

Item No. 9.	Classification: Open	Date: 3 November 2015	Meeting Name: Planning Committee
Report title:		To release £120,000.00 from the S106 agreement associated with 09/AP/1917 for 82-84 Tanner Street and 62 Riley Road, London SE1 (known as The Ark), towards improvements to the Tanner Street Tennis Courts	
Ward(s) or groups affected:		Grange Ward	
From:		Head of Parks and Leisure	

RECOMMENDATIONS

1. To authorise the release of £120,000.00 from the development at 82-84 Tanner Street and 62 Riley Road, London SE1 09/AP/1917 a/c 547, towards the improvements works to the Tanner Street Park Tennis Courts.

BACKGROUND INFORMATION

2. 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).
3. 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.
4. The Council's sports development team has a service level agreement with the Lawn Tennis Association (LTA); the main aim of this agreement is to increase participation in tennis.
5. The current courts are in need of resurfacing and they are not floodlit.
6. The project proposes to resurface the courts as well as improving the perimeter fencing to the courts. It is also proposed to install floodlights on the courts.
7. The proposed installation of floodlights at Tanner Street Park will increase involvement in tennis by enabling residents and visitors to play tennis for longer hours in winter months.
8. The total cost of this project is £248,000.00 and there is currently a funding shortfall of £120,000.00 to fund the works required.

KEY ISSUES FOR CONSIDERATION

Policy implications

9. This investment will contribute to the council's Fairer Future Promise to encourage healthy lifestyles by providing improved tennis courts at Tanner Street Park.
10. The park is open access for all and is therefore inclusive of all local groups and residents. The newly refurbished tennis courts and floodlighting to the park will increase participation and allow tennis to be played for longer hours therefore making it safer and more accessible.

COMMUNITY IMPACT STATEMENT

11. Tanner Street Park is important to a significant number of local residents and also those that work close to the vicinity of the park. Southwark Council's aim is to encourage participation in some form of sport or physical activity and make it a natural part of everyday life. Tennis is a sport that can be played at nearly any age and at any skill level.
12. The resurfacing of the tennis courts will mean local residents have more opportunity to play tennis and the floodlighting will enable tennis to be played for longer periods in the winter months.

CONSULTATION

13. The Council has consulted with the LTA who support this project.
14. Consultation with Community Councilmembers has taken place and no objections raised.
15. A planning application will be submitted and statutory consultation will be undertaken as part of the planning application process.

Resource implications

16. The estimated cost to deliver the full project is £248,000 and currently £128,443 has been sourced from section 106 funds to contribute to the project. As such there is a funding shortfall of £120k to deliver this project.
17. There will be increased maintenance costs as a result of the proposal to install floodlights to these courts but these will be funded from increased income received from the wider park.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Planning

18. The development at 82-84 Tanner Street and 62 Riley Road, London SE1 09/AP/1917 a/c 547 (known as the Ark) secured over £1,131,573.00 in contributions which has all been received. This includes the £182,330.00 principal obligation and £27,754.77 indexation, specifically to fund sports improvements. This amount is currently unallocated.
19. The proposed allocation to Tanner Street tennis courts, which is very close to the development and would improve the local sports facilities capacity, would provide appropriate mitigation for the impacts of the development.

Strategic Director of Finance and Governance (CAP15/087)

20. This report requests approval from Planning Committee to the release of £120,000.00 section 106 funds from legal agreement 09-AP-1917 (a/c no 547) towards improvements to the Tanner Street Tennis Courts as detailed in the report.
21. The Strategic Director of Finance and Corporate Services notes that the section 106 funds of £182,330.00 plus £27,754.77 indexation have been received by the council. As these monies have not been previously committed to another project, they are fully available for the proposed work. Use of the section 106 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.

Director of Law and Democracy

23. Members of the Planning Committee are asked to authorise an amount of £120,000.00 towards improvement works to the tennis courts at Tanner Street Park. The proposal is to draw on funds committed under the terms of the section 106 Agreement for Century House, 82-84 Tanner Street and 62 Riley Road SE1.
24. The decision to consider the expenditure of sums in excess of £100,000.00 is reserved to members of the Planning Committee in accordance with Part 3F of the Council's Constitution, paragraph 2.
25. In the case of the proposed expenditure, the section 106 contribution was specifically made for the improvement of sports development in the vicinity of Century House, 82 -84 Tanner Street and 62 Riley Road and paragraph 18 of this report notes that the tennis courts at Tanner Street Park are in close proximity to the development. Beyond this, Members will need to be satisfied that the expenditure is in accordance with the terms of the specific section 106 agreement and also in accordance with the tests set out in regulation 122(2) of the Community Infrastructure Levy Regulations 2010 ('the CIL regulations'). This regulation requires that the planning 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 in scale and kind to the development.

26. The terms for the section 106 Agreement for Century House 82-84 Tanner Street and 62 Riley Road have been reviewed and it is confirmed that the proposed expenditure is in accordance with the terms of the Agreement. Subject to Members taking into account the requirements of the CIL regulations outlined above, it is confirmed that Members may approve this expenditure.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Copies of S106 Legal Agreements	Planning Division, Southwark Council, 160 Tooley Street, London SE1	Jack Ricketts 020 7525 5464

AUDIT TRAIL

Lead Officer	John Wade, Principal Service Development Manager	
Report Author	Caroline Richards	
Version	Final	
Dated	22 October 2015	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Democracy	Yes	Yes
S106 Manager	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Date final report sent to Constitutional Team		22 October 2015