

Item No. 6	Classification: Open	Date: 4 February 2014	Meeting Name: Planning Committee
Report title:		Section 106 release report to implement 28 regeneration initiatives in Peckham and Nunhead Community Council area and the northern part of Livesey ward, which lies in the Bermondsey and Rotherhithe Community Council area	
Ward(s) or groups affected:		Nunhead, Livesey, The Lane and Peckham Wards	
From:		Chief Executive	

RECOMMENDATION

1. That the planning committee agree that funds totalling £945,187 be released from the listed legal agreements associated with developments in the Peckham and Nunhead community council area and the northern part of Livesey ward, which lies in the Bermondsey and Rotherhithe community council area, to deliver a programme of 28 projects (detailed in section 12 of the report) to enhance open spaces, public realm, roads and transport connections.

BACKGROUND INFORMATION

2. Planning obligations are used to address the impacts caused by a development and contribute to 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. The proposed programme of projects has been prepared by identifying all section 106 (S106) money available in the Peckham and Nunhead community council area and the northern part of Livesey ward.
4. Opportunities to seek a strategic way to bring a number of separate historical S106 legal agreements together have been sought in order to deliver a holistic programme of streetscape projects in the area.
5. The projects detailed in Appendix 1 of this report must meet the stipulations of the legal agreements, which in many cases have been quite specific as to how the funds may be spent or utilised.
6. The planning projects team (previously known as the frameworks and implementation team) have developed and delivered a number of successful programmes funded by S106. Bankside and Bermondsey areas saw in the region of £1.2 million and £1.7 million respectively invested in local improvement schemes and Walworth recently benefitted from improvements to three local parks. This report takes a similar approach and seeks to create a programme of improvements across the Peckham and Nunhead community council area.

KEY ISSUES FOR CONSIDERATION

7. In order to ascertain what projects could be delivered from the available S106 monies, a mapping exercise was carried out to understand the distribution of unspent S106 monies by “purpose” (community facilities/environmental improvements/traffic and transport/open space etc).
8. Having mapped the existing monies, a list of project proposals have been drawn up in partnership with officers from each relevant council department. Further consultation will be undertaken with relevant stakeholders as appropriate.
9. The list of S106 available for the Nunhead and Peckham community council area and the northern part of Livesey ward detailing amounts available per development is shown in Appendix 2.
10. S106 funds are used to mitigate the impact of development in an area. Often the council needs to plan projects in advance to meet the additional requirements of a development. The capital programme 2011-21 report, agreed by council assembly on 6 July 2011, supported the use of S106 funds for projects already within the approved capital programme. The capital programme includes those projects considered to be high priority by the cabinet. There will still be instances where S106 agreements define specific local projects for which funds must be used, and community project banks will be reviewed when considering the application of S106 funds, so that local priorities are not overlooked.
11. The total cost of the scheme is £945,187 which is drawn from a variety of S106 agreements.
12. Please find below a summary of the 28 project proposals:

No	Project Proposal	Agreement No.	Funding avail. £
Greening streets and improving parks		sub total 464,308	
1	Tree planting in the vicinity of 175-181 Rotherhithe New Road.	04-AP-0760	3,841
			3,841
2	To put towards £80,000 cleaner greener safer (CGS) funding already secured to complete the installation of two new tennis courts and park improvements in Southwark Park.	12-AP-2550	1,085
			1,085
3	Support the following community infrastructure project list (CIPL) idea: "Refurbished athletics track at Southwark Park". To pay towards phase 2 of Southwark Park athletics track project. This will entail refurbishing a building that will house changing rooms and sporting facilities.	11-AP-0139	20,307
			20,307

