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| <b>Item No.</b><br>7.              | <b>Classification:</b><br>Open | <b>Date:</b><br>14 July<br>2015  | <b>Meeting Name:</b><br>Planning Committee |
| <b>Report title:</b>               |                                | Release of £248,282.00 S106 funds from the development at Century House 82 to 84 Tanner Street and 62 Riley Road (known as the Ark) 09/AP/1917 a/n 547 to public realm improvements to Maltby Street and to environmental improvements to Tanner Street Park |  |
| <b>Ward(s) or groups affected:</b> |                                | Bermondsey and Rotherhithe Community Council<br>Grange ward  |  |
| <b>From:</b>                       |                                | Chief Executive and Director of Planning   |  |

## RECOMMENDATION

1. That planning committee agree that funds totalling £248,282.00 be released from the Legal Agreement associated with the Century House development at 82 to 84 Tanner Street and 62 Riley Road 09/AP/1917 a/n 547 in the Riverside ward for public realm, parks and open spaces improvements at Maltby Street and Tanner Street Park.

## BACKGROUND INFORMATION

2. Section 106 planning obligations are used to address the 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 contributions. These contributions can cover a range of facilities and services including affordable homes, investment in open spaces, transport improvements, and provision of employment training schemes.
3. This release of funds has been prepared following the positive response to the previous S106 projects and investment programmes in other areas of the borough. Such programmes have responded to requests from the local community, councillors and local partnerships to ensure local benefit and positive outcomes from planning obligations.
4. The specific programme of works is intended to deliver improvements in the vicinity of the Century House Development on Tanner Street and Riley Road. The improvements will relate to the Public Realm, Parks and Open Spaces, Children's play contributions made.
5. The Century House development by London and Quadrant was made in 2009. The development designed by 'Make Architects' for London & Quadrant Housing Association includes a mix of private, intermediate and social rented homes totalling 154 units with ground floor retail and office space. The application to redevelop the Century House site was rejected by Southwark's planning committee in November 2009 however following a public inquiry in July 2010 this decision was overturned and the proposals approved. The development which is nearing completion ranges from five to ten storeys across the site.

- This proposed programme of works builds on a series of successful capital projects delivered in the area by the Council including the investment in public realm (e.g. Tanner Street Bridge, Tanner Street park improvements, St Johns Church yard, Fair Street Housing Greening, improvements in the Old Jamaica Road area and the emergence of the Maltby Street Market).

### KEY ISSUES FOR CONSIDERATION

- This profile of projects will compliment other S106 investments being made in Bermondsey and compliments a report approved earlier this year or £1.9m.
- The project allocations are detailed in the S106 agreement for Century House and respond directly to the legal requirements.
- The projects will all be consulted upon through the development and design of each discrete project in the local area with relevant stakeholders including local residents, the developers, and local councillors.

### S106 project proposals

- The list of projects is shown below with an identified section 106 budget in each instance.

| Project Proposal  | Agreement No. | Account Number | Funding available £ |
|---|---------------|----------------|---------------------|
| <b>Public Realm Improvements</b>  |               |                |                     |
| To design and implement public realm improvements at Maltby Street between the junction with Tanner Street and the entrance to Maltby Street market | 13-AP-0239    | 547            | <b>170,700</b>      |
| <b>Public Open Space</b>  |               |                |                     |
| Improvements for Tanner Street Park   | 13-AP-0239    | 547            | <b>59244</b>        |
| <b>Children's Play</b>  |               |                |                     |
| Playground improvements at Tanner Street Park   | 13-AP-0239    | 547            | <b>18338</b>        |

### Public realm improvements

- Century House is located next to the increasingly popular Maltby Street market. The entrance to Maltby Street and to the market is however in relatively poor condition. The carriage way needs replacing; the footpaths are narrow with breaks for vehicle access to the arches some of which are still operational many which are redundant as arches turn over to shop frontages. Overall there is an increasing conflicting demand of uses in the confined street space between vehicular traffic and deliveries, pedestrians including visitors to the market and the incoming residents of Century House itself.
- The key objective will be to create an environment that works as one whilst accommodating a complex hierarchy of uses. The aim is to design a scheme that will reduce the dominance of vehicles and the myriad of access points to the arches and create a space that is accessible for all. This may include a shared surface in

accordance with Southwark's Design Guidelines.

13. All designs will be consulted upon with key stakeholders and the concept and design stages. It is envisaged the design work will be undertaken in 2015/2016 with delivery towards the end of the financial year.

#### **Public open space and children's play**

14. Consultation with the Parks division has highlighted that Tanner Street is the most relevant space to the development and therefore should be the focus for both open space and children's play facilities allocations towards on-going improvements in the park. There is already a project to improve the tennis court facilities at Tanner Street, and some funding towards improving the historic water fountain as agreed by Planning committee in the most recent Bermondsey S106 release report in July 2014 which made available £238,443.
15. Play facilities funding will be allocated enhancing the children's playground at Tanner Street Park. This might include new play equipment to expand upon the experience for young children.
16. The Open space funding will be targeted towards the area around the drinking fountain and the former Community building which being the somewhat redundant area of the park, has long been an aspiration to bring back into use by the local community, the council and local ward Councillors. The property division of Regeneration with the Parks Division are looking at options to bring this building back into use as a café space with a private developer. Investment in the public space around the café where it interfaces the park and integrating this area back with the park will be required.

