

Item No. 9.	Classification: Open	Date: 8 October 2013	Meeting Name: Planning Committee
Report title:		Release of S106 monies totalling £185,330 from development around Camberwell for public realm and environmental improvement works in Camberwell Town Centre, including play equipment and trees in Camberwell Green.	
Ward(s) or groups affected:		Camberwell Green, Brunswick Park, South Camberwell wards	
From:		Head of Parks & Open Spaces, Public Realm	

RECOMMENDATIONS

1. To note the comments from Camberwell Community Council about the proposed expenditure.
2. To authorise release of £185,330 of section 106 funding broken down as:
 - £109,839 from land at 69-91(odd) Camberwell Station Road and 90-106 (even), and 108A Warner Road, London, SE5 a/n 330 (06-AP-2183)
 - £36,862 from 316-322 Camberwell New Road London SE5 a/n 437 (09-AP-0717)
 - £28,629 from 67 Crawford Road, London, SE5 9NF a/n 462 (09-AP-0841)
 - £10,000 from 254-268 Camberwell Road, London, SE5 a/n 604 (11-AP-3181)

towards the public realm improvement works in Camberwell Town Centre including play equipment and trees in Camberwell Green.

BACKGROUND INFORMATION

3. 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.
4. The Section 106 Agreement S106/122657, attached to the planning permission for Land at 69-91(odd) Camberwell Station Road and 90-106 (even) and 108A Warner Road, London, SE5 9JZ (06-AP-2183) has identified £109,839 for the purpose of parks and public open space improvements.
5. The Section 106 Agreement S106/135193, attached to the planning permission for 316-322 Camberwell New Road London SE5 (09-AP-0717) has identified £22,919 for the purpose of sports and recreation facilities, and £13,943 for the purpose of public open spaces and children's play equipment.
6. The Section 106 Agreement S106/135077, attached to the planning permission for 67 Crawford Road, London, SE5 9NF (09-AP-0841) has identified £24,954 for the purpose of public open space, children's play and sports development improvements, and £3,675 for the purpose of public realm tree planting.

7. The Section 106 Agreement S106/63256, attached to the planning permission for 254-268 Camberwell Road, London, SE5 0DL (11-AP-3181) has identified £10,000 for the purpose of Camberwell Town Centre improvements.

The Project

8. Camberwell is a key retail destination and is recognised as a District Town Centre in the London Plan. It has been identified as a priority town centre for the council who plan £11m worth of regeneration in this area, under the name Revitalise⁵ Camberwell.
9. Revitalise⁵ Camberwell includes a new library building, improvements to Camberwell Green, improvements to “Pocket Spaces”, creation of a Supplementary Planning Document (SPD) and highway improvements. These were jointly consulted on during Jan to march 2013.
10. The area included in the Revitalise⁵ scheme is shown in Appendix 1.
11. The council have made a successful funding submission for improvements to the town centre through the Transport for London (TfL) Major Schemes programme.
12. The council has allocated capital funding to improve Camberwell Green.
13. To date, S106 funding totalling £189,125 has been identified and released towards funding the improvement of Camberwell Town Centre to facilitate improvement to Camberwell Green and streetscape improvements.

KEY ISSUES FOR CONSIDERATION

14. Capital funding totalling £400,000 has been allocated from the Capital Programme towards the improvement project at Camberwell Green.
15. Cleaner Greener Safer funding totalling £51,313 has been allocated towards funding the improvement project at Camberwell Green.
16. As the purpose of this report is to release S106 funding which has been mostly allocated for parks and public open space, £148,736 which has been allocated for this purpose will be utilised to fund improvement works to Camberwell Green.
17. £22,919 which has been allocated for sports and recreation facilities will be used to fund play and sports facilities within Camberwell Green.
18. £3,675 which has been allocated for tree planting will be used to plant trees within Camberwell Green or on surrounding streets.
19. £10,000 which has been allocated for Camberwell town centre improvements will be used to fund improvement works to Camberwell Green or improvements to the highways within the town centre.
20. This funding will help to support the match funding for Revitalise⁵ Camberwell and support the implementation of improvement works to Camberwell Green and Camberwell town centre.
21. Section 106 funds are used to mitigate the impact of development in an area. Often 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, and community project banks will be reviewed when considering the application of S106 funds, so that local priorities are not overlooked.

