

Item No. 8.	Classification: Open	Date: 25 May 2016	Meeting Name: Planning Committee
Report title:		To release £939,113 of section 106 monies towards improving the parks and open spaces in the Elephant and Castle and Blackfriars Road	
Ward(s) or groups affected:		Cathedrals, East Walworth, Faraday, Newington, and Borough Bankside and Walworth Community Council	
From:		Chief Executive	

RECOMMENDATION

1. That the Planning Committee agrees that the allocation of funds totalling £939,113 be released from the listed Legal Agreements associated with developments in the Borough, Bankside and Walworth Community Council area, towards delivery of six improvement projects as set out in paragraphs 13 to 52.

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 developments set out in this report in order to mitigate the impact of large new developments on the Bankside and London Bridge and Elephant and Castle opportunity areas, and provide the infrastructure and services to support large new developments.
4. The proposed list of projects has been prepared by identifying section 106 funds available in the Borough, Bankside and Walworth Community Council and matching their purposes to priority projects from the community project bank and the Elephant and Castle Parks Programme.
5. The Elephant and Castle Parks Programme has been developed to deliver a network of high quality parks and open spaces that benefit both existing and new communities as part of the regeneration of Elephant and Castle. To provide community resources that meet the needs of local neighbourhoods and parks that are safe, accessible, coherent, easy to maintain and enhance the aesthetic appeal of the area.
6. Implementation of the programme is underway with successful completion of the new playground at St Mary's Churchyard in April 2015. A paved plaza with two new water features will be delivered in spring 2016 to coincide with opening of the Castle Leisure Centre and will further enhance this popular park.
7. This report seeks to allocate funding to support the Elephant and Castle Parks Programme and to specific open space projects in the environs of the new development at 128-150 Blackfriars Road. The proposals respond to feedback from the local community,

Councillors and local partnerships that the council should take a strategic approach to bringing separate historical section 106 legal agreements together to deliver a holistic programme of public realm improvements.

8. The proposal is to allocate section 106 receipts paid to the council by developers, to address shortfalls in existing investment in open spaces in the area. Whilst there is a capital budget to deliver the programme, this report seeks to secure available funding to enhance the quality of park improvements and offset the negative impacts of development.

KEY ISSUES FOR CONSIDERATION

9. In order to match available section 106 funding to priority projects in the programme, a mapping exercise was carried out to understand the distribution of unspent section 106 monies by “purpose”.
10. The s106 monies already secured for Nelson Square Gardens is sufficient for the park’s redevelopment that is currently underway. Significant CIL and site specific s106 contributions are being negotiated for Christchurch Gardens from the development at 18 Blackfriars Road.
11. With rapid population increase forecast, it is expected that larger parks and those with good transport links, outside of the immediate vicinity, will increasingly become destination parks for residents in north-west Southwark.
12. The project proposals are outlined below, together with the identified section 106 budgets and current funding available.

Project 1: Investment in public open space, children’s play and sports development improvements in Geraldine Mary Harmsworth Park

13. The Elephant and Castle opportunity area has a limited range of open space provision, consisting mainly of small parks. Geraldine Mary Harmsworth (GMH) Park at the western boundary of the area is the largest in size at 6.5 hectares.
14. GMH Park accommodates a range of facilities including a sports pavilion, (servicing four tennis/ badminton courts and three multi use games areas), a small children’s playground, world gardens, nature area, a peace garden and a refreshment kiosk, whilst retaining large expanses of amenity grass.
15. The park is well used by local families and schools, and attracts tourists throughout the year visiting the Imperial War Museum which lies at its centre. Whilst the park has several unique features, its many assets are blighted by a deteriorating infrastructure and the lack of a coherent design.
16. In 2016 the council will deliver works to refurbish the dilapidated former park keepers building at the St Georges Road entrance to the park. The project will ensure that this largely redundant building is bought back into public use as a staffed Park Office and information point for visitors.

