

Item No. 6.	Classification: Open	Date: 5 March 2019	Meeting Name: Planning Committee
Report title:		The release of £8,726,686.96 from S106 agreements to deliver health facilities improvements	
Ward(s) or groups affected:		Borough-wide	
From:		Director of Planning	

RECOMMENDATION

1. That Planning Committee approves the release of £8,726,686.96 of section 106 funding from the legal agreements detailed in Appendix 1 to deliver primary care and health facilities across Southwark.

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. 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 section 106 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 section 106 agreements specify specific local projects for which funds must be used.
4. The New Southwark Plan sets out future projected growth plans for Southwark and describes how population growth will be accommodated across the borough. In 2011 the population of Southwark was 289,400 and this is set to grow by 21% to be more than 350,000 in 2025 and as much as 400,000 in 2035 (39% growth).
5. The scale of regeneration in Southwark creates significant opportunities to ensure that the places where people live, now and in the future, promote health and wellbeing and reduce inequalities so that people have better lives, in stronger communities, and achieve their potential. This social regeneration ambition is shared by both the council, and its partner NHS Southwark Clinical Commissioning Group (CCG). Delivering on this shared ambition encompasses a range of action across health, education and skills, community spaces, arts and culture, family and child wellbeing. The council's recently launched social regeneration policy framework encapsulates the breadth of this ambition, and it establishes principles that can guide some important decisions that affect the shared agenda with the CCG, including but not limited to the development of facilities that accommodate innovative and appropriate health and wellbeing services.
6. In acknowledgement of this ambitious social and physical regeneration programme across the borough NHS Southwark CCG has developed, with the council and other partner organisations, a strategic estates plan to support it. This proposes a

network of community health hubs and community health support hubs. As well as accommodating the additional primary care services required these will accommodate a range of additional health services and support integrated care. These will be located where transport links are good, and in the north, where population increase is highest.

KEY ISSUES FOR CONSIDERATION

7. Improvements have been and continue to be made to our health facilities. For instance the planning committee approved the allocation of £3,082,780 S106 funding on the 4 November 2014 for the delivery of buildings on Plot 18 of the Aylesbury development of which £2,400,000 goes towards the new Aylesbury Health Centre. The project provides 2,890m² of health facilities which will provide additional capacity to accommodate 20-25,000 patients.
8. On 25 March 2015 the planning committee approved the commitment of £147,764 S106 funding towards new health provision at the Elephant and Castle.
9. Other developments include the health hub on the site of the former Dulwich Hospital which will provide services for the whole of the south of the borough including the Peckham area where the population growth is expected. In addition, the CCG is working closely with the council to identify suitable sites for health facilities in the Elephant and Castle, Old Kent Road and Canada Water areas. In all, S106 has contributed to the financing of over £6.6m of healthcare spending between 2011-2017.

Policy implications

10. In the Council Plan 2014-2018 (summer 2016 refresh) there was a commitment that *“since the council took over important responsibilities for public health in 2013, and responsibilities for early years public health in 2015, we have been thinking differently and more ambitiously about what we want to achieve. Our vision of a fairer future is one that can’t happen unless we address the inequalities in health that prevent too many from reaching their full potential. We are determined to be a council that truly makes a difference to the health of our people. Throughout this plan, there are specific actions that will help us achieve this.”*
11. There are a number of policies that the council has developed and worked on with partner organisations. These include:
 - The Social Regeneration Policy Framework
 - The [Annual Report](#) from the Director of Public Health 2016:
 - Southwark’s [Health and Wellbeing Strategy 2015 - 2020](#)
 - NHS Southwark CCG’s [Primary and Community Care Strategy 2013-2018](#)
 - NHS Southwark Five Year Forward View
 - NHS Southwark CCG’s Local Estates Strategy.
12. The proposals meet the following Fairer Future Promises:
 - Promise 1: Value for money.
 - Promise 9: Revitalised neighbourhoods.
 - Promise 10: Age friendly borough.

