

Item No. 12.	Classification: Open	Date: 12 March 2013	Meeting Name: Bermondsey and Rotherhithe Community Council
Report title:		The release £125,000 of S106 money and delegate authority for up to a further £208,000 from SITE A CANADA WATER, SURREY QUAYS ROAD, SE16 09/AP/1870 for increasing capacity of the Sands Film Cinema Club and towards a long lease for the Rotherhithe Picture Research Library at Grice's Granary.	
Ward(s) or groups affected:		Rotherhithe ward	
From:		Interim Director of Planning	

RECOMMENDATIONS

1. That the community council comment on the release of £50,000 of S106 funding, subject to a deed of variation, in respect of the development at Site A Canada Water, Surrey Quays Road, London SE16 09/AP/1870 A/n 452 towards increasing the capacity of the Sands Film Cinema Club at Grice's Granary.
2. That the community council comment on the release of £75,000 of S106 funding, subject to a deed of variation, in respect of the development at Site A Canada Water, Surrey Quays Road, London SE16 09/AP/1870 A/n 452 toward securing a long lease for the Rotherhithe Picture Research Library.
3. That the community council comment on the release of up to £208,000 of S106 funding, subject to a deed of variation, in respect of the development at Site A Canada Water, Surrey Quays Road, London SE16 09/AP/1870 A/n 452 toward securing a long lease for the Rotherhithe Picture Research Library.

BACKGROUND INFORMATION

4. Planning obligations are used to mitigate against the negative impacts caused by a development and contribute towards providing infrastructure and facilities necessary to achieve sustainable communities. In order to achieve this, the council enters into a legal agreement with a developer whereby the developer agrees to provide planning contributions and/or enters into various planning obligations.
5. The development at Site A Canada Water secured a number of payments to help mitigate the local area from the impacts of the development and included obligations on the developer of Site A to: (a) build a community facility to core and shell in Building A2 of the development; (b) provide a sum of £125,000 towards fitting out the facility; and (c) use reasonable endeavours within 24 months of its completion to lease the facility to a community body or, failing that, the council for community purposes. However, due to lack of interest in the community facility from community organisations and the recent addition of the

Canada Water Library, officers are considering alternative community purposes which the development could support financially. This report sets out a proposal to provide funding for the Rotherhithe Picture Research Library and Sands Film Cinema Club.

The Rotherhithe Picture Research Library

6. The Rotherhithe Picture Research Library curates a collection of pictures and illustrations to be used as visual reference; the collection is freely available to anyone doing picture research. The library was created in 1976 as a non-profit-making educational charity and has been open to the public at its current location in Rotherhithe for the last 36 years.
7. This access system enables any member of the public, including children, to use the collection without the need for an expert's knowledge of its indexing. Every kind of visual reference material, from postcards to magazine illustrations, from catalogue and book plates to original photographs, drawings or prints are being kept. The library has special sections dedicated to Bermondsey and Rotherhithe local history: it holds the archives of the Peek Freans factory, the picture reference collection created by Southwark Library in Spa Road and a large collection of photographs of the area donated by local residents. The picture research library is entirely funded and supported by Sands Films and is located within the same building.

The Sands Films Cinema Club

8. The Sands Films Cinema Club started informal and non-commercial scheduling of Art House films using the studio's facilities in the late 1970's. The film club was created as an offshoot of The Rotherhithe Picture Research Library's educational activities and funded through the profits of the studio. Members (over 1700) have free access to the screenings. The purpose of the club is the presentation of films in their historical context for a better understanding of the cinematic language, omnipresent in society and culture. In addition the film club runs monthly screenings for children out of school education and their parents on the first Thursday of every month. In total the Film Club arranges 6 to 8 screenings per month.

KEY ISSUES FOR CONSIDERATION

9. The Sands Films Cinema Club needs to improve its facilities to meet the growing demand for alternative quality programming in the area. The current screening room seats only 30 people and every single screening is oversubscribed. The proposed allocation of £50,000 would fund an increase to 70 seats for a minimum of 5 years. This would provide a free and alternative community provision for new and existing local residents.
10. In improving its facilities the film theatre can increase its programming, not just of film presentation but also of educational lectures which will expand and enhance the facilities open to the public through the Rotherhithe Picture Research Library.
11. The Rotherhithe Picture Research Library has a minimal income from some film royalties and is supported by Sands Films for most of its funding and in particular for its premises. The library occupies some 6,000 sq ft informally provided by the company but without lease or any security of tenure. It is proposed the library

acquires a level of self sufficiency by securing a long term lease of the property it occupies.