17. The Imperial War Museum is currently implementing a redevelopment of its flagship branch at GMH. Phase 2 includes redesigning the building frontage to provide fully accessible entrance and access from the park.
18. New and potential developments at GMH Park have strengthened the need to develop and implement a master plan redesign of the park that will:
 - Create a welcoming and cohesive major park for local people and visitors to IWM London
 - Create visual links around the park by employing a coherent palette of materials, planting and signage
 - Enhance circulation
 - Ensure a balance of quality facilities for all park users
 - Design out underused areas which currently attract anti social activity
 - Ensure improvements can be maintained within existing maintenance budgets.
19. The cost of development and implementation of a master plan design for GMH Park is estimated at £1.26m. A budget of £850k is currently available.
20. The project will be carried out by the parks team working in close consultation with the Friends of GMH, Imperial War Museum, sports operator and other key local stakeholders.
21. This report is seeking to allocate £416,051 towards improvements to GMH Park as follows:

Agreement Reference	Development address	Amount	Purpose
733 13/AP/3791	Valentine Place and Webber Street	£186,284	Public Open Space, Children's Play and Sports Development
579a 13/AP/1403	Stamford Street SE1	£4,082	Public Open Space, Children's Play and Sports Development
		£7,293	Public Open Space, Children's Play and Sports Development
		£18,392	Public Open Space, Children's Play and Sports Development
772 14/AP/1862	128-150 Blackfriars Road	£200,000	Public Open Space, Children's Play and Sports Development
		£416,051	
Capital Match Funding		£850,000	Budget of £519k
Total Budget Proposed		£1,266,051	

Project 2: Investment in public open space, children’s play, sports and recreation facilities at Pullens Gardens

22. Pullens Gardens is a small park on the Pullens Estate in Newington Ward. The park occupies 0.3 hectares of land and falls within the Elephant and Castle opportunity area.
23. The Pullens Estate, built in the late 19th century, is now part of a larger residential area featuring both new and old housing stock. Amelia Street runs along the northern boundary of the park and leads directly on to the Walworth Road.
24. Whilst the park is surrounded by residential housing, it is rarely used by local families and is generally considered to be unattractive, unsafe and blighted by anti-social behaviour.
25. The only remaining equipment in the children’s playground is an aging climbing frame and slide. The limited seating and furniture throughout the park is in poor condition and adds to the perception that the park has been neglected.
26. Investment is needed to deliver a re-design of the Pullens Gardens to enhance access and visibility, to reduce opportunities for anti- social behaviour and improve play provision.
27. The cost of re-designing Pullens Gardens is estimated at £600k. A budget of £500k is currently available.
28. The project will be carried out by the parks team working in close consultation with Pullens TRA and other key local stakeholders.
29. This report is seeking to allocate £91,152 towards improvements to Pullens Gardens as follows:

Agreement Reference	Development address	Amount	Purpose
600 (09/AP/1940)	89-93 Newington Causeway	£47,584	Public Open Space, Children’s Play and Sports Development
551 (10/AP/2849)	Hand in Hand PH 37 Arch Street SE1	£3,580	Public Open Space, Children’s Play and Sports Development
		£6,396	Parks and Public Open Space
		£15,609	Sport and Recreation Facilities
591 11/AP/2577	157-159 New Kent Road SE1	£17,983	Public Open Space, Children’s Play and Sports Development
		£91,152	
Capital Match Funding		£500,000	
Total Budget Proposed		£591,152	

Project 3: Investment in sports and recreation facilities at Victory Community Park

30. Victory Community Park is a small (0.45 hectares) pocket park within the former Heygate Estate in East Walworth. Stretching east to west from Rodney Place to Balfour Street, this L shaped space includes a fenced nature area with a pond. Facilities in the main park include a children’s’ play area with equipment suitable for primary school aged children. A central sunken play space with marked football pitch and basketball hoops, dissects east

and west entrances to the park. An elevated boardwalk at the side of the ball court connects the two ends of the park.