Community Impact Statement

13. This programme will support the council's commitment to meet the needs of Southwark's diverse community as detailed in Southwark's Health and Wellbeing Strategy 2015-2020.
14. The strategy and action plan set out Southwark's Health and Wellbeing Strategy aims to give:
 - The best possible start to life for children, young people and families,
 - To tackle neglect and vulnerabilities encouraging independent living for older people; ensure choice and personalisation for people with disabilities; and to support vulnerable children and young people to ensure a positive transition to adulthood.
 - Integration of services for better outcomes shifting away from acute care towards primary care and self care.
 - Improve detection and management of common health conditions and
 - To promote positive lifestyle changes and responsibility for their own health particularly around tobacco control, healthy weight, physical activity alcohol and sexual health and HIV.
15. This programme is also consistent with the Primary and Community Care Strategy which identified the following key deliverables: improving access; integrating services; providing more care out of hospital and the development of community hubs. The key mechanism for this is the development of local care networks which are bringing together services across health and social care and having them delivered in a more integrated way.
16. In the Southwark Five Year Forward View the council and the CCG set out the following ambitions:
 - To plan and fund care that responds to the needs of local populations, rather than based on what healthcare providers have always done
 - To fund care with an increasing focus on whether the services actually made a difference to the outcomes that local people say are important to them
 - To encourage closer working between health and social care providers
 - To support and develop our two Local Care Networks
 - To support our vibrant and diverse voluntary and community organisations to work more closely with health and social care.

The development of facilities to accommodate integrated services will also help deliver these.

17. All projects will be designed to be fully accessible to all, without prejudice or discrimination.
18. As stated above, in Southwark both the council and the CCG are making considerable investment in its facilities for primary care both as new purpose built hubs and the expansion of existing premises. This will benefit local people both because there will be an increased level of service provision as well as the delivery of an enhanced service-user experience. The development of a capital fund will support the delivery of the infrastructure required to meet the needs of a fast expanding population as well as improving and expanding services for those now living in the borough.

Consultation

19. The Health and Well Being Strategy is based on the Southwark Lives engagement exercise carried out in 2014-15. With the help of Healthwatch Southwark and partners, hundreds of people across Southwark responded to the consultation. Stories were collected from residents of all ages, giving us an insight into the ordinary and often extraordinary lives of Southwark people. The stories reflect the diverse needs and experiences of our communities, from staying fit and active, to preventing isolation, to dealing with long term conditions, disabilities and mental illness. The full consultation results are contained in "[1000 Lives – Southwark Stories](#)".
20. Equally, the CCG's Primary Care and Community Strategy and the Southwark Five Year Forward View have also been developed following extensive consultation with patients and the public.

Resource Implications

21. The programme of projects (both existing and proposed) is contained within the capital programme and as a result there are no additional resource implications to the council arising from the report. Subject to formal approval processes the revenue implications of projects are met by the CCG only, and therefore any capital investment in premises developments will require its support.
22. The developments listed below secured a total of £8,726,686.96 Primary Care Trust payments. All this funding is currently available and unallocated.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

23. The overall purpose of the proposed funding is to assist in delivering primary care and health facilities within Southwark. Paragraph 6 of this report refers to the ambitions contained within the social and physical regeneration programme which has been developed for the Borough. The relevant objective in this instance is the proposal for a network of community health hubs in Southwark with the intention that these will be located where transport links are good and, in the north, where the population increase is highest.
24. Allocation of funds from section 106 Agreements for the benefit of additional health services has been undertaken previously. Reference is made in paragraph 7 of the report to an allocation of over £3 million in November 2014 which primarily went towards the Aylesbury Health Centre and funding of nearly £150,000 in March 2015 for the health provisions at the Elephant and Castle. Further projects being considered are referred to in paragraph 9 of the report.
25. The proposal is for the release of £8,726,686.96 from the more than a hundred legal agreements which are listed in Appendix 1 below. Funding towards major projects such as a health centre will now mainly be covered by the Community Infrastructure Levy (introduced by the Planning Act 2008) and Southwark's own proposals relating to this came into effect from April 2015 and therefore applied to appropriate sites where the planning permission was issued after this date. The Agreements considered in this report pre-date the introduction of Southwark CIL.

26. The Section 106 monies must be spent in accordance with:
- i. the terms of the specific Section 106 Agreements;
 - ii. the tests set out in Regulation 122 (2) a-c of the Community Infrastructure Regulations 2010 (as amended) which provide they must be:
 - (i) necessary to make the development acceptable in planning terms;
 - (ii) directly related to the development; and
 - (iii) fairly and reasonably related in scale and kind to the development.
27. The Section 106 Agreements listed in this report have been reviewed to ensure that the contributions which have been identified are being spent in accordance with the tests set out above and have been found to be compliant. The relevant wording generally used is that the funds need to be applied towards the provision of additional health facilities or services within the borough.
28. The decision to consider and approve Section 106 expenditure of strategic importance exceeding the sum of £100,000 is reserved to members of the planning committee in accordance with Part 3F of the council's constitution, paragraph 2, under the heading 'Matters Reserved for Planning Committee'. Subject to taking account of the above considerations, Members are advised to approve the expenditure which would be consistent with the terms of the relevant Section 106 Agreements and the legal tests outlined above.