Policy implications

22. Improving Camberwell Green complies with strategic policy 11 contained in the core strategy, to improve, protect and maintain a network of open spaces and green corridors that will make places attractive, provide sport and leisure opportunities for a growing population and improve and protect habitats for a variety of wildlife.
23. Improving Camberwell Green complies with strategic objective 2F contained in the core strategy, to conserve, protect and enhance historic and natural places, including heritage assets and the wider historic environment, open spaces and biodiversity.
24. Improving Camberwell town centre complies with strategic objective 3A contained in the core strategy, to provide accessible, customer focused, efficient and modern public services.
25. Camberwell is designated as a district town centre within strategic policy 3 contained in the core strategy, forming part of a network of successful town centres which have a wide range of shops, services and facilities, to help meet the needs of Southwark's population. Improvements to the town centre mean it will continue to be well used, vibrant, easy to get to, friendly and safe.
26. Improving Camberwell Green complies with strategic objective 1C contained in the core strategy, to encourage the community to be healthy and active by promoting good access to open space and nature and encouraging healthy lifestyles.
27. The council's open spaces strategy identifies Camberwell as an area with relatively high population density and high child density. Camberwell's park provision (area per population) is below the borough average and is expected to fall in the future as a result of population growth. The strategy also identifies deficiencies of allotments and community gardens, however the Green is not an appropriate place for such a facility, mainly due to its small size and location next to busy roads.
28. The new design for Camberwell Green will take into account recommendations from the Camberwell Green Conservation Area Appraisal.
29. Camberwell Green is designated as Borough Open Land and is therefore protected from development.
30. The London Plan places heavy emphasis on improving the quality of, and access to, open space (Policy 7.18) and play space (Policy 3.6) in the higher density environment of Inner London.

31. Camberwell Green is designated as a London Square under the London Squares Preservation Act 1931. Due to its historic significance, Camberwell Green will be improved in a way that is sympathetic to its history.
32. The Revitalise⁵ Camberwell scheme complies fully with council policy contained in the borough's transport plan and contributes to the objectives of the sustainable community strategy 2016 by making the borough a better place to be in and improving individual life chances.
33. Construction at Camberwell Green is estimated to begin in early 2014.
34. Working in partnership with Lambeth Council and Transport for London (TfL), construction for the highways project is estimated to begin in winter 2013.
35. Working closely with the team delivering Camberwell library will ensure that the design of both compliment each other and connect seamlessly.
36. Where possible, materials specified in the scheme will be obtained from sustainable sources. The scheme will seek to ensure minimal ongoing use of resources such as water, energy and chemicals.
37. Where possible, high quality recycled materials should be used. Consultants should investigate recycling waste materials from other council sources such as from the Elmington Estate Regeneration project.
38. Consideration will be given to the whole-of-life costs associated with the improvement works and the implications for future maintenance.
39. Section 106 totalling £189,125 has already been secured for Camberwell town centre and officers are working together closely to ensure a joined-up approach. This funding is required in order to provide a consultant with a budget to work to when creating a design for the park.
40. Table of risks:

No	Risk	Risk Level	Mitigating Action
1	Unable to engage community, meaning that Project not adopted by local people and/or there is customer dissatisfaction with completed project	Medium probability / Medium impact	Detailed community engagement plan with a high level of involvement but also avoiding consultation fatigue Project mailing list of interested parties established during first public consultation and will be kept informed regularly (monthly or bi-monthly)
2	Poor design quality leading to tarnished reputation of LBS and extra costs to rectify design errors	Low probability / High impact	Engagement of an experienced designer who has worked for a local authority in the public realm Engagement of experienced contractor through competitive tender process Design review panel engaged to review designs
3	Design does not fit in with other regeneration	Medium probability /	Continue to liaise regularly with teams responsible for delivering other projects

	projects in Camberwell leading to Green becoming disjointed from its surroundings and tarnished reputation of LBS	Medium impact	in the area, particularly the Regeneration Team who are delivering the highways improvements and new library
4	Project overspend leading to inability to complete project and tarnished reputation of LBS	Low probability / High impact	Possibility of phasing works, with future phases to be completed once funding has been secured. Thorough budget management with suitable contingency in place to deal with unforeseen circumstances
5	No suitable solution found that meets all the objectives of the project, leading to customer dissatisfaction being greater for some users	Medium probability / Medium impact	Thorough engagement process to ensure the design meets all objectives where possible Management of stakeholder expectations Good communication with stakeholders
6	Increase in revenue/maintenance costs at completion of project, leading to a park which is not properly maintained	Medium probability / High impact	Consultation with budget holder for maintenance. Design to be approved with budget holder for maintenance Low maintenance landscape materials and planting will be chosen throughout design process
7	Unforeseen site conditions leading to delays to project and potential to increase costs	Medium probability / High impact	Full surveys undertaken of site prior to commencement of design Historical research undertaken to determine archaeological importance and plan implemented if required

41. There are many advantages to improving Camberwell Town Centre. Encouraging people to dwell in the park and providing a better range of facilities for them to use will lead to increased community cohesion. Improvements to the aesthetics of the area will lead to a reduction in fly tipping and a reduction in anti-social behaviour, as people have more pride in the area in which they live.

Community project bank prioritisation

42. At its meeting on the 22 July 2009, the then executive approved a priority list of community project banks. These priorities should be carefully considered in the case of releasing monies from any S106 agreement.
43. The top priority projects for Camberwell are as follows:
1. Camberwell Leisure Centre
 2. To improve and enhance Camberwell Green
 3. Camberwell Town Centre, area based scheme
 4. Camberwell Green Town Centre improvements including CCTV.
44. This report recommends the release of funding to the second and third highest priority projects. The projects are also noted on the revised Community

Infrastructure Project List (CIPL) which was approved in June 2013 by Camberwell Community Council.

45. The community council has championed the submission of the TfL major schemes application and this is reflected in the priority of the submission within the community project bank.

Community impact statement

46. The programme of projects is designed to enhance the attractiveness of Camberwell as a place in which people choose to live and work. By implementing these environmental and community facility projects in the town centre, the council is improving the environment and social sustainability of the community council area, providing high quality outdoor public places which local residents and workers can use, and which promote the potential for interaction. Improving interaction between different social groups enhances trust and creates the conditions to foster stronger networked communities.
47. An improved park with better facilities for both child and adult play and sport will improve quality of life for the residents of Camberwell by encouraging them to visit green spaces and use the facilities provided.
48. Advice has been sought from the community safety department as to how the new design for Camberwell Green could have a positive impact by reducing antisocial behaviour.

Resource implications

49. Specific staff resources have been set aside to assist with the delivery of the scheme and the works proposed will be undertaken within the staffing commitment.

Equal opportunities

50. This project has been and will continue to be designed to be fully accessible to all, without prejudice or discrimination.

Consultation

51. Consultation undertaken between October and December 2011 is summarised in the Revitalise⁵ Camberwell Consultation Report, which highlights that residents suggest Camberwell Green as being their second highest priority for improvement.
52. In September/October 2012 a consultation questionnaire on the subject of Camberwell Green was available to the public. The results have been analysed and are available in the Camberwell Green 2012 Consultation Report. These results influenced the concept design proposals.
53. Three concept design proposals were consulted on for six weeks during January to March 2013, including a presentation at Camberwell Community Council meeting on 13 February 2013. The results are being analysed and will be available in the form of a report in April 2013. These results will influence the updated design.
54. Once the design is ready further consultation will be carried out to allow the public to see the design and submit their comments. The design will require

planning permission, and during the application process statutory consultation will be carried out.