No	Project Proposal	Agreement No.	Funding avail. £
4	Installation of a small outdoor gym in Leyton Square Park with some equipment to be accessible to children. This should pay for approximately four items of equipment which should enhance the parks facilities.	10-AP-1966	10,814
		10-AP-3239	1,842
		10-AP-3239	1,643
		10-AP-3239	8,700
			22,999
5	To spend on Consort Park (The Lane) in line with the draft parks investment strategy (parks have done a scoping exercise £500,000 capital bid going towards Consort Park).	07-AP-2313	5,000
		11-AP-0914	88,429
		11-AP-0914	1,202
			94,631
6	Support the following CIPL idea: "Improvements to Cossall Park including the restoration of areas previously annexed to Tuke School".	10-AP-3173	14,445
			14,445
7	Public realm landscape architects to develop a project to help mitigate the impacts of the waste transfer station, specifically including improvements to Hillbeck House, Manor Grove, Eagles Close and Gerards Close. In particular seven properties at Manor Grove, seven properties at Hillbeck House, six properties at Eagles Close and nine properties at Gerards Close.	08-AP-2209	297,000
			297,000
8	Support the following CIPL idea: "Old Kent Road - improve the greenery, with lots of trees and make the whole road feel like the entrance to Burgess Park." The money will be spent on improving the landscaping to the base of London Plane Trees. This will be part of the Old Kent Road extension entrance into Burgess Park project (on the corner of Glengall Road).	95-AP-0010	10,000
			10,000
Transport/Lighting/Streetscape Projects		sub total 328,615	
9	Contribute towards the local implementation plan (LIP) scheme (area boundaries are: St Georges Way, Wells Way and Southampton Way) which focuses on safety issues at the 'triangle' and measures to support planned flood alleviation works in the Coleman Road area and/or to contribute towards Wells Way Triangle community greening and flood alleviation project. These projects are being run in conjunction with each other and a major benefit will be to stop the roads from flooding.	04-AP-1601	50,000 (Cont.)

No	Project Proposal	Agreement No.	Funding avail. £
		05-AP-1949	132,000
			182,000
10	Undertake a lighting audit in Spring 2014 around Silwood Estate and Rotherhithe New Road roundabout and install additional lighting where required.	11-AP-0139	15,000
		12-AP-2550	5,250
			20,250
11	Investigate and implement waiting restrictions to the north western kerb line of Hyndman Street and Ruby Street, to include the site frontage and to the junction of Ruby Street/Hyndman Street opposite 25 Ruby Street. This is to discourage on-street parking and ensure free flow and safety of traffic in immediate area.	95-AP-1100	6,000
			6,000
12	Upgrade streetscape in front of art deco parade by Queens Road railway station ensuring continuity of design with the plaza on the other side of Asylum Road.	10-AP-3239	3,565
		10-AP-3239	9,000
			12,565
13	Contribute towards improvements to in or around Queens Road railway station.	10-AP-3239	6,000
			6,000
14	Contribute towards and extend boundary of Brayards Road LIP scheme including the provision of a disabled parking bay on Brayards Road.	07-AP-2313	17,000
		07-AP-2313	5,000
		09-AP-0068	23,000
			45,000
15	Works to improve walking route to Queens Road railway station (dropped kerbs, better paving, greening etc).	09-AP-0068	13,800
			13,800
16	To pay for the installation of dropped kerbs on Evelina Road and Nunhead.	09-AP-1769	10,500
			10,500
17	Support the following CIPL idea: Improvements to the footpath surface of the Brockley Footpath from Linden Grove to Limesford Road.	11-AP-2851	10,500
			10,500

No	Project Proposal	Agreement No.	Funding avail. £
18	To alleviate issues raised by residents who have reported that their buildings are vibrating as a result of speed humps on Ivydale Road. Public realm has investigated the problem and has proposed the following works to remedy the situation: to remove all four humps at the width restrictions and to narrow the restrictions to three metres at the same time. The total cost for these works are estimated at £40-42,000 hence £7,000 would contribute towards this.	11-AP-2851	7,000
			7,000
19	Respond to work that residents requested during the group repair scheme by installing new, better quality lamps into existing street lighting and if budget permits, to paint the existing lamp columns on Colls Road. Residents have reported this area as a dark spot that attracts anti-social behaviour. Brighter lighting should deter anti-social behaviour, make residents feel safer and encourage a higher footfall along Colls Road/York Grove.	98-AP-0056	15,000
			15,000
Traffic Projects		sub total 73,318	
20	Investigate traffic order and works required on Sumner Road and deliver as appropriate.	09-AP-2300	3,900
			3,900
21	Investigate waiting restrictions at the junction of Meeting House Lane and Naylor Road and implement as appropriate.	01-AP-1185	5,000
			5,000
22	Investigate waiting restrictions at the junction of Commercial Way and Sumner Road and implement as appropriate.	00-AP-0368	5,115
			5,115
23	£5,000 towards costs associated with the car club scheme. £10,038 to be drawn down and spent on car club street spaces serving Silwood Estate, Chesterfiled Way and St Mary's Road.	11-AP-0139	5,000
		08-AP-3078	5,038
		09-AP-0068	5,000
			15,038
24	The funding will be used to carry out the statutory process for the making of a series of amendment traffic management orders to ensure that the planning obligations are fulfilled under the Road Traffic Regulation Act. Where required, the traffic orders will also be consolidated. The funding will also be used to ensure that all other interconnected databases and maps are updated to reflect the exact details contained within each planning	11-AP-0139	2,750 (Cont.)