Strategic Director of Finance and Governance (CAP17/111)

29. This report seeks approval from the planning committee to release the sum of £8,726,686.96 from the various agreements listed at appendix 1, towards the delivery of primary care and health facilities across the borough.
30. The director of planning confirms the agreements have been checked, and the proposed allocation accords with the terms of the agreements
31. The strategic director of finance and governance notes the resource implications at paragraphs 21 and 22, confirms the council has received the related funds, and they are available for the purposes outlined in this report.

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
Appendix 1	Table of S106 balances

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Alistair Huggett, Planning Projects manager	
Version	Final	
Dated	14 February 2019	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Date final report sent to Constitutional Team		14 February 2019

Appendix 1

APPLICATION REFERENCE	COMMUNITY COUNCIL	WARD	SAP BALANCE
13/AP/4266	Bermondsey and Rotherhithe	Riverside	3,432.41
08/AP/2388	Bermondsey and Rotherhithe	Rotherhithe	10,205.00
09/AP/0604	Bermondsey and Rotherhithe	Rotherhithe	13,457.00
10/AP/0870	Bermondsey and Rotherhithe	Grange	14,356.00
11/AP/0963	Bermondsey and Rotherhithe	Rotherhithe	15,473.90
13/AP/0568	Bermondsey and Rotherhithe	Surrey Docks	16,042.58
10/AP/3458	Bermondsey and Rotherhithe	Rotherhithe	17,432.00
12/AP/3860	Bermondsey and Rotherhithe	South Bermondsey	21,151.24
12/AP/2859	Bermondsey and Rotherhithe	Grange	21,858.85
10/AP/3074	Bermondsey and Rotherhithe	Grange	22,599.00
12/AP/1485	Bermondsey and Rotherhithe	South Bermondsey	24,598.82
11/AP/2242	Bermondsey and Rotherhithe	Surrey Docks	28,842.00
09/AP/1874	Bermondsey and Rotherhithe	Riverside	31,719.00
12/AP/2942	Bermondsey and Rotherhithe	Grange	33,574.38
13/AP/3059	Bermondsey and Rotherhithe	Grange	42,416.27
12/AP/4049	Bermondsey and Rotherhithe	South Bermondsey	42,944.17
13/AP/1864	Bermondsey and Rotherhithe	South Bermondsey	43,413.37
09/AP/1098	Bermondsey and Rotherhithe	Grange	46,138.00
10/AP/1923	Bermondsey and Rotherhithe	Riverside	46,295.15
12/AP/0164	Bermondsey and Rotherhithe	Grange	47,168.00
12/AP/3201	Bermondsey and Rotherhithe	South Bermondsey	54,071.85
12/AP/3127	Bermondsey and Rotherhithe	Riverside	58,107.95
09/AP/1870	Bermondsey and Rotherhithe	Rotherhithe	64,852.00
11/AP/1097	Bermondsey and Rotherhithe	Surrey Docks	75,932.15
14/AP/0309	Bermondsey and Rotherhithe	Surrey Docks	125,608.61
11/AP/0139	Bermondsey and Rotherhithe	Livesey	132,457.80
09/AP/1917	Bermondsey and Rotherhithe	Grange	160,253.01
14/AP/1302	Bermondsey and Rotherhithe	Grange	175,170.76
13/AP/0065	Bermondsey and Rotherhithe	Livesey	178,365.00
07/AP/1262	Bermondsey and Rotherhithe	Riverside	193,606.26
14/AP/2102	Bermondsey and Rotherhithe	Grange	194,747.00
10/AP/1935	Bermondsey and Rotherhithe	Riverside	384,840.00
11/AP/2565	Bermondsey and Rotherhithe	Surrey Docks	387,139.03
13/AP/0876	Bermondsey and Rotherhithe	Livesey	424,097.83
Total - Bermondsey and Rotherhithe			3,152,366.39
13/AP/0966	Borough, Bankside and Walworth	Cathedrals	1,094.49
13/AP/1403	Borough, Bankside and Walworth	Cathedrals	2,483.30
11/AP/3963	Borough, Bankside and Walworth	Cathedrals	8,858.00
13/AP/0943	Borough, Bankside and Walworth	Cathedrals	10,160.00
08/AP/2409	Borough, Bankside and Walworth	Cathedrals	14,418.00
11/AP/2577	Borough, Bankside and Walworth	Chaucer	15,440.83
10/AP/2849	Borough, Bankside and Walworth	Chaucer	19,482.00
08/AP/1480	Borough, Bankside and Walworth	East Walworth	20,185.00
13/AP/1235	Borough, Bankside and Walworth	Newington	21,816.81
14/AP/4693	Borough, Bankside and Walworth	Newington	27,988.00
10/AP/3131	Borough, Bankside and Walworth	Chaucer	28,832.00
07/AP/1124	Borough, Bankside and Walworth	Cathedrals	36,040.00
08/AP/2427	Borough, Bankside and Walworth	Cathedrals	36,525.00
09/AP/1940	Borough, Bankside and Walworth	Chaucer	37,754.72

