

<b>Meeting Name:</b>	Planning Committee (Major Applications) A
<b>Date:</b>	31 July 2024
<b>Report title:</b>	Release of Section 106 monies - Bramcote Park and former Kentish Drover pub:  £697,981.93 of Section 106 monies for redesigning, hard and soft landscaping of Bramcote Park, Old Kent Road SE16  £208,163.27 of Section 106 monies for the renewal of the Grade II Listed mural at the former Kentish Drover pub, 720 Old Kent Road
<b>Ward(s) or groups affected:</b>	Old Kent Road
<b>Classification:</b>	Open
<b>Reason for lateness (if applicable):</b>	Not applicable
<b>From:</b>	Director of Planning and Growth

## RECOMMENDATIONS

1. That planning committee approves the release of £697,981.83 of Section 106 funding from legal agreements in Old Kent Road ward to deliver the redesigning, hard and soft landscaping of Bramcote Park, Verney Road SE16.
2. That planning committee approves the release of £208,163.27 of Section 106 funding from the legal agreement at 709 Old Kent Road (London Power Tunnels II project) to deliver the renewal of the Grade II Listed Mural at the former Kentish Drover public House, 720 Old Kent Road.
3. That the head of development management be authorised to apply the funding released to the projects within recommendations 1 and 2 above.

## BACKGROUND INFORMATION

4. Planning obligations under Section 106 of the Town and Country Planning Act 1990 are used to address the negative impacts caused by a 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 obligations.

## Bramcote Park

5. The proposal to improve the park initially emerged from public consultation on the Bramcote and Bonamy Liveable Neighbourhoods project in 2019. The park, located on Verney Road, is run down and has previously suffered from anti-social behavior. Engagement with local people in 2019 revealed strong support for making improvements to Bramcote Park. These improvements were subsequently identified in the draft Old Kent Road Area Action Plan 2020 (“AAP”) and would help deliver the Greener Belt Strategy in the AAP which is a series of open spaces linking Wandsworth and Lambeth, Burgess Park, Old Kent Road and Rotherhithe. The relandscaping of Bramcote Park is identified on the Council Delivery Plan for implementation in 2024-25.

