

Item No. 8.	Classification: Open	Date: 1 December 2015	Meeting Name: Planning Committee
Report title:		To release £190,592 from the S106 agreement associated with 12/AP/1784 for 1-16 Blackfriars Road, SE1, towards improvement works to Nelson Square	
Ward(s) or groups affected:		Cathedrals	
From:		Parks and Open Spaces Manager, Public Realm	

RECOMMENDATION

1. To authorise the release of £190,592 from the development at 1 - 16 Blackfriars Road, SE1 12/AP/1784 a/c 665, towards improvement works to Nelson Square.

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 impacts caused by 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 contributions pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
3. Section 106 funds are released to projects and programmes as new developments come forward for implementation which triggers the payment of sums to the council
4. Nelson Square is located within the Blackfriars area which in the last five years has undergone a major transformation with landmark projects such as the 50 storey tower at 1Blackfriars Road and the 358 bed Sea Containers hotel.
5. With limited open space Nelson Square is one of only two public open spaces within the Blackfriars Road area.
6. Nelson Square is considered to be high priority for investment based on the level of high density housing nearby and as such it has high potential to attract people to use it. As such an extensive consultation has been undertaken to identify what improvements users would like made to the square which has informed the design process resulting in a design being submitted and approved by planning committee in April 2015.
7. Nelson Square is in need of much needed improvements as identified through the parks investment strategy.
8. The approved design includes a play area, formal gardens and sports facilities including football multi-use games area (MUGA), table tennis and an outdoor gym.

KEY ISSUES FOR CONSIDERATION

Wider improvements to the open space

9. There was significant support arising from the consultation to improve the entrances to the square with a view to improving the safety when leaving and entering the

square. The current budget for the project does not include the funding to deliver these improvements.

10. As such it is proposed to use this section 106 funding to fund improvements to each of the four entrances to the square. Improvements will include creating clearer sight lines, new surfacing to footpaths with raised tables for easy access for all.
11. It is proposed to use the remaining funding to adhere to quality standards within the design, for example high quality surfacing for the hard standing areas and a high quality of bespoke play equipment.

Resource implications

12. Staffing and any other costs connected with this recommendation to be contained within existing departmental revenue budgets.

Policy implications

13. The investment will contribute to the council's Fairer Future Promises including encouraging healthy lifestyles by transforming Nelson Square.
14. The project will deliver improvements to Nelson Square in line with the parks investment strategy.

Community impact statement

15. The impact on the community will be very positive as the project will deliver a new children's play area, new MUGA football area, landscape gardens and the introduction of outdoor gym equipment and table tennis. These improvements will help foster healthy lifestyles for the community.

Consultation

16. Consultations were delivered in two phases from 20 September 2014 through to 9 January 2015. On Saturday 20 September 2014, an open event was held in Nelson Square. The event was publicised by posting notices in and around the neighbouring estates including the Peabody Estate. Two concepts designs were presented both receiving positive feedbacks. The feedback was collated on the day and also via an on line questionnaire. The event was attended by over a 100 people including ward councillors, Member of Parliament Simon Hughes and local residents. Phase one returned a total of 48 responses which were evaluated to inform our design for phase two.
17. On the 9 December 2014 phase 2 of the consultation process invited all stakeholders to attend an open evening looking at the revised designs. The meeting was held at the Blackfriars Settlement with 24 people in attendance. Feedback was collated to inform us on the final design with a further on line questionnaire. The final designs were then on display at Blackfriars Settlement from March 2015 to April 2015.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

18. Members of the Planning Committee are asked to authorise an amount of £190,592 towards improvements at Nelson Square. The proposal is to draw on funds committed under the terms of the section 106 Agreement for 1 – 16 Blackfriars Road.

19. The decision to consider the expenditure of sums in excess of £100,000 is reserved to members of the Planning committee in accordance with Part 3F of the Council's Constitution, paragraph 2.
20. In the case of this proposed expenditure, local residents have clearly been closely involved with more than 100 attending one event as outlined in paragraph 14 of the report. Beyond this, Members will need to be satisfied that the expenditure is in accordance with the terms of the specific section 106 Agreement and also in accordance with the tests set out in regulation 122(2), of the Community Infrastructure Regulations 2010. This regulation requires that the particular obligation is necessary to make the development acceptable in planning terms; directly relates to the development in question; and fairly and reasonably relates in scale and kind to the development.
21. The terms of the section 106 Agreement for 1-16 Blackfriars Road have been reviewed and it is confirmed that the proposed expenditure is in accordance with the terms of the agreement. Subject to Members taking into account the requirements of the CIL Regulations outlined above, it is confirmed that Members may approve this expenditure

Director of Planning

22. The development at 1-16 Blackfriars Road, London SE1 12/AP/1784 a/c 665 secured £285,887.00 in contributions, £130,000.00 of which is required to be spent on a local MUGA.
23. This is a three stage payment, the first two of which have been received, totalling £190,592.00.
24. A specific contribution of £130,000.00 is allocated solely for a Multi Use Games Area.
25. The proposed allocation accords with the agreement would provide some mitigation for the impacts of the development.

Strategic Director of Finance and Governance (CAP15/135)

26. This report requests approval from Planning Committee to the release of £190,592 S106 funds from the development at 1- 16 Blackfriars Road SE1 12/AP/1784 a/c no 665, towards parks and open spaces, children's play equipment and sports development at Nelson Square.
27. The Strategic Director of Finance and Governance notes that the S106 funds of £190,592 has been received by the council and is available for this project. Use of the S106 funds will be monitored as part of the Council's capital programme.
28. Staffing and any other costs connected with this recommendation to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Copies of S106 Legal Agreements	Planning Division, 160 Tooley Street, London SE1	Jack Ricketts 020 7525 5464

AUDIT TRAIL

Lead Officer	Rebecca Towers, Head of Parks and Open Spaces	
Report Author	Max Nakrani, Service Development Officer, Parks and Open Spaces	
Version	Final	
Dated	20 November 2015	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
S106 Manager	Yes	Yes
Date final report sent to Constitutional Team	20 November 2015	