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|-------------------------------------|--|---------------------------|
| <b>Item No.: Members' Decisions</b> | <b>Classification: Open</b>  | <b>Date: 14 July 2009</b> |
| <b>To</b>                           | <b>Walworth Community Council</b>  |                           |
| <b>Report title</b>                 | Report for approval of expenditure of £674,217 of section 106 funding from account number 11215, 1128079, 124438 and 106649 on the Ameliorate Amelia Street project. |                           |
| <b>Ward(s) or groups affected</b>   | Newington Ward will directly benefit from the funds outlined above.  |                           |
| <b>From</b>                         | Des Waters – Head of Public Realm  |                           |

## RECOMMENDATIONS

- 1) To seek authorisation for the transfer of **£674,217** from the Section 106 legal agreement account number 11215, 1128079,124438 and 106649 to implement public realm improvement works around the site of Amelia St and surrounding area.

Recommended by:

.....  
**Des Waters**  
**Business Unit Manager**

.....  
**Date**

Agreed by:

.....  
**Gary Rice**  
**Development & Building Control Business Unit Manager**

.....  
**Date**

Agreed by:

.....  
**Richard Rawes / Anne Lippitt**  
**Interim Strategic Director of Regeneration**

.....  
**Date**

## BACKGROUND

1. The section 106 agreements attached to the planning permissions for the following developments make provision for a number of projects aimed at sensitive regeneration of the Newington Ward area in Walworth. Section 106 agreements have accumulated within this area and by working with all of the Southwark Departments concerned, it is envisaged that these agreements form one larger public realm project for the area. The project is currently entitled Ameliorate Amelia St. However the proposed scope of this project covers many more streets in the vicinity, including Pullen's Estate, Pullen's Park (Amelia St Park), Peacock St, Crampton St, Penton Place, Liffie St, Manor Place and adjoining Streets.
2. We have checked with various Southwark departments in regards to seeking commitment of these funds and the list below is reflective of this, without any seeming conflict of interests. We would continue working alongside other Southwark Departments to make sure that Southwark aspirations are fulfilled. The strategic approach outlined above, allows for holistic change and not a piecemeal approach.

Section 106 breakdown below for seeking of approval:

**A) 124438 Land at Amelia St and Robert Dashwood Way, London SE17 3PY**

£2,665 Local Playground Improvements  
£163,088 Parks and Public Open Space  
£247,590 Public Realm Improvements.  
£5,500 Traffic, other schemes  
TOTAL £418,843

Comments – The funds above come mainly from First Base developers. First Base developers have been working in conjunction with the local community and Southwark Council in the creating of an international design competition for the public realm within this area. The core of this project focuses on the funds outlined above.

**B) 11215 Newington Industrial Estate, Crampton School SE17 3AZ**

£202,000 Environmental Improvements  
£38,000 Traffic, other schemes.  
TOTAL £240,000

Comments – Committing the 11215 funds to this project would help the public realm regeneration process become more holistic and provide an opportunity for implementing similar improvements to a wider area. This would help the wider area to benefit in an integrated manner. The spending of the £202,000 will be agreed and assessed in conjunction with Regeneration Department, again to allow a joined up approach for the wider area.

**C) 1128079 45 Penton Place, London SE17 3JU**

£14,374 Public Open Space

Comments- This funding directly sits within the area destined for public realm improvements proposals as described in (A) above.

**D) 106649 Former HMSO Printing Works, Steedman Street, SE17**

£1,000 Signage

Comments – As part of the wider public realm improvements for the area, signage is one component which will be included and addressed.

**Total amount seeking approval (A+B+C+D) = £674,217**

## KEY ISSUES FOR CONSIDERATION

3. The legal agreements attached to planning permissions for the sites outlined above are listed as follows:

| Account number                | Site Address   | Date of Agreement | Reference page in report | Amount   | Detail of agreement   | Do proposals (as outlined in this report) meet terms of Section 106 agreement  |
|-------------------------------|--|-------------------|--------------------------|--|---|--|
| <b>Agt. 124438</b><br>A/C 352 | Land at Amelia St and Robert Dashwood Way, London SE17 3PY | 21/12/2007        | Page 10                  | £2,655<br><br>£163,088<br><br>£247,590<br><br>£5,500 | Local playground Improvements.<br><br>Parks and Public Open Spaces<br><br>Public Realm Improvements Breakdown as follows:<br><br><b>£30k</b> Design competition<br><br><b>£217,590</b> public realm.<br><br>Traffic, other schemes (loading bay on Amelia Street) | £158,176 available.<br><br>Developer has agreed to release remaining funding earlier for this scheme.<br><br>Received<br><br>Balance available |
| <b>Agt.11215</b><br>A/c 263   | Newington Industrial Estate, Crampton School SE17 3AZ      | 21/07/05          | Page 20                  | £202,000<br><br>£38,000                              | Environmental improvements<br>Traffic, other schemes  | £349,744 available.<br><br>The majority of the total funds (£375,000) received.  |
| <b>Agt.128079</b><br>A/c 377  | 45 Penton Place, London SE17 3JU                           | 29/07/08          | Page 6                   | £14,374  | Public Open Space   | £1,006 available. The remaining amount is not yet received.  |
| <b>Agt. 06649</b><br>A/C 224  | Former HMSO Printing Works, Steedman Street, SE17          | 05/10/04          | Page 8                   | £1,000   | Signage   | Yes funds received.  |

## Policy Implications

4. The Southwark Plan was adopted on July 28 2007. The majority of the Section 106 funds set out in this document sit within the Elephant and Castle Opportunities area. The remaining Section 106 funding included in this report adjoins the Elephant and Castle Opportunities area. Pullen's Estate, adjoining Amelia St and part of the Elephant and Castle Opportunity Area is a conservation area. Policy 6.1 Elephant and Castle Opportunity Area is a key policy which requires to be implemented accordingly. Policy 6.1 Key points, specific to the section 106 funding set out in this document:

iv) Provide a range of high quality recreation, entertainment and leisure facilities.

vii) Give priority to pedestrians, cyclists and public transport users rather than the car.

ix) Limit and mitigate the effects of traffic, reduce pollution and provide a minimum level of parking consistent with a high density public transport rich location.

x) Contribute directly to the creation of lively, safe and attractive public realm comprising streets and spaces with active frontages, high quality landscaping and priority for use by pedestrians, cyclists and public transport users.

xi) Enable the area to have its own clear and positive identity which builds on the strengths of the area and reflects its function as a major destination in London South Central.

xii) Support an integrated network of high quality, safe, urban space and public routes into the surrounding districts that will draw people into and through the area, encouraging activity and improve its appearance.

xvi) Maximise and extend ecological diversity and biodiversity in existing and new open spaces.

xvii) Preserve or enhance the historic character of the conservation areas.

5. Other policies drawn from the Southwark Plan which should be referred to are Policy 3.13 Urban Design, Policy 3.14 Designing out crime, Policy 3.15 Conservation of the historic environment, Policy 3.16 Conservation areas, Policy 3.26 Borough Open Land, Policy 3.27 Other Open Space, Policy 3.28 Biodiversity, Policy 5.3 Walking and cycling, Policy 5.5 Transport Development Areas, Southwark's Open Space Strategy and Southwark's Biodiversity Action Plan.

## Financial implications

6. It is proposed that the budget of **£674,217** for undertaking public realm improvements within Amelia Street and surrounding streets is allocated in the following way:

To fund a Southwark In-house project manager requires 5% of the budget to work on the project two days a week for duration of 1.5years. This is a total sum of £33,711.

Contingency budget 1.35% (£9,102) Contingency budget for unforeseen capital works, ad hoc expert advice, CDM coordinators, traffic orders, ad hoc consultation events, opening events, planning fees and surveys.

After deducting the project management fees and contingency, the actual project budget would be £631,404

Taking £631,404 as a starting point, we aim to negotiate the consultants fees for a partnership arrangement with lead designer and a supporting engineer consultant . This aspect is still to be negotiated in greater detail to finalise the design costs and related scope for the works prior to final approval. However the overall cost of consultants fees will be managed to be within 20%.

### **Sustainability considerations**

7. In relation to Amelia St Public Realm competition which has recently taken place, 20% of the criteria was weighted on sustainability. Southwark's Sustainability policy was included within the competition brief. One of the key strengths of the consultant winner of the competition was in having a clear concept in relation to sustainability. The winner's concept was in creating opportunities for edible food, from the creation of new allotments, tree planting to low lying shrubs, as well as addressing the wider public realm issues. The winning consultant will be promoting the involvement of local people in the improving of their living environment and enhancing biodiversity within the area.
8. The next stage will be the feasibility process of which will address the management issues of the proposals set out above. Southwark stakeholders, including grounds maintenance will have an early input into the proposals and the scheme will both develop alongside Southwark LBS aspirations and constraints as well as addressing the community's needs.

### **Consultation**

9. So far we have undertaken the competition process with the input from the community and Southwark Stakeholders. There has been a series of exhibitions and presentations. This has been very beneficial as we have been able to feed this back into the process. The feedback we have received has been very encouraging.
10. However, before the project continues further, we are seeking to hold a series of Space Shaper events, to help understand the area in detail. The Space Shaper tool has been created by CABE and is recommended for use at this stage of the project. The results of the space shaper will help inform the up and coming feasibility and will also help assess the benefits of the project once completed.
11. Throughout the remaining project stages, consultation will take place on a further two key stages, one at outline design and one at detailed design. There will also be other ad hoc consultation events held as part of the process, which will enrich the experience for the community. These will focus more on community engagement.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Financial Concurrent (from S106 Finance Officer)**

12. The referenced S106 Agreements above indicating a total of funds of £674,217 to be applied have been carefully reviewed and the funds can be made available for this project subject to:
  - a. That the scheme of works proposed is in compliance with the purposes set out in the respective S106 Agreements.
  - b. The developer in the case of Agreement S106/124438 agrees to release the balance of S106 payments amounting to £380,678 in advance of the normal trigger dates.

The developer has already expressed a willingness to do so in order for this scheme to proceed.

This concurrent report is also conditional upon concurrence of the Community Council for the project and the design consultancy costs being firmed up as a firm cost within the overall scheme which is to be subsequently approved and is reasonable within the context of the Council's responsibility as trustee under the S106 agreement conditions.

**Section 106 compliant concurrent**

13. To be provided by Legal (Nicky Bradbury)

**BACKGROUND PAPERS**

| Background Papers | Held At | Contact |
|-------------------|---------|---------|
|                   |         |         |

**AUDIT TRAIL**

|   |                        |                          |
|---|------------------------|--------------------------|
| <b>Lead Officer</b>   |                        |                          |
| <b>Report Author</b>  |                        |                          |
| <b>Version</b>  |                        |                          |
| <b>Dated</b>  |                        |                          |
| <b>Key Decision?</b>  |                        |                          |
| <b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b> |                        |                          |
| <b>Officer Title</b>  | <b>Comments Sought</b> | <b>Comments included</b> |
| Financial: Gary Whitney   |                        |                          |
| Legal   |                        |                          |
| <b>Date final report sent to Constitutional Support Services</b>          |                        |                          |

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