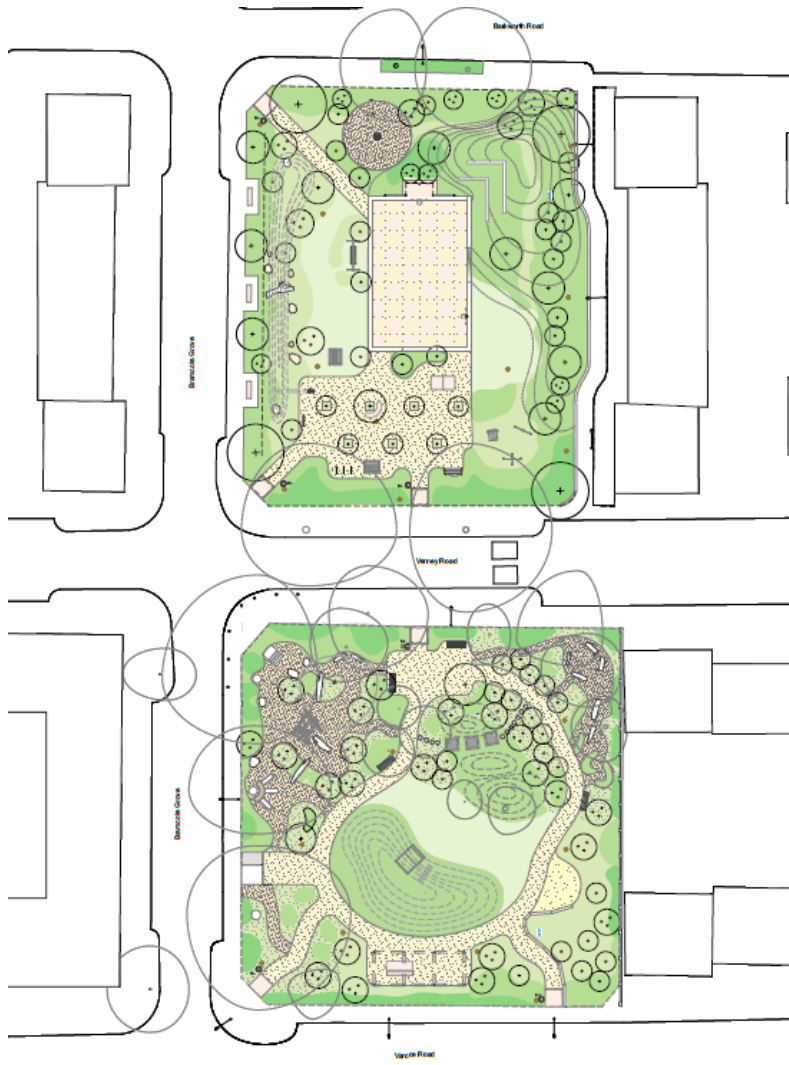


Bramcote Park north side



Bramcote Park south side

6. Ownership of the park is split between Southern Housing (north side), Notting Hill Genesis (long leaseholder of the south side) and Southwark Council (freeholder of the south side). The council has worked with the landowners and with the local community to develop a plan for the park.
7. In 2021, the council ran a design competition to select a design team for the park. Following a public exhibition of six shortlisted proposals in the Links Community Hall, the council appointed a team led by Assemble Design, based in Bermondsey and Local Works Studio. The design of the park has been developed through extensive consultation, including: an on-line questionnaire in 2021, two workshops with the Bonamy and Bramcote TRA in July and October 2022, a neighborhood meet up in the park and play days in October 2022 and June 2023, a youth design workshop at The Blue Youth Club in November 2022, a Christmas Fair in the park in December 2022, a residents design review in the park in June 2023, a gardening workshop in June 2023, door knocking, posters, a presentation to the Old Kent Road community review panel, letters to all residents on the estate and website news items.



Bramcote Park proposed plan





Bramcote Park axonometric view

8. The key issues that emerged during consultation related to: noise and the impact of balls continuously hitting the games court cage, the desire to create a games court which accommodates football and basketball, but which is more inclusive, encouraging other sports and girls as well as boys, the need to install more play facilities for younger children, the desirability of greening the space and helping initiate a local gardening group and finally the need to improve maintenance.
9. The proposal relocates the ball court into the middle of the site and introduces banking and planting rather than relying on a cage. Additional play facilities are provided for younger children including a swing, slide, climbing frame and table tennis table, as well as some additional seating and tables. Around 60 new trees are proposed as well as a new swale to improve drainage. A key plank of the master plan is recycle and reuse with much of the existing park infrastructure being painted, moved and reconfigured. This proposal reduces cost and creates a strong sustainability framework.
10. A planning application for the improvements has been submitted to the council and officers plan to procure a contractor to deliver the works in late 2024. The proposals have been reviewed by a QS and the council is targeting a cost of around £650,000. In addition to undertaking the works, the council will also seek quotes to maintain the landscaping for at least 5 years. The council has an option of phasing the works, to deliver the south side first and the north side subsequently.
11. The S106 funding which this report seeks to release to contribute to the works are the following:

