

# Refurbishment of St John's Recreation Ground Fountain - Release of Section 106 Fund

Cabinet Member for Leisure, Wellbeing and Culture

## Summary

**Lead Member:** Councillor Wendy Fitzsimmons

**Lead Director:** Paul Taylor

**Head of Service:** Gary Stevenson

**Report Author:** Peter Every

**Classification:** Public document (non-exempt)

**Wards Affected:** St John's

Approval Timetable	Date
Cabinet Member	9 March 2023
Report Published	13 March 2023
Decision due not before	21 March 2023

## Recommendations

Officer recommendation as supported by the cabinet member

1. That £10,486.32 of developer contributions is released to fund the refurbishment of the ornamental fountain in St John's Recreation Ground utilising a contribution received through planning obligation for Dairy Crest planning reference 15/507556.

# 1. Introduction and Background

- 1.1 This report seek authority to release Section 106 funding in relation to the planning consent for Dairy Crest planning reference 15/507556. The Section 106 agreement associated with the consent provides a contribution towards the refurbishment of the ornamental Fountain in St John's Recreation Ground.
- 1.2 The fountain made by Royal Dalton was installed in 1920 from a donation by a local landowner. Over the years the fountain has fallen into disrepair with damaged sections being recovered and retained until funds were available to carry out repairs.
- 1.3 The Friends of St John's Park and Meadows with Refresh Tunbridge Wells have put forward a proposal to partially restore the fountain converting the structure to an ornamental planter. The possibility of restoring the fountain to fully operational fountain has been explored and discounted owing to costs being in excess of the available budget. Any sections of fountain not used in the restoration will be securely stored should funds become available in the future to return the fountain to full working order.
- 1.4 Quotations were sought from two companies specialising in this type of work with a local company Chilstone, offering the most affordable option at £10,395.00 the work consists of re-fixing of the existing pieces, supply of a new bowl and pedestal to match the existing replacing the missing upper bowl, all pre-installation construction and preparation of the exiting bowl to bear the new bowl and pedestal.
- 1.5 The Parks Team will consult with the Friends group to agree planting design and final arrangement of scheme. Plants will be funded from the Parks revenue budgets and carried out as a community project.

# 2. Options Considered

- 2.1 Do nothing – The S106 agreement will expire in September 2023 and the wording of the agreement is specific to the restoration of the fountain in St John's Recreation Ground.
- 2.2 Agree the scheme in accordance with the wording of the S106 agreement. No other option for the funding is available and inaction may result in the return of the funding to the developer.

# 3. Preferred Option and Reason

- 3.1 The preferred option is to agree the release of the funding to restore the fountain in St John's Recreation Ground in compliance with the S106 agreement.

## **4. Consultation on Options**

- 4.1 A consultation exercise was carried out with the Friends of St John's Park and Meadows and the Refresh Tunbridge Wells group. All options were explored and the project to restore the fountain agreed.

## **5. Implementation**

- 5.1 Chilstone were appointed as the contractor and all work has been completed to the satisfaction of the Parks and Sports Team Leader.

## **6. Cross Cutting Issues**

### **A. Legal (including the Human Rights Act)**

Planning obligation agreements provide a mechanism for collecting contributions from developers through the planning process. Section 106 contributions may only be used for the purpose specified in the agreement. The report states that the proposed use for the contribution in this instance is in accordance with the terms of the S106 agreement and the funding can be utilised as proposed.

The funds should be released subject to the conditions set out in the S106 agreement being met in full and any necessary agreements or contracts entered into on release of the contributions must be in accordance with the Council's Contract Procedure Rules and should be in a form approved by the Head of the Mid Kent Legal Partnership

Tracey Wagstaff Senior Planning Lawyer Mid Kent Legal Services 07 11 22

### **B. Finance and Other Resources**

The Section 106 funds have been received and can be used for this purpose

Clare Hazard – Accountancy Manager – 31 October 2022

### **C. Staffing**

There are no staffing implications for Tunbridge Wells Borough Council.

Peter Every Parks and Sports Team Leader.

### **D. Risk Management**

There are no significant risk management issues.

Peter Every Parks and Sports Team Leader 15 November 2022.

## **E. Environment (inc. Biodiversity) Sustainability**

The fountain structure will remain in place preserving the historic feature but will not be connected to a water supply. The structure will be converted to an ornamental planter utilising a selection of insect friendly herbaceous plants with drought tolerant qualities. Once established the planting scheme will require minimal maintenance saving on maintenance visits and staff time. The plant selection will remain in place for a number of years and will not require replacing in the same way as seasonal bedding.

Peter Every Parks and Sports Team Leader 15 November 2022

## **F. Community Safety**

No impact on community safety.

Terry Hughes, Community Safety Manager 18 October 2022.

## **G. Equalities**

This proposal does not have any equalities implications

Sarah Lavallie Corporate Governance Officer 14 October 2022

## **H. Data Protection**

No Implications

Sarah Lavallie Corporate Governance Officer 24 October 2022

## **I. Health and Safety**

No Health and Safety issues.

Mike Catling – Corporate Health and Safety Advisor 19th October 2022

## **J. Health and Wellbeing**

Releasing fund to partially restore the fountain will promote green space which can contribute to residents' health and wellbeing.

Rebecca Bowers Health Improvement Team Leader 4 November 2022