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| Item No. 12.1 | Classification: Open | Date: 22 April 2013 | Meeting Name: Borough, Bankside and Walworth Community Council |
| Report title: | | S106 release report for £455,592 to go towards open space and public realm improvements to Pasley Park, Pelier Park and Kennington Open Space from four developments in Newington ward | |
| Ward(s) or groups affected: | | Newington ward | |
| From: | | Head of Public Realm | |

RECOMMENDATION

1. That Borough, Bankside and Walworth Community Council notes and comments on the recommendation to allocate funds totalling £455,592 from Newington South, Bolton Crescent (a/n 451 07/AP/2801), John Smith House (a/n 499 10/AP/1831) Royal Road (a/n 491 09/AP/2388) and 120-138 Walworth Road (a/n 470 09/AP/1069) towards open space and public realm improvements to Pasley Park, Pelier Park and Kennington Open Space.

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 impact caused by developments 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 (as amended). These S.106 contributions can cover a range of facilities and services, in the case of this report, these contributions will go specifically towards parks and will include children's play, sports development and public realm improvements.
3. In recent years, two successful programmes of S.106 investment have been developed and delivered by the Regeneration and Neighbourhoods department to release historic section 106 funds and deliver a series of locally supported projects. These two programmes were in the Bankside and Bermondsey areas and saw in the region of £1.2m and £1.7m respectively invested in local improvement schemes. This report takes a similar approach and seeks to create a programme of improvements for three parks in the Walworth area specifically in the Newington Ward. These improvements have been agreed by the Parks department as priorities for these smaller parks which are considered the most in need within the Newington Ward (See Appendix 1).
4. The community project banks are an approach that Southwark Council has introduced to consult local people as to project ideas that could be delivered through the planning process using section 106 monies when development takes place in the area. There are over 40 projects on the Walworth community project bank at the present time. How each recommended project within this report responds to the community project bank policy has been addressed on a project by project basis.

5. Community project bank priorities also form part of the project bank and identify where members and the then Executive most desire to see investment within the community council areas, and it clearly sets out their priorities for investment of capital funding streams including S.106 and other potential sources of capital funding such as Cleaner Greener Safer (CGS).
6. In addition to community project banks and priorities the council is legally bound to ensure the relevance of any allocation of section 106 and the purpose or specific requirements as defined by the legal agreements.
7. In view of the outcome of consultation and the specific requirements and purposes of Section 106 this report seeks to secure the release of section 106 funding to deliver a series of improvements to parks in the Newington Ward which is principally funded through available capital section 106 receipts paid to the council.
8. The process has involved consultation with local groups and stakeholders and internal consultation with the Parks department. 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. For the avoidance of doubt this programme does not develop or propose any new policy, but groups section 106 expenditure to meet the objectives of existing policy.

KEY ISSUES FOR CONSIDERATION

9. A mapping exercise took place in the first instance to establish the availability and distribution of unallocated section 106 monies which could suitably fund much needed improvements to parks within the Newington Ward. These sums were then considered against community council priorities and project banks, any legal requirements and input from local community stakeholders.
10. All the allocations are from the Newington Ward in Walworth and as such are being invested in that area for Pasley Park, Pelier Park and Kennington Open Space. These spaces represent three key parks in the area. Improvements to these spaces will provide mitigation towards the impact of the associated developments. Paragraphs 11 to 38 provide details of how funding will be used to deliver improvements within each park.

Project 1: Investment in Public Realm and Open Space improvements at Pasley Park

11. Formerly known as Surrey Gardens this park occupies land that was previously part of the historic Surrey Gardens Zoo. It now has a central grass football pitch with goal posts, which is surrounded by a circular footpath leading to the four entrances. There are two fairly large fenced dog walking areas at each end of the park containing a significant number of trees. A children's playground is located on a raised mound at the western boundary of the park.
12. There are a number of issues within the park that need to be addressed in order for the space to be used to its full potential for users of the space. Whilst there are four entrances to this park, only the access from Stopford Road provides an inviting gateway to the space. The footpaths are in need of resurfacing due to extensive tree damage. The dog exercise areas appear to be disproportionate in scale for the park and it is considered that one area for dog exercise is sufficient

for a park this size rather than two. Visibility around the park is poor due to significant mounding within the park. This has resulted in views across the park being obscured, particularly from Chapter Road. The children's playground carries standard play equipment.

