Ground - Improvements to toilet provision on site and wider site
Total						586,258.59	