

Item No. 10.	Classification: Open	Date: 27 January 2016	Meeting Name: Bermondsey and Rotherhithe Community Council
Report title:		Request for release of S106 funding for the refurbishment of Swan Mead sports court.	
Ward(s) or groups affected:		Grange	
From:		Head of Highways	

RECOMMENDATION

1. That Bermondsey and Rotherhithe Community Council comment on the proposed release of a section 106 contribution of £130,386 for the refurbishment of the multi-use games area within the Swan Mead housing estate.

BACKGROUND INFORMATION

2. Paragraph 1 of Part 3H of the Southwark constitution sets out that the community council will comment to planning committee or its sub-committees on the proposed expenditure of funds over £100,000 secured through legal agreements under section 106 of the Town and Country Planning Act 1990, or any previous legislation where the site to which the agreement relates and the site(s) where expenditure will be incurred are in the same community council area.
3. In order to mitigate the impact of development, a local planning authority is able to require a developer to enter into an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure planning obligations.
4. Planning obligations can be both financial and non-financial and can cover a wide range of facilities and services.
5. On 6 October 2014 the council entered into an agreement with Linden Limited in respect of the redevelopment of the site bound by Grange Walk, Grange Yard and The Grange. This agreement, which related to the demolition of existing buildings and the redevelopment of the site to provide 167 residential units, secured, amongst other contributions, the sum of £130,386 towards the development of sport within the vicinity of the area.
6. The multi-use sports court on the Swan Mead Estate is in a very poor condition and without funding will continue to deteriorate. As a result of its current condition, the facility is under used. The games area should provide facilities for both football and basket ball but, due to the poor condition of the surface in particular (it is very uneven in places), it currently presents a health and safety risk to users. Retaining walls surrounding the court are nearing the end of their lifespan and the site is difficult to access for wheelchair users. All of the court facilities, including the lighting, goals and basketball hoops, are considered to be substandard. The current lighting system only partly works and there is a basketball hoop at only one end of the court.

7. An application from a local youth organisation for funding to begin looking at improving the facility was approved in 2015 (total award was £20,844) as part of the council's cleaner greener safer (CGS) programme and approximately £3,500 of that funding was used to commission a feasibility report. The report confirms that the current facilities are poor and that this games area requires a total refurbishment. If awarded, this funding would be used to commission the detailed design and physical improvement work. Subject to necessary local consultation, the proposed improvement works would include rebuilding of the surface, new retaining wall, new fencing, new lighting, improved access and new goal facilities. The feasibility study also estimates that the cost of all of this work would be approximately £130,000 if we include all associated professional fees and contingencies.
8. The council is legally required to spend financial planning obligations in accordance with the terms of the agreement that was used to secure them. In this case, it was agreed this particular contribution would be spent on the development of sport within the vicinity of the development site. The multi use games area within the Swan Mead housing estate is situated within close proximity to the development site (approximately 500 metres southwest) and is therefore considered to be an appropriate use.

KEY ISSUES FOR CONSIDERATION

9. Without sufficient funding for this refurbishment the works cannot take place and users of the court will remain at risk from injury due to the deteriorating condition of the surface of the existing court. Retaining walls surrounding the court are nearing the end of their lifespan and there is no easy access to the court for wheelchair users. All of the facilities at the court are substandard including the lighting and goals/basketball hoops.
10. An application for funding (made by a local youth organisation) to begin addressing the issues experienced by users of the court was approved as part of the 2015/15 CGS programme.
11. Given the amount of funding required to improve this facility to the appropriate standards it is unlikely that sufficient monies could be provided under a further CGS application and therefore suitable funding is being sought through alternative routes (i.e. Section 106).