13. A masterplan is in place to address the following key areas including;
 - Introducing historic references into the park, by way of planting, park furniture and play opportunities.
 - Improvements to the entrances to provide a more inviting and attractive entry into the park
 - Resurfacing the entire pathway network and possible rerouting of the existing path layout.
 - Removing the dog exercise area next to the Stopford Road entrance and re-landscaping. An assessment of future dog use and needs in the park will also be undertaken to develop further proposals as necessary.
 - Reshaping selective mounding around the park to improve visibility
 - Upgrading the children's playground to provide more appeal for older children.
14. Complete delivery of the masterplan will require approximately £350,000, so a phased approach to delivery of the masterplan will be required as funding becomes available.
15. This report is seeking to allocate £169,043 for improvements to Pasley Park from:

| Account No. | Development address | Amount | Purpose |
|---------------------|--------------------------------|---------------|--|
| 470 (09/AP/1069) | 120-138 Walworth Road SE17 1JL | £117,539 | Public Open Space, Children's Play and Sports Development |
| 491 (09/AP/2388) | Land at Royal Road. SE17 3NR | £51,504 | Public Realm-Community bank scheme outside the Jack Hobbs Centre and Walworth project bank 11 and 13 |

16. Funds have been received by the Council for the specific purpose of Public Open Space, Children's Play Equipment, Sports Development and Public Realm from the above Section 106 agreements and remain unallocated.
17. This allocation of funding towards Pasley Park is requested by the Parks department and the works listed in paragraph 13 have been identified as priority works for the space.
18. There has been extensive consultation with internal stakeholders and the local residents. The design of the masterplan has been created with input from the Friends of Pasley Park (FoPP), who consist of a group of local residents who have a particular interest in improvements within the park. The Parks department have also been consulted where the masterplan for the space has been discussed, revised and agreed. Both the Parks department, the local community and FoPP will agree the final design.
19. Community Bank Priorities: Pasley Park forms part of the highest priority for open

spaces in the Walworth area as it contributes to the network of green open spaces throughout Elephant and Castle and Walworth. This project will be contributing to delivering extensive improvements to one of the key open spaces in Walworth which is in need of improving. Pasley Park is also the nearest public open space to the development and will therefore also accord with the legal agreement which requires the section 106 contribution to go towards open space within the vicinity of the site.

20. The legal agreement for the development at Royal Road, requires £51,504 to go towards public realm improvements, and specifically lists that £30,000 should go towards the community project bank scheme outside the Jack Hobbs Centre and £21,504 should go towards Walworth project bank proposals 11 and 13. All three projects are now complete. The community project bank scheme outside the Jack Hobbs Centre was delivered using CGS funding in 2010 and included the installation of children's play equipment. The scheme is located in the green space outside the Jacks Hobbs Centre on the Brandon Estate. Walworth project bank proposal 11; Pedestrian improvements to Carter Place had received a number of funding allocations from CGS and has had a number of public realm improvements delivered with this funding from 2006-2008 including bridge works repaving, bins and a new entrance treatment. Walworth project bank proposal 13, Investigating and remodelling the junction of Manor Place is also complete, the scope of works extended to a new planting bed, wider footways and new crossings.
21. All projects have since been completed with alternative funding and the S106 agreements allow the consideration of alternative public realm projects which are in close proximity to the development and which provide appropriate mitigation from the impacts arising from the development. Improvements to East Street Market highway and the public realm which is the highest priority for public realm projects in Walworth is now complete. The community project bank third priority, Environmental improvements to the Red Lion Row as part of the Aylesbury Phase 1 is in the process of being delivered with alternative funding. Although the second, fourth and fifth priority projects on the community project bank could be funded through this allocation, funding the public realm improvements at Pasley Park can be used to deliver part of a collection of improvements at Pasley Park such as entrance improvements into the space and redesigning the path network within the park. These improvements will benefit a multitude of users in the local area and as such it is for that purpose that the recommendation is being made.

Project 2: Investment in Public Open Space, Sports, Children's Play and Public Realm Improvements in Pelier Park

22. Pelier Park is located in a neighbourhood of mixed high density residential dwellings and industrial workshops. This small park has a central seating area, a ball court, fenced dog walking area and children's playground. There is significant mounding throughout with rudimentary foot paths.
23. Considering its location this park is very underused. The fairly steep earth mounds reduce visibility around the park and create blind spots. Access is severely restricted by a mature tree at the north entrance at Fielding St and fencing along one side of the path leading south to the Hillingdon St creates a tunnelling effect with the raised level of the grass mound opposite. The park is mostly used as a through route to Walworth Road but generally feels unsafe and unwelcoming. A recent structural survey also identified lighting columns in need

of repair/ replacement.

