

Item No. 7.	Classification: Open	Date: 9 October 2012	Meeting Name: Planning Committee
Report title:		Approval of £197,823 of S106 education contributions towards expanding school capacity at St James School and Crampton primary schools from developments at 89 Spa Road (Site D Bermondsey Spa) a/n 337 S106/120868 05/AP/2617 and Newington Industrial Estate, a/n 263, S106/111215 04/AP/0544.	
Ward(s) or groups affected:		Newington and Grange wards	
From:		Assistant Director Strategy & Support	

RECOMMENDATION

1. That the Planning Committee authorises the expenditure of £197,823 for:
 - £147,823 from 89 Spa Road (Site D Bermondsey Spa) a/n 337 S106/120868 05/AP/2617 towards a new classroom at St. James School (Alma site) Primary School.
 - £50,000 from Newington Industrial Estate, a/n 263, S106/111215 04/AP/0544 towards additional capacity at Crampton Primary School.

BACKGROUND INFORMATION

2. Approval in respect of s106 funds over £100,000 for matters of strategic importance is a matter reserved to planning committee. Planning obligations under section 106 of the Town and Country Planning Act 1990 are used to address the negative impacts caused by a development and contribute to providing infrastructure and facilities necessary to achieve sustainable communities. The council can enter into a legal agreement with a developer whereby the developer agrees to provide planning obligations. These obligations can take the form of financial contributions and can cover a range of facilities including contributions toward educational facilities.
3. The council has been able to secure funding towards local educational capacity improvements from the named developments to ensure that the council can provide some mitigation from the pressure of new developments on educational school places likely to be used by the residents of the new developments.

KEY ISSUES FOR CONSIDERATION

4. Through the pupil place planning for schools places the council has assessed the need for places throughout the borough and invested in additional school places to meet the growth in population and parental choice. Additional places were provided at Crampton and St James primary schools as part of a borough wide programme of expansion of school places. The primary school project is a rolling project and as a whole will provide an aggregate of 10 forms of entry classrooms and cost approximately £30 million by 2012/13.

5. The whole of the council maintained and voluntary aided school estate has been subject to a condition and capacity survey. The survey was completed in the summer of 2012 and this information will be reported to cabinet in the autumn of 2012 along with recommended strategy for the provision of further places.
6. It has always been planned that where appropriate and available, S106 funding would be used to contribute towards the costs of providing this extra educational capacity.
7. The allocation towards a new bulge class room at St James Primary School, on the site of the former Alma School, will provide a new 30 place classroom and associated works to increase school capacity with improvements to the kitchen and toilet. This work has been forward funded by the council as was completed in 2011/12.
8. The allocation toward a new class room at Crampton Primary School will provide a new classroom and works to provide space for an additional 30 school places. It and associated works and refurbishments have cost the council over £1.5m. This work has been forward funded by the council and was completed in 2011-12.

Policy implications

9. The identified contributions were secured through a S106 legal agreement with the justification for educational need from new developments indentified in the adopted Planning Obligations Supplementary Planning Document, 2007.
10. A further cabinet report is expected in the autumn 2012 detailing the outcome of the resent condition and capacity surveys. This in conjunction with the pupil place planning needs will recommend a future strategy of provision of school places.

Community impact statement

11. The school expansions will have a positive impact on the community. The provision of modern and practical facilities with more capacity will greatly enhance the quality of the education facilities for both the additional and existing pupils and teachers.
12. The provision will provide space for all sections of the community irrespective of class, gender, ethnic origin, disability, religious belief, age or sexuality can come together. This in turn will improve the quality of life of people in Southwark and encourage community cohesion.

Resource implications

13. The council has previous committed to forward fund these two expansion projects from existing approved project budgets.

Consultation

14. The actual school expansions were consulted upon during their respective planning applications. Any comments from Bankside, Borough and Walworth and Bermondsey and Rotherhithe Community Councils will be reported in the addendum report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

15. Members of the planning committee are requested to authorise the release of funds from two S106 planning obligations, totaling £197,823, for expenditure on educational needs as specified in paragraph 1 of the recommendation.
16. The S106s monies must be expended in accordance with: -
 - (a) the terms of the specific S106s; and
 - (b) the relevant policy tests set out in Circular 2005/05 and the first three being legal tests below which are now enshrined in Regulation 122(a) of the Community Infrastructure Levy Regulations in that they must be: -
 - (i) relevant to planning purposes;
 - (ii) necessary to make the developments on the respective sites acceptable in planning terms by mitigating adverse impacts;
 - (iii) directly related to the respective developments;
 - (iv) fairly and reasonably related in scale and kind to the respective developments; and
 - (v) reasonable in all other respects.
17. The s106 agreement dated 13 September 2007 in respect of 89 Spa Road & Site D Bermondsey Spa, secured an education contribution in the amount of £147,823.00 to be used towards the provision of new school places. This report seeks to use that contribution towards the provision of a new classroom at St. James Primary School at the Alma site. The provision of a new classroom will as identified in paragraph 6 of the report provide a new 30 space classroom which will increase school capacity. The allocation of the education contribution towards this provision is therefore in accordance with the terms of the s106 legal agreement.
18. The S106 agreement dated 29 July 2005 in respect of the Newington Industrial Estate secured an education contribution in the amount of £50,000 which must be used towards the provision of educational facilities in the borough. This report seeks to use that contribution towards a new classroom at Crampton Primary School to provide for additional school places as identified in paragraph 7 of the report. The allocation of the education contribution towards this provision is therefore in accordance with the terms of the S106 legal agreement.
19. The decision to consider and approve S106 expenditure exceeding £100,000 is reserved to members of planning committee in accordance with Part 3F, paragraph 2 under the heading 'Matters Reserved for a Decision'. Subject to taking account of the above considerations, members are advised to approve the expenditure which would be consistent with the terms of the S106 and the legal and policy tests relating to validity and expenditure of S106 contributions.

Section 106 Manager

20. The development at 89 Spa Road (Site D Bermondsey Spa) a/n 337 S106/120868 05/AP/2617 secured £243,554 towards a variety of obligations including £147,823 towards education. All the contributions associated with this

development have been received and all but the education contribution have been spent. The £147,823 for education needs to be spent by 31 October 2012.

21. The development at Newington Industrial Estate, a/n 263, S106/111215 04/AP/0544 secured £375,000 towards a variety of obligations including £50,000 towards education. All the contributions associated with this development have been received and all but the education contribution have been spent. The £50,000 for education needs to be spent by 15 November 2012.
22. The proposed allocation of £197,823 towards increased educational capacity at local schools will provide direct educational mitigation from these developments and spend the money in the required time limits.

Strategic Director of Finance and Corporate Services

23. This report recommends that the planning committee authorises expenditure of S106 monies towards a new classroom at St. James School (Alma site) Primary School and additional capacity at Crampton Primary School.
24. The strategic director notes the resource implications contained within the report, and that the relevant S106 monies have been received and are available. Officer time to effect the recommendation will be contained within existing budgeted revenue resources.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
S106 agreements 05/AP/2617 & 04/AP/0544.	Planning, 5 Floor, 160 Tooley Street, London SE1 2QH	Zayd Al-Jawad 020 7525 7309

AUDIT TRAIL

Lead Officer	Kerry Crichlow , Assistant Director Strategy & Support	
Report Author	Zayd Al-Jawad, Section106 Manager	
Version	Final	
Date	20 September 2012	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
S106 Manager	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		21 September 2012