

Decision Maker: 1. Environment Portfolio Holder

2. Executive

**For Pre-Decision Scrutiny by Environment PDS Committee on
25 March 2014**

Date: 2nd April 2014

Decision Type: Non-Urgent Executive Non-Key

Title: **MAINTENANCE OF GREEN SPACES TRANSFERRED TO
LB BROMLEY**

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Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: Penge and Cator; West Wickham

1. Reason for report

This report provides details of maintenance works that need to be undertaken to fulfil the management responsibilities for two areas of land that have been transferred to the Council.

2. **RECOMMENDATIONS** That:

2.1 **The Environment Portfolio Holder approves the carrying out of maintenance works to the following areas of land, funded by S106 monies:**

a) **The enabling, opening and management of Cyphers Gate open space in Kings Hall Road, Beckenham; and**

b) **The management of Cheyne Woods, Wood Lodge Road, West Wickham.**

2.2 **The Executive agrees to set aside the £192,500 in an earmarked reserve for the future maintenance of Cheyne Woods and Cyphers Gate open space.**

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Excellent Council, Quality Environment
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Financial

1. Cost of proposal: £23,750 one-off costs and £8,900 on-going costs
 2. Ongoing costs: £8,900 per annum
 3. Budget head/performance centre: Section 106 funds
 4. Total current budget for this head: £192,500
 5. Source of funding: Funds obtained under Section 106 of the Town and Country Planning Act 1990
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Staff

1. Number of staff (current and additional): 1
 2. If from existing staff resources, number of staff hours: less than 0.1 fte
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Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
 2. Call-in: Applicable:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Visitors to Cyphers Gate and Cheyne Woods.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: All three West Wickham Members support the proposal for Cheyne Woodland. A Penge and Cator Councillor supports the proposals for Cyphers Gate, in Kings Hall Road.

3. COMMENTARY

3.1 As part of the planning process, two Section 106 agreements secured the transfer of Cyphers Gate and Cheyne Woods from their previous owners to the Council, together with a revenue sum for their future maintenance. Such sites are usually only accepted by the Council when initial or outstanding works have been completed by the developer at his cost prior to handover, and to the Council's satisfaction. These two sites meet that condition.

3.2 Section 106 funds are held corporately and require Member approval for release.

3.3 Maintenance works are now required to these two sites which were transferred to the Council through this process . Details of the sites and the proposed maintenance works, are as follows:

Planning Ref	Development	s106 Agreement Clause	Amount and how the money will be allocated	Justification
269	89 Kingshall Road (to be known as Cyphers Gate open space)	Payment of £157,000 towards the on going maintenance of the open land and tennis courts shown on the plan B on or before the occupation of the fourth house	It is intended to open this facility in the late spring/early summer of 2014 as a dog-free area. The site requires maintenance and management to the same standards as other parks and green spaces. The proposed expenditure would: i) Provide pedestrian gates, seats, litter bins, enhancement of an adjoining area and signage, at an estimated one-off cost of £9,500; and ii) Fund future maintenance revenue costs in the order of £6,400 per annum.	
151	Part of the Children's hospital, Woodlands Way, West Wickham (to be known as Cheyne Woods)	The payment of £35,000 to cover future maintenance of the woodland area shown edged green on plan 1 to cover future maintenance	Works are now considered necessary to the tree stock and footpaths; following handover previously. The proposed expenditure is: i) Tree surgery and replanting - £4,750; ii) Pathway resurfacing including additional paths - £9,500; and iii) Future maintenance costs of the order of £2,500 per annum.	

4. POLICY IMPLICATIONS

- 4.1 The acquisition and upkeep of greenspace accords with the Council's policy of landscape management for public access, health, education and leisure pursuits and supports the BBB priority – A Quality Environment.
- 4.2 The Environment Portfolio Plan 2013/14 includes the key aim “Conserve and enhance Bromley's parks and green spaces.”

5. FINANCIAL IMPLICATIONS

- 5.1 The S106 funds available for the maintenance of Cyphers Gate and Cheyne Woods relate to two agreements.
- 5.2 The first relates to the legal agreement concerning the development at Kings Hall Road Beckenham. An area of land was transferred to the Council along with a sum of £157,500 towards the future maintenance of the open space and tennis courts.
- 5.3 The second agreement relates to the Cheyne Hospital development, which transferred an area of woodland together with a sum of £35,000 to cover the future maintenance of the land.
- 5.4 This report is seeking approval to spend £23,750 on initial one-off works plus estimated annual maintenance of £8,900 p.a. as summarised in the table below: -

Area of land	One-off works £	Annual maint £
Cyphers Gate open space, Kings Hall Road	9,500	6,400
Cheyne Woods, Wood Lodge Road	14,250	2,500
Total estimated costs	23,750	8,900

- 5.5 This report is also requesting that the Executive agree to set aside the original sums totalling £192,500 to an earmarked reserve for the future maintenance of Cheyne Woods and Cypher Gate open space.
- 5.6 After allowing for the one-off works, the balance of funding remaining would provide for routine maintenance of Cypher Gate open space for 23 years; and 26 years for Cheyne Woods. After this time the cost of maintaining these areas of land would have to be subsumed within the Council's grounds maintenance budgets.

6. LEGAL IMPLICATIONS

- 6.1 The specific terms of the section 106 agreement which secured each payment determine how the monies. The relevant terms of the section 106 agreement and the purposes for which the monies will be spent are accordingly set out. The legal advice is that the proposed expenditure accords with the requirements of the respective section 106 agreements.

Non-Applicable Sections:	Personnel Implications
Background Documents: (Access via Contact Officer)	