

<b>Item No.</b>	<b>Classification:</b>	<b>Date:</b>	<b>Meeting Name:</b>
7.	Open	24 September 2015	Planning Committee
<b>Report title:</b>		To release £250,000 from S106 agreement 12/AP/2797 and £168,649.52 from S106 agreement 15/AP/0747 for highway improvements to Balfour Street, London SE17	
<b>Ward(s) or groups affected:</b>		East Walworth	
<b>From:</b>		Chief Executive	

### **RECOMMENDATIONS**

1. To authorise the release of funds of £250,000 from the development known as Trafalgar Place at Rodney Road and Balfour Street, London SE17 12/AP/2797 a/n 658:
  - £250,000 will go towards undertaking highway improvements to Balfour Street including tree planting, traffic calming measures and widening of existing footways by the Council.
2. To authorise the release of funds of £168 649.52 from the variation to the S106 agreement for Trafalgar Place under reference 15/AP/0747 dated 27 April 2015 a/n 658A:
  - An additional payment of £168,649.52 from the developer to the council is proposed to cover the cost of the Balfour Streetscape Improvement works which are now to be undertaken by the Council.

### **BACKGROUND INFORMATION**

3. Planning obligations are legal agreements between the local planning authority, the developer and other interested parties which are used to mitigate the impacts caused by 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 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
4. Section 106 funds are released to projects and programmes as new developments come forward for implementation which triggers the payment of sums to the council.
5. The development known as Trafalgar Place at Rodney Road and Balfour Street, London SE17 12/AP/2797, is to pay the Balfour Street works contribution of £250,000 to the Council as defined below pursuant to the Section 106 Agreement .
6. A variation to the S106 was agreed in May 2015 to recognise that highways works which the developer was obligated to undertake within the original s106 agreement would sit more logically within the wider Balfour St streetscape improvement scheme. As part of this S106 variation, the developer agreed to contribute an additional £168 649.52 towards the

scheme. The contribution equates to the cost of the additional highways works to the western footway and the off-site tree planting commitment.

7. **“Balfour Street Works Contribution”** means the sum of £250,000 (two hundred and fifty thousand pounds) to be paid by the Developer to the Council pursuant to paragraph 1.2 of Schedule 4.

### **Projects to mitigate the impact of the developments**

8. Section 106 payments are secured as part of the planning permissions for the above site in order to mitigate the impact of large new developments on the area, and provide the infrastructure and services to support large new developments.
9. The approved and under construction Trafalgar Place development will create new pedestrian links between the new residential blocks and on Victory Place that will enhance the public realm and bring benefits to both existing and new residential community. The planning approval also secured improvements to the western footway on Balfour Street directly adjacent to the new development including new tree planting. In order to further mitigate the impact of the development a £250,000 contribution was secured to ensure all areas of Balfour Street are enhanced.
10. The proposed improvements to Balfour Street are as follows:
  - Narrowing of the existing carriageway in order to encourage slower driving speeds
  - Traffic calming measures including raised tables
  - Widening of footways
  - Rationalising of on-street car parking bays
  - Additional tree planting over and above the seven new trees already required as part of the Trafalgar Place consent
  - Low level planting along footway to create pedestrian and cyclist friendly green link between Victory Park and Nursery Row Park.

### **Consultation**

11. Consultation on initial proposals for improvements to Balfour Street was undertaken as part of the pre-planning consultation for the approved Trafalgar Place scheme (application 12/AP/2729). The key objectives identified through this earlier Lend Lease led consultation was that local community wished to see additional tree planting, widening of footways and traffic calming measures. The design proposals that will be presented to the public in June 2014 will respond to key objectives identified through this earlier consultation. This consultation will be led by the Council’s Highway’s department ahead of any application for statutory consents required for alterations to highway.

### **Resource implications**

12. The resource implications are outlined above and summarised in the finance concurrent below.

## **Community impact statement**

13. All projects will be designed to be fully accessible to all, without prejudice or discrimination.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **S106 Manager**

14. The development at Rodney Road and Balfour Street, London SE17 12/AP/2797 a/n 658 secured £3,144,567 in contributions. All the triggered payments have been received.
15. The proposed allocation accords with the agreement and would provide some mitigation for the impacts of the development.

### **Director of Legal Services**

16. It is essential that section 106 monies are spent strictly in accordance with the terms of the relevant Agreement and also in accordance with the tests set out in regulation 122(20) Community Infrastructure Regulations 2010 (as amended) which provide that the required obligation 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 of the development.
17. The section 106 Agreements which are listed in this report have been reviewed to ensure that the contributions which have been identified are indeed being spent in accordance with the tests set out above and have been found to be compliant
18. Under paragraph 6, part 3F, the Council's Constitution, it is amongst the roles and functions of the Planning Committee to consider the expenditure of section 106 monies and where the proposed expenditure exceeds £100,000, the Planning Committee is required to consider the expenditure in accordance with paragraph 2, Part 3F under the subheading of "Matters Reserved for Decision"
19. 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

### **Strategic Director of Finance and Corporate Services (CAP15/069)**

20. This report requests approval, under delegated authority, to the release of £250,000 S106 funds from legal agreement 12/AP/2797 (a/c no 658) towards highway improvements to Balfour Street, SE17 and £168,649.52 (agreement 15/AP/0747, a/c no 658A) towards Balfour Streetscape .
21. It is noted that £168,649.52 from agreement 15/AP/0747 is in the council's bank account and has not been committed to other projects and is therefore available for the detailed works. Use of the S106 funds will be monitored as part of the council's capital programme.

22. Staffing and any other costs connected with this recommendation to be contained within existing departmental revenue budgets.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
S106 Legal Agreements	Planning Department, 160 Tooley Street, London, SE1 2QH	Jack Ricketts 020 7525 5464

## AUDIT TRAIL

<b>Lead Officer</b>	Jon Abbott, Head of Regeneration	
<b>Report Author</b>	Jon Abbott, Head of Regeneration	
<b>Version</b>	Final	
<b>Dated</b>	15 September 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 of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
S106 Manager	Yes	Yes
<b>Date final report sent to Constitutional Team</b>		15 September 2015