

Meeting Name:	Planning Committee (Major Applications) B
Date:	12 November 2024
Report title:	The release of £260,800.60 from S106 agreements in the Old Kent Road area will support the provision of public realm and play facilities
Ward(s) or groups affected:	Old Kent Road
Classification:	Open
Reason for lateness (if applicable):	N/A
From:	Director of Planning and Growth

RECOMMENDATION

1. That planning committee agrees to release funds totalling £260,800.60 of S106 funding, received via the sources outlined in Table 1, towards the enhancement of the public realm and delivery of play space on the Ledbury Estate.

Table 1 - Summary of Requested Funding

Reference	Profit Centre	Spend Category	Address	Amount
17/AP/1646	W08485	Children's Play Space	634-636 Old Kent Road, SE15 1JB	£9,061.64
18/AP/3246	W08535,	Public Realm	Land At Cantium Retail Park, 520 Old Kent Road, SE1 5BA	£234,012.50
21/AP/0749	W09435	Children's Play Space	157-177 Commercial Way, SE15 1AU	£17,726.46
Total				£260,800.60

BACKGROUND INFORMATION

2. Planning obligations mitigate the negative impacts caused by development and contribute to providing the infrastructure and facilities necessary to achieve sustainable communities. 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. These

obligations may take the form of financial contributions, including towards affordable housing.

3. Section 106 planning obligations are used to address site-specific impacts of developments or where a developer does not meet planning policy requirements to provide certain infrastructure.
4. In addition, the Community Infrastructure Levy (CIL) allows local authorities to raise funds from developers undertaking new building projects in their area. This money is used to fund a wide range of local and strategic infrastructure projects needed to support growth and development in the borough.
5. The council's S106 and CIL Supplementary Planning Document (SPD) 2015 (updated November 2020) provides detailed guidance on using S106 planning obligations and CIL. On 6 March 2024, Cabinet resolved that the new Section 106 (S106) and Community Infrastructure Levy (CIL) Supplementary Planning Document (SPD) be approved for consultation.
6. In addition to the policies outlined in paragraph 4 there is an addendum to the S106 and CIL Supplementary Planning Document (SPD) 2015 specifically focused on the Old Kent Road area. This addendum applies specific policies to both S106 and CIL regarding the collection and utilisation of monies collected into the Old Kent Road ward.
7. The spending categories listed in Table 1 are summarised below:
 - a. Public Realm — Contributions via S106 can be collected to help improve the public realm around a development. This can be done in addition to highway improvement works that can come via an S106 agreement (often known as an S278 agreement).
 - b. Children's Play Space — New developments are expected to provide play space for children on the site. In exceptional circumstances where this cannot be provided on-site, we will seek to secure a section 106 planning obligation to contribute to improving play space elsewhere in the surrounding area of the development site.
8. Subject to Planning Committee approval, the release of these S106 receipts will enable them to contribute to improving the public realm and play facilities on or near to the Ledbury Estate.

Overview Of Ledbury Estate

9. A resident ballot agreed upon proposals to redevelop the Ledbury Estate in March 2021. The redevelopment is to deliver 340 homes, 224 of which are replacement homes for the four towers on the estate. The homes will provide a mix of one—to five-bedroom units for both social rent and private sale across six blocks on the Bromyard House site (Phase 1) and Skenfrith House, Sarnsfield House, and Peterchurch House site, known as the Old Kent Road site (Phase 2).

10. The Ledbury Estate redevelopment project is intended to also deliver a new football/mixed-use games area and other activities for play, newly refreshed landscaping on both sites, a re-provided Tenants' and Residents' Association (T&RA) hall and commercial space fronting Old Kent Road. In addition, there are proposals to improve some aspects outside the estate's demise. One of these is improvements to a BMX pump track located within Bird in the Bush Park.
11. The detailed outline of the scheme's design can be found by accessing the council's planning portal and searching reference 22/AP/0554; however, some designs are outlined in Appendix 1, specifically in relation to the proposed projects to receive funding.
12. Table 2 outlines a summary of what the requested monies will deliver.

