

Item No. 9.	Classification: Open	Date: 2 February 2016	Meeting Name: Planning Committee
Report title:		To release £153,255 of section 106 monies from the development at the Music Box also known as Octavia House, 235-241 Union Street application reference 13-AP-3815 (a/n 729), to the Marlborough Playground project	
Ward(s) or groups affected:		Cathedrals	
From:		Chief Executive	

RECOMMENDATION

1. To authorise the release of funds totalling £153,255 for open space and sports development from the development at the Music Box also known as Octavia House, 235-241 Union Street application reference 13-AP-3815 (a/n 729), to the Marlborough Playground project.

BACKGROUND INFORMATION

2. Planning obligations are used to address 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 agree to provide planning contributions.
3. Section 106 payments are secured as part of the planning permissions for the above site in order to mitigate the impact of large new developments on the Bankside opportunity area, and provide the infrastructure and services to support large new developments. Working with the local ward Councillors and partner organisations, projects have been identified which can deliver new infrastructure and services in the environs of the site in the Bankside regeneration area – these projects ideas are held on the community project bank which is regularly refreshed.

KEY ISSUES FOR CONSIDERATION

4. The council is working with Bankside Open Spaces Trust to develop fantastic new sports facilities in the heart of Bankside. The Marlborough playground site is situated on Union Street and is a large concrete area which has long been used by local schools for lunchtime and after school play. The site is a protected open space in the Southwark Plan, and the council and partners have recognised the potential to improve the quality of the open space by installing new high quality sports facilities together with greenery and landscaping.
5. The project is being delivered organically over time as funding becomes available, and various options for the space are tested in consultation with a steering group which comprises local residents, businesses, and schools.

6. The first phase of the project saw the creation of the successful Pop Up Olympics event in 2012 with a beach volleyball court, all weather football pitch, boxing ring, table tennis tables, and a running track installed in the space. 10,000 young people used the space throughout the summer and gave valuable feedback on the final design for the project. The first phase was part built as a gift by the developers of the Shard of Glass, and part funded using section 106 funding of £81,269 from the nearby Citizen M hotel project on Lavington Street. Following the success of the first phase project in 2012, the steering group has developed a vision for the “Marlborough Sports Garden,” a multi-use space with a mixture of high quality sports facilities and landscaping to be used by schools and residents with some corporate hire by local businesses to assist with revenue funding.
7. The second phase was an “enabling phase” with a series of works being carried out to bring services to the site and establish robust fencing. Section 106 of £100,302 was secured from the Crane Building on Lavington Street and Pure Bankside student scheme in Ewer Street and was spent on the installation of sports fencing to the boundary walls, new mains water and electricity supplies and floodlighting to the football pitch.
8. Following the initial demonstration event in 2012 and the enabling works, a third major phase is now planned to deliver new high quality sports facilities across the site as a legacy for the local community. The aim is to create a new public open space which will provide opportunities for both sport and recreation and somewhere that people can come to relax and enjoy the space. BOST want to provide top-class facilities that allow sports to be played at a competitive level. Equally it should be an area of open space which is accessible to all and encourages those who are perhaps unused to sport and physical activity. The Key Project Principles are as follows:
 - To develop a love of sport and proficiency in at least three different sports by the age of 10;
 - Develop a strong visual identity for the site which is bold, imaginative, distinctive and non-municipal in style;
 - Use design to manage and layer different uses within the site, especially small children;
 - Create a space that facilitates and promotes participation in sport and playful entry-level sports/fitness for those new to physical activity;
 - Sustainability and ease of maintenance should be at the heart of all the proposals;
 - Increase opportunities for planting, seating and shade;
 - Make best use of the space by creating areas that can be used for more than one type of sport;
 - Improve accessibility by upgrading the frontage along Union Street.
9. In order to design a space which delivers all the principles set out above, a detailed brief for the site was developed for the site in consultation with the community steering group.

After a tender exercise, landscape architects LUC were appointed to develop a detailed masterplan for the site in December 2014. Several options for the layout of the site were assessed and were discussed at public consultation events on 15 April and 14 July 2015. A planning application is now being prepared for the construction of the next phase in 2016 which will include:

- The creation of a new macadam floodlit netball / basketball / handball court in the heart of the site;
 - Adaptions to the existing multi-use pitch for football, hockey and mini tennis to include netting to prevent balls from escaping and affecting neighbouring properties;
 - Creation of a new climbing wall which incorporates a tennis, football and basketball re-bound wall one side;
 - Re-working of the temporary beach court to create a permanent facility for volleyball, handball, beach soccer and rugby ;
 - New decking and seating areas for spectators and families, with a new canopy incorporating green roof;
 - An outdoor gym overlooking both the beach and the football;
 - General environmental improvements including more planting, decorating railings, site furniture, upgrading entrance points and signage;
 - Signage and identity for the Marlborough Sports Garden with new artwork and signage along the Union Street elevation.
10. The total cost of the works set out above for phase 3 is estimated to be £550,000 including contingency. This report seeks to commit £153,255 to the project from the Music Box which will combine with the £400,091.57 previously agreed by planning committee on 4 March 2014 from the Moonraker Alley legal agreement to enable the full scope of works to be procured.
 11. The timetable for the project is secure planning permission in early 2016 at the same time as procuring a contractor to deliver the works. A contract will be let in early 2016 with a view to delivering the works before the summer of 2016.
 12. A final phase 4 is also planned to be delivered longer term subject to funding. This includes the installation of a 50m running track, the creation of a new ramped entrance to the site from Union Street, and a toilet block incorporating a small café concession. The total cost of this phase is £1.2m and Bankside Open Spaces Trust is in the process of lodging various funding applications for this final phase of works.
 13. Community Project Bank: This project is included in the project bank. The Marlborough Playground is a popular site in the heart of Bankside which is one of the only sports facilities in the area which has received no investment during the last decade of regeneration. It will benefit a multitude of users from across Borough and Bankside and as such it is for that purpose that the recommendation is being made. It is also noted that

substantial investment has recently been located to all other nearby local open spaces in the area, including Hatfields, Nelson Square, Mint Street, and All Hallows.

14. This project will be commissioned by the regeneration team in partnership with the Parks department, sports development team, Bankside Open Spaces Trust, and local steering group.

Resource implications

15. The resource implications are outlined above and summarised in the finance concurrent below.

Community impact statement

16. All projects will be designed to be fully accessible to all, without prejudice or discrimination.

Sustainable development implications

17. As part of the Bankside Urban Forest project, as many existing materials as possible will be re-cycled and re-used within the design.

CONSULTATION

18. Consultation with Community Council member has taken place and no objections raised.
19. Consultation event held on the 14th July 2015 which was well supported by local residents and relevant parties with lots of support and useful comments received, which are now incorporated into the detailed design

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Planning

20. The development at the Music Box also known as Octavia House, 235-241 Union Street application reference 13-AP-3815 (a/n 729) secured £731,015.00 in contributions which has all been received. This includes the £153,255.00 in contributions towards parks & public open spaces. All £153,255.00 is currently unallocated and available.
21. The proposed allocation to The Marlborough playground on Union Street, which is very close to the development, would provide new high quality sports facilities together with greenery and landscaping.
22. The proposed allocation accords with the above agreements and would provide appropriate mitigation for the impact of the development.

Director of Law and Democracy

22. The monies mentioned in the report provide the balance of the sum required to complete the required works at the Marlborough Playground project. The report outlines the importance of

this project and sited as it is at Union Street, it is in close proximity to the development at Octavia House, 235-241, Union Street.

23. In accordance with part 3F of the Council Constitution, the expenditure of funds of over £100,000 needs to be approved by a planning committee or sub-committee.
24. In this instance, the section 106 Agreement requires that the monies are spent “in the vicinity of the Site”. This is clearly satisfied by the proposed expenditure here.
25. It is also a requirement that the monies are expended in accordance with the test set out in regulation 122, Community Infrastructure Regulations 2010 which refer to the expenditure being necessary to make the development acceptable; directly relate to the development and fairly and reasonably relate in scale and in kind to the development. These tests appear to be met in this instance but it is for Members to approve the expenditure as being consistent with the terms of the Agreement and in accordance with the legal tests outlined above

Strategic Director of Finance and Governance (CAP15/161)

23. This report requests approval from Planning Committee to the release of £153,255 S106 funds from the development at Octavia House, 235-241 Union Street application reference 13-AP-3815 (a/n 729), towards works at Marlborough playground as detailed in this report.
24. The strategic director of finance and governance notes that the S106 funds of £153,255 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.
25. Staffing and any other costs connected with this recommendation to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
S106 Legal Agreements	Planning Division, 160 Tooley Street, London, SE1	Neil Loubser Tel: 020 7525 5451
Project Brief	Regeneration Division, 160 Tooley Street, London, SE1	Dan Taylor Tel: 020 7525 5450

APPENDICES

No.	Title
	None.

AUDIT TRAIL

Lead Officer	Jon Abbott, Head of Regeneration North - Regeneration	
Report Author	Dan Taylor, Programme Manager - Regeneration	
Version	Final	
Dated	27 October 2015	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Director of Planning	Yes	Yes
Date final report sent to Constitutional Team		21 January 2016