

<b>Item No.</b> 6	<b>Classification:</b> Open	<b>Date:</b> 8 January 2020	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>		To release £700,000 (plus indexation and accrued interest) of section 106 monies towards play area improvements	
<b>Ward(s) or groups affected:</b>		North Bermondsey	
<b>From:</b>		Director of Planning	

## RECOMMENDATION

1. That planning committee agree the release of funds totalling £700,000 (plus interest and indexation) from the listed legal agreement and unilateral undertaking associated with the Chambers Wharf development towards the delivery of play area improvements within the Dickens Estate.

## BACKGROUND INFORMATION

2. Planning obligations under S106 of the Town and Country Planning Act 1990 are used to address the impacts caused by a 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 obligations. These obligations can take the form of financial contributions and can cover a range of facilities including contributions toward play facilities and improvements.
3. Planning permission 07/AP/1262 was granted for the erection of six residential buildings providing 587 residential units in 2010. As part of the deed dated October 2010 with St. Martins Property Investments Ltd. the sum of £100,000 (index linked) was secured towards the "provision of children's play space, play equipment and associated costs in the vicinity of the site (with priority in the first instance to be accorded to the existing playground in Scott Liggett Crescent but without prejudice to the Council's discretion to expend the contribution for similar provision in the vicinity of the Site)".
4. Following a public inquiry where the council objected to the proposal to make this site a drive site, the Secretary of State approved the Thames Tideway Tunnel project. This proposed tunnel will capture the flows of storm sewage from 34 sewer overflow points along the River Thames, extending for approximately 20 miles through London, and up to 240 feet beneath the River Thames. Major construction works are required to build the tunnel over several years.
5. There are two sites in Southwark where works are to be carried out, these being at Chambers Wharf and Shad Thames Pumping Station, both in the North Bermondsey ward. A further site just over the borough boundary with Lewisham, the Earl Pumping Station also affects Southwark residents who are adjacent to the site.
6. A S106 Unilateral Undertaking dated February 2014 between Thames Water and the council was attached to planning permission ref: 14/AP/0000 for the

Chambers Wharf site. Included within this undertaking was a requirement to provide £200,000 (BCIS Index Linked) for “Bevington Street Play Space Contribution” and £400,000 (BCIS Index Linked) payment for “EMH [Edwardians Manor House] Play Improvements Contribution”.

7. A deed of variation to the S106 unilateral undertaking was agreed in February 2016. In it new defined terms were inserted replacing the “Bevington Street Play Space Contribution” with “Play Space for Teens Contribution” and “EMH Play Improvements Contribution” with “Play Improvement Contribution”.
8. The “Play Space for Teen Contribution” was described as going towards the provision of play space for teenagers in the local area including MUGA, fencing, seats and informal play while the “Play Improvement Contribution” is for the provision of play improvements in the local area. The ‘local area’ as defined as the “area bounded by the River Thames, Mill Street, West lane and Jamaica Road”.

### KEY ISSUES FOR CONSIDERATION

9. The breakdown of S106 contributions, received from these two agreements are detailed below.

<b>Application</b>	<b>Use</b>	<b>Amount</b>
07/AP/1262	Provision of children’s play space	100,000
14/AP/0000	Play space for teens	200,000
14/AP/0000	Play improvements	400,000
<b>TOTAL</b>		<b>£700,000</b> (+ indexation and interest)

10. The combined funding totalling £700,000 has been received by the council and has not been and cannot be allocated for any other purpose.
11. A study was commissioned by Southwark Council working closely with local residents to develop a play strategy for the local area. The brief was to look at what existing facilities were already available in the area, how it could be improved and whether there were any gaps in play provision.
12. The study was commissioned in an open competitive tender process where quality and value for money was taken into account in selecting the final consultants. Shortlisted consultants were invited for interview – the panel for which included local resident representation.
13. Wynne-Williams Associates (WWA) were the selected consultants based on an extensive portfolio of works which matched our selection criteria, impressive interview performance and scoring highly on quality and value for money.
14. In May 2019 WWA produced some final working drafts for proposals on the potential play schemes. In particular there was a focus from Southwark Council and local ward councillors to look at the redesign and improvement of George Row Multi Use Games Area as a first phase. Rough cost estimates for these

works range from £200,000 to £300,000. The final draft designs are shown at Appendix 1 of this report.