Policy implications

12. The proposed improvements set out in this report are within the scope and aims of the council's planning policy as contained in the Core Strategy and the saved policies within the Southwark Plan. Providing an upgraded, modern and safe sports court will also encourage active lifestyles, combat obesity and inspire more residents to play sport and make use of the facility; an important part of the council's fairer future promise.
13. With reference to 'The Southwark Plan', this proposed improvement work would meet several of Southwark's policies including;
 - Strategic Policy (SP) 1 – sustainability, equality and diversity
The improvement will meet the needs of Southwark's diverse population whilst improving accessibility and quality of life.
 - SP 3 – Quality and accessibility

This improvement work would improve accessibility to the facility and would provide an element of sports infrastructure capable of meeting some of the need of local people.

- SP 6 – Accessible services
This project would improve the range and quality of Southwark's services and would be easily accessible to all sections of the community.
- SP 11 – Amenity and environmental quality
This project would improve amenities in the area.
- SP19 – Minimising the Need to Travel
Provision of a usable multi-use games area at Swan Mead would mean that local people would not have to travel far to find another facility of this nature.

Community impact statement

14. Improvements to the multi-use sports court will make the facility safer, accessible and more appealing to local residents. The refurbishment will also help to combat obesity and promote healthier lifestyles.

Resource implications

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

Legal implications

16. This report seeks authority from members of the planning committee to release the sum of £130,386 towards the cost of refurbishing the multi-use sports court situated within the Swan Mead housing estate. This sum will come from the section 106 agreement referred to in paragraph 5 above. Contributions from a section 106 agreement must be expended in accordance with the terms of the agreement that was used to secure the sum in the first place. In this case, the sum was required to be spent on the development of sport within the vicinity of the development site. The court is considered to be within the vicinity of the development and therefore the use of this contribution to improve the facility is considered suitable.
17. The policy tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 are also relevant and provide that planning obligations 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.
18. The agreement does not specify which project the contribution should be spent on and therefore it is for the council to reasonably allocate the funds in accordance with their specific generic purpose.
19. The decision to consider and approve section 106 agreement expenditure exceeding £100,000 is reserved to Planning Committee in accordance with Part 3D of the constitution.

Financial implications

20. This report requests approval from planning committee to the release of £130,386 S106 funds from the development site bounded by Grange Walk,

Grange Yard and The Grange, SE1; reference 14/AP/2102 (a/c number 734) towards multi-use games area on the Swan Mead housing estate as detailed in this report.

Consultation

21. This sports court was brought to the attention of the CGS team following the application made by the nearby O.B.C (a local youth club) to improve the facility. Whilst the CGS programme was unable to award the level of funding required to improve the facility, the allocated funding was used to commission initial feasibility studies.
22. Full consultation with residents and local groups would take place subject to the award of these section 106 monies, and as the initial designs are developed further. The proposal would also be subject to internal consultation with housing, parks and highways.
23. Members of the local youth club have already been informally consulted and they have confirmed that they rarely use the facility do its condition and the risk of injury.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

24. The section 106 agreement has been reviewed and it is considered the proposed expenditure accords with both the terms of the agreement itself and the relevant policy tests.

Strategic Director of Finance and Governance

25. The strategic director of finance and governance notes that the section 106 funds of £130,386 have been received by the council and are available for this project. Use of the S106 funds will be monitored as part of the council's capital programme.

Other officers

26. Director of Planning –
The development site bounded by Grange Walk, Grange Yard and The Grange, SE1, 14/AP/2102, A/C # 734 secured £1,047,457.00 in contributions, £130,386.00 of which is required to be spent on sports development within the vicinity of the site.
27. The proposed allocation accords with the agreement would provide some mitigation for the impacts of the development.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Copy of S106 Legal Agreement	Planning Division, 160 Tooley Street, London, SE1	Jack Ricketts 020 7525 5464
S106 Agreement - Grange Walk		

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Matthew Hill, Head of Highways	
Report Author	James Price, Project Manager, Cleaner, Greener, Safer	
Version	Final	
Dated	13 January 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Director of Planning	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	14 January 2016	