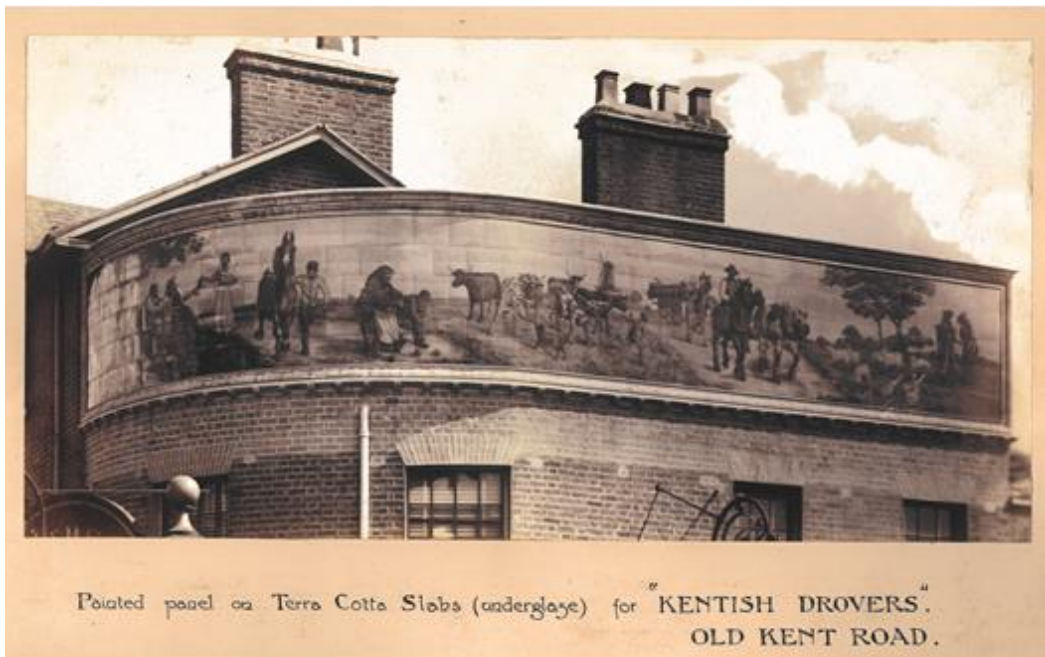
Permission Ref	Account No	Address	Purpose	Indexation	Total available inc. indexation
17/AP/3757	W08425	62 Hatcham Road	Public open space	£3,248.62	£122,156.62
18/AP/2895	W08785	2 Varcoe Road	Public open space	-	£75,850.00
19/AP/1773	W09195	227-255 Ilderton Road	Public open space	£49,518.00	£309,040.62
20/AP/1720	W09565	Council garages Fenham Road	Trees	£3171.23	£15,018.23
20/AP/0039	W09125	43 Glengall Road	Surface water attenuation	£223.53	£4,123.53
20/AP/1329	W09475	313-349 Ilderton Road	Children's playspace	£3,944.41	£34,748.41
20/AP/1329	W09475	313-349 Ilderton Road	Public open space	£11,479.57	£101,129.57
20/AP/2701	W09495	671-679 Old Kent Road	Public open space	£2,704.85	£35,914.85
<b>TOTAL</b>					<b>£697,981.83</b>

### Kentish Drovers mural

12. The proposal to restore the Kentish Drovers mural was originally proposed at an Old Kent Road community Forum meeting in 2018. The mural, which is located above the former Kentish Drovers pub, depicts cattle being driven up the Old Kent Road and was hand painted on terracotta tiles and manufactured by Doulton's of Lambeth between 1880 and 1900. It is Grade II listed and a very rare example of its kind, the only other example in London being held in the V&A Museum. However, it has become very dilapidated and a recent survey commissioned by the council revealed that only six of the original tiles are in good condition.
13. In 2020, the council successfully made a bid to the government's Future High Street Fund and was awarded £9.6m for a number of projects at the south end of the Old Kent Road. One of the projects comprised the restoration of the mural which was allocated £150,000.
14. In 2022 the council, hired an expert from the Tile and Architectural Ceramics Society to survey the mural and has also consulted other specialist advisers. The conclusion is that water ingress is so severe that a restoration would be very difficult and unlikely to last more than two or three decades. A revised approach has been put in place to renew the mural by manufacturing and painting new

ceramic tiles to replace the existing. This has the support of Historic England and should enable the mural to be enjoyed for another 100 years or more.

