

<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 1 March 2016	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>		Release of £130,386 of S106 monies from the development site bounded by Grange Walk, Grange Yard and The Grange, SE1 (14/AP/2102; a/n 734) for the complete refurbishment of the multi-use games area situated within the Swan Mead housing estate	
<b>Ward(s) or groups affected:</b>		Grange	
<b>From:</b>		Matthew Hill, Head of Highways	

## RECOMMENDATION

1. To authorise the release of £130,386 from the development site bounded by Grange Walk, Grange Yard and The Grange SE1 (14/AP/2102; a/n 734).

## BACKGROUND INFORMATION

2. Planning obligations are legal agreements between the local planning authority, the developer and other interested parties which are used to mitigate the impacts caused by development and contribute to providing infrastructure and facilities necessary to achieve sustainable communities. The council can enter into a legal agreement with a developer whereby the developer agrees to provide planning contributions pursuant to Section 106 of the Town and Country Planning Act 1990.
3. Section 106 funds are released to projects and programmes as new developments come forward for implementation which triggers the payment of sums to the council.
4. On 6 October 2014 the council entered into an agreement with Linden Limited in respect of the redevelopment of the development site bounded 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.
5. The multi-use sports court on the Swan Mead Estate is in a very poor condition and without funding will continue to deteriorate. The facility is under used as a result of its current condition. The games area is meant to provide facilities for both football and basket ball but due to its poor condition, in particular the uneven surface; the court 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 partially works and there is only a basketball hoop at one end of the court.
6. An application from a local youth organisation for funding to begin looking at improving the facility was approved in 2015 (the total award was £20,844) as part

of the council's Cleaner Greener Safer 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 the court requires a total refurbishment. If awarded, this funding would be used to commission a detailed design and the physical improvement work. Subject to necessary local consultation, the proposed improvement works will include: rebuilding the surface; constructing a new retaining wall; providing new fencing, lighting and goals and improving access arrangements. The feasibility study estimates the cost of this work to be approximately £130,000 if all associated professional fees and contingencies are included.

7. 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**

8. 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, goals and basketball hoops.
9. 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 Cleaner, Greener Safer (CGS) programme.
10. Given the amount of funding required to improve the facility to an 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**

11. 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 multi-use 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.
12. 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.

### **Resource implications**

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

### **Director of Law and Democracy**

14. 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. The sum will come from the section 106 agreement referred to within this report. 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.
15. 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
  - (iii) fairly and reasonably related in scale and kind to the development.
16. 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.
17. 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.
18. The proposal was presented to members of the Bermondsey and Rotherhithe Community Council on Wednesday 27 January in accordance with Part 3H of the constitution (consultative/non-decision making), which enables members to comment on the expenditure of section 106 funds over £100,000. No objections or concerns were raised by members.

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.

**Strategic Director of Finance and Governance (CAP15/165)**

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 (14/AP/2102;a/n 734) towards multi-use games area on the Swan Mead housing estate as detailed in this report.
21. The strategic director of finance and governance notes that the S106 funds of £130,386 has been received by the council and is available for this project. Use of the S106 funds will be monitored as part of the Council's capital programme.
22. Staffing and any other costs connected with this recommendation to be contained within existing departmental revenue budgets.

**Director of Planning**

23. The development site bounded by Grange Walk, Grange Yard and The Grange, SE1, 14/AP/2102, A/C #734 secured £1,047,457 in contributions, £130,386 of which is required to be spent on sports development within the vicinity of the site.
24. The proposed allocation accords with the agreement would provide some mitigation for the impacts of the development.

**Community impact statement**

25. This project has been designed to be fully accessible to all, without prejudice or discrimination.
26. 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.

**Consultation**

27. This sports court was brought to the attention of the Cleaner, Greener, Safer (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.
28. Full consultation with residents and local groups will 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.
29. Members of the local youth club have already been informally consulted and they have confirmed that they rarely use the facility because of its condition and the risk of injury.
30. Members indicated at the Bermondsey and Rotherhithe Community Council on Wednesday 27 January that they are in support of the proposal and raised no

concerns in this regard.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Copies of S106 Legal Agreements	Planning Division, 160 Tooley Street, London SE1	Jack Ricketts Tel: 020 7525 5464

## APPENDICES

No.	Title
Appendix 1	Sports Development Contribution

## AUDIT TRAIL

<b>Lead Officer</b>	Matthew Hill, Head of Highways		
<b>Report Author</b>	James Price, Project Manager, Highways		
<b>Version</b>	Final		
<b>Dated</b>	18 February 2016		
<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>	
Director of Law and Democracy	Yes	Yes	
Strategic Director of Finance and Governance	Yes	Yes	
Director of Planning	Yes	Yes	
<b>Date final report sent to Constitutional Team</b>			18 February 2016

## APPENDIX 1

**"Sports Development Contribution"** The sum of £130,386 (One Hundred and Thirty Thousand Three Hundred and Eighty Six Pounds (Index-Linked)) to be paid by the Developer to the Council in accordance with paragraph 1 of Schedule 3 and applied by the Council towards the sports development in the vicinity of the Site;