Table 2 - Overview of Proposed Projects to be funded.

What does this project element entail	This project element will improve the current pump track in Bird in the Bush Park, which is predominantly informal in nature. The current track mainly consists of dirt/natural compounded earth together with a degraded starting platform that isn't fit for purpose. The works will include surfacing treatment to the track, track infrastructure, seating, planting, fencing, and signage improvements.
Where will the project be implemented	The project will be implemented within the current fenced area around the pump track. It may also improve the wider park.
What benefits will the project element bring for Southwark residents	Southwark has a national reputation for BMX track riding, with the famous Bergus Park track not far from this location. Improvements to this track will help attract more people into the sport, particularly those who are younger or more inexperienced. Implementing this scheme will also contribute to bio-diversity net gain within Bird-in-the-Bush Park, a designated SINC.
What progress has been made to date on delivering the project	The landscape architecture firm Studio ONB has developed RIBA1 stage designs. Residents' consultation and consultation with the Parks Design Review Board informed these designs. A selection of Parks and Leisure colleagues then undertook a second-stage review of designs, which has helped inform the latest brief. The landscape architect and a specialist track designer/contractor are now working on that brief.
What would happen if funding wasn't given	The track is in a poor state of repair with an end-of-life starting area, areas of overgrown vegetation and a lack of amenities with the track. In August 2024, the council received a notice from a mother whose son had injured himself whilst using the track due to 'unsafe flooring', which resulted in metal penetrating his leg. The track

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	urgently needs improvement, and without this funding, there is a considerable risk that this may not be forthcoming.
What will the funding be used for	Meeting some of the costs associated with design (including further consultation), planning submission and implementation of the project element.
Where can further design detail be found	Appendix 1

KEY ISSUES FOR CONSIDERATION

13. The Ledbury Estate redevelopment is a once-in-a-generation opportunity to uplift and transform a major social housing estate. Brought about via the identification of considerable structural faults with the estate's four towers, in 2021, the residents, presented with four options for the estate, voted overwhelmingly (86%) for the demolition of the towers and redevelopment of two sites on the estate:
 - a. Phase 1 = Bromyard House (Bromyard Site)
 - b. Phase 2 = Peterchurch, Sarnsfield & Skenfrith House Site (OKR Site)
14. As a large social housing estate, the locality suffers from comparatively high levels of deprivation, poverty (both general and child poverty) and health inequalities compared to Southwark's most affluent areas.
15. The scale of this programme is comparable in size to Southwark's other major programme on the Aylesbury and Tustin estates. It offers a unique opportunity to deliver not just additional social housing (both replacement and additional) but also a wide array of wider estate improvement projects that will have positive impacts on both Ledbury residents and the wider neighbourhood/ward.
16. As Table 2 outlines, benefits from project elements will have a diffuse but positively impactful effect on local communities. Access to suitable leisure activities, biodiversity improvements, encouragement of active travel and healthier lifestyles, and community cohesion all stand to be improved within the ward through the funding and implementation of the BMX pump track improvement.

17. Conversely, a failure to provide additional funding for these projects could result in considerably diminished benefits for the ward. The wider estate redevelopment project is being principally funded via Southwark's Housing Revenue Account,. Whilst the Ledbury offer to residents commits to attempting to deliver an array of wider estate improvements, ultimately, financial pressure means that housing services will always have to prioritise finishing new homes to a high standard. Such a project may either be delivered partially to a constrained scope or potentially omitted entirely.