55. The report has been sent to the chair and vice-chair of Camberwell Community Council. No comments have been received.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

56. Members of the planning committee are requested to authorise the release of funds from four S106 Planning obligations, totalling £185,330, for expenditure on Camberwell Town Centre public realm improvements and play equipment and trees in Camberwell Green as specified in paragraph 2 of the recommendation.
57. The S106 monies must be expended in accordance with:
- (a) the terms of the specific S106s; and
 - (b) the relevant policy tests set out in Circular 2005/05 and the first three being legal tests below which are now enshrined in Regulation 122(a) of the Community Infrastructure Levy Regulations in that they must be:
 - (i) relevant to planning purposes;
 - (ii) necessary to make the developments on the respective sites acceptable in planning terms by mitigating adverse impacts;
 - (iii) directly related to the respective developments;
 - (iv) fairly and reasonably related in scale and kind to the respective developments; and
 - (v) reasonable in all other respects.
58. The S106 Agreement dated 6 July 2007 in respect of 69-91 (odd) Camberwell Station Road and 90-106 (even) and 108A Warner Road, London, SE5 9JZ, secured a Site and Development Payment of £109,839 to be used towards the provision of open space in the vicinity of the Site. This report seeks to use that contribution towards funding improvement works to Camberwell Green. The allocation of the Site and Development Payment for open space towards this provision is therefore in accordance with the terms of the S106 legal agreement.
59. The S106 agreement dated 29 October 2009 in respect of 316-322 Camberwell New Road secured a public open space and children's play equipment contribution in the amount of £13,943 which must be used towards the creation of new council-maintained public space and the improvement of existing council-maintained public space in the vicinity of the site and to include the provision, planting and maintenance of 3 trees along the Camberwell New Road. The agreement also secured a sports development contribution in the sum of £22,919 to be used towards the Camberwell Leisure Centre. This report seeks to apply the contribution of £13,943 towards the improvement works to Camberwell Green. It is intended that the contribution of £22,919 which was earmarked in the agreement to be used towards Camberwell Leisure Centre, should instead be re-applied in accordance with Schedule 4 paragraph 1.4 of the agreement on any of the other site and development facilities referred to in the agreement given that the Camberwell Leisure Centre has already been delivered. In this instance the sum of £22,919 is being re-applied towards

funding play and sports facilities within Camberwell Green which accords with the purpose behind both the public open space and children's play equipment contribution and also satisfies the objective behind the sports development contribution, albeit in a different location. The allocation of both of these sums therefore accords with the terms of the S106 legal agreement.

60. The S106 agreement dated 30 November 2009 in respect of 67 Crawford Road secured a public open space, children's play equipment and sports development contribution in the sum of £24,954 to go towards the creation of new council-maintained public space and the improvement of existing council-maintained public space in the vicinity of the site. It also secured a public realm improvements contribution in the sum of £6,090 of which £3,675.40 was earmarked for the planting of trees along Coldharbour Lane. This report seeks to apply the first contribution of £29,954 towards the improvement works to Camberwell Green. It is intended that the second contribution of £3,675.40 should instead be applied towards the planting of trees in Camberwell Green or on surrounding streets rather than along Coldharbour Lane as specified in the agreement. This is because the trees have already been provided in that location. Schedule 4 paragraph 1.4 gives the council the discretion to re-apply the contributions if the facilities have already been provided or are no longer required. In accordance with that discretion the council is therefore re-applying that sum towards the planting of trees in Camberwell Green, or the surrounding streets. The allocation of both of these sums therefore accords with the terms of the S106 legal agreement.
61. The S106 Agreement dated 15 March 2012 in respect of 254-268 Camberwell Road secured the sum of £10,000 in respect of Camberwell Town Centre improvements contribution. This sum is being applied towards improvements to Camberwell Green, which is in the town centre and/or improvements to the highways within the town centre, all of which accords with the terms of the S106 legal agreement.
62. The decision to consider and approve S106 expenditure exceeding £100,000 is reserved to members of planning committee in accordance with Part 3F, paragraph 2 under the heading 'Matters Reserved for a Decision'. Subject to taking account of the above considerations, members are advised to approve the expenditure which would be consistent with the terms of the S106 and the legal and policy tests relating to validity and expenditure of S106 contributions.