15. In addition to the mural, the council will restore the first floor of the façade. Restoration of the ground floor would take place in a subsequent phase. The scheme has listed building consent and the council has invited tenders for the work. It is estimated that the cost of the work will be around £488,000. In addition to the Future High Street Fund and the s106 release which is the subject of this report, the council is also in the process of agreeing a contribution from the landlord.



Kentish Drovers mural today and prior to damage

16. The S106 funding which this report seeks to release to contribute to the works is the following:

Permission Ref	Account No	Address	Purpose	Indexation	Total available inc. indexation
18/AP/0463	W08975	709 Old Kent Road	Environmental improvements	£8,163.27	£208,163.27
<b>TOTAL</b>					£208,163.27

## KEY ISSUES FOR CONSIDERATION

### Bramcote Park

17. The proposal to improve Bramcote Park aligns with the emerging Old Kent Road Area Action Plan and forms part of a strategy that will see improvements to the larger open spaces in the ward including Brimmington Park, Bird in Bush Park and Leyton Square. A number of improvements are in train on estates, including the Tustin Estate, Ledbury Estate and improvements have recently been made to the community garden at Northfield House. As well as upgrading existing open spaces, new open spaces are also proposed in the Old Kent Road ward including a new linear park and the reallocation of the council's Frensham Street depot to park use; the gasholder park, a new park at Ruby Triangle and on Devonshire Grove.
18. The AAP strategy responds to the need to help accommodate significant growth. There are around 1,800 new homes under construction in the ward, as well as new student housing. Further housing starts are expected this summer, and the council has consented around 9,500 homes across the Old Kent Road opportunity area.
19. The historic designation of much of the land in the ward is dedicated as industrial space, the Old Kent Road area has less space per capita than elsewhere in the borough. Coupled with significant levels of deprivation, a higher proportion of children and young people than the borough average and a significant proportion of households in the ward living in flats, there is a need to both provide new space and upgrade existing spaces.
20. The proposals for Bramcote Park have been developed through extensive consultation and will help deliver the improvements that the area needs.
21. The funding requested for this next stage of the project is to complete the detailed design, competitively tender for a contractor to deliver the works, the cost of materials for hard and soft landscaping, including lighting and an ongoing maintenance budget once the park reopens.



22. The budget for the works is circa £700,000 which includes £650,000 capital expenditure with the remaining revenue budget being allocated for maintenance over the next five years. Further work is required with LBS parks department, the future contractor, the park owners Notting Hill Genesis and Southern Housing who manage the estate and local community gardening organisations to develop a robust maintenance plan for Bramcote Park following completion of the works in Q1/ Q2 2025.
23. The council is proposing to release funds from a number of planning obligations to fund the proposals. These obligations and their parent planning permissions are mainly in the Old Kent Road ward, which is also where Bramcote Park is located. There is one exception, the obligation from the scheme at Fenham Road, which is located approximately 75m from the Old Kent Road ward boundary. The proposal to spend the funds on improving the space, adding trees and improving drainage and surface water attenuation in a park which is in the vicinity of all the obligations is consistent with the purposes for which the funding was secured in the obligations.

### **Kentish Drovers mural**

24. The renewal of the Kentish Drovers mural forms part of the strategy set out in the draft AAP and also submitted to DLUHC for revitalising the Old Kent Road as a high street. This strategy includes intensifying development on either side of the Old Kent Road, reintroducing frontages and incorporating the retail warehouses into new high street formats. The council is working with TfL into introduce a “healthy streets” design and seeking to improve the environment for people walking and cycling.
25. One of the reasons why the south end of the Old Kent Road has struggled in recent years is through the lack of good quality connections into surrounding residential neighborhoods which in turn reduces footfall. Located on the corner of Commercial Way and the Old Kent Road the restoration of the mural will improve the environment at a key junction and improve links to residential neighbourhood behind.
26. The funds to be released through this report comprise co-funding for the funds provided by the government’s Future High Street Fund. As above, the council is seeking a contribution from the landowner. The council has sought tenders from five contractors who would be able to carry out specialist work. The lowest bid received is £488,000, although officers are confident that this can be reduced.
27. The council is proposing to release funds from an obligation at 720 Old Kent Road and the London Power Tunnels II project. The funding was secured for environmental improvements in the vicinity of the Old Kent Road gasworks. The renewal of the mural on an historic building and an important corner on the Old Kent Road will improve the public realm and physical environment and would be consistently with the purposes for which the funding was secured.

## **Policy framework implications**

28. The improvement of Bramcote Park is identified in the draft Old Kent Road Area Action Plan and as is noted above, it forms part of the Greener Belt strategy comprising a series of spaces between Burgess Park and Rotherhithe. It is also identified in the Council Delivery Plan for implementation this financial year.
29. The renewal of the Kentish Drovers mural forms part of the strategy submitted to DLUHC for revitalizing the Old Kent Road as a high street, transforming the environment at the south end of the street and improving links between the high streets and surrounding residential neighbourhoods.

## **Community, equalities (including socio-economic) and health impacts**

### **Community impact statement**

30. Both improvements to Bramcote Park and to the Kentish Drovers mural should have a beneficial impact on the community. The improvement of Bramcote Park is identified in the draft Old Kent Road Area Action Plan and as is noted above, it forms part of the Greener Belt strategy comprising a series of spaces between Burgess park and Rotherhithe.
31. The renewal of the Kentish Drovers mural forms part of the strategy submitted to DLUHC for revitalizing the Old Kent Road as a high street, transforming the environment at the south end of the street and improving links between the high streets and surrounding residential neighbourhoods.

### **Equalities (including socio-economic) impact statement**

32. The council has undertaken an Equalities Impact Assessment which suggests that Bramcote Park is located in an area experiencing high levels of deprivation. Around 58% of households are in social rented accommodation, there are more children and young people living in the ward than the borough average, there is less open space per capita than other areas of the borough and a high proportion of households live in flats. The proportion of the population from Black, Asian and Minority Ethnic (BAME) backgrounds is much higher in the ward than in the England average. A number of groups with protected characteristics in the ward suffer disproportionately from lack of access to open space and the proposal to improve it will benefit those groups.
33. With regard to the Kentish Drovers mural, the proposal to restore it emerged from an Old Kent Road community Forum and was put forward by residents from the Ledbury Estate, which is located close to the Kentish Drovers. The proposal to renew it will help lift the environment at the south end of Old Kent Road and help build pride in the area and its history.

## **Climate change implications**

34. With regard to Bramcote Park, proposals to improve the park with additional tree planting and sustainable urban drainage will help make the park more resilient to climate change impacts. The impacts of the Kentish Drivers pub are more limited, but improving the environment and public realm has the indirect impact of encouraging walking and cycling in the locality.

## **Health impact statement**

35. Improvements to a green space should have a beneficial impact on health. In particular there should be a benefit in help children undertake additional exercise. JSNA data suggests Just over one-quarter of children living in East Central Southwark are overweight or obese in Reception, rising to over 40% by Year 6. Excess weight in both Reception and Year 6 is significantly above the borough average for Old Kent Road.
36. With regard to the Kentish Drivers mural, there would be no direct (or indirect) health benefits. Improving the environment and public realm may have an indirect benefit for public health.

## **Consultation**

37. The council has undertaken extensive engagement on both the proposals for Bramcote Park and also the Kentish Drivers mural renewal. This is set out in more details in paragraphs 6 and 11 above.

## **Resource implications**

38. The S106 funds identified in the report are currently unallocated and available for this programme. These would fund the entirety of services to be provided for the delivery of Bramcote Park and the Kentish Drivers mural renewal with the projects being managed by officers in the Old Kent Road team and their costs covered by existing budgets.

## **Legal/Financial implications**

39. Please see the legal and financial concurrents in paragraphs 40 to 48.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Assistant Chief Executive, Governance and Assurance**

40. The council's constitution provides that it is the function of planning committee (major applications) to, amongst other things, consider the expenditure of funds over £100,000 of strategic importance secured through legal agreements under section 106 of the Town and Country Planning Act 1990.
41. The Agreements listed in the tables above at paragraphs 11 and 16 have

balances available which allows for the spending on the recommendations provided at paragraphs 1 and 2. It is essential that the monies held in accordance within the section 106 agreements are expended in accordance with both the terms of the specific agreement and Regulation 122 of the Community Infrastructure Regulations 2010 (CIL Regs 2010). Each section 106 agreement mentioned has been reviewed and it is considered that the proposed expenditure is in accordance with the terms of the agreements and CIL Regs 2010.

42. The Equality Act 2010 introduced the public sector equality duty, which merged existing race, sex and disability equality duties and extended them to include other protected characteristics; namely age, gender reassignment, pregnancy and maternity, religion and belief and sex and sexual orientation, including marriage and civil partnership. In summary those subject to the equality duty, which includes the council, must in the exercise of their functions: (i) have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; and (ii) foster good relations between people who share a protected characteristic and those who do not. The report considers equalities issues, and the report confirms the proposals are not expected to have a detrimental impact on any particular protected group under the Equality Act 2010.
43. The Human Rights Act 1998 imposed a duty on the council as a public authority to apply the European Convention on Human Rights; as a result the council must not act in a way which is incompatible with these rights. The most important rights for planning purposes are Article 8 (respect for homes); Article 6 (natural justice) and Article 1 of the First Protocol (peaceful enjoyment of property). The proposals are not expected to breach any of the provisions of the Human Rights Act 1998.
44. Council Assembly on 14 July 2021 approved a change to the council's Constitution to confirm that all decisions made by the council will consider the climate and equality (including socio-economic disadvantage and health inequality) consequences of taking that decision. This has been considered in paragraphs 30-32 above.

### **Strategic Director, Finance**

45. This report seeks approval from the Planning Committee to release the sum of £697,981.83 from the section 106 agreements listed at paragraph 11 of this report towards the redesigning and landscaping of Bramcote Park, Old Kent Road. Details outlined at paragraphs 17-23.
46. The report also seeks approval from the Planning Committee to release the sum of £208,163.27 from section 106 agreement 18/AP/0463 towards the restoration of the Grade II Listed mural at the former Kentish Drovers Public House on Old Kent Road. Details outlined at paragraphs 24-27.
47. The director of planning and growth confirms that the section 106 receipts associated with the agreements listed in this report have not been allocated to other projects, and the proposed allocations accord with the terms of the



relevant agreements.

48. The strategic director of finance notes the resource implications contained in this report, confirms that the council has received the related section 106 funds, and they are available for these projects.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Draft Old Kent Road Area Action Plan (2020)	Planning Division, 160 Tooley Street	Neil Loubser Tel: 020 7525 5451  Mobile: 07808 019 773
Link: <a href="https://oldkentroad.org.uk/documents">https://oldkentroad.org.uk/documents</a>		
Copies of S106 agreements	Planning Division, 160 Tooley Street	Neil Loubser Tel: 020 7525 5451  Mobile: 07808 019 773
Link: <a href="https://www.southwark.gov.uk/planning-and-building-control/planning-applications/planning-register-search-view-and-comment-on-planning-applications">https://www.southwark.gov.uk/planning-and-building-control/planning-applications/planning-register-search-view-and-comment-on-planning-applications</a>		

## APPENDICES

No.	Title
None	

## AUDIT TRAIL

<b>Lead Officer</b>	Tim Cutts, Senior Regeneration Manager	
<b>Report Author</b>	Tava Walton, Project Manager	
<b>Version</b>	Final	
<b>Dated</b>	18 July 2024	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Assistant Chief Executive, Governance and Assurance	Yes	Yes
Strategic Director, Finance	Yes	Yes
<b>Date final report sent to Constitutional Team</b>		19 July 2024