

Item No. 9.	Classification: Open	Date: 12 September 2016	Meeting Name: Planning Committee
Report title:		To release £263,852 from the s106 agreements associated with the below developments, for the purposes of improving safety and enhancing the built environment for all road users	
Ward(s) or groups affected:		Cathedrals Ward	
From:		Chief Executive/Director of Planning	

RECOMMENDATION

1. To authorise the release of £263,852 of section 106 funding, from the below development, towards improving the built environment and enhancing facilities for all on the Sceaux Estate.

Permission Ref	Account No	Address	Amount
09/AP/2332	532	St Giles Hospital, St Giles Road, London SE5 7RN	£8,442
13/AP/2979	704	Former Southwark Town Hall, 31 Peckham Road, London SE5 8UB	£123,410
14/AP/2992	747	37 - 39 Peckham Road and 45 - 65 Peckham Road, London SE5 8UH	£132,000

BACKGROUND INFORMATION

2. Planning obligations are used to mitigate 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.
3. As part of the on-going consultation process for the Lakanal programme, Southwark council has been working closely with a Resident Project Team (RPT), which is made up of members from the Sceaux Gardens T&RA (Tenants and Residents Association).
4. Alongside the refurbishment of Lakanal itself, the Council and the RPT have planned a suite of improvement works across the Sceaux Gardens Estate.
5. The 'wish list' includes the following works:
 - Landscaping and tree planting (approx. 33 across the site)
 - Refreshed paving
 - Pram shed refurbishment/replacement
 - New car parking

- New seating/benches
 - New/improved lighting
 - New/improved bin stores
 - New cycle parking
 - Play equipment.
6. The above works will be implemented across the estate, including Racine, Mistral, Fontenelle, Colbert and the Keepmoat sites.

KEY ISSUES FOR CONSIDERATION

Community Impact Statement

7. This project will support the council's commitment to meet the needs of Southwark's diverse community.
8. The proposed works have been designed to enhance the attractiveness of the area as places in which people choose to live and work. By implementing the improvements in the area, the council is providing high quality public places which local residents and workers can use, promoting the potential for interaction.
9. All works will be designed to be fully accessible to all, without prejudice or discrimination.
10. The recommendations are area based and therefore will have greatest affect upon those people living, working or traveling in the vicinity of the areas where the proposals are made.
11. The proposal has no impact on any particular age, disability, faith or religion, race and ethnicity and sexual orientation.
12. With the exception of those benefits identified above, the proposals are not considered to have a disproportionate effect on any other community or group.

Consultation

13. The RPT have worked with the council's project team to develop a short list of items to be included in residents wish list scheme, subject to estate wide consultation and some items will need planning permission and leaseholder consultation.
14. Initial consultation on various options was undertaken with residents across Sceaux Gardens Estate in August 2014. As a result of that consultation the options have been refined and short list has been agreed.
15. Wider consultation will be carried out before implementing any work and statutory consultation will form part of any planning application.

Resource implications

16. All costs and fees arising from implementing the project will be met from the relevant s106 agreements.

17. The project will be managed by the Major Works Team in Asset Management, Housing and Modernisation, which has extensive experience of estates in Southwark. Staffing and any other costs connected with this project are to be contained within existing departmental revenue budgets.
18. There are no legal or financial implications as a result of the recommendations set out in this report.

Policy implications

19. The proposal to authorise the release of £263,852 of s106 funding from the three legal agreements meet the following policy objectives as detailed in the Transport Plan.
 - a) Policy 1.8 – Improve the walking environment and ensure that people have the information and confidence to use it
 - b) Policy 1.9 – Improve the cycling environment and ensure that people have the information and confidence to use it
 - c) Policy 4.2 – Create places that people can enjoy
 - d) Policy 4.3 – Make our streets greener
 - e) Policy 5.6 - We will seek to create conditions where our roads are safe
 - f) Policy 6.1 - Make our streets more accessible for pedestrians.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

20. It is essential that any s106 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 of the Community Infrastructure Levy Regulations 2010 (as amended) which provide that the required obligation must be (i) necessary to make the development acceptable in planning terms; (ii) directly relate to the development; and (iii) fairly and reasonably relate in scale and kind to the development.
21. The s106 agreements which are listed in this report have been reviewed to ensure that the proposals for expenditure are in accordance with the purposes for which the identified contributions were made. As the contributions refer to either the improvement of existing public space or new space within the vicinity of the relevant site, this requirement is met. There is one exception in that the contribution of £16,500 from the former Southwark Town Hall agreement is specifically for tree planting and it is noted that the “wish list” referred to at paragraph 5 of this report includes reference to the proposal to plant approximately 33 trees.
22. Under paragraph 6, part 3F of the Council’s constitution, one of the functions of the Planning Committee is to consider the expenditure of s106 monies and matters are reserved for the decision of the committee where the proposed expenditure exceeds £100,000 and is of strategic importance.
23. Subject to taking into account the above considerations, Members are advised that they may approve the proposed expenditure as it is consistent with the terms of the relevant agreements.

Director of Planning

Permission Ref	Account No	Purpose	Principle Amount	Indexation/Interest
09/AP/2332	532	SPT	£8,442.00	N/A
13/AP/2979	704	PPOS	£25,910.00	N/A
		TRA2	£81,000.00	N/A
		ENTP	£16,500.00	N/A
14/AP/2992	747	PRI	£132,000.00	N/A

24. The above mentioned developments secured £263,852.00, combined, in contributions towards public realm site specific transport and sport and recreation facilities. All £263,852.00 is currently unallocated and available.
25. The proposed allocation accords with the above mentioned agreements and would provide appropriate mitigation for the impacts of the specific and future developments.

Director of Finance and Governance

26. This report requests the planning committee to approve the release of £263,852 s106 funds from the legal agreements listed in this report towards public realm and other improvement works across Sceaux Gardens Estate.
27. The strategic director of finance and governance notes the council has received the related s106 funds and that they are available for the improvement works outlined in this report.
28. The s106 allocation of £263,852 represents an increase in council's capital expenditure and will be reflected as a budget variation in the next capital budget monitoring report to cabinet.
29. Staffing and any other costs associated with this recommendation are to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Copies of s106 legal agreements	Planning Division, 160 Tooley Street, London SE1	Jack Ricketts 020 7525 5464

APPENDICES

No.	Title
None.	

AUDIT TRAIL

Lead Officer	Matthew Hill, Head of Highways		
Report Author	Sharon Shadbolt, Project Manager		
Version	Final		
Dated	1 September 2016		
Key Decision	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title		Comments Sought	Comments included
Director of Law and Democracy		Yes	Yes
Director of Finance and Governance		Yes	Yes
Director of Planning		Yes	Yes
Date final report sent to Constitutional Team			1 September 2016