

PROPOSED USE OF BISHOP'S PARK BY FULHAM FC

CONSULTATION SUMMARY

June 2019

The Council recently notified residents and parks users of its intention to enter into a lease with Fulham FC for the use of part of Fielders Meadow (within Bishop's Park) as a compound during the redevelopment of the Riverside Stand within Craven Cottage stadium.

Responses were received from 56 individuals/households/local groups. In accordance with the S123 notice the council has a duty to consider all the responses received.

Below is a summary of the comments received with the Council's responses:

Rent:

- 1. A number of respondents have commented that the rent proposed is too low and does not reflect the market value for the land or represent good value bearing in mind an area of park is being lost for 2-3 years.**

The Council is proposing to lease a site compound area within Bishop's Park on a temporary basis to Fulham FC. This is to support its development of Craven Cottage. The proposed lease is a result of the club's request rather than an open market letting.

The valuation approach taken by the Council for the proposed lease's principal rent of £164,000 a year was on a comparable basis. The rents for leases of similar open space, within this borough and other London boroughs, were analysed and adjustments were made, particularly for time intervals (and inflation), for size (m2) and for the duration of the lease.

The principal rent equates to £29 per square metre per year. However, if the lease's prospective premium payments totalling £150,000 are also considered, the equivalent rent is £38 per square metre a year.

The Council wants to support Fulham FC's development of Craven Cottage because it is of mutual long-term benefit for the club and its supporters and for the borough (including a new public riverside walkway joining up the existing Thames paths either side of the stadium).

The Council and Fulham FC are also party to a section 106 agreement where additional benefits have been agreed for Bishop's Park and the local environment.

Lease:

- 2. Can you confirm that there is a robust clause within the contract to minimise the risk of the project overrunning and if this occurs that Fulham FC are financially penalised.**

Yes, we have such clause, which will impose a penalty of a sum equal to the annual rent together with other costs of reinstatement, retention of the security deposit and an indemnity clause

- 3. Can we be assured that there are robust provisions within the agreement to ensure the area is reinstated as it is once all works have been completed?**

As above, there are clauses within the lease to ensure this is done correctly. There is also a deed of covenant (which includes indemnity clause) to be completed between the Church Commissioners, the Council and the Fulham FC and it requires the reinstatement to be undertaken prior to expiry of the lease.

- 4. What about the covenants covering this area of the park – don't the Church Commissioners need to be involved?**

Yes, there are covenants covering the area. The Council and Fulham FC will enter a legal deed of covenant with the Church Commissioners relating to the temporary waiver of the covenants (and for the purposes under point 3 above).

- 5. What happens if the development is not completed or Fulham FC changes hands or goes bankrupt?**

Fulham FC may assign the whole of the lease to a group company of it (only with the Council's and the Church Commissioners' prior written consents) and only to a group company of sufficient financial strength to comply with any ongoing obligations of the Tenant under the lease. In case of bankruptcy, the council can re-enter and take over the site and the lease will determine (as well as the section 106 agreement). The Council will also retain the security deposit and charge a penalty and invoke its indemnity provision.

- 6. In what way will the proposed concourse be used?**

Fulham FC, following discussions with the Council and Church Commissioners have decided not to pursue this.

Memorial benches:

- 7. One respondent who has a memorial bench within the proposed compound has asked what will happen to this during the works?**

All memorial benches will put into temporary storage or if requested, relocated. Fulham FC are aware of the sensitivity of memorial benches. If you have specific concerns, please contact us at Parks@lbhf.gov.uk.

Loss of parkland and wildlife:

8. The loss of an area of park will have an impact on local children and park users as well as wildlife

We appreciate this and have explored all the other alternatives with Fulham FC and their contractor to see whether this can be mitigated, or the area used reduced.

With regards wildlife, there is a legal requirement (which is reiterated within the lease) to comply with the Wildlife and Countryside Act 1981.

9. I am unclear whether the proposed temporary footpath will be within the hoarding?

The temporary footpath will be outside the hoarding

10. Will wildlife surveys be undertaken before any works commence?

Yes, as stated in point 8, Fulham FC have a legal requirement to comply with the Wildlife and Countryside Act 1981

11. What will happen to events that take place in the park such as the borough firework display and Boat Race?

Watching the Boat Race in the park can still be enjoyed but on a slightly reduced area.

Discussions remain ongoing about whether the borough firework display can take place or be relocated elsewhere.

