

WEST AREA COMMITTEE – 13 SEPTEMBER 2017

Title of paper:	Bilborough Park Play Area	
Director(s)/ Corporate Director(s):	Hugh White, Director, Sport & Culture Andrew Vaughan, Corporate Director, Commercial & Operations	Wards affected: Bilborough
Report author(s) and contact details:	James Dymond, Parks Development Manager, 0115 876 4983 Eddie Curry, Head of Parks & Open Spaces and Investment Funding	
Other colleagues who have provided input:	James Tilford, Parks Development Officer	
Date of consultation with Portfolio Holder(s) (if relevant)	n/a	
Relevant Council Plan Key Theme:		
Strategic Regeneration and Development		<input type="checkbox"/>
Schools		<input type="checkbox"/>
Planning and Housing		<input type="checkbox"/>
Community Services		<input type="checkbox"/>
Energy, Sustainability and Customer		<input type="checkbox"/>
Jobs, Growth and Transport		<input type="checkbox"/>
Adults, Health and Community Sector		<input type="checkbox"/>
Children, Early Intervention and Early Years		<input type="checkbox"/>
Leisure and Culture		<input checked="" type="checkbox"/>
Resources and Neighbourhood Regeneration		<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):		
It is proposed to allocate Section 106 and WREN funding to install a new play area at Bilborough Park.		
Recommendation(s):		
1	That the Area Committee endorses the use of £97,971 of Section 106 funding from planning application 09/00526/PFUL3 to create a play area at Bilborough Park.	
2	That the Area Committee supports the submission of a bid to Waste Recycling Environmental Ltd (WREN) in November 2017 for £50,000 towards the above project.	

1 REASONS FOR RECOMMENDATIONS

1.1 Bilborough Park is a large and popular open space in the Bilborough Ward, which is now home to the Harvey Hadden sports village, cycle track and stadium. There have been suggestions over the years of installing a new play area at the park to meet local demand and the funding is now available to do so.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 Bilborough Park is the largest and most centrally located park and open space within the Ward. It sits within a number of housing estates and serves a large catchment area.
- 2.2 The site is home to a new state of the art leisure centre and swimming pool along with an outdoor cycling track; it is home to Bilborough Boxing Club and the Harvey Hadden stadium which acts as a home for Notts Athletics Club and Nottingham Caesars American Football, with Bilborough Football Club also hoping to establish a new long term arrangement as well. The Park is a citywide hub for sports and recreational activity.
- 2.3 There have been numerous requests over the years for a children’s play area at this site and one that can offer inclusive play for children with a range of special needs, both mentally and physically. The Ward has two special schools within its boundaries: Oak Field School and Sports College, and Westbury School.
- 2.4 The site and community would hugely benefit from an inclusive children’s play area and this is why we are proposing to seek funding for this project.
- 2.5 Subject to Area Committee endorsement, a delegated decision on project funding will be a matter for the Portfolio Holder for Culture and Leisure.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 If the Section 106 funding is not used for this project, it could be used on other open space improvements in the area.
- 3.2 If a play area is not built at Bilborough Park it is likely that community demand for a facility on the park will continue.

4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 4.1 Planning application 09/00526/PFUL3 was for a residential development at the former GCNS Dairy site and is now known as Dairy Square. A Section 106 payment of £97,971 for improvement to open space is due from the developer and it is proposed to use this at Bilborough Park.
- 4.2 £25,000 of Area Capital for this project was allocated at the West Area Committee meeting on 16th November 2016 and this will be used for the 11% “third party funding” to WREN and towards the works on site.
- 4.3 It is proposed to retain £30,000 of the Section 106 funding for future maintenance and repairs; it is hoped that this will last for up to 10 years. There are over 120 play areas in the City with a declining repairs budget and a team of just two Playground Maintenance Operatives to inspect and repair them on a weekly basis. This funding will ensure that day-to-day wear and tear and larger scale repairs can be sustained.
- 4.4 The funding is proposed to be used as follows:

Funding	£	Proposed Use
Section 106 from 09/00526/PFUL3	£30,000	Maintenance of new play area
	£67,971	Construction of new play

WREN	£50,000	area
Area Capital	£19,500	
	£5,500	WREN fees

5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

5.1 Procurement has no significant concerns with the recommendations set out in the report and will support the client through the procurement phase to ensure compliance with Public Contract Regulations and establish value for money.

