



Report of: Assistant Director Planning and Regulatory Services

Lead Member: Councillor Gareth Dowling

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**SUBJECT: ALLOCATION OF SECTION 106 (S106) FUNDING FOR
IMPROVEMENTS AT NORTH MEOLS LEISURE CENTRE, BANKS**

Ward affected: North Meols

1.0 PURPOSE OF THE REPORT

- 1.1 To seek authorisation to allocate Section 106 (S106) commuted sums received from planning permission 2013/0030/OUT, for the provision of children's play space, outdoor green gym and associated environmental improvements at North Meols Leisure Centre.

2.0 RECOMMENDATION TO POLICY AND RESOURCES COMMITTEE

- 2.1 That the Policy and Resources Committee approves the allocation and spending of £120,000 of the S106 off-site open space commuted sum received in relation to planning permission 2013/0030/OUT for the provision of children's play space, outdoor green gym and associated environmental improvements at North Meols Leisure Centre.

3.0 BACKGROUND

- 3.1 Planning permission 2013/0030/OUT was granted on 08 March 2013 for a residential development of approximately 115 dwellings with associated open space, including details of access, on land to the east side of Guinea Hall Lane and north of Greaves Hall Avenue, Banks.
- 3.2 The application was subject to a unilateral legal agreement dated 06 March 2013, made under S106 of the Town and Country Planning Act 1990. Schedule 3, Part 3 of the agreement required the developer to pay the Council an off-site open space commuted sum of £120,000 for the provision of children's play space and an outdoor green gym and associated environmental improvements at North Meols Leisure Centre.

- 3.3 Under the terms of the S106 legal agreement, the Council is required to use all of the sums for the purposes specified in the agreement for which they are to be paid within 10 years of receipt or refund this money to the payee along with any interest accrued.
- 3.4 The off-site commuted sum was received by the Council on 05 January 2017. As such, the Council must see that it is spent in accordance with the legal agreement by 05 January 2027.
- 3.5 The Council has now received a design proposal from The Hub@Banks, formerly known as North Meols Leisure Centre, detailing the proposed location and installation of children's play equipment and outdoor green gym equipment at the site. Additional detail of the proposal is provided at Appendix 1 of this report. The full amount of £120,000 has been requested to be allocated towards this proposal.
- 3.6 The Council has a robust and detailed governance process in place for the allocation and spending of S106 funding as set out in the *(Update to the) Governance Framework for Community Infrastructure Levy and Section 106 Expenditure, July 2020* ('the Framework'). The Framework requires that, where a S106 agreement specifies a scheme but the value exceeds the value of £10,000, the decision will be referred to Committee.

4.0 CONSULTATION AND ASSESSMENT

- 4.1 There is no formal requirement for internal or external consultation on this proposal as the nature of the proposal on which the commuted sum is to be spent is specifically identified in the S106 legal agreement.
- 4.2 Notwithstanding this, and in the public interest, the Council has a duty to ensure that the proposal is achievable and sustainable. This includes ensuring that equipment meets design standards, that there are no barriers to deliverability and that future maintenance needs are addressed.
- 4.3 The North Meols Leisure Centre was a local authority run facility until control was handed over to the local Parish Council in 2019. The new named Hub@Banks is owned and managed by a newly-formed Community Interest Company (CIC) and the centre is operated by the community. The CIC have provided evidence of its control over the land, details of consultation with Hub users and children at the adjacent St Stephens Primary School and provided a proposed future inspection and maintenance plan. The Council's Outdoor Recreation Manager and Playground Technician have reviewed the proposals and consider the scheme to be in a suitable location and provide a good range of equipment.
- 4.4 Following assessment it is considered that the proposal put forward by The Hub@Banks is suitable, deliverable and sustainable.

5.0 NEXT STEPS

- 5.1 Should Committee authorise the allocation of the S106 funding for this project, it will be subject to a Service Level Agreement to ensure that the awarded S106 funding is appropriately spent and that any underspend is returned to the Council and returned to the S106 funding pot accordingly.

6.0 SUSTAINABILITY IMPLICATIONS

- 6.1 The provision of a children's play space and outdoor green gym at the former North Meols Leisure Centre, Banks will have positive sustainability implications for North Meols. North Meols currently does not currently have such a provision. The proposal will encourage a more active and healthier lifestyle for the residents of North Meols.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 The proposal will be funded through Section 106 funding, as outlined at Section 3 of this report.

8.0 RISK ASSESSMENT

- 8.1 There is a limited risk for the scheme's delivery given it is utilising S106 monies that the Council is already in receipt of.
- 8.2 Should the S106 monies remain unallocated or unspent by 05 January 2027 then there is a risk that the Council would need to return the monies to the respective developers with any interest accrued. However, as this scheme has been identified with delivery expected in the next 12-24 months, it is considered that there is a minimal risk of returning the monies to the developers.

9.0 HEALTH AND WELLBEING IMPLICATIONS

- 9.1 The proposal will help the Councils achieve its vision and priorities in fostering inclusive and healthy communities in reducing health and wellbeing inequalities.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a direct impact on members of the public, employees, elected members and / or stakeholders, therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

1. *Proposal Overview*
2. *Equalities Impact Assessment*