No	Project Proposal	Agreement No.	Funding avail. £
	condition, at Silwood Estate:		
	The Swan, 59 Peckham Park Road, London SE15 6TU	10-AP-3569	2,750
	25-35 Chesterfield Way, London SE15 2AW	10-AP-3173	2,750
	152-154 Rye Lane, London, SE15 4NB & 1 The Market, Choumert Road SE15 4AB	12-AP-0298	2,750
	12/12A Rye Lane, London SE15 5BS	08-AP-2697	3,054
	68 Peckham Rye, London SE15 4JR	03-AP-1478	2,500
	66B Fenwick Road, London SE15 4HN	09-AP-2874	3,031
	180 Rye Lane, London SE15 4NF	09-AP-2880	2,750
	28 Choumert Grove, London SE15 4PD	10-AP-3429	2,750
	221 Rye Lane, London SE15 4TP	10-AP-1735	2,750
	96 Peckham High Street, London SE15 5ED	12-AP-0157	2,750
	14 Peckham High Street, London SE15 5DT	09-AP-1512	2,750
	91 Lyndhurst Grove, London SE15 5AW	11-AP-2844	2,750
	139 Queens Road, London SE15	10-AP-3239	2,750
	143-149 Rye Lane, London SE15 4ST	11-AP-0914	5,430
			44,265
Other		sub total 78,945	
25	Support the following CIPL idea: Peckham townscape heritage initiative	03-AP-1417	10,000
			10,000
26	Astbury Road Area Residents Association (ARARA) have requested this S106 pay for (1) capacity building activities (eg: day out for all local residents on first come first serve) and adult education classes will be promoted during these activities and for (2) Millwall to work with local school to deliver after school activities, eg: Maths and Football sessions. Council officers have suggested a £2,000/£8,000 funding split for these activities	98-AP-0056	10,000
			10,000
27	New lighting for Ilderton Primary School under the low carbon schools programme. Energy audit recommended new lighting estimated at £80,000. The savings were estimated at £10,000 per annum. Low carbon zone schools requirement is for 50% match funding, hence the whole project can be paid for because S106 can be used at match.	10-AP1676	42,748
			42,748

No	Project Proposal	Agreement No.	Funding avail. £
28	Pocket Places Peckham - to pay for signage such as Legible London and working with local artists on way finding to local points (such as Bussey Building, cinema, green spaces etc) to make Rye Lane more permeable and cohesive. This project is an outcome of the Pocket Places Peckham community vote.	11-AP-0914	16,038
		11-AP-0914	159
			16,197

Policy implications

13. All projects will comply with Southwark council's draft Peckham and Nunhead Area Action Plan. This plan has been developed by consulting and working closely with local communities and other key stakeholders in order to produce a vision for the area.
14. The programme has been prepared in consultation with the traffic and transport team, housing, parks and the public realm division of environment and housing to align council policies. The programme is focused largely on the physical street scene and public realm but also includes parking and transport projects, a community development project and a carbon reduction project.

Community infrastructure project list (CIPL) consideration

15. CIPL for each of the community council areas were approved at their respective community council meetings in April and June 2013. The CIPL shows the local priorities for the expenditure of relevant S106 and future local Southwark community infrastructure levy (CIL). These identified projects should be carefully considered in the case of releasing monies from any S106 agreement.
16. The programme of projects responds to the CIPL for the area. The most recent CIPL for Peckham and Nunhead community council is in Appendix 3 of this report and available at:
http://www.southwark.gov.uk/info/200152/section_106/796/current_project_bank_ideas
17. Five projects (numbers 3, 6, 8, 17 and 25) from the CIPL have been identified and put forward for S106 expenditure.
18. CIPL is not being considered for phase 1 of the athletics track at Southwark Park as £134,479 S106 funding for this has been drawn down separately. CIPL can not guide expenditure which has set S106 requirements such as tenant management organisation changes or the defined improvements to mitigate the waste transfer station.
19. It is proposed that S106 is used to pay towards dropped kerbs as part of the Nunhead outer London fund (OLF) project, see project 16. The Nunhead OLF project is already responding to two CIPL ideas by delivering environmental improvements to Nunhead Green and installing lighting projects on Evelina Road and Nunhead Green.

Community impact statement

20. The programme of projects is designed to enhance the attractiveness of the Peckham and Nunhead community council area and the northern section of Livesey ward as places in which people choose to live and work. By implementing these environmental, transport and community facility projects in the area, the council is improving the environment and social sustainability of the area, providing high quality public places which local residents and workers can use and which promotes the potential for interaction. Improving interaction between different social groups enhances trust and creates the conditions to foster stronger networked communities.
21. A number of projects focus on increased accessibility for wheelchair and push chair users, for example, providing dropped kerbs on routes to Queens Road railway station.
22. Other projects focus on providing more for people to do outdoors, for example by providing outdoor equipment such as table tennis tables in open space.

Resource implications

23. The resource implications are outlined above and summarised in the finance concurrent below. To deliver this programme council costs will be recharged on a project by project basis where appropriate.

Equal opportunities

23. This programme of projects has been designed to be fully accessible to all, without prejudice or discrimination.

Consultation

24. All ward councillors have been consulted on spend in their respective wards. The chairs and vice chairs of each of the community councils affected have been consulted and no further comments have been received.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

S106 Manager

25. All the contributions totalling £945,187 have been received by the council and are available for the environmental and transport improvements.
26. The proposed allocations are in accordance with their respective legal agreements, particularly those with specific requirements such as changes to traffic management orders and the improvements at Manor Grove, Eagles Close and Gerald's Close. The improvements will provide some mitigation for the associated development.

Strategic Director of Finance and Corporate Services

27. This report is requesting for the planning committee to authorise the allocation of £945,187 S106 funds, secured via several legal agreements, towards 28 allocations and 26 regeneration initiatives across the borough, as detailed in section 12 above.

28. It is noted that the related funds from the specified agreements have been received by the council and are available towards the programmes. Any on-going operational and maintenance costs will need to be funded within existing departmental revenue budgets.
29. Any staffing and other costs connected with this recommendation to be contained within existing departmental budgets.

Director of Legal Services

30. The proposal is to release monies from a number of S106 agreements for a variety of projects including the enhancement of open spaces and public realm and the improvement of road and transport connections.
31. The council is not permitted to spend any S106 monies except in accordance with the specific terms of the original agreement. The report refers to 28 different agreements where unspent monies are currently held which are considered to be relevant to the proposed expenditure.
32. The policy tests set out in regulation 122 of the Community Infrastructure Levy Regulations 2010 provide that planning obligations must be (1) necessary to make the development acceptable in planning terms; (2) directly relate to the development; and (3) fairly and reasonably relate in scale and kind to the development
33. Each agreement has been reviewed and it is considered the proposed expenditure accords with both the terms of the relevant agreement and also the relevant policy test.
34. The report also outlines the steps that have been taken concerning consultation and particularly the requirement to consult with community councils in accordance with part 3H of the constitution.

BACKGROUND PAPERS

Background Papers	Held At	Contact
Audit Trail of consultation	Planning Projects Hub C, 5 th floor 160 Tooley Street London SE1 2QH	Magda Bartosch 020 7525 2606
S106 Legal Agreements	Planning Projects Hub C, 5 th floor 160 Tooley Street London SE1 2QH	Magda Bartosch 020 7525 2606

APPENDICES

No.	Title
Appendix 1	List of proposed projects
Appendix 2	S106 available per ward
Appendix 3	Community Infrastructure Project Lists for Peckham and Nunhead Community Council and Bermondsey and Rotherhithe

AUDIT TRAIL

Lead Officer	Alistair Huggett, Planning Projects Team Manager	
Report Author	Magda Bartosch, Planning Projects Planning Officer	
Version	Final	
Dated	18 December 2013	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
S106 Manager	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	23 December 2013	