The remainder of the money is still available to be used to improve other facilities in the area as part of a phased programme.

### **Community impact statement**

15. Funding the measures to improve play provisions will improve the development of children within the area. It will also help to motivate children to participate in physical activity which can only benefit in a number of different ways including mental health. The redesign of the George Row MUGA has also been schemed in a way which would also help to potentially reduce crime and anti-social behaviour in that zone.
16. The redevelopment and improvement of existing council play facilities would also help to visually improve the area. New equipment, facilities and ideas would brighten the community atmosphere and encourage residents and children to engage within these new spaces.
17. The Public Sector Equality Duty section 149 of the Equality Act 2010, requires public bodies to have due regard when carrying out their activities to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between people with protected characteristics and those with none. The council's Approach to Equality ("the approach") commits the council to ensuring that equality is an integral part of our day to day business. "Protected characteristics" are the grounds upon which discrimination is unlawful - the characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender and sexual orientation. In this case, these characteristics are considered unlikely to be issues with regard to the play facilities in question.

### **Resource implications**

18. As stated above (paragraphs 5 and 6), these contributions were received under a Section 106 legal agreements which specifies their use, therefore they cannot be spent for any other purpose.
19. Due to their expertise in delivering play facilities, managing consultants, procurement processes and a track record of working in the area, the Cleaner Greener Safer (CGS) team in environment and leisure department are managing the programme on behalf of the place and wellbeing department.

### **Consultation**

20. Extensive consultation was carried out from July 2018 until January 2019, by WWA through a number of different communication methods, including leaflets, signage and community consultation events within the local community in order to build up a data bank of information and knowledge of the history of the area, the requirements and suitable options for the development and improvement of existing and new play spaces in the area.
21. Southwark Council departments, local organisations, local ward councillors, businesses and schools were all also consulted as part of the consultation process.

22. Following an extensive period of consultation WWA summarised the data collected and started work on the production of draft design ideas for the play scheme improvements.
23. The design idea that has now been presented in relation to the George Row MUGA will be further consulted upon within the local community. Southwark Council will lead on this consultation.
24. At present a strategy is being formulated for the next phase of wider consultation.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

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

25. This report requests that planning committee authorise the release of the amount of £700,000 for play area improvements within the Dickens Estate.
26. As paragraph 6 of the report mentions, the relevant planning obligation is contained within a unilateral agreement for the Thames Tunnel which was not negotiated with the council but framed by Thames Water and then considered by the Planning Inspectorate in connection with the application for a development consent order. The terms of the undertaking were accepted by the Inspectors and subsequently confirmed by the Secretary of State. The application of regulation 122 of the Community Infrastructure Regulations would have been considered at that stage.
27. The proposal is in accordance with the terms of the unilateral undertaking. Since the expenditure of monies provided by developers under the terms of planning obligations agreements is a matter for the planning committee, members can safely take this decision.

### **Strategic Director of Finance and Governance (CAP19/020)**

28. The strategic director of finance and governance confirms that the council has received the related s106 funds and they are available for the purposes outlined within the report.
29. The capital expenditure will lead to an addition to the council's capital programme, specifically within the Places and Wellbeing programme, fully funded via the S106 contributions.
30. 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
S106 Agreements	Planning Division, 160 Tooley Street London SE1 2QH	Alistair Huggett 020 7525 5576
Project Brief	Cleaner, Greener Safer Team, Environment and Leisure Dept. 160 Tooley Street, London SE1 2QH	Craig Dove 020 7525 0955
Play report	Cleaner, Greener Safer Team, Environment and Leisure Dept. 160 Tooley Street, London SE1 2QH	Craig Dove 020 7525 0955