LEGAL

5.2 A section 106 agreement dated 27 April 2006 linked with planning permission reference 05/02295/PFUL3 in relation to the residential development of the site at the former GNCS Dairy, Beechdale Road secured a range of community benefits including payment of a financial contribution of £97,971 towards off site open space.

5.3 The 2006 agreement was modified by a variation agreement completed on 23 April 2007 with changes to the lender's obligations in relation to the on-site provision of affordable housing. The obligations relating to open space in the 2006 agreement remained unchanged.

5.4 In the 2009 an application was made (reference 09/00526/PFUL3) to vary the planning permission by altering the housing mix. To apply the section 106 obligations in the 2006 agreement (as varied) to this new permission, a second variation agreement was completed on 20 July 2009. This further amended the affordable housing provision but left the substantive open space obligations contained in the 2006 agreement unchanged.

5.5 The 2006 s106 agreement (as amended) requires the site owner to pay the open space contribution to the Council on or before 50% occupation of the development. It is understood that this stage was reached some time ago and that the payment is outstanding.

5.6 Under the section 106 agreement (as amended) the Council is obliged to use the open space contribution "*towards the provision or enhancement of public open space in the City of Nottingham*". It is considered that the proposed expenditure on the creation and maintenance of an inclusive play area at Bilborough Park would comply with this requirement.

5.7 Under the Council's Constitution, Area Committee is a consultee on the proposed expenditure of section 106 open space monies within the local area, and it is to comply with this requirement that this report is brought to Committee.

5.8 The decision also seeks support for the submission of an application for WREN funding towards the same inclusive play area project. Grants may be made by WREN from its Community Fund for amenity projects within 10 miles of a FCC Environment landfill site in WREN's operating area. In the case of the Bilborough Park project, this site is Eastcroft. Funding applications may be made between £2000 and £50000 and the primary intent of the project must be for the protection of

the environment, maintenance or improvement of a public park, or another public amenity.

- 5.9 In the case of all grant applications which are approved by WREN, the City Council will be required to enter into an agreement covering the purpose to which the monies are put, delivery of progress reports, maintenance of records of income derived and provision of documentation and expenditure details to WREN as the projects are implemented. There will also be obligations to ensure the availability of the projects to the general public.

Judith Irwin, Senior Solicitor, Planning and Environment Team
15 August 2017

6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISION RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE) (AREA COMMITTEE REPORTS ONLY)

- 6.1 There are no issues from a Property perspective on creating a play area at Bilborough Park. The site is operationally managed and internal teams will maintain and repair the equipment. No external property documents will be required.
- 6.2 This forms part of the overall strategy for the site and the Area, and its principle is supported.

John West, Estates Surveyor, Property Plus
09 August 2017

7 EQUALITY IMPACT ASSESSMENT

- 7.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because there is no proposal for new or changing policies / services / functions or financial decisions that would have a major impact on services.

8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

- 8.1 None

9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- 9.1 Section 106 agreement between Nottingham City Council, General Grove Limited and Barratt Homes Limited dated 27 April 2006 linked with planning permission reference 05/02295/PFUL3.
- 9.2 Section 106A variation agreement between Nottingham City Council, Barratt homes Limited and Derwent Housing Association Limited dated 23 April 2007 linked with planning permission reference 09/00526/PFUL3.
- 9.3 Section 106A variation agreement between Nottingham City Council and BDW Trading Limited dated 20 July 2009 linked with planning permission reference 09/00526/PFUL3..