

# AGAR GROVE

## PLANNING OBLIGATIONS STATEMENT

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**Document prepared on behalf of the London  
Borough of Camden (Applicant) by:**



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## 1.0 INTRODUCTION

1.1 This Planning Obligations Statement has been prepared by CMA Planning on behalf of Camden Housing and Adult Social Care (HASC) Department (“the applicant”) in support of a planning application for the regeneration of the Agar Grove Estate within the London Borough of Camden.

1.2 The Agar Estate Regeneration project forms part of Camden’s ‘Community Investment Programme’ (CIP) which aims to generate investment, deliver new homes and regenerate neighbourhoods. A detailed description of the application proposals is provided in the Design and Access Statement and Planning Statement which, in broad terms, comprises:

- Demolition of the existing low-rise blocks (with the exception of the children’s centre) and comprehensive refurbishment of Lulworth House
- Creation of 493 new homes (net increase of 244 units) including a mix of social rent, shared-ownership and private units designed to meet current housing needs and space standards (including a single decant for the majority of existing tenants)
- Replacement community and retail facilities along with new small-scale business space; and
- Landscaped open and amenity spaces to support the development and contribute towards the creation of a high-quality environment.

1.3 The Agar Grove project is a ‘Council’s-own development’ and so matters that would normally be secured as part of a section 106 planning obligation will be secured via planning condition. As a corollary to this a ‘shadow section 106 agreement’ will be prepared as part of the decision making process to ensure that these provisions are secured as a planning obligation in the event the site is disposed of by the Council in the future.

1.4 Within this Report we set out the planning policy context within which the ‘shadow section 106’ should be progressed along with an overview of the heads of terms put forward in support of the proposals which have been discussed with the local planning authority at the pre-application stage.

## 2.0 POLICY CONTEXT AND GUIDANCE

2.1 The statutory development plan comprises The London Plan (2011) and the Camden Local Development Framework (LDF) (2010). There are a number of development plan policies relevant to the project as well as supplementary and best practice guidance including:

### **The London Plan (2011)**

2.2 *Policy 3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes:* States that the maximum reasonable amount of affordable housing should be sought when negotiating on individual schemes. Negotiations should take account individual circumstances including development viability and the availability of public subsidy.

2.3 *Policy 8.2 – Planning Obligations:* Sets out the Mayor’s policy in respect of planning obligations and states that the Mayor will provide guidance for boroughs on the preparation of frameworks for negotiations on planning obligations in DPDs. In terms of planning decisions the policy states that the Mayor will take into account, among other issues including economic viability, the existence and content of planning obligations.

2.4 In terms of contributions the policy states that affordable housing, supporting the funding of Crossrail (where appropriate) and other public transport improvements should be given the highest priority. Importance should also be given to tackling climate change, learning and skills, health facilities and services, childcare provisions and the provision of small shops.

2.5 *Policy 8.3 – Community Infrastructure Levy:* States that the Mayor will work with Government and other stakeholders to ensure the effective development and implementation of CIL and will provide guidance for boroughs and other partners setting out a clear framework for the application of CIL.

### **The Camden Core Strategy (2010)**

- 2.6 *Policy CS6 – Providing Quality Homes:* This sets out the Council’s strategic policy context for the provision of affordable housing and states that the Council will seek the maximum reasonable amount of affordable housing under the specific circumstances of the site including the financial viability of the development.

### **Camden Development Policies (2010)**

- 2.7 *Policy DP3 – Contributions to the supply of affordable housing :* States that the Council will negotiate to seek the maximum reasonable amount of affordable housing on the basis of an affordable housing target of 50% of the total addition to housing floorspace having regard to: access to public transport, workplaces, shops, services and community infrastructure; the character of the development, the site and the area; site size and constraints; the economics and financial viability of the development; the impact on creation of mixed and inclusive communities; and any other relevant planning objective for the site.

- 2.8 In terms of development economics / viability the supporting text notes that in negotiating an affordable housing contribution the Council will consider the full range of costs associated with a development with the submission of a financial viability appraisal where a scheme is not able to meet affordable housing targets.

### **Camden Planning Guidance: Planning Obligations (CPG8)**

- 2.9 CPG8 provides detailed guidance of what may be required when the Council considers that a development proposal requires a planning obligation secured through a legal agreement. The guidance provides an overview of the main categories of planning obligations and, where appropriate, a methodology of how contributions will apply and will be calculated.

