

<b>Item No.</b> 6	<b>Classification:</b> Open	<b>Date:</b> 14 June 2023	<b>Meeting Name:</b> Planning Committee (Major Applications) B
<b>Report title:</b>		To release £107,558.14 of Section 106 funding from the Leathermarket Gardens Contribution for design and delivery of improvements to Leathermarket Gardens.	
<b>Ward(s) or groups affected:</b>		London Bridge and West Bermondsey	
<b>From:</b>		Director of Planning and Growth	

## RECOMMENDATION

1. That Planning Committee approves the release of £107,558.14 from the following Section 106 agreement for improvements to Leathermarket Gardens.

Permission Ref	Account No	Type	Address	Amount
<a href="#">20/AP/0944</a>	931	Public Open Spaces	Becket House 60-68 St Thomas Street London Southwark SE1 3QU	£107,558.14
<b>TOTAL</b>				<b>£107,558.14</b>

## BACKGROUND INFORMATION

2. Planning obligations are legal obligations entered into by the council and developer to mitigate the impacts of a development proposal. The 'Leathermarket Garden Contribution' allows a contribution to a local project for improvements to Leathermarket Gardens which is a green open space and community facilities in close proximity to the development site.
3. The Leathermarket Gardens Community Hub project is a project born out of the local Social Regeneration Charter which highlighted the potential expansion of the Leathermarket Gardens, to improve access into the park and public access to local community facilities. It has subsequently received Community Infrastructure Levy (CIL) funding of £415,000 after applications made by the community. The CIL project also looks at ways to increase greening in Tyers Estate. Walking tours and engagement with the community has helped develop priorities for design development and project delivery.

4. The focus of the Leathermarket Community Hub project is to deliver the following vision and priorities identified by the community.

*'To expand Leathermarket Gardens' offer as a community hub, with improved entrances, routes, amenities and biodiversity to improve the wellbeing and life chances of all local residents (including young people), prepare for an increase in local population and the climate emergency'*

- Strengthen connection and routes between park and Tyers Estate by improving greening and biodiversity within the estate
  - Expand park into Tyers Gate
  - Re-design entrance to the park at Kirby Grove
  - Re-design area between village hall and ball court with potential additional sports facility
  - Adjust the design of the mound area to include picnic tables, gabions, additional planting, and a new route with entrance in NW corner to strengthen the connection between Leathermarket Gardens and Guys Park
  - Improve pergola area in rose garden
  - Work with adjacent building owners to install vertical greening on blank walls
5. These priorities have been the basis for community engagement over the last 10 months and there is now a range of proposals to take forward into detailed design for delivery by the end of the year.
  6. The S106 funding will contribute to design and delivery costs for the Leathermarket Gardens improvements as part of the current Leathermarket Community Hub project.

## **Policy context**

### The Soutwark Plan (2022)

7. The improvements to the Leathermarket Gardens will help meet the council's strategic vision which notes to continue the network of open spaces and deliver an excellent range of quality public and private open spaces providing places for activities and to address the climate emergency.
8. Strategic Policy 2: Soutwark Together requires the development of places where everyone can benefit from all activities, including play spaces and leisure activities and the natural environment. It also states that mitigating the impacts of climate change, discouragement of crime and anti-social behaviour and fostering a sense of community are necessary to help achieve the revitalisation of our places and neighbourhoods, promote wellbeing and reduce inequalities. Local distinctiveness with the highest standards of design to create vibrant, attractive healthy and safe places and install pride of place in our communities. The engagement and process to deliver improvements for the Leathermarket Gardens are helping to meet this

strategic policy, address the climate emergency and improve life opportunities, good health and wellbeing.

9. Strategic Policy 5: Thriving neighbourhoods and tackling health inequalities requires the delivery of safer walking networks and the increase, protection and improvement of green spaces both of which are the basis of the improvements to Leathermarket Gardens.
10. Strategic Policy 6: Climate emergency also addresses the requirement to protect and improve the network of open spaces and thus providing sport, leisure and food growing opportunities. The Leathermarket Gardens improvements will create opportunities for more people to connect with nature and help the council reach its carbon neutrality targets by 2030.

### Fairer, Greener, Safer: Council Delivery Plan

11. The Council Delivery Plan is an action plan that sets out the priorities and commitments until 2026. The commitments being addressed by the improvements to Leathermarket Gardens are to ensure local areas are great places to live by providing high quality green spaces, fitness and sports facilities and high quality play; making a health environment through planting more trees and creating better parks and green spaces.

### **KEY ISSUES FOR CONSIDERATION**

12. CIL funding was allocated to the Leathermarket Community Hub project in December 2020 and the project is entering detailed design stage for delivery by the end of 2023. There are efficiencies of officer resources, design and delivery in combining the CIL and Section 106 funding sources.
13. The Section 106 funds increase the deliverable scope of the existing CIL funded project and was considered as part of the overall delivery budget

### **Southwark's Climate Emergency declaration and Climate Change Strategy**

14. On 27 March 2019 Southwark's Council Assembly resolved to call on cabinet to declare a Climate Emergency and to do all it can to make the borough carbon neutral by 2030
15. Southwark's Council Assembly adopted the Climate Change Strategy on 14 July 2021. It sets out how Southwark will tackle the Climate Emergency and do all it can to reduce the borough's carbon emissions to net zero by 2030. At the same time, Southwark's Council Assembly agreed a change to the borough's Constitution that requires all reports to include information about the climate impact

of that decision. This will ensure decision makers are able to consider this alongside other considerations when making their decision.

