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| Item No. 6. | Classification: Open | Date: 7 November 2017 | Meeting Name: Planning Committee |
| Report title: | | <u>Revitalise Peckham Rye Park</u> To release £410,461.83 from the S106 agreements associated with the below developments, in order to improve facilities at Peckham Rye Park | |
| Ward(s) or groups affected: | | Project: Peckham Rye Funds: Peckham, Nunhead & Peckham Rye | |
| From: | | Director of Planning | |

RECOMMENDATION

That Planning Committee

1. Agree that funds totalling £410,461.83 are released from the legal agreements (listed below and in paragraph 17) associated with developments in and around Peckham, to deliver improved facilities at Peckham Rye Park.

| Permission Ref | Account No | Address | Amount |
|----------------------------|------------|---|------------|
| 11/AP/0914 | 320A | 143-149 Rye Lane, London, SE15 4ST | £83,000.00 |
| 08/AP/0685 | 370 | 187-189 Gordon Road, London, SE15 3RT | £28,772.28 |
| 09/AP/1342 | 447 | Site Adjacent To 19 Rosenthorpe Road And 22 Fernholme Road, London, SE15 3EG | £5,118.64 |
| 13/AP/0561 | 679 | Land East Of Crown Street Between Wyndham Road And Bethwin Road Including The Former Crown Street Depot And The Bethwin Road Adventure Playground Crown Street Camberwell SE5 OUR | £80,280.34 |
| 13/AP/1738 | 706 | 83-89 Queens Road and 2 A-C Carlton Grove, London, SE15 2EZ | £98,875.00 |
| 13/AP/1767 | 708 | Land Bounded By Scylla Road, Nunhead Green And Nunhead Lane And Land Bounded By Nunhead Lane, Linden Grove And | £14,813.00 |

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| | | Candle Grove, London SE15 | |
| 14/AP/1872 | 751 | Site Of The Former Tuke School, 2-4 Woods Road, London, SE15 2PX | £20,468.00 |
| 14/AP/3276 | 759 | Land At Camberwell Area Housing Office, Harris Street, 1-27 Benhill Road And 29-59 Benhill Road, London SE5 | £79,134.57 |
| TOTAL | | | £410,461.83 |

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. In 2010 it was decided to rebuild the Peckham Park playroom as it is currently housed in a dilapidated building that is not fit for purpose. At this time, discussions took place within different council departments regarding the provision of other facilities within the park.
4. In 2013 to coordinate the various proposals the project manager was tasked with taking forward the proposals and consolidating the budgets from across the teams.
5. Significant community engagement was then undertaken in 2013/14 and the outcome was reported back to officers and members in May 2014. The response to the community engagement reinforced a need to provide new fit for purpose changing rooms (to replace the existing changing room containers) and a new combined play area. These, in addition the provision a new play room, formed the basis of the proposals for the area.
6. The November 2014 capital refresh report confirmed the elements of the project to be delivered as:
 - A modern, fit for purpose playroom to replace the 1940s prisoner of war hut currently used
 - Football changing rooms located closer to the football pitches
 - A large, high quality playground appropriate for one of our largest parks which serves neighbourhoods where there have been substantial increases in the number of children
 - A more appropriately located car park and the removal of contaminated ground from the park
7. At this time the project was fully funded with all funds currently available from a combination of:

- Capital refresh budget
 - Olympic legacy funding
 - Environment and leisure capital programme
8. In December 2016 phase 1 (new location of car park) was completed, which enabled work to commence on the next phases of the project. In June 2017, following the clearance of the old car park, low grade asbestos was discovered throughout phase 2 (new children's playground). A thorough assessment of all options has now been completed and a remediation strategy has been submitted for formal approval.
 9. This report deals with a request for additional funding of £410,461.83 from the legal agreements listed in Table 1 at paragraphs 1 and 17 and will contribute to the overall project budget that now includes full remediation of the phase 2 (new children's playground) site.

Phase 3 – New Changing Rooms and Play Room



KEY ISSUES FOR CONSIDERATION

10. In order to match available section 106 funding to potential projects, a mapping exercise was carried out to understand the distribution of unspent section 106 monies by “purpose”.

Community impact statement

11. The proposed redevelopment of the Peckham Rye Park and Common is intended to provide a range of public services of benefit to the local community. One of the main objectives of the design brief for the revitalisation of Peckham Rye will be to ensure the facilities are accessible to all members of the community regardless of age, disability, faith/religion, gender, race and ethnicity and sexual orientation.

Consultation

12. Public consultation on this project commenced in 2013 and continued into 2014 to confirm a new play room, changing rooms and play area. Further consultation was

conducted in September 2015 regarding the car park and preferred location of the new facilities. Following the appointment of the design team, public consultation events were also held in May and June 2016, where the proposals were well received.

13. All ward councillors have been consulted on spend within the Peckham Rye ward. The chair and vice chair of Peckham and Nunhead Community Council have also been consulted.

Resource implications

General Resources

15. An initial budget of £1.92m was allocated to this project, however, following the commitment to deliver the new facilities, Cabinet approved an increase to £4.02m via the 18 November 2014 [Quarter 2 Capital Monitoring for 2014/15](#) and [Capital Programme Refresh for 2014/15-2023/24](#) report. This was increased again to a final total of £4.17m via the Month 8 Capital Monitoring for 2016-17 and Capital Programme Refresh for 2016-17 to 2025-26 report presented to cabinet in Feb 2017.
16. The capital works and development team, within the Chief Executive's department, are responsible for leading the project through the pre-planning and design process and for securing planning consent. Costs incurred will be contained within the team's revenue budget. The team has extensive experience of this work in Southwark. Staffing and any other costs connected with this recommendation are to be contained within existing departmental revenue budgets.

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|----------------------------|-------------------|--|
| Original Budget Allocation | £1,920,000 | Capital Receipts: Funding approved through 13/14 capital programme refresh |
| Olympic Legacy Fund | £250,000 | Olympic Legacy residual budget transfer |
| E&L Budget transfer | £1,000,000 | Q4 2014/15 Budget virement from E&L |
| Capital Funding | £1,000,000 | Additional Capital Funding confirmed Feb 2017 |
| Total Budget | £4,170,000 | |
| S106 Funding | £410,461.83 | S106 funding (this report) |

S106 Resources

| Project Proposal | Planning application | Agreement No. | Funding available |
|---|----------------------|---------------|-------------------|
| Public parks and open space | 11/AP/0914 | 320A | £83,000.00 |
| Public parks and open space | 08/AP/0685 | 370 | £28,772.28 |
| Parks, children's play and sports development | 09/AP/1342 | 447 | £1,807.00 |
| Public realm improvements | | | £3,311.64 |
| Parks, children's play and sports development | 13/AP/0561 | 679 | £80,280.34 |
| Community development | 13/AP/1738 | 706 | £7,536.00 |
| Public realm improvements | | | £35,250.00 |
| Parks, children's play and sports development | | | £56,089.00 |
| Local play improvements | 13/AP/1767 | 708 | £5,153.00 |
| Public parks and open space | | | £9,660.00 |

| | | | |
|---|------------|-----|--------------------|
| Community development | 14/AP/1872 | 751 | £20,468.00 |
| Parks, children's play and sports development | 14/AP/3276 | 759 | £79,134.57 |
| | | | £410,461.83 |

17. The above mentioned developments secured £410,461.83, combined, in contributions towards the above mentioned mitigation measures. All £410,461.83 is currently unallocated and available.
18. The proposed allocations accord with the relevant agreements and would provide appropriate mitigation for the impacts of the specific and future developments.
19. All costs arising from implementing the recommendations above will be met from the S106 agreements attached to the planning permission for the development.

Phase 2 – New Children's Play Area



Policy implications

21. The delivery of this project fits with the council's objectives as outlined in the fairer future promises stated in the Council Plan 2014-18, specifically:

Promise 1: Value for Money
 Promise 6: A Greener Borough
 Promise 9: Revitalised Neighbourhoods

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

22. Members of the Planning Committee are being requested to authorise the release of £410,461.83 from a number of legal agreements towards the continuing improvement works which are taking place at Peckham Rye Park.

23. These improvements have been a major undertaking going back over a number of years. The report refers to the on-going work required and also mentions at paragraph 9 that low grade asbestos has been found when clearing the old car park.
24. The section 106 Agreements listed in paragraph 16 have been checked and the contributions are being spent in accordance with the specific terms of each agreement and also in accordance with the tests as set out in regulation 122 of the Community Infrastructure Levy Regulations.
25. It is confirmed that the expenditure of sums exceeding £100,000 held under section 106 Agreements is reserved to Members of the Planning Committee in accordance with Part 3F of the Council Constitution.
26. The history of this particular part of the Peckham Rye is interesting since the technicalities relating to the restrictions on building on common land were largely ignored at a time when prisoner of war huts were urgently required. Over the years, these have largely been removed and only one now remains. However, the site has been blighted by the provision of a number of containers which have served a variety of purposes. The proposed funding will have the ancillary advantage of returning some of the areas of the Common to their original purpose of open land protected by the designation as common land. The replacement facilities have been carefully sited outside the Common and as part of Peckham Rye park. This protection has been provided to common land by statute dating back to the 19th century and is quite separate from the requirements contained within the Town and Country Planning Act 1990. The current legislation is contained within section 38, Commons Act 2006.

Strategic Director of Finance and Governance

27. This report requests the Planning Committee to approve the release of £410,461.83 from legal agreements listed at paragraph 1 of this report, towards the delivery of improved and modern facilities at Peckham Rye Park.
28. Total budget required for the delivery of this project is currently estimated at approximately £4m, details provided in table 1 at paragraph 15.
29. The director of planning confirms the section 106 receipts associated with the agreements listed in this report have not been allocated to other projects, and the proposed allocation accords with the terms of the relevant agreements.
30. The strategic director of finance and governance notes the council has received the related section 106 funds and they are available for the project outlined in this report. Contributions from other funding streams are also noted.
31. Staffing and any other costs associated with this recommendation are to be contained within existing departmental 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 |
| Quarter 2 Capital Monitoring for 2014/15 and Capital Programme Refresh for 2014/15-2023/24 | Southwark Council | |

APPENDICES

| No | Title |
|------------|---|
| Appendix 1 | Plans for phases 2, 3 & 4 |
| Appendix 2 | Consultation Reports <ul style="list-style-type: none"> • May 2014 • Sep 2015 • May 2016 • July 2016 (available online: See note at the end of Appendix 1) |

AUDIT TRAIL

| | | |
|---|---|--------------------------|
| Lead Officer | Bruce Glockling, Head of Regeneration for Capital Works and Development | |
| Report Author | Laura Wannop, Project Manager | |
| Version | Final | |
| Dated | 14 September 2017 | |
| 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 |
| Date final report sent to Constitutional Team | | 27 October 2017 |

APPENDIX 1

Plans for Phases 2, 3 and 4

Phases 2 & 4 – New Children’s Playground and Landscape works



Phase 3 – New Changing Room and New Playroom



Note: Appendix 2 – consultation reports will be circulated under a separate cover.