## APPENDICES

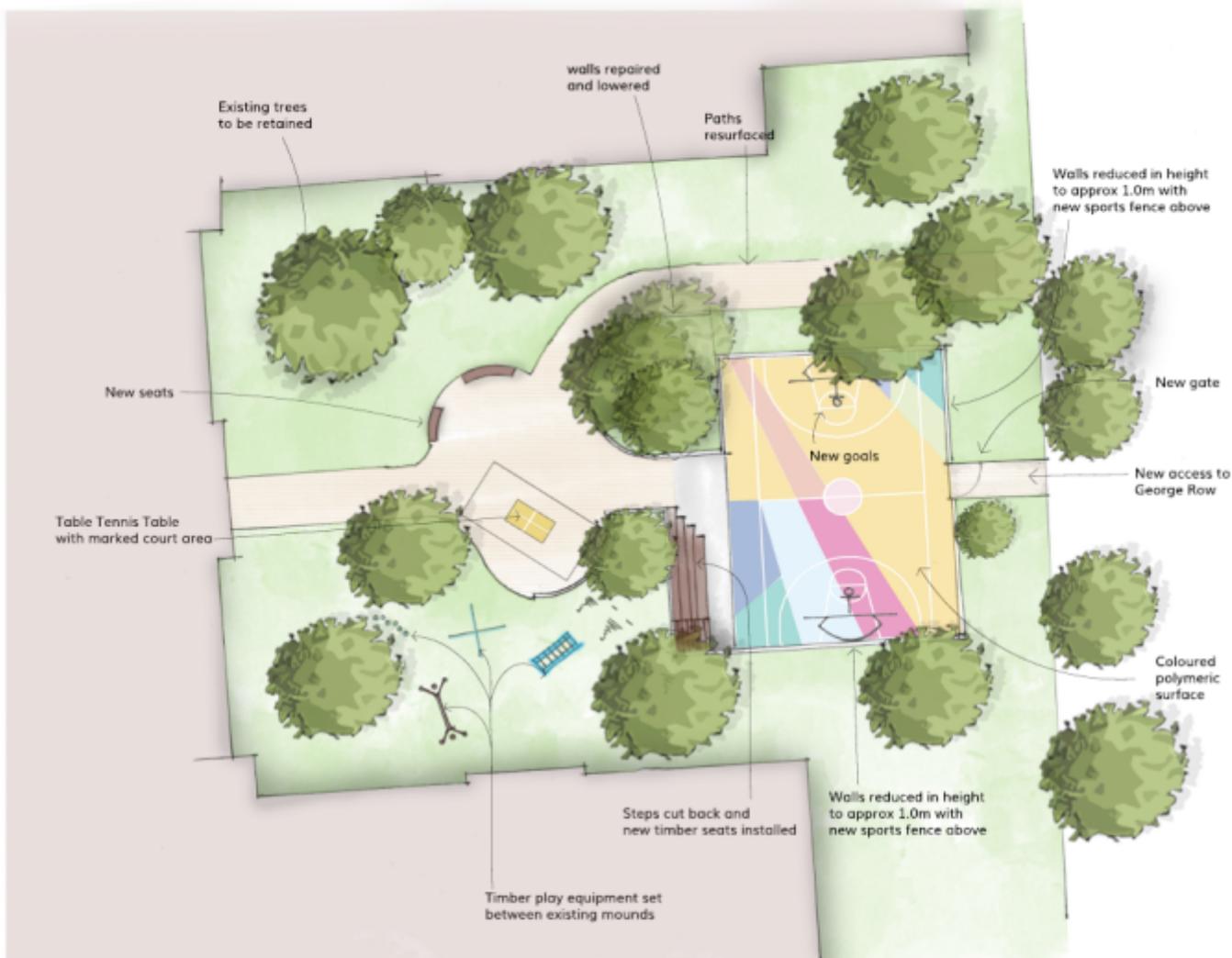
No.	Title
Appendix 1	George Row – draft designs options

## AUDIT TRAIL

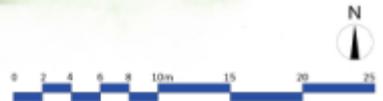
<b>Lead Officer</b>	Alistair Huggett, Planning Projects manager	
<b>Report Author</b>	Ibrahim Mustafa, Thames Tideway Senior Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	5 December 2019	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer 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
<b>Date final report sent to Constitutional Team</b>		16 December 2019