S106 Manager

56. The agreement for a/n 330 Land at 69-91(odd) Camberwell Station Road and 90-106 (even) and 108A Warner Road, London, SE5 9JZ (06-AP-2183) secured £109,839 for the purpose of parks and public open space improvements. This contribution has been received by the council is available for this allocation. The proposed improvements to Camberwell Green would provide some mitigation for the impacts of the funding development and is supported.
57. The agreement for a/n 437, 316-322 Camberwell New Road London SE5 (09-AP-0717) secured £22,919 for the purpose of sports and recreation facilities (specifically Camberwell Sports Centre) and £13,943 for public open spaces / children's play equipment. These contributions have been received by the council. Camberwell Sport Centre has recently been renovated and the agreement allows for the sports contribution and the other contribution to be used for this allocation. The proposed improvements to play and sports facilities in Camberwell Green would provide some mitigation for the impacts of the

funding development and is supported.

58. The agreement a/n 462 for 67 Crawford Road, London, SE5 9NF (09-AP-0841) secured £24,954 for the purpose of public open space, children's play and sports development improvements, and £3,675 for the purpose of public realm tree planting on Coldharbour Lane. These contributions have been received by the Council. As the trees on Coldharbour Lane have already been provided, the agreement allows for the tree contribution and the other contribution to be used for this allocation. The proposed improvements to play and new trees in Camberwell Green would provide some mitigation for the impacts of the funding development and is supported.
59. The agreement a/n 604 for 254-268 Camberwell Road, London, SE5 0DL (11-AP-3181) secured £10,000 for the purpose of Camberwell Town Centre improvements. This contribution has been received by the council is available for this allocation. The proposed improvement works to Camberwell Green or improvements to the highways within the town centre would provide some mitigation for the impacts of the funding development and is supported.

Strategic Director of Finance and Corporate Resources (CAP13/018)

60. This report is requesting the Planning Committee to authorise the release of £185,330 of S106 funds secured via several legal agreements as detailed in paragraph 2 and comments from S106 manager towards the public realm improvement works in Camberwell Town Centre including play equipment and trees in Camberwell Green.
61. It is noted that all related funds from these agreements have been received by the council.
62. Any staffing and other costs connected with this recommendation to be contained within existing budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Revitalise Camberwell Consultation Report	https://www.southwark.gov.uk/downloads/download/2989/revitalise_camberwell_spaceshaper_report	Sally Crew 020 7525 5564
Camberwell Green 2012 Consultation Report	http://www.southwark.gov.uk/downloads/download/3268/camberwell_green_consultation%20	Pippa Krishnan 020 7525 5133

APPENDICES

No.	Title
Appendix 1	Map showing the area covered by the Camberwell Revitalise Scheme

AUDIT TRAIL

Lead Officer	Rebecca Towers, Head of Parks and Open Spaces		
Report Author	Pippa Krishnan, Service Development Officer, Parks and Open Spaces		
Version	Final		
Dated	27 September 2013		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER			
Officer Title	Comments sought	Comments included	
Director of Legal Services – SH/05/2013	Yes	Yes	
Strategic Director of Finance and Corporate Services – CAP13/018	Yes	Yes	
S106 Manager	Yes	Yes	
Date final report sent to Constitutional Team		27 September 2013	

Map showing the area covered by the Camberwell Revitalise⁵ Scheme