24. The park would benefit from a complete re-design which would include:
- Repairs or replacing lighting columns,
 - Relocation of the existing entrance on Fielding Street to create a primary entrance
 - Upgrading the playground and using existing mounding to create play features,
 - Introducing boundary planting to screen the park from the noise and dirt of the car workshops under the railway arches
 - Removing unnecessary fencing throughout particularly from the southern entrance
 - Reduction of earth mounds to improve sight lines.
25. The cost estimates for the work outlined and included in the draft report have been estimated at £160,500. The funding being allocated to the project will go a long way towards making the improvements required. Additional funding will be sought from the Mayors Fund for Pocket Parks to deliver the full scope of works
26. This report seeks to allocate £128,539.5 for improvements to Pelier Park from:

| Account No. | Development address | Amount | Purpose |
|---------------------|---|---------------|--|
| 499 (10/AP/1831) | John Smith House, 144-152 Walworth Road SE17, 1JL | £4,021 | Parks and Public Open Spaces |
| 499 (10/AP/1831) | John Smith House, 144-152 Walworth Road SE17, 1JL | £3,271 | Public Open Space, Children's Play Area and Sports Development |
| 499 (10/AP/1831) | John Smith House, 144-152 Walworth Road SE17, 1JL | £13,238 | Public Realm Improvements |
| 451 (07/AP/2801) | Newington South, Land at Bolton Crescent SE5 0XF | £108,009.5 | Public Open Space, Children's Play Area and Sports Development |

27. Funds have been received by the council for the specific purpose of parks and open space from the John Smith House development which remains unallocated. There is £216,019 left for Public Open Space, Children's Play and Sports Development from the development at Newington South, Land at Bolton Crescent. This has previously been allocated to Lorrimore, Pasley and Pelier Parks. The Parks department wish to reprioritise the unspent allocation to Pelier Park and Kennington Open Space. This funding is recommended to be split equally between Pelier Park and Kennington Open Space, two local public open spaces within the vicinity of the development. A S106 report seeking the release of section 106 funding for £51,494 towards Public Open Space, Children's Play and Sport's development improvements from the development at 36-38 Penrose St SE17 3DW will also be drafted once the funding is received by the Council.
28. The allocation of funding for Pelier Park is requested by the Parks department for the priority works listed in paragraph 24.
29. Community Project Bank Priorities: Pelier Park also forms part of the highest priority for open spaces play and sports in the Walworth area as it contributes to the network of green open spaces throughout Elephant and Castle and

Walworth. Allocating the funding for public open space and towards Pelier Park will also accord with the legal agreement which requires funding to go towards the creation of new and existing Council owned public space within the vicinity of the development. The allocation of the Sports Development contribution also accords with the legal agreement.

30. Pelier Park is not listed on the community project bank for Public Realm improvements however a number of public realm improvements have been highlighted by the Parks department as issues which need to be addressed. Due to the close proximity of the development and the high and immediate need for improvements, this report recommends Pelier Park is awarded this funding to go towards public realm improvements within the park. As discussed in paragraph 21, the first and third priority projects for public realm improvements within the Community Project Bank Priorities have been completed and are in the process of being delivered respectively. The second, fourth and fifth priority projects on the community project bank for public realm improvements could be funded through this allocation however funding the public realm improvements within Pelier Park, would also assist in mitigating against the negative impacts from the development at 144-152 Walworth Road and contribute to delivering a collection of improvements within the space. These funds would be used towards entrance improvements within the park and replacing the light columns and it is for these purposes that the recommendation for the public realm funding is being made.

Project 3: Kennington Open Space

31. Kennington Open Space is a flat expanse of grass land overlooked by several high rise tower blocks on housing estates at the east and west boundaries. A tiled, concrete mound with steps to the top is all that remains of an old playground. Two ageing wooden benches are located along each main foot path.
32. The open space was previously annexed to Kennington Park and was managed by Lambeth Council. Borough boundary changes have meant that this green space is divided along its central footpath into two separately managed spaces - Lambeth's Kennington Park and Southwark's Kennington Open Spaces. Lambeth has a master plan encompassing both sites. The space is almost exclusively used as a through route.
33. Kennington Open Space would benefit from the following improvements:
 - Repair or replacement of defective light columns
 - Installing a new foot path following desire lines east to west from Brandon Estate towards Camberwell New Road and improving the conditions of existing paths,
 - Replacing dilapidated benches with standard park seating and providing additional seating
 - Removing redundant brick mounds and creating a new children's playground at the site of the old playground on the east side of the park.

The parks department have provided an estimate of £183,000 to deliver the works, therefore works will be delivered in phases as funding becomes available.

