

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	2810
Author:	James Dymond
Department:	Communities
Contact:	Eddie Curry (Job Title: Head of Parks, Open Spaces and Investment Funding, Email: eddie.curry@nottinghamcity.gov.uk, Phone: 01158764982)

Subject: Allocation of Section 106 and Managed Reserves for the Arboretum and Bulwell Hall Golf Course

Total Value: £299,903.86 (Type: Capital)

Decision Being Taken:

1. To authorise the allocation of £200,000 managed reserves to fund continued improvements at the Forest Recreation Ground, Colville Street play area, the Arboretum and Bulwell Hall golf course.
2. To authorise the use of the section 106 open space contribution totalling £32,972.05 linked to the planning permission for 95 Talbot Street (ref 15/00888/PFUL3) towards the works at the Arboretum detailed below.
3. To authorise the use of the section 106 open space contribution totalling £66,931.81 linked to the planning permission for Barrasford House (ref 15/02381/PVAR3) towards the works at the Arboretum detailed below.

Reasons for the Decision(s)

At the Arboretum, work is underway to restore the Grade II Listed Waverley Lodge for use as a café / tea room and to convert the remains of the former Refreshment Rooms pub to a mess and store room for site staff. Due to the age and condition of the Lodge, a number of unforeseen additional costs have arisen during the build. At the pub site, an arson attack occurred prior to works starting on site and left the building heavily fire-damaged. This has also caused additional cost increases with the building requiring like-for-like repair as it is in a conservation area. Works will also be undertaken to make safe and landscape the former pub site including the adjacent walls.

At Bulwell Hall golf course, the funding will be used to continue with improvements to the course and ongoing maintenance during 2017/18. This funding is to cover a transitional year until the operation of the golf course is tendered out to a private sector operator or a new in-house business plan produced.

At the Colville Street play area and the Forest Recreation Ground, proposals for a range of site wide improvements including path resurfacing, security works and site furniture were endorsed by the Arboretum, Dunkirk and Lenton, Radford and Park Area Committee on 22nd February 2017.

Briefing notes documents:	S106 Capital Reserves use DD March 2017 v2.docx
Other Options Considered:	If the managed reserves are not used for this purpose, these projects are at risk of not being able to be completed. At the Arboretum, this could mean that the income-generating café is not operational.
Background Papers:	None
Published Works:	Arboretum, Dunkirk and Lenton, Radford and Park Area Committee - minutes of the meeting of 22nd February 2017.
Affected Wards:	Arboretum, Bulwell
Colleague / Councillor Interests:	None
Consultations:	Date: 22/02/2017
	Area Committees: Area 4: Arboretum, Dunkirk and Lenton, Radford and Park (from May 2012)
	Allocation of Section 106 funding endorsed by Area Committee on 22nd February 2017.
	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	The spend proposals in this decision all aim to improve the quality and safety of the parks and open spaces and increase their usage.
Equality:	EIA not required. Reasons: There is no proposal for new or changing policies / services / functions or financial decisions that would have a major impact on services.
Decision Type:	Portfolio Holder
Subject to Call In:	Yes
Call In Expiry date:	20/04/2017
Advice Sought:	Legal, Finance

Legal Advice:

1. The section 106 agreement dated 28 July 2015 from which the contribution at Recommendation 2 derives obliges the Council to use those monies towards open space improvements including "the landscaping of former Refreshment Rooms Public House at the Arboretum".
2. The section 106A variation agreement dated 29 January 2016 from which the contribution at Recommendation 3 derives obliges the Council to use those monies towards "the demolition and parkland landscaping works within Nottingham Arboretum at the site of the former Park Public House, Arboretum Street and former tropical house sites".
3. It is considered that the proposed application of the section 106 contributions with which this decision is concerned is compatible with the terms of the respective section 106/106A agreements.
4. Area Committee is a consultee in relation to the spending of section 106 monies within its area. It is noted that Arboretum, Radford and Park, Dunkirk and Lenton Area Committee considered and endorsed proposals for local improvements on 22 February 2017 including the use of section 106 monies. It is understood that additional consultation with the Chair of that Area Committee took place on 31 March 2017 insofar as the proposals in this delegated decision differed in minor respects from the proposals considered on 22 February 2017, in order to achieve compliance with the specific spending obligations of the above agreements.
5. The two agreements provide for the repayment of the contributions to the developer on request any monies which have not been spent or committed for expenditure on the expiry of five years after receipt.
6. The decision is within the terms of reference of the Portfolio Holder for Leisure and Culture under the Council's Constitution. Advice provided by Judith Irwin (Senior Solicitor) on 31/03/2017.

Finance Advice:

Please refer to attached document for finance comments.
 Advice provided by Tom Straw (Senior Accountant - Capital Programmes) on 31/03/2017.
 Advice documents: 13472 - Arboretum & Bulwell Golf Course - Finance.docx

Signatures

David Trimble (Portfolio Holder for Leisure and Culture)
 SIGNED and Dated: 11/04/2017
 Andrew Vaughan (Corporate Director Commercial and Operations)
 SIGNED and Dated: 07/04/2017