

## **Committee: Cabinet**

**Date: 11 November 2013**

Agenda item:

Wards: Village

**Subject: Allocation of S.106 contribution to 19th Wimbledon Scouts hut project**

Lead officer: John Hill

Lead member: Councillor Andrew Judge, Cabinet Member for Environmental Sustainability and Regeneration

Forward Plan reference number:

Contact officer: Tim Catley (S.106 Monitoring)

### **Exempt Information**

Appendix 1 to this report is exempt from disclosure by virtue of Part 4B, Paragraph 10.4 and Category 3 as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

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### **Recommendations:**

- A. That Cabinet authorises the allocation of a £60,000 S106 contribution to the 19<sup>th</sup> Wimbledon Scouts Hut project in keeping with the S106 agreement associated with the redevelopment of the Atkinson Morley Hospital site as detailed in the body of this report.
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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. Cabinet authority is sought to allocate £60,000 S.106 contribution to the 19<sup>th</sup> Wimbledon Scouts hut project due to the allocation and transfer of the money being considered capital expenditure of an amount above £50,000.
- 1.2. The report seeks allocation of the monies which would be transferred to the scout group to spend on the extension, rebuild and refurbishment of their scout hut in keeping with the terms of the S106 agreement associated with the redevelopment of the Atkinson Morley Hospital site.

## **2 DETAILS**

- 2.1. S.106 of the Town & Country Planning Act 1990 (as amended) permits Local Planning Authorities to enter into agreements with applicants for planning permission to regulate the use and development of land. This may involve the payment of a financial contribution for off site works.
- 2.2. The Community Infrastructure Regulations 2010 require that a planning obligation must be
- Necessary to make the development acceptable in planning terms
  - Directly related to the proposed development

- Fairly and reasonably related in scale and kind to the proposed development
- 2.3. Capital allocations of £50,000 or more of S.106 funding to any specific scheme must be authorised by a decision of Cabinet..
  - 2.4. On 21 July 2011 Planning Applications Committee resolved that planning permission can be granted for the redevelopment of the Atkinson Morley Hospital Site, Copse Hill (planning application number 11/P0346) subject to the completion of a S106 agreement that included the payment of a £60,000 contribution to the extension/rebuild/refurbishment of the 19<sup>th</sup> Wimbledon Scouts hut, located within the development site adjacent to its boundary with Cottenham Park Road.
  - 2.5. On 8 December 2011 planning permission was granted and the S106 agreement was completed that included the following restrictions with respect of the contribution to the scouts hut contribution:
 

“The Developer covenants to pay the Scout Hut Contribution to the Council prior to the Implementation Date”.

“The Council; covenants to pay the Scout Hut Contribution within 14 days of the date of completion of an agreement with the Scout Group which limits the use of the Scout Hut Contribution to the refurbishment and extension of the scout hut currently located on the Scout Hut Land as shown of the approved drawings listed on the Planning Permission”
  - 2.6. The contribution was received by the council on 31 May 2012 and the scouts are now in a position to request the funding with a contract for the construction of the project due to be let in December 2013. Appendix 1 & 2 set out the elemental construction cost breakdown for the project carried out by a firm of quantity surveyors on behalf of the scouts group and a schedule of funding secured and to be confirmed within which the £60,000 S106 contribution that is subject of this report is included.
  - 2.7. Draft heads of terms of the agreement between the Council and the scout group have been discussed with no objections raised thus far. This agreement will include provisions for the return of any unexpended sums after 3 years or following substantial completion of the project. Further safeguards will be included to ensure that the council is not liable for any breach by the scouts of the terms that are set out in the S106 agreement without placing undue restrictions on the scouts with respect of any necessary changes to the design of the building. It is noted that if an agreement cannot be reached then the S106 agreement requires that the funds are used for the maintenance and/or improvement of the metropolitan open land within which the scouts hut is situated which is to be transferred by the developer of the Atkinson Morley site to the council under the S106 agreement.
  - 2.8. Appendix 4 sets out the work programme and timeline for the project with completion and handover expected in April 2014.

### **3 ALTERNATIVE OPTIONS**

- 3.1. Cabinet could decide not to approve the allocation of the S.106 funds towards the project, however the council would then be in breach of the

S.106 agreement from which it was secured and be required to repay the monies to the developer. As a consequence the council would fail to facilitate the delivery of substantial community benefits offered by the proposal.

#### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1. The decision of Planning Applications Committee to resolve to require the provision of the S106 contribution for the project was a result of substantial consultation on the redevelopment of the Atkinson Morley Hospital Site.

#### **5 TIMETABLE**

- 5.1. As referred to in the body of the report with the detailed programme for the project set out in Appendix 4.

#### **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1. The S.106 funds referred to in this report have been received by London Borough of Merton and are available to be spent in the manner agreed by Cabinet, subject to any restrictions contained in the agreements
- 6.2. See Appendices 1 and 2 for a cost breakdown for the project and a list of funding.

#### **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. As stated in the body of the report.

#### **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1. The planning applications were considered in the light of the Human Rights Act. S.106 contributions are secured and allocated towards community benefits such as school improvement projects, open spaces, sustainable transport and community safety. As a consequence, equalities and community cohesion implications are taken into account

#### **9 CRIME AND DISORDER IMPLICATIONS**

- 9.1. This report is for information. Specific schemes may have relevant implications

#### **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 10.1. For a minority of contributions there are deadlines for which they have to be spent. The risk is minimised by undertaking the monitoring of these contributions

#### **11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- Appendix 1 – Elemental construction cost breakdown 19<sup>th</sup> Wimbledon Scouts Hut (exempt from disclosure)
- Appendix 2 – Funding schedule 19<sup>th</sup> Wimbledon Scouts Hut
- Appendix 3 – Programme 19 Wimbledon Scouts Hut project

#### **12 BACKGROUND PAPERS**

- 12.1. Planning applications committee minutes 21 July 2011  
<http://msapp57.merton.gov.uk/MVM.DMS/Planning%20Application/1000072000/1000072786/atkinson%20morley%20committe%20meeting%20minutes%2011p0346.pdf>
- 12.2. Planning permission decision notice dated 8 December 2012  
<http://msapp57.merton.gov.uk/MVM.DMS/Planning%20Application/1000072000/1000072786/atkinson%20morley%20decision%20notice%2011p0346.pdf>
- 12.3. S106 agreement dated 8 December 2012 (main document)  
<http://msapp57.merton.gov.uk/MVM.DMS/Planning%20Application/1000072000/1000072786/atkinson%20morley%20main%20document%20Section%20106%2011p0346.pdf>