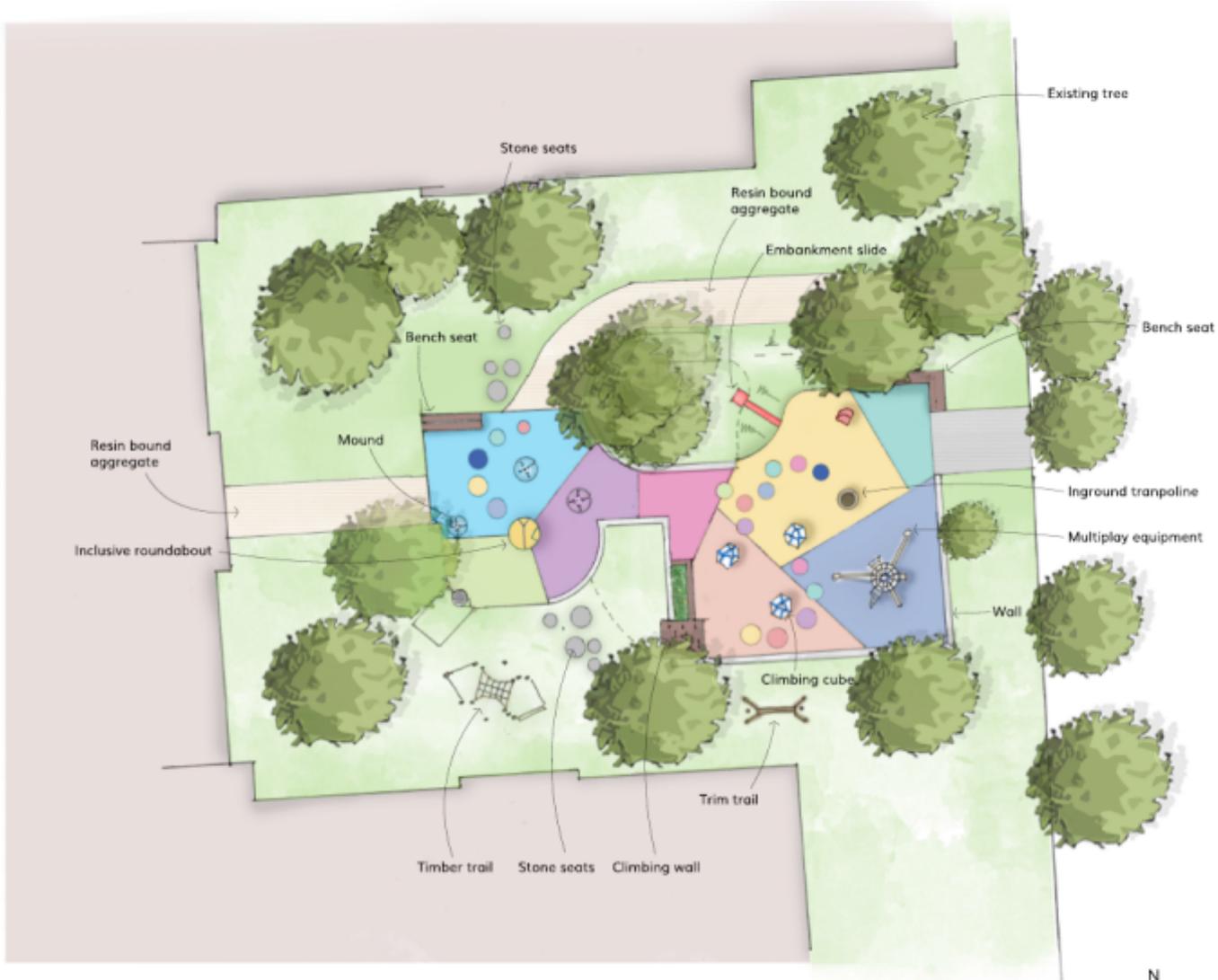
# APPENDIX 1

George Row – Draft designs options for the remodelling of that play zone  
Designs produced by Wynne Williams Associates



**GEORGE ROW - OPTION A v2 - Ballcourt remodelled and natural play**  
Scale: 1:250@A3





**GEORGE ROW - OPTION B - Play Space**  
 Scale: 1:250@A3