31. Perimeter fencing of differing height, material and style, incongruous boundary lines and the park's current configuration, means its potential amenity value for new and existing residents is not fully realised.
32. Redevelopment in the immediate surrounding area now presents the opportunity through land acquisition to increase the footprint of the park.
33. The integration of the area of adjacent land that interrupts the park boundary at the corner of Rodney Place and Elba Place will deliver an increase in green space and improved recreation facilities.
34. Investment will contribute towards a significant upgrade of sport and play provision. Entrances and perimeter fencing will be replaced to create a uniform and attractive boundary.
35. The overall cost to redevelop Victory Community Park is estimated at £1.4m. A budget of £1.3m is currently available.
36. The project will be carried out by the parks team working in close consultation with local residents.
37. This report is seeking to allocate £116,506 towards improvements to Victory Community Park as follows:

Agreement Reference	Development address	Amount	Purpose
666 11/AP/0868	2-10 Steedman St SE17	£116,506	Sport & Recreation Facilities
Capital Match Funding		£1,300,000	
Total Budget Proposed		£1,416,506	

Project 4: Investment in public open space, children's play, and sport development at Nursery Row Park

38. Nursery Row Park is a popular local park measuring 1.7 hectares in East Walworth. Bounded by East Street market; existing council housing, and two new housing developments at Brandon Street and Stead Street, the park is a central space for respite in an area of increasing population density.
39. The park's location next to East Street market means that its southern boundary suffers from litter and overspill from traders stalls. The concrete planters near this entrance are intended for seating but poor design and failed planting means that they have largely become litter traps. The park entrance is further obstructed by a row of three telephone kiosks, (regularly used as makeshift WCs) and two unsightly utility boxes.
40. Investment will contribute to the relocation of these services and deliver significant improvement at the East Street entrance along with enhancements to the current play provision.

41. Landscape and playground improvements at Nursery Row Park are estimated to cost £800k. A budget of £750k is currently available.
42. The project will be carried out by the parks team working in close consultation with the Friends of Nursery Row Park and other key local stakeholders.
43. This report is seeking to allocate £47,752 towards entrance improvements at Nursery Row Park as follows:

Agreement Reference	Development address	Amount	Purpose
666 11/AP/0868	Steedman Street	£47,752	Public Open Space, Children's Play and Sports Development
Capital Match Funding		£750,000	
Total Budget Proposed		£797,752	

Project 5: Investment in landscaping and play project at the Peabody Estate, Blackfriars

44. Planning permission was granted on 18 December 2014 for the mixed use redevelopment of Hill and Erlang Houses at 128-150 Blackfriars Road to deliver 336 resident units with 2500sqm of office and 1200sqm of retail space. During the consultation for the redevelopment project, a number of meetings were held with the local community and some specific mitigation projects were identified which could be delivered in tandem with the redevelopment project for the benefit of both the existing residents and businesses and the future occupiers of the new buildings. Site visits were carried out in the local area, and potential environmental improvement projects were identified in the adjacent Peabody and Lancaster Street estates which could improve the quality of the open spaces, child's play and sports facilities. The initial commitment to make improvements to the adjacent estate during the planning process was formalised in the signed section 106 agreement for the redevelopment, which makes reference to the Peabody estate on Blackfriars Road.
45. The council has met with the Peabody estate managers, landscape design team and local residents to discuss a brief for the project, and to agree the broad scope of works. In 2015 the Peabody team funded and appointed LUC landscape architects to develop a design for consultation. Consultation has been carried out and the improvements which include new child's play, sports equipment and landscaping of the courtyards has been well received by the residents of the estate. A planning application is now being prepared in order to deliver the improvements during 2016/17.
46. This report seeks to commit £147,652 of funding from the Blackfriars Circus project to the landscape, child's play and sports development improvements within the Peabody estate.
47. The project will be carried out by the Peabody estate managers working closely with the residents. The Peabody team have also committed to match-funding the project through their time in-kind and by also seeking additional fundraising.