12. Subject to independent commercial valuation it is proposed that the library obtain a long lease for £350,000, of which S106 funding could support up to £283,000. The security of tenure would in turn provide the library with a better prospect for the future and independence. The long term aim is to reach self sustainability. The Rotherhithe Picture Research Library is a unique resource in London, providing a stimulating and creative environment to sets and costumes designers as well as to many students of all ages and users of all types. By becoming self sufficient and securing a future the library can increase its programme of lectures and activities available to local residents and users.
13. Both the allocations will require amendments to the legal agreement through a deed of variation; therefore the proposed allocations are subject to this proposed deed. There will also be a need for the allocations to be subject to a grant agreement whereby Sands and the picture library agree to using the funds/benefits in perpetuity for the community purposes for which they have been provided.
14. The proposed allocation of £208,000 is subject to the council and the developer (and anyone else against whom the s.106 is currently enforceable) agreeing to release the current S106 requirement to provide on site community space.
15. The development at Canada Water A2 has provided the building and space for the community facility to shell and core as required under the current S106 dated 17 February 2010. The developers have said the space has been marketed however only a private nursery has shown interest. A private nursery as opposed to a publically accessible nursery would not constitute a community use, although would provide some mitigation against the impacts of the development. Should the space not be let the council has the option of taking the facility. However given the recent provision of the award winning Canada Water library, which includes community space which is in the immediate vicinity, other provision is being considered. If this proposal is accepted, the building currently built and allocated for community use could be used as a private nursery or other D class use.
16. To release the developer from the current requirement a deed of variation is required, however the amount in lieu of construction of the community facility required in the S106 (currently estimated at £208,000) has yet to be finalised. Therefore, authority is to be sought from the planning committee to delegate authority to the interim director of planning for allocating up to the £208,000 that may be secured towards the Rotherhithe Picture Research Library.

Community project bank list

17. Both projects have been suggested as projects for the 2012/2013 community project bank list which is currently being consulted upon. The projects are not noted on the 2009/10 project banks, although it is noted that at its meeting on the 22 July 2009, the then executive approved a priority list of community project banks. These priorities should be carefully considered in the case of releasing monies from any S106 agreement.

18. As this is a brand new project it does not appear on the current community project bank list. However the Canada Water Area Action Plan notes the need for more community facilities for which this provides.

Community impact statement

19. The programme of projects is designed to enhance the attractiveness of the area and provide all the community with improved and more secure facilities. Improving interaction between different social groups enhances trust and creates the conditions to foster stronger networked communities.

Resource implications

20. The project is manned by the charity and this allocation, other than the processing of this payment and report, will incur no further officer time or council resources.

Equal opportunities

21. The physical space is in an existing listed building which offers free and supported access to all, without prejudice or discrimination, including improving access for all to the centre.

Consultation

22. Local ward councillors have been approached directly by the group and are supportive of it. Comments made by the community council will be reported to planning committee.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

S106 Manager

23. The S106 agreement for the development at Canada Water, Sites A, Surrey Quays Road, SE16 09/AP/1870 A/n 452, secured £2,276,709 in S106 contributions which included money for Education, Transport and Sports / Children's Play. £1,988,237 of the contributions have been triggered and paid, the remaining contributions are due on occupation which has not yet occurred.
24. £125,000 has been paid for the fit out of the on site community space. Subject to a deed of variation and formal agreement for the developer, it is proposed to release the developer from the requirement to provide this space and secure a further £208,000 (the estimated cost of providing the community space) for funding off site community space.
25. The £125,000 would also be released from being used for the fit out of the no longer to be provided on site space to support the allocation in this report. Neither contribution has been allocated as yet and this report would only allocate it subject to the deed of variation for the £125,000 and the deed of variation and delegated approval from the interim director of planning for up to £208,000

Director of Legal Services

26. The release of funds towards increasing the capacity of the Sands Film Cinema Club at Grice's Granary and securing a long lease for the Rotherhithe Picture

Research Library would be appropriate subject to a deed of variation of the Canada Water Section 106 Agreement dated 17 February 2010 (planning reference 09-AP-1870). Therefore Members are advised that the recommendation to release the funds subject to a suitably worded deed of variation can be approved

27. The current obligations of the relevant section 106 agreement in relation to community facilities can be summarised as follows: (a) The developer must (prior to occupation of phase A2 of the development) build a community facility to core and shell in Building A2 of the development; (b) The developer must (prior to occupation of phase A2 of the development) provide a sum of £125,000 towards fitting out the community facility; and (c) the developer must use reasonable endeavours, within 24 months of completion of the community facility, to lease the facility to a community body or, failing that, to the council for community purposes. The lease to an approved body would be at peppercorn rent and for a term of 125 years.
28. The decision to approve the expenditure is reserved to planning committee in accordance with Part 3F, paragraph 2 under the heading 'Matters Reserved for Decision by the Planning Committee'. As highlighted throughout this report, the release of the monies for new purposes would be strictly subject to appropriate variations of the planning obligations by deed.

Strategic Director of Finance and Corporate Services

29. This report recommends the release of S106 funds towards increasing capacity at Sands Film Club at Grice's Granary and securing a long lease for Rotherhithe Picture Research Library as detailed in paragraphs 1-4.
30. It is noted that the release of S106 funds for the purposes outlined in the report is subject to a deed of variation and formal agreement from the developer.
31. Any staffing resources connected with this recommendation to be contained within existing budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Copy of S106 agreement	5 th Floor, 160 Tooley Street. London SE1 2QH	Zayd Al-Jawad 020 7525 7309

APPENDICES

No.	Title
None.	

AUDIT TRAIL

Lead Officer	Simon Bevan, Interim Director of Planning	
Report Author	Zayd Al-Jawad, S106 Manger	
Version	Final	
Dated	21 February 2013	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Strategic Director of Finance and Corporate Services	Yes	Yes
Director of Legal Services	Yes	Yes
Section 106 Manager	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	22 February 2013	