12. What will happen to the community sports that happen on Fielders Meadow?

Where possible these will continue. Those that can't, will be relocated to other sites within the borough following discussions with the relevant organisers.

13. Will the York stone that is within the compound be retained by the Council for reuse within the park?

The Council will retain ownership of the York stone and it will be protected or put into safe storage until its restoration within the park. The York stone and its preservation are specifically referred to within documents to be appended to the lease.

14. This will block off one of the main entrances for the cycle route that runs through Bishops Park

We appreciate this and have requested a new temporary entrance be created as close to the existing one as possible considering there will be vehicles entering and exiting the compound site, which may dictate the exact location.

Loss of trees:

15. We are concerned about the loss of mature trees, surely this can be avoided?

Unfortunately, not. We asked Fulham FC and their contractor to consider moving the entrance further along Stevenage Road, but this would involve the removal of other trees or mean the area the compound occupies will be increased and mean more loss of open space.

The two trees where the compound entrance will be were approved for removal as part of the original planning application. Both these trees have a limited lifespan so would have needed removal anyway within the next 5-10 years regardless.

16. Can the entrance into the compound be moved further along Stevenage Road to remove the need to remove the trees at the proposed entrance to the compound?

Please see above

Nuisance from the development:

17. Presumably the compound will have security lighting; can you ensure this does not face adjacent houses to minimise nuisance?

The planning permission granted on 10th December 2018 (ref 2017/04662/FUL) included condition 4, which requires the submission and approval by the Council of a Construction Environmental Management Plan (CEMP) for each phase of the development – as identified in the condition.

The CEMPs cover several issues, including: “lighting strategy for construction stage”. This would relate to the compound lighting.

Condition 31 regarding lighting is also relevant.

18. How will noise, pollution and dust from the development be monitored?

This will be monitored by Environmental Health, the same as other developments within the borough. If at anytime you have concerns these can be reported to the Council via our website.

19. Will there be workmen congregating in the adjacent streets?

This shouldn't happen; Fulham FC's contractor will be applying for Considerate Contractor status, which covers this. Contact numbers will be on the hoarding so you can contact the relevant people directly if this is an issue.

Planning and Highway related comments:

20. Will there be a loss of any parking bays within Zone Y?

It is proposed to suspend 10 parking bays on Stevenage Road to allow for the access of vehicles to the compound

21. What is the access route that vehicles will take to and from the site once off Fulham Palace Road?

Construction vehicles will turn off Fulham Palace Road onto Bishop's Park Road arriving on Stevenage Road

22. Will vehicles sit with their engines idling?

They should not do so – if vehicles do please report this to the Council and/or to one of the numbers on the compound hoarding

23. Is what is being proposed not in breach of the Conservation Area Status for the area?

Conservation area status does not preclude development, but any impact on it must be assessed. In this instance the development of the Fulham FC site was considered acceptable in relation to the conservation area. The temporary incursion into the park to enable that development would be acceptable, subject to reinstatement works to mitigate any short-term harm.

Other comments:

24. Can you confirm that this will not set a precedent for the area to be used for similar in the future?

No, this does not set a precedent, and the Church Commissioners have been very clear about this with the Council and Fulham FC. Any future arrangements will be subject to a similar process.

25. Is the council intending to use the £44,000 per year (for 10 years) due through the S106 agreement to off-set the costs it currently incurs in managing the park?

The £44,000 per year is to be paid towards maintenance of the park that is over and above what is currently undertaken. The Church Commissioners have included this explicitly within the deed of covenant they are having both parties sign and will monitor the spend.

26. How can we be sure that the rental income and S106 agreement is ringfenced for use within the park and not used on other council projects?

The Church Commissioners have made it a requirement for their temporary waiver of the covenants that the rental income, rental lump sum and the relevant S106 receipts are ringfenced for the park.

Under the deed of covenant the Council will also be required to periodically report to the Church Commissioners on the spend; we intend to be transparent by also putting this on the Council website.

27. Who from the Council will be policing the works to ensure all commitments/agreements are complied with?

This will be done by numerous departments depending on the specific item but primarily by Parks and Property. Quarterly meetings will be held between the Council, Fulham FC and their contractor.

28. Can Fulham FC (or their contractor) hold open meetings with the community if this goes ahead so residents can raise concerns?

Fulham FC have committed to holding meetings every 6 months. Contact details for key individuals will be displayed on their site hoarding