Agreement Reference	Development address	Amount	Purpose
772 14/AP/1862	128-150 Blackfriars Road	£147,652	Public Open Space, Children's Play and Sports Development
Total Budget Proposed		£147,652	

Project 6: Investment in Lancaster Street Estates environmental improvements

48. As set out in project 5, the consultation for the redevelopment of 128-150 Blackfriars Road included a commitment, formalised in the signed section 106 agreement, to make improvements to the Lancaster Street estates.
49. Lancaster Street lies immediately to the east of the development site and includes buildings in the City of London estate (Bazeley and Markstone Houses) and the councils' Lancaster Estate (Albury Buildings, Brookwood House, Lingfield House). The local charity Bankside Open Spaces Trust (BOST) has carried out a number of projects in the area, including the Brookwood Triangle at the north end of Lancaster Street which has become a successful communal garden with food growing, and the Diversity Garden, a well known community garden on Milcote Street. Some successful planting has also been installed in the City of London estate between Bazeley and Markstone Houses.
50. This project seeks to build on the successes of the recent community gardens, food growing and planting projects, and make further improvements to public gardens within the estates along Lancaster Street and in the adjacent streets including Boyfield, Silex and King James Street, subject to the wishes of the local residents. It is recommended that as an initial step the council will work with BOST, and local residents to set up a steering group to establish how local people would like to see improvements made. Once a brief has been established, some design work can be carried out, and works can be commissioned to improve the green spaces.
51. This report seeks to commit £120,000 of funding from the Blackfriars Circus project to the public gardens within the estates along Lancaster Street and in the adjacent streets including Boyfield, Silex and King James Street.
52. The project will be overseen by the regeneration team working closely with the housing department and will be carried out by charity Bankside Open Spaces Trust working with local residents.

Agreement Reference	Development address	Amount	Purpose
772 14/AP/1862	128-150 Blackfriars Road	£120,000	Public Open Space, Children's Play and Sports Development
Total Budget Proposed		£120,000	

Policy implications

53. These areas currently have the highest population density in the borough and the second highest proportion of housing units with no access to private open space.
54. Whilst it is recognised that the pressure to create new homes means that there are limited opportunities for the creation of new green spaces, Southwark's Open Space Strategy (2013) sets out the council's commitment to maintain and improve existing parks and open spaces to ensure that those that live and work in the borough experience the positive benefits associated with health and well-being, quality of life and cohesive communities that open spaces provide.

55. Delivering this programme of open space and public realm improvements within the London Bridge Bankside and Elephant and Castle Opportunity areas will support the implementation of a number of Southwark's key strategic priorities. This includes but is not limited to the following policies:

56. The Core Strategy 2011

- Theme 2: Making the borough a better place for people:
 - Strategic Objective 2F is to conserve and protect historic and natural places. Southwark's heritage assets and wider historic environment will be conserved and enhanced. Open spaces and biodiversity will be protected, made more accessible and improved.

- Theme 5: Planning for development in growth areas
 - Strategic Objective 5A commits to developing growth areas to achieve the vision of improved places and to prioritise development in the following areas:
 - Central Activities Zone
 - Elephant and Castle opportunity area
 - Bankside, Borough and London Bridge opportunity area
 - Peckham and Nunhead action area
 - Canada Water action area
 - Aylesbury action area
 - Camberwell action area
 - Old Kent Road action area.

- Strategic Policy 1: Sustainable Development
- Strategic Policy 4: Places for learning enjoyment and healthy lifestyles
- Strategic Policy 11: Open Spaces and Wildlife
- Strategic Policy 12: Design and conservation.

57. Southwark's Elephant and Castle Supplementary Planning Document (SPD, 2012)

This document sets out the council's vision for the Elephant and Castle Opportunity area and provides a framework to guide development over the next 15 years, ensuring that regeneration is coordinated and sustainable.