34. This reports seeks to allocate £158,009.50 for improvements to Kennington Open Space from:

| Account No. | Development address | Amount | Purpose |
|--------------------|--|---------------|--|
| 451 (07/AP/2801) | Newington South, Land at Bolton Crescent SE5 0XF | £108,009.50 | Public Open Space, Children's Play Area and Sports Development |
| 451 (07/AP/2801) | Newington South, Land at Bolton Crescent SE5 0XF | £50,000 | Public Realm Improvements |

35. Funds have been received by the council for the specific purpose of open and council maintained space and public realm improvements. The funds are currently allocated to Ambergate St play area and equipment (£50,000) and Pasley Park (£50,000). This report will reallocate the allocation to focus on Pelier Park and Kennington Open Space. Pasley Park is being funded through other contributions.
36. The allocation of funding for Kennington Open Space is requested by the Parks department and the works listed in paragraph 33 have been identified as priority works for the space.
37. Community Project Bank Priorities: Kennington Open Space also forms part of the highest priority for open spaces in the Walworth area as it contributes to the network of green open spaces throughout Elephant and Castle and Walworth. Awarding this funding to Kennington Open Space will also accord with the legal agreement.
38. Kennington Open Space however is not listed as a priority for public realm improvements. As detailed in paragraphs 21 and 30, The first and third priority for public realm priority projects in Walworth no longer require section 106 funding. The second, fourth and fifth priority projects on the community project bank could also be funded through this allocation, however funding the public realm improvements within Kennington Open Space such as redesigning the footway network and improving the conditions of the paths within the park can be used to deliver part of a collection of improvements within the space and it is for that purpose that the recommendation for the public realm funding is being made.

Policy implications

39. Delivering a programme of open space and public realm improvements to a collection of parks in the Newington Ward supports a number of Southwark policies, these policies are listed below;

Southwark Core Strategy 2011

1. Theme 2: Making the borough a better place for people
2. Strategic policy 11: Open Spaces and wildlife

These policies promote healthy and active lifestyles through access to good quality open spaces.

Community Project Bank Prioritisation

40. At its meeting on the 22 July 2009, the then Executive approved a list of community project bank projects for prioritisation. These priorities should be carefully considered in the case of releasing S106 monies.
41. The issue of addressing the community project bank priorities has been detailed under each individual project for the sake of simplicity.
42. In summary, in providing funding for public open space, play and sports this report seeks to fund improvements to Pasley Park, Pelier Park and Kennington Open Space. These spaces form part of the highest priority for public open space as part of the network of open spaces throughout Elephant and Castle and Walworth.
43. Although funding provided for the public realm improvements could be allocated to the second, fourth and fifth priorities within the community project bank priorities, it is recommended that this funding is allocated towards the public realm improvements within the parks listed for improvements such as lighting, improving path networks and entrances into the parks. Allocating public realm funding for these purposes will assist in delivering a collection of improvements within each space. Following this recommendation will continue to be in accordance with the legal agreements listed and will also fulfill the planning tests prescribed in the CIL Regulations 2010. All the recommended projects contained within this report have support from the relevant divisions within the council.

Community Impact Statement

44. The programme is designed to enhance the attractiveness and community facility provisions of Walworth as a community where people will want to live and work. By implementing major environmental improvements in three key spaces in the Newington Ward, the council is improving the environment and social sustainability of Borough, Bankside and Walworth Community Council area in providing high quality public places which local residents and workers can use which promotes the potential for social interaction. Improving interaction between different social groups enhances trust and creates the conditions to forge stronger networked communities.
45. The projects will have a positive impact on the environment and will not have a detrimental impact upon any one group within the community. The projects will also be designed to be inclusive and accessible for all sectors of the community.

Resource Implications

46. The funding will come from S106 agreements as outlined above and set out below in the summarised S106 finance concurrent report below.
47. The projects will be project managed by the Parks department. No additional staff time will be required.
48. There are no legal or financial implications as a result of the recommendations set out in this report.

Consultation

49. Following internal consultation, the Parks department have identified these parks as priorities for funding. Friends of Pasley Park have been extensively involved within the drafts of the masterplan for Pasley Park which has fed into the design process for the space. In developing the strategies for delivering improvements to Pelier Park and Kennington Open Space, local residents and councillors will be consulted and agree the plans for delivery.
50. Community project banks have also been referred to and where possible followed, this is the council's adopted mechanism to consult and involve local people in the planning process and is open to all residents, community groups and those who work or study in the area. This has been referred to best ensure that no groups have been overlooked in the process of recommending funds for allocation.