## **Climate Change implications and Carbon concurrent**

### Carbon offsetting and carbon reductions

16. Meeting this ambitious target will require bold steps to be taken through our statutory function as a Local Planning Authority where we will need to shape new development to be as sustainable as it can be.
17. This will only be possible by ensuring that our green spaces are robust and resilient to the impacts of climate change and increased use as local populations grow from increases in local development.

### Meeting Southwark's Climate Change Strategy and Action Plan

18. In July 2021, the Council adopted its Climate Change Strategy and Action Plan for tackling the climate emergency. The plan sets out how emissions in the borough can be reduced from buildings, transport and waste disposal. The Strategy sets out 148 Action Points that the council will undertake to achieve its ambition to do all it can to achieve a net zero carbon borough by 2030 across five key priority areas.
19. The Climate Change Action Points are currently undergoing review and revision by the Climate Change Team and will support carbon offsetting and climate change workstreams.

## **Financial and Recourse implications**

20. As noted above, the Beckett House development secured a contribution of £107,558.14 (after indexation) towards the improvement of Leathermarket Gardens. All £107,588.14 is currently unallocated and available.
21. The project is being managed by officers in Sustainable Growth North and staffing costs connected to the project are included within existing departmental revenue budgets.
22. Once the report is approved, the Section 106 sum will be added to the project "Leathermarket Garden Community Spaces & Environment's" capital budget, code R-7000-2021.05.01.

## **Community, equalities (including socio-economic) and health impacts**

### **Community Impact Statement**

23. The project brief has been developed following extensive consultation in the local area to identify the community priorities for investment. The high quality landscaping will contribute to the climate emergency, improve the environment of the estate, and provide a valuable local hub for social interaction.

24. The following community benefits will accrue through the outputs of this project:

A. Deliver community-led regeneration

- Refurbishing community assets
- Bringing wider community together around common spaces, promoting collaboration, social integration
- Co-design & potential for some co-production

B. Enhance public space and housing areas

- Enhancing the experience and multi-functionality of Leathermarket Gardens, Tyers Gate, Tyers Estate, and community hall surrounds
- New walking and cycling links
- Planting
- Displays celebrating local history

25. London Bridge and West Bermondsey ward Councillors have been involved in the community engagement for the project and the design development process and support the proposed improvements.

## **Equal Opportunities**

26. In everything we do as a council, we seek to promote equality. The Leathermarket Gardens Community Hub design work will help improve local facilities for all. Through the engagement process events, workshops and consultation has been promoted and presented to ensure inclusivity of all residents and visitors in Southwark's diverse communities.

27. The design and implementation of the Leathermarket Gardens improvements will help tackle the climate emergency through consideration of biodiversity, robust materials and resilient planting. The works will have a positive impact for all, including those with protected characteristics.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Planning and Growth**

28. The legal agreement referred to has been reviewed to ensure that the requested use aligns with the legal agreement and that the funds are unallocated.

29. The proposed allocation would deliver improvements to Leathermarket Gardens.

## **Director of Law and Governance**

30. Should the Planning Committee be satisfied with the contents of this report then it has the power to make the decisions recommended at paragraph 1 of this report by virtue of Part 3F paragraph 9 of the Council's Constitution being the expenditure of funds over £100,000 secured through s106 legal agreements.
31. The Equality Act 2010 introduced the public sector equality duty, which merged existing race, sex and disability equality duties and extended them to include other protected characteristics; namely age, gender reassignment, pregnancy and maternity, religion and belief and sex and sexual orientation, including marriage and civil partnership. In summary those subject to the equality duty, which includes that the Council must, in the exercise of its functions: (i) have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; and (ii) foster good relations between people who share a protected characteristic and those who do not. Paragraphs 26 and 27 of this report confirm that the improvements to Leathermarket Gardens will improve local facilities for all, including those with protected characteristics.
32. The Human Rights Act 1998 imposed a duty on the Council as a public authority to apply the European Convention on Human Rights; as a result the Council must not act in a way which is incompatible with these rights. The most important rights for highway and planning purposes are Article 8 (respect for homes); Article 6 (natural justice) and Article 1 of the First Protocol (peaceful enjoyment of property). The implementation of these proposals is not anticipated to breach any of the provisions of the Human Rights Act 1998.

## **Strategic Director of Finance and Governance CAP23/003**

33. This report seeks approval from the planning committee to release the sum of £107,558.14 from the agreement noted at paragraph 1, to fund the delivery and design of Leathermarket Gardens.
34. The strategic director of finance and governance notes the supplementary advice from the director of planning & growth at paragraphs 28-29, the financial and resource implications at paragraphs 20-22, and can confirm that the council has received the related s106 funds and they are available for the purposes outlined in this report.
35. 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
Community Investment Plans – Allocation of local CIL Southwark	<a href="https://modern.gov.southwark.gov.uk/documents/s92367/Report%20and%20appendices%20Community%20Infrastructure%20Plans.pdf">https://modern.gov.southwark.gov.uk/documents/s92367/Report%20and%20appendices%20Community%20Infrastructure%20Plans.pdf</a>	
S106 Legal Agreements	Planning Division, 160 Tooley Street, London, SE1	Neil Loubser 020 7525 5451

## AUDIT TRAIL

<b>Lead Officer</b>	Jon Abbott, Head of Sustainable Growth	
<b>Report Authors</b>	Jillian Houghton, Project Manager Sustainable Growth	
<b>Version</b>	Final	
<b>Dated</b>	25 May 2023	
<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>
Assistant Chief Executive – Governance and Assurance	Yes	Yes
Strategic Director, Finance	Yes	Yes
Cabinet Member	Yes	No
<b>Date final report sent to Constitutional Team</b>		1 June 2023