Policy framework implications

18. The pump track projects accord directly with the ambitions of the Council's Great Estates programme. By improving the physical appearance and infrastructure of estates' demise and curtilage, this project is directly improving access to infrastructure and challenging potentially negative perceptions of housing estates and the wider area that they sit within.
19. The BMX track improvements will support a richer and more resilient ecological landscape and climate change resilience (via SUDS) and encourage active, low-carbon travel modality, particularly for younger cyclists.
20. Relatedly, improved cycling facilities will support the adoption of sustainable modal choices, hopefully making cycling a key method of transport among young people who will continue to cycle in later life.
21. The project also supports the ambitions of Fairer, Greener, Safer Southwark's Council Delivery Plan, particularly around theme 1, *transforming our borough*, and theme 3, *a healthy environment*.
22. The improvements to the track will directly contribute to the ambitions and objectives outlined in the Sport and Physical Activity Strategy 2019 to 2023. Improved cycling facilities will serve as a conduit for an activation programme delivered by a range of cycling and youth-oriented grassroots organisations associated with the current pump track.

Community impact statement

23. Much of the data and information for this section and the preceding two sections has been derived from the Multi-Ward Profiles 2023 reports, especially the one for East Central Southwark (where Ledbury is situated).
24. Old Kent Road Ward has seen considerable growth in resident populations (~14% between census years), which, as is well known, puts a strain on infrastructure. Moreover, the ward is set for considerable future growth with many consented and other pipeline super high-density schemes. Improved green and sporting infrastructure will help meet the needs and expectations of this large resident and business population growth in future years.
25. Consultation, to date, has helped refine the designs of the BMX track (outlined in more detail in the Consultation section below). Further consultation is planned within this financial year.

Equalities (Including Socio-Economic) Impact Statement

26. The ward has the following characteristics from an equality perspective:
- a. Age—The area generally has a higher percentage of people under the age of 15 than the borough average. Around 1 in 5 people within the area are under the age of 15. The number of working-age people is slightly below the borough average, and the number over 65 is very close to the borough average.
 - b. Disability – 14% of residents in the ward identified as disabled, the same as the borough average.
 - c. Gender Reassignment – Whilst ward-level data on this characteristic isn't available, Southwark has one of the nation's highest percentages of people reporting a gender identity different from the sex they were registered at birth with.
 - d. Marriage and Civil Partnership—The area has one of the lower reported marriage or civil partnership registration levels. However, Southwark generally has a low reported marriage or civil partnership rate, and the area is close to the borough average.
 - e. Pregnancy and Maternity—There is no reliable data on the prevalence of pregnant women at the ward or borough level.
 - f. Race—The ward has a higher-than-borough average percentage of non-white residents, with a particularly high percentage of Other ethnic residents (this could be Arab or another ethnic group).
 - g. Religion or Belief—The area has the lowest reported number of residents with no religious beliefs of any area in the Borough.
 - h. Sex – There are fewer males and more females than the borough average.
 - i. Sexual Orientation – The area has a lower percentage of those reporting to be LGB+ than the borough average. It is the area in Southwark with the second lowest reporting of LGB+ residents.
27. The wards' social-economic profile is characterised by deprivation, with a far higher percentage of those facing at least one form of deprivation than the borough average and the highest rate of any area for at least two forms of deprivation.
28. The ward also has a particularly low household income, which, at an average of £32,700, is the lowest of any ward in the entire borough.
29. Given the project is tied into Ledbury, which itself is a large social housing estate and that nearly 60% of housing within the ward is of a social rented

tenure, it's also worth noting that typically social housing¹ as a tenure has the following characteristics from an equality perspective:

- a. Higher percentage of low-income residents compared to other tenures.
 - b. Higher percentage of BME residents and migrants living within social housing compared to other tenures.
 - c. Much higher percentage of those living with a disability than other tenures.
 - d. Higher percentage of female-headed households compared to other tenures.
30. Noting the data outlined above (paragraphs 26 to 29.d) There is little evidence to suggest that the project will have a detrimental impact on any particularly protected characteristic. By providing free leisure activities at the point of use, the project looks set to materially benefit those from a low socio-economic background who can often be excluded from such facilities through user charges.

Health impact statement

31. It is anticipated that implementing these schemes will have a materially beneficial impact on health for this ward and the Ledbury (and adjacent) estate[s]. As noted in the Policy framework implications section, the implementation of this project should have several positive health effects:
32. Improved sporting facilities that will have the added benefit of encouraging active travel as a modal choice, particularly for young people.
33. The facilities at the BMX track will be designed to prioritise user safety. Signage will also encourage adherence to strict user guidelines and focus on engaging with local organisations to ensure access to supervised sessions.
34. The above equality and health analysis demonstrate that the policy shows no potential for discrimination and that appropriate opportunities to advance equality of opportunity and foster good relations between people with different protected characteristics have been considered and taken where feasible. Therefore, nothing within the analysis should prejudice the approval of this report's recommendations.

Climate change implications

35. Implementing the project will have positive benefits from a climate change perspective.
36. Material choices and construction practices will be carefully considered to minimise carbon emissions. Reclaimed materials will be utilised where

¹ Data for this is predominantly derived from the following report - *Equality & Diversity in Social Housing | Key Characteristics of Social Tenants, 2018* (available - [Fair-for-All-equality-and-diversity-in-social-housing-a-profile-of-te....pdf \(housingdiversitynetwork.co.uk\)](https://www.housingdiversitynetwork.co.uk/wp-content/uploads/2018/04/Fair-for-All-equality-and-diversity-in-social-housing-a-profile-of-tenants-2018.pdf))

possible (including from the wider regeneration scheme), and the use of any carbon-intensive materials (e.g., tarmac) will be minimised.

37. The project will positively contribute to biodiversity, given that permission for the scheme will fall within the new requirement for biodiversity net gain. Hardstanding on the site will be limited to an absolute minimum to avoid detrimental impacts on current green landscapes. Additional specialist planting and soft landscaping will positively contribute to ecology-boosting landscapes and help to support surface water runoff.
38. The facility will not have dedicated parking and will exist within a resident CPZ, so it is unlikely to generate significant car traffic. It's also well served by public transport, mainly buses.
39. Improved cycling facilities will also contribute to a greater take-up of cycling as a primary modal choice. This should help a greater share of people switch from using carbon-intensive travel methods such as personal cars.

Resource implications

40. The recommendations will have minimal impact on internal resourcing, as the request for funding, the administration of funding, and the coordination of project element design and implementation can be coordinated via internal resources within the Southwark Construction service.
41. This has a dedicated capital budget associated with the Ledbury Estate regeneration programme, and staff resources have been identified until at least 2031.
42. Regarding ongoing maintenance, the council's parks team will maintain the site. The team already maintains the site, but given its state of deterioration, it has become a challenging asset to maintain and needs improvement.
43. The parks team has been a key internal consultee in the material and construction approach to the site, and they have tested all features regarding maintainability. Robust fencing, signage, seating, and track

Financial implications

44. The enhancement of the public realm and delivery of play space on the Ledbury Estate forms part of the Ledbury Estate Regeneration programme, which aims to deliver 340 homes across the two phases. Project expenditure, including that which is associated with the public realm improvements will be charged to project code H-8888-9842.
45. Whilst there was an initial ambition that the pump track would be funded from resources financing the programme budget, current project risks, particularly associated with the recent emergency decant directive², means that all non-essential project elements are being reviewed to ensure the project remains within budget and that alternative sources of finance are sought where appropriate, such as S106 receipts. The allocation of £260,800.60 of S106

² See <https://www.southwark.gov.uk/housing/safety-in-the-home/ledbury-estate>

receipts recommended in this report would enable the public realm improvements to be delivered at a far higher specification than currently scoped or make the difference in allowing the pump track improvements to be delivered at all.

Consultation

46. Consultation on the Ledbury Estate regeneration has been extensive and represents a gold standard for estate regeneration consultation and engagement. This is reflected in a successful and well-attended estate ballot and a subsequent phase of regular and detailed engagement with residents about every design aspect affecting the scheme.
47. This includes a detailed consultation on the planned estate improvement projects – of which the BMX track is one of the largest.
48. In addition to consulting with residents of the Ledbury estate, a wide array of stakeholders associated with both the park and BMXing have been spoken with to help inform the designs to date. Appendix 1 outlines these. These responses have already fed into the designs and will continue as further design iterations allow these groups to be re-engaged to give further insights.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Assistant Chief Executive – Governance and Assurance

49. Under Part 3 (F) of the council's constitution it is the function of planning committee (major applications) to, amongst other things, consider the expenditure of funds secured through legal agreements under section 106 of the Town and Country Planning Act 1990.
50. The S106s monies must be expended in accordance with: -
 - (a) the terms of the specific S106s; and (b) the relevant policy tests set out in Circular 2005/05 and the first three being legal tests below which are now enshrined in Regulation 122(a) of the Community Infrastructure Levy Regulations in that they must be: -
 - (i) relevant to planning purposes;
 - (ii) necessary to make the developments on the respective sites acceptable in planning terms by mitigating adverse impacts; a. directly related to the respective developments;
 - (b). fairly and reasonably related in scale and kind to the respective developments; and
 - (c). reasonable in all other respects.
51. Each S106 payment is set out in a legal document, with a definition on how it can be spent. Spend of the monies must ensure that this definition is adhered to. the legal definition for each S106/ payment defines where the funds should be spent.

52. How the money is spent should be in line with the council's best value duty under s 3 (1) of the Local Government Act 1999.

Strategic Director of Resources

53. This report requests that the planning committee approve the release of £260,800.60 of Section 106 monies from the planning agreements listed in paragraph 1 for various improvements to the public realm and play facilities on or near the Ledbury Estate. Details are set out in the body of this report.
54. The strategic director of resources notes the resource and finance implications in paragraphs 42-49 and can confirm that the council has received the related funds and that they are available for the project outlined in this report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Policy and Resources Strategy Report: 2024-25 Budget and MTFS update including capital programme refresh (Cabinet Paper February 2024 Item No. 8)	160 Tooley Street London SE1 2QH	Timothy Jones Tel: 020 7525 1772
Link: Agenda item - Policy and Resources Strategy Report: 2024-25 Budget and Medium Term Financial Strategy (MTFS) update including capital programme refresh - Southwark Council		
Fairer, greener, safer Delivery Plan 2022 – 2026	160 Tooley Street London SE1 2QH	Joseph Brown Email: Joseph.Brown@southwark.gov.uk
Link: https://www.southwark.gov.uk/sites/default/files/2024-09/Fairer%2C%20Greener%2C%20Safer%20Delivery%20Plan%202022%20to%202026.pdf		
Sport and Physical Activity Strategy 2019 to 2023	160 Tooley Street London SE1 2QH	Tara Quinn Tel: 020 7525 0875
Link: https://moderngov.southwark.gov.uk/documents/s81910/Appendix%201%20Active%20Southwark%20-%20Sport%20and%20Physical%20Activity%20Strategy%202019%20to%202023.pdf		
Air Quality Strategy & Action Plan 2023 to 2027	160 Tooley Street London SE1 2QH	Environmental Protection Team / Paul Newman Tel: 020 7525 3551
Link: https://www.southwark.gov.uk/sites/default/files/2024-10/Southwark%20Air%20Quality%20Action%20Plan%202023%20to%202027.pdf		
Southwark Great Estates Programme - Paper 1 - Agreeing the Vision and Approach (Cabinet Paper December 2018 Item No. 15)	160 Tooley Street London SE1 2QH	Robert Weallans Email: robert.weallans@southwark.gov.uk
Link: Decision - Southwark Great Estates Programme - Paper 1 - Agreeing the Vision and Approach - Southwark Council		

APPENDICES

No.	Title
Appendix 1	A1 – Pump Track Concept Design

AUDIT TRAIL

Lead Officer	Laura James, Senior Project Manager, Southwark Construction		
Report Author	Alex Talbot, Project Manager		
Version	Final		
Dated	22 October 2024		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
	Officer Title	Comments Sought	Comments Included
	Assistant Chief Executive – Governance and Assurance	Yes	Yes
	Strategic Director of Resources	Yes	Yes
	Director of Planning and Growth	Yes	Yes
	Cabinet Member	No	No
	Date final report sent to Constitutional Team		30 October 2024