Equal Opportunities

51. All projects will be designed to be fully accessible to all, without prejudice or discrimination. The projects are of a type envisaged by the council to mitigate the effects of development, as set out in the Core Strategy, Southwark Plan policy 2.5 and the council's Section 106 Supplementary Planning Document.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

S106 Manager

52. The development at Newington South, Bolton Crescent (a/n 451 07/AP/2801), secured £361,606.32 in contributions which have been all paid. This includes £50,000 toward public realm and £250,000 toward Public Open space, which has been previously allocated of which £216,019 remains unspent. This report relocates this half this to Pelier Park and half to Kennington Open Space which would provide clear mitigation from this development.
53. The development at John Smith House (a/n 499 10/AP/1831), secured £66,155.38 in contributions which have been all paid. This includes £4,021 for parks, £13,238 for public realm and £3,271 for sport and play, which is all available. The allocation to the various elements at Pelier Park provides clear mitigation from this development.
54. The development at Royal Road (a/n 491 09/AP/2388), secured £361,553.50 in contributions which have been all paid. This includes £51,504 to go towards public realm improvements, and specifically lists that £30,000 should go towards the community project bank scheme outside the Jack Hobbs Centre and £21,504 should go towards Walworth project bank proposals 11 and 13. All three projects are now complete. The developer was been consulted on this new allocation but no response has been received.
55. The development at 120-138 Walworth Road (a/n 470 09/AP/1069) secured £384,340 in contributions which have been all paid. This includes £117,539 for public realm improvements and is available for Pasley Park which would provide mitigation as this close by open space.

Director of Legal Services

56. The recommendation seeks to allocate funds totalling £455,592 from developments at Newington South, Bolton Crescent (a/n 451 07/AP/2801), John Smith House (a/n 499 10/AP/1831) Royal Road (a/n 491 09/AP/2388) and 120-138 Walworth Road (a/n 470 09/AP/1069) towards open space and public realm improvements to Pasley Park, Pelier Park and Kennington Open Space. The report sets out a programme of Section 106 expenditure in excess of £100,000. In accordance with the Council's constitution the comments of Borough, Bankside and Walworth Community Council are requested under Part 3H, paragraph 1 under the heading 'Matters Reserved for Decision' for expenditure in excess of £100,000.
57. The Borough, Bankside and Walworth Community Council is requested to note and comment on the release of funds from the following Section 106 agreements:
- Section 106 agreement dated 18 September 2009 relating to Newington South, Bolton Crescent (application number 07/AP/2801);
 - Section 106 agreement dated 13 October 2010 relating to John Smith House (application number 10/AP/1831); and
 - Section 106 agreement dated 8 September 2010 relating to Royal Road (application number 09/AP/2388).
58. The Section 106 agreements' monies must be expended in accordance with:-
- (a) the terms of the specific Section 106 Agreements; and
 - (b) Regulation 122(a) of the Community Infrastructure Levy Regulations 2010 which provides that they must be:-
 - (i) necessary to make the developments on the respective sites acceptable in planning terms by mitigating adverse impacts;
 - (ii) directly related to the respective developments; and
 - (iii) fairly and reasonably related in scale and kind to the respective developments;
59. Each Section 106 agreement has been reviewed and it is considered that the proposed expenditure accords with the terms of the respective s.106s, the relevant legal and policy considerations detailed above and is otherwise reasonable in all other respects.
60. In determining how the money is to be spent due regard has been given to the Councils community project banks and where possible the priorities set have been followed. The Councils Section 106 Supplementary Planning Document acknowledges that sometimes the impact of development will require mitigation beyond that contained in the Councils project banks. This report details the steps taken by officers to allocate received section 106 funds.

Strategic Director of Finance and Corporate Services

61. This report recommends the release of £455,592 of S106 funds secured via several legal agreements as detailed in the report, towards open spaces and public realm improvements to Pasley Park, Pelier Park and Kennington Open Space.
62. It is noted that all funds relating to these agreements have been received by the council.
63. Any staffing resources connected with this recommendation to be contained within existing budgets.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|--------------------|--|---|
| Section 106 files, | 5 th Floor 160 Tooley Street London SE1 2QH | Zayd Al Jawad Section 106 Manager |

APPENDICES

| Appendix | Title |
|------------|--------------------------------------|
| Appendix 1 | Parks Improvement Priorities 2012/13 |
| Appendix 2 | Pasley Park Masterplan |

AUDIT TRAIL

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|---|----------------------------------|--------------------------|
| Lead Officer | Des Waters, Head of Public Realm | |
| Report Author | Yvonne Sampoh, Project Officer | |
| Version | Final | |
| Dated | 11 January 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 Community Council Team | 11 April 2013 | |