12/AP/1066	Borough, Bankside and Walworth	Cathedrals	45,008.48
08/AP/2406	Borough, Bankside and Walworth	Chaucer	49,982.00
13/AP/3815	Borough, Bankside and Walworth	Cathedrals	64,138.00
14/AP/2709	Borough, Bankside and Walworth	Newington	64,837.87
10/AP/1394	Borough, Bankside and Walworth	Cathedrals	67,890.00
10/AP/2081	Borough, Bankside and Walworth	Chaucer	69,205.00
13/AP/3791	Borough, Bankside and Walworth	Cathedrals	72,301.00
12/AP/2239	Borough, Bankside and Walworth	Cathedrals	73,260.30
14/AP/0830	Borough, Bankside and Walworth	East Walworth	78,132.00
09/AP/1069	Borough, Bankside and Walworth	Newington	85,999.00
11/AP/2012	Borough, Bankside and Walworth	Cathedrals	116,095.87
11/AP/0868	Borough, Bankside and Walworth	Newington	117,297.71
07/AP/0650	Borough, Bankside and Walworth	Newington	147,764.00
12/AP/1455	Borough, Bankside and Walworth	East Walworth	160,629.29
08/AP/1330	Borough, Bankside and Walworth	Cathedrals	170,488.10
09/AP/0343	Borough, Bankside and Walworth	Cathedrals	175,485.86
11/AP/1071	Borough, Bankside and Walworth	Cathedrals	200,247.70
08/AP/2809	Borough, Bankside and Walworth	Cathedrals	226,203.20
10/AP/1255	Borough, Bankside and Walworth	Cathedrals	234,120.00
12/AP/2797	Borough, Bankside and Walworth	East Walworth	263,525.15
12/AP/1784	Borough, Bankside and Walworth	Cathedrals	345,209.29
09/AP/0343	Borough, Bankside and Walworth	Cathedrals	379,780.46
	Borough, Bankside and Walworth	Cathedrals	405,874.32
Total - Borough, Bankside and Walworth			3,894,552.07
11/AP/0196	Camberwell	Brunswick Park	8,651.00
11/AP/1139	Camberwell	Brunswick Park	15,314.00
14/AP/0669	Camberwell	Brunswick Park	19,809.58
12/AP/1630	Camberwell	South Camberwell	21,878.00
09/AP/0841	Camberwell	Camberwell Green	22,107.00
14/AP/0764	Camberwell	Brunswick Park	27,966.24
14/AP/3276	Camberwell	Brunswick Park	64,910.73
12/AP/2444	Camberwell	Camberwell Green	73,995.29
10/AP/2623	Camberwell	Camberwell Green	79,157.75
13/AP/2979	Camberwell	Brunswick Park	89,911.00
14/AP/0175	Camberwell	Camberwell Green	99,545.17
14/AP/3277	Camberwell	Camberwell Green	103,787.00
12/AP/1308	Camberwell	Camberwell Green	119,328.55
13/AP/4257	Camberwell	South Camberwell	139,890.00
14/AP/2992	Camberwell	Brunswick Park	151,356.00
14/AP/2948	Camberwell	Camberwell Green	192,980.06
Total - Camberwell			1,230,587.37
14/AP/0075	Dulwich	East Dulwich	4,665.00
14/AP/0075	Dulwich	College	6,641.82
11/AP/0024	Dulwich	East Dulwich	22,785.48
Total - Dulwich			34,092.30
11/AP/0914	Peckham and Nunhead	The Lane	1,025.39
09/AP/1342	Peckham and Nunhead	Peckham Rye	11,534.00
11/AP/2851	Peckham and Nunhead	Nunhead	13,457.00
14/AP/1085	Peckham and Nunhead	Peckham	17,691.26
09/AP/1769	Peckham and Nunhead	Nunhead	21,146.00
09/AP/0068	Peckham and Nunhead	Nunhead	23,426.00
13/AP/1767	Peckham and Nunhead	Nunhead	24,836.00
08/AP/0685	Peckham and Nunhead	The Lane	26,657.44
13/AP/2311	Peckham and Nunhead	The Lane	30,320.00

13/AP/2901	Peckham and Nunhead	Peckham	48,978.00
13/AP/1738	Peckham and Nunhead	Livesey	53,747.06
14/AP/1872	Peckham and Nunhead	Nunhead	142,270.00
Total - Peckham and Nunhead			415,088.15
TOTAL BOROUGH WIDE			£8,726,686.96