

Item No. 7.	Classification: Open	Date: 10 October 2016	Meeting Name: Planning Committee
Report title:		To release £248,917.38 of section 106 monies towards improving St Mary's churchyard in the Elephant and Castle	
Ward(s) or groups affected:		Cathedrals	
From:		Chief Executive	

RECOMMENDATION

1. That the planning committee authorise the release of £248,917.38 of section 106 funding from the below development, towards improvements at St Mary's Churchyard Elephant and Castle.

Permission Ref	Account No	Address	Amount
12/AP/2239	664	Former Elephant and Castle Swimming Pool, London SE1 6SQ	£248,917.38

BACKGROUND INFORMATION

2. 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.
3. 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.
4. This report seeks to allocate funding to support the Elephant and Castle Parks Programme. 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 an holistic programme of public realm improvements.
5. 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

6. St. Mary's Churchyard is located centrally within the Elephant and Castle opportunity area adjacent to the site of the former Elephant and Castle Leisure Centre, former London Park Hotel site, Newington Butts and the southern junction. The park is well used and this is projected to increase now the Castle leisure centre has opened and as surrounding developments complete and new residents move in adjacent to the park.
7. One of the key outputs of the community consultation undertaken for both the leisure centre and One the Elephant developments was the need to deliver a high quality public realm scheme in the immediate surrounds of the two developments and also the need for a strong design relationship with the adjacent St. Mary's Churchyard.

Project proposal: St Mary's Churchyard park improvements

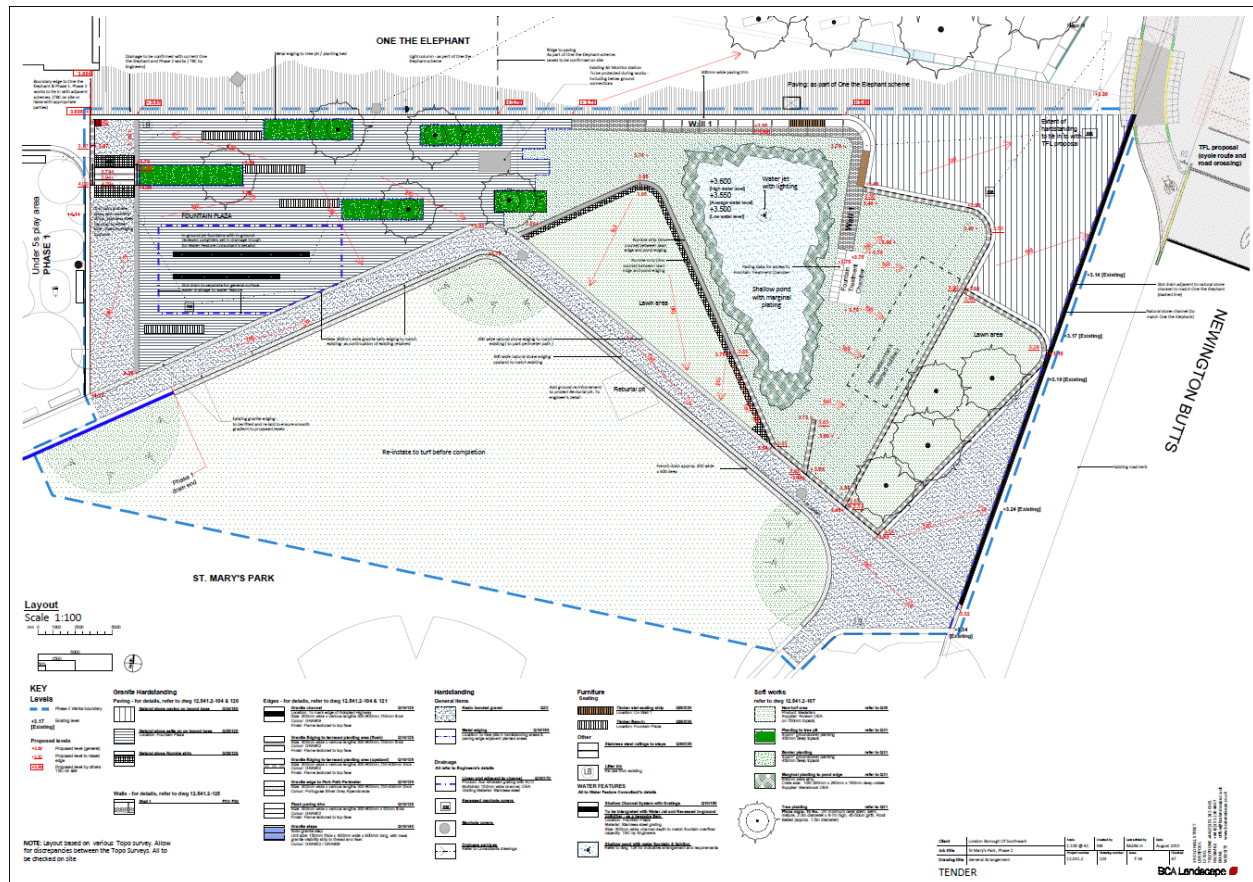
8. The proposed project has been identified for the use of these section 106 funds as it is adjacent to the development site, matches the section 106 purpose, and is a priority project on the Elephant and Castle Parks Programme.
9. St Mary's phase one, the new playground, was successfully completed in April 2015. These funds will contribute to St Mary's phase 2, currently on site, with the creation of a paved plaza, two new water features and boundary treatments.



10. The works will contribute to the entrance of the recently opened Castle Leisure Centre and the relationship between the leisure centre and open space. The improvements will

also complement the public realm established as part of the Lend Lease development at One the Elephant.

11. The increased use of the park and its positioning in the Elephant and Castle Town Centre, surrounding new developments and improving profile of the area through the council's extensive regeneration programme, warrants the investment of the section 106 funding in St Mary's Churchyard.



12. The project will be carried out by the parks team working in close consultation with key local stakeholders.

Policy implications

13. 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.
14. 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.

15. 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:

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

Southwark's Elephant and Castle supplementary planning document (SPD, 2012)

This 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.

Southwark's Open Spaces Strategy (2013)

This 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

16. This project will support the council's commitment to meet the needs of Southwark's diverse community.

17. 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.
18. The creation of high quality open spaces will contribute to making the Elephant and Castle a place where people choose to live and work.
19. The proposal has no impact on any particular age, disability, faith or religion, race and ethnicity and sexual orientation.
20. With the exception of those benefits identified, the proposals are not considered to have a disproportionate effect on any other community or group.

Resource implications

21. All costs arising from implementing the recommendations above will be met from the section 106 agreements attached to the planning permissions.
22. The project will be managed by the parks department, which has an extensive experience in Southwark. Staffing and any other costs connected with this recommendation are to be contained within existing departmental revenue budgets.

Consultation

23. The project was first identified in 2012 as part of stakeholder consultations on the new castle leisure centre and One the Elephant developments.
24. A series of stakeholder engagement events on design proposals for the playground took place between May 2013 and February 2014. This included:
 - 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 distributed at local community centre
 - Workshop at two local schools.
25. Consultation results can be found in the reports contained at Appendices 1 and 2.
26. Ward councillor updates and lead member briefings will continue to be provided at key stages of the project. This includes notification of the start and completion of phase 1 works (November 2014 and March 2015 respectively).

Sustainable development implications

27. This project 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

Permission Ref	Account No	Purpose	Principle Amount	Indexation/Interest
12/AP/2239	664	SPT	£247,585.00	£1,332.38

28. £248,917.38 has been received by the council for purposes of upgrading sports and recreation in local parks and remains unallocated. The amount noted in this report is to be released from this contribution and as such is supported.
29. The legal agreement has been reviewed to ensure the proposed allocation accords with the agreement.

Director of Law and Democracy

26. This report seeks authority from members of the Planning Committee to release the sum of £248,917.38 towards improving St Mary's churchyard in the Elephant and Castle. The funds will come from the section 106 agreement referred to in this report.
27. Agreement 12/AP/2239 (Former Elephant and Castle Swimming Pool, 22 Elephant and Castle) provides, amongst other contributions, for a sum of £300,459 to be applied by the council towards improvements to St Mary's Churchyard Park, which will have the following objectives:
 - (a) to encourage usage of the open space
 - (b) to involve no net loss of the existing green space
 - (c) to provide visual and physical access to the Leisure Centre and the Development
 - (d) to create a focal point for the Elephant and Castle Area.
28. The contributions must be spent in accordance with the terms of their respective agreement.
29. The policy tests set out in regulation 122 of the Community Infrastructure Levy Regulations 2010 are also relevant and provide that planning obligations must be (i) necessary to make the development acceptable in planning terms; directly related to the development and (iii) fairly and reasonably related in scale and kind to the development.
30. The decision to consider and approve section 106 agreement expenditure exceeding £100,000 is reserved to planning committee in accordance with part 3F of the constitution.

Strategic Director of Finance and Governance

31. This report seeks approval from the planning committee to release the sum of £248,917.38 from section 106 agreement 12/AP/2239 towards the on-going improvement works to St Mary's Churchyard in the Elephant and Castle.
32. The director of planning has confirmed the section 106 funds required to deliver this

project is available and the proposed expenditure is considered to accord with the terms of the section 106 agreements.

33. The strategic director of finance and governance notes the council has received the section 106 funds and that they are available for the projects outlined in this report. Use of the section 106 funds will be monitored as part of the council's capital programme.
34. 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
Section 106 legal agreements	Planning Division, 160 Tooley Street, London SE1	Jack Ricketts 020 7525 5464

APPENDICES

No.	Title
Appendix 1	St Marys Churchyard Report (June 2013)
Appendix 2	St Marys Church Schools Consultation (February 2014)

AUDIT TRAIL

Lead Officer	Rebecca Towers, Head of Parks and Leisure		
Report Authors	Deborah McKenzie, Parks Service Development Officer Jillian Houghton, Project Manager, Regeneration		
Version	Final		
Dated	26 October 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
Section 106 Manager		Yes	Yes
Date final report sent to Constitutional Team			26 October 2016