#### **Community Infrastructure Project List (CIPL) consideration**

17. CIPL for each of the community council areas were approved at their respective community council meetings in April and June 2013. The CIPL shows the local priorities for the expenditure of relevant S106 and future local Southwark Community Infrastructure Levy (CIL). These identified projects should be carefully considered in the case of releasing monies from any S106 agreement.
18. On this occasion there are no projects on the CIPL which have been recommended for funding. In this report the nature and remit of the funding has specific purposes detailed in the S106 agreement which do not have a natural overlap or link to the CIPL projects.
19. The most recent CIPL for Bermondsey and Rotherhithe Community Council is available as Appendix 1 to this report and on the council's website at: [http://www.southwark.gov.uk/info/200152/section\\_106/796/current\\_project\\_bank\\_ideas](http://www.southwark.gov.uk/info/200152/section_106/796/current_project_bank_ideas)

#### **Policy implications**

20. Delivering a series of interventions including transport, public realm and public open space projects in the Bermondsey area supports the principles of a number of Southwark policies, these policies include but are not limited to the following:

The Core Strategy 2011

- Theme 2: Making the borough a better place for people

- Theme 3: Delivering quality public spaces
- Strategic Policy 2 Sustainable transport
- Strategic Policy 4 places to learn and enjoy
- Strategic Policy 11: Open Spaces and Wildlife
- Strategic Policy 12: Design and conservation

### **Community impact statement**

21. The projects at Maltby Street are intended to enhance and make a series of improvements to make the immediate surroundings more inviting and of a higher quality to improving the environment and social sustainability of the area, providing high quality public places for use by local residents and workers, and which promote the potential for interaction. Improving interaction between different social groups enhances trust and creates the conditions to forge stronger networked communities.

### **Resource implications**

22. The resource implications are outlined above and summarised in the finance concurrent below. To deliver this small profile of projects, council costs will be recharged on a project by project basis.

### **Sustainable development implications**

23. The programme of projects will be delivered in line with the Sustainable Design and Construction SPD, which requires sustainable procurement of materials, and the use of environmental technologies.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director for Legal Services**

24. This report recommends that the Planning Committee considers and authorises the release of Section 106 funds totalling £248,282.00 from the development at Century House, 82 to 84 Tanner Street and 62 Riley Road (09/AP/1917) in accordance with the Section 106 Agreement. The report sets out a programme of Section 106 expenditure in excess of £100,000. In accordance with paragraph 2 of Part 3F of the Council's Constitution under the subheading 'Matters Reserved for Decision by the Planning Committee', the Planning Committee is required to consider the expenditure of funds over £100,000 of strategic importance secured through legal agreements under Section 106 of the Town and Country Planning Act 1990.

25. Section 106 funds must be expended in accordance with:

- a. The terms of the Specific Section 106 Agreements;
- b. The tests set out in Regulation 122 (2) a – c of the Community Infrastructure Regulations 2010 (as amended) which provide they must be:-
  - i. Necessary to make the development acceptable in planning terms;
  - ii. Directly related to the development; and
  - iii. Fairly and reasonably related to the scale and kind to the development.

26. The Section 106 Agreements listed in this report have been reviewed to ensure that the contributions which have been identified are being spent in accordance with the tests set out above and have been found to be compliant.

27. Subject to taking account of the above considerations, Members are advised to approve the expenditure which would be consistent with the terms of the relevant Section 106 Agreements and the legal tests outlined above.

### **S106 Manager**

28. The development at Century House, 82 to 84 Tanner street and 62 Riley Road SE1 3PJ, 09/AP/1917 a/n 547 secured over £1,113,1573 in contributions. Currently only £508,577 but the funds requested for allocation in this agreement are due, have been requested and are currently in the process of being paid.
29. The proposed allocation to Maltby Street public realm and Tanner Street open space and play are uncommitted and would provided mitigation for this development which is about to be occupied. This report requests approval from Planning Committee to the release of £248,282 S106 funds from legal agreement 13-AP-0239 (a/c no 547) towards public realm improvements to Maltby Street and to environmental improvements to Tanner Street Park as detailed in the report.
30. The Strategic Director of Finance and Corporate Services notes that the S106 funds towards this project have been requested and have yet to be received by the council. Therefore, the S106 funds will be available to the project and specified works once the sum is received by the council. Use of the S106 funds will be monitored as part of the Council's capital programme.
31. Staffing and any other costs connected with this recommendation to be contained within existing departmental revenue budgets.

### **Community Council Comments**

32. None.

## APPENDICES

| No.        | Title   |
|------------|---|
| Appendix 1 | CIPL for Bermondsey and Rotherhithe Community Council |

## AUDIT TRAIL

|   |   |                          |
|---|---|--------------------------|
| <b>Lead Officer</b>   | Antonia Clarke Team Leader Planning Projects  |                          |
| <b>Report Author</b>  | Antonia Clarke, Team Leader Planning Projects |                          |
| <b>Version</b>  | Final   |                          |
| <b>Dated</b>  | 10 May 2015                                   |                          |
| <b>Key Decision?</b>  | No  |                          |
| <b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b> |   |                          |
| <b>Officer Title</b>  | <b>Comments Sought</b>                        | <b>Comments included</b> |
| Director for Legal Services   | Yes   | Yes                      |
| Strategic Director of Finance and Corporate Services                    | No  | No                       |
| Section 106 Manager   | Yes   | Yes                      |
| Cabinet Member  | No  | No                       |
| <b>Date final report sent to Constitutional Team</b>                    |   | 30 June 2015             |