58. Southwark's Open Spaces Strategy (2013)

This strategy identifies Elephant and Castle as an area of deficiency in the amount of natural green space available, with just 0.38ha per 1,000 population. Taking account of population increases expected in the area the ratio is likely to fall to 0.31ha per 1,000 population in 2026. (Southwark OSS 2013) This falls significantly short of the local planning standard to achieve 1.5ha of green space per 1,000 population.

Community impact statement

59. Delivering a range of environmental improvement projects that protect public open spaces and enhance the public realm, within the context of rapid development and population growth, is essential to the health and well being of residents.
60. The creation of high quality open spaces will contribute to making Blackfriars Road and the Elephant and Castle places where people choose to live and work.

Resource implications

61. The funding will come from S106 agreements as outlined above and set out in the summarised S106 finance concurrent report below.
62. The projects will be project managed by the Parks department. No additional staff time will be required.

Equal opportunities

63. This programme of projects has been designed to be fully accessible to all, without prejudice or discrimination.

Consultation

64. The programme proposes projects which have been identified through consultation with internal and external stakeholders.
65. Regular and on-going consultation is underway for each project. This includes but is not limited to:
 - Ward Councillors
 - Friends Groups
 - TRAs and Neighbourhood forums
 - Local residents and business owners
 - Schools.
66. Consultation will include stakeholder input in the design brief; will continue through each stage of the design process and at regular intervals during implementation.
67. For each project a detailed community consultation plan will be implemented that will involve the following:
 - Local and park based consultation events
 - Postal distribution of project proposals
 - Online and postal feedback forms
 - Presentations at stakeholder groups meetings
 - Posters displayed at community and park notice boards
 - Proposal exhibit at local community centres and/ or schools
 - Regular ward councillor and cabinet member briefings.

Sustainable development implications

68. All projects will enhance urban greening and reduce the urban heat island effect. As many existing materials as possible will be re-cycled and re-used within the design.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Planning

69. All of the contributions noted in this report have been received and are unallocated. Each of the proposed allocations would provide mitigation for the funding development and as such are supported.
70. Each legal agreement has been reviewed to ensure the proposed allocation accords with the agreement.

Director of Law and Democracy

71. The report asks for authority to release funds totalling £939,113 from a number of planning section 106 Agreements to assist with six parks improvement projects in the Borough, Bankside and Walworth areas.
72. The rapid progress with, in particular, the redevelopment of the site at 128–150 Blackfriars Road which extends to St Georges Circus has resulted in the early payment of some of the financial obligations to the Council. In the case of each of the section 106 Agreements mentioned in the report, the amounts listed in the report were paid by the developer to the Council by way of planning obligations in order to mitigate against the impact on the local infrastructure caused by the development of the particular site.
73. It would be unlawful for any of the monies reserved within a planning agreement to be spent on any project outside the specific terms envisaged by the terms of the agreement. In the case of each of the 6 projects outlined in this report, the terms of the section 106 Agreement have been reviewed and it is confirmed that the proposed expenditure is consistent with the relevant agreement.
74. Since the amount requested is more than £100,000, the decision falls to be determined by a council planning committee in accordance with paragraph 2, part 3F of the constitution.

Strategic Director of Finance and Governance

75. This report requests the planning committee to approve the release of £939,119 S106 funds from the various legal agreements detailed in this report towards improving the parks and open spaces in the Elephant and Castle and Blackfriars Road.
76. The strategic director of finance and governance notes the council has received the S106 funds and that they are available for the projects outlined in this report. Use of the S106 funds will be monitored as part of the council's capital programme.
77. Staffing and any other costs connected with this recommendation are 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	Jack Ricketts 020 7525 5464

APPENDICES

No.	Title
None.	

AUDIT TRAIL

Lead Officer	Rebecca Towers, Head of Parks and Leisure	
Report Authors	Deborah McKenzie, Parks Service Development Officer Dan Taylor, Programme Manager, Regeneration	
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Dated	12 May 2016	
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
S106 Manager	Yes	Yes
Date final report sent to Constitutional Team		12 May 2016