### 3.0 PROPOSED HEADS OF TERMS

3.1 Following on from the policy guidance set out above the proposed planning obligations need to be considered within the context of national planning guidance and the statutory tests set out in Regulation 122 of the Community Infrastructure Regulations which state that obligations should meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development;
- Fairly and reasonably related in scale and kind to the development

3.2 In light of the application proposals, policy guidance and statutory requirements the following heads of terms are submitted in support of the Agar Grove proposals and discussed in more detail in the following paragraphs:

- (1) Provision of Affordable Housing
- (2) Details of Phasing / Delivery of Housing
- (3) Local Procurement, Recruitment and Apprenticeships
- (4) Education Provision
- (5) Community Facilities
- (6) Amenity and Public Open Space
- (7) Energy and Climate Change Measures
- (8) Car-Free Development
- (9) Transport and Highways
- (10) Construction Management

#### **Provision of Affordable Housing and Phasing / Delivery of Housing**

3.3 A key objective of the Agar Grove project is the delivery of new high-quality affordable homes to meet the needs of the existing tenants living on the Estate.

3.4 The Agar Grove proposals will be delivered in a number of phases to enable existing residents of the Estate to be re-housed in a single decant wherever possible. A phasing diagram is provided in the Design and Access Statement which demonstrates how the application proposals respond to the de-cant strategy which includes a significant 'front-loading' of affordable homes. It is requested that the

final phasing strategy is secured by planning condition / obligation in order that the delivery of units can be adjusted during the construction phase to take into account any changes in circumstance.

- 3.5 A detailed overview of the affordable housing component of the proposals is provided in the 'Affordable Housing Statement' which supports the application and which will be secured via planning condition / shadow section 106.

### **Local Procurement, Recruitment and Apprentices**

- 3.6 Policy CS8 of the Core Strategy states that large schemes are expected to produce an 'Employment and Training Strategy' to ensure that the developer meets with the Council at pre-tender / pre-implementation stage to discuss an Employment and Skills Plan for every phase of the development and liaising with local employment providers to fill vacancies.

- 3.7 Developments over £3 million are required to recruit one construction apprentice with a support fee of £1,500 per apprentice placement. Developments over £1 million are also required to sign up to Camden's 'Local Procurement Code'.

- 3.8 As part of the Agar Grove planning obligations it is proposed to provide an 'Employment and Training Strategy' which will support apprentice placements at £1,500 per £3 million of construction cost as well as signing up to the Council's 'Local Procurement Code'.

### **Education**

- 3.9 CPG8 states that all residential development where the proposal results in a net increase of five or more dwellings is normally expected to provide a contribution towards education provision with the exception of affordable housing for rent or intermediate housing where the Council has 100% nomination rights.

- 3.10 For qualifying forms of new housing the education contribution is calculated in accordance with a child yield and cost calculator as set out in CPG8 which for the application proposals generates a figure of: **£335,730**. Details of the calculation are provided at Appendix One.



### **Community Facilities**

- 3.11 CPG8 states that new residential development which generates or attracts significant numbers of people to an area may require new provision or lead to an increased demand on existing facilities near to a site. In addition, where a community facility is to be lost as a result of a development, or a development generates the need for increased facilities, the Council will normally expect this to be provided on site.
- 3.12 The Agar Grove Estate currently has a small community room (circa. 90sqm) in the ground floor of Lulworth House; however, the space not well used and provides limited value for the existing residents of the Estate.
- 3.13 As part of the redevelopment a new 455sqm community space will be provided within the lower levels of Block B which will be suitable for a range of activities to support the residents of the development and the wider community. Due to the proposed phasing strategy the new community facility will be available before the existing room is de-commissioned and so there will no short-term loss of accommodation during the construction phase.
- 3.14 The new facility has been designed as modern, flexible space suitable for a range of activities and will act as a focal point for the community as well as contributing towards the provision of social / community infrastructure in the wider neighbourhood.
- 3.15 The final programme of activities for the community space has not yet been determined as the facility falls within a later development phase and will need to be the subject of further consultation with the community and other stakeholders. This can be secured via planning condition.
- 3.16 The existing community facility within Lulworth House is operated by the Tenants and Management Organisation (TMO) who may take on the future management of the space. If this is not the case the facility will be operated and managed as part of the applicant's wider portfolio of facilities in the borough including new space being developed under the CIP programme.

- 3.17 Given the significant quantitative and qualitative increase in community facilities being delivered by the project which exceeds the relative increase in households generated by the development it is considered that no further financial contribution towards community facilities is necessary to support the application proposals.

#### **Health Care**

- 3.18 Camden's planning policies note that new development can lead to an increase in demand for new health care provision and put pressure on existing facilities which should be mitigated either through contributions or provision of new or enhanced facilities.
- 3.19 The Agar Grove project forms part of the Council's wider CIP which includes a borough-wide approach to investing in social infrastructure to meet the current and future needs of the community. In terms of healthcare Councils have now assumed responsibility for healthcare within their own areas in place of Primary Care Trusts.
- 3.20 As part of the CIP redevelopment at the Maiden Lane Estate space for a new health centre is being provided to serve residents of the Estate and wider area, including acting as a replacement facility for the surgery at 142 Camden Road which closed in April 2012.
- 3.21 On-going discussions between the Council (as applicant for both the Agar Grove and Maiden Lane estate projects) and NHS England are taking place regarding delivery of the new health facility at Maiden Lane which will also take into account the potential increased health needs arising from the Agar Grove redevelopment.
- 3.22 In light of the new facility identified as part of the CIP redevelopment at Maiden Lane it is considered that no further financial contribution towards health care is necessary to support the application proposals.

#### **Amenity and Public Open Space**

- 3.23 Camden's planning policies state that new development is expected to contribute towards open space, outdoor sport and recreation facilities with a requirement for 9sqm of public open space per residential occupier divided into: amenity open space; children's playspace; and natural green space.

- 3.24 Figure 5 and Appendix D of CPG6 set out the figures that will be used to assess open space requirements for individual developments based on the occupancy rates recommended by the 'Camden Open Space, Sport and Recreation Study Update' (2008).
- 3.25 CPG6 states that there are three ways developments can contribute towards public open space: (1) on-site (this is required in areas of public open space deficiency); (2) off-site; and (3) a financial contribution in lieu of direct provision.
- 3.26 The application site is not located within an area of open space deficiency; however, it is proposed to deliver the public open space contribution on-site in the form of new high-quality spaces which will both serve the development and enhance the provision of open space in the wider area.
- 3.27 As set out at Appendix One the Agar Grove proposals generate a total open space requirement of 7,989sqm comprised of: 4,287sqm of amenity open space; 372sqm of play space; and 3,329sqm of green space.
- 3.28 As set out in the Design and Access Statement the proposals will deliver in excess of 8,000sqm of new open space along with additional areas of natural green space at roof level. Accordingly, it is not proposed to make any financial contribution towards off-site open space although it is anticipated that the delivery and maintenance of the new open space will be secured by planning condition and in the shadow section 106.

#### **Energy and Climate Change Measures**

- 3.29 As set out in the 'Sustainability and Energy Strategy' a key aspect of the project is the delivery of highly efficient new homes which will reduce carbon dioxide emissions and help to tackle issues associated with fuel poverty.
- 3.30 Sustainable design and construction has been overarching theme of the scheme design process and the new-build element of the scheme has been developed to the principles of Passivhaus standards whilst the refurbishment of Lulworth House will be developed to BREEAM Domestic Refurbishment standards.

- 3.31 Given the high sustainability credentials of the scheme which will deliver a range of in-kind environmental and social benefits it is not considered necessary to provide a further financial contribution towards subject to the submitted Sustainability and Energy Strategy being secured via planning condition.

#### **Car-Free / Car-Capped Development**

- 3.32 In order to encourage more sustainable forms of travel minimal car-parking is provided within the proposals with spaces only being made available to disabled residents and existing residents who currently hold a car-parking permit.
- 3.33 All other units within the development will be 'car-free' and residents will be prevented from applying for on-street or residents parking permits as a condition of their tenancy, lease or freehold. The protocol for ensuring that all future residents are informed of this restriction will be secured through the shadow section 106 in accordance with the guidance set out in CPG8.

#### **Transport and Highways**

- 3.34 As set out in the Transport Assessment submitted as part of the application the proposals are not predicted to give rise to any significant impact on the highways or public transport network at a strategic level although a range of transport related measures are put forward in order to mitigate specific impacts of the proposal and ensure the development is appropriately managed in the long-term as follows:
- (i) On-site highways works: As part of the development a number of on-site highways works will be required including stopping-up the existing public highway that extends into the Estate; reinstatement of footpaths; and removing redundant cross-overs. These works will be secured via planning condition or a shadow 278 agreement and delivered as part of the application proposals.
  - (ii) Off-site highways works: Beyond the application site it will be necessary to undertake a limited number of highways works including footpath reinstatement which will be secured via a shadow section 278 agreement.

- (iii) **Travel Plan:** A residential travel plan is submitted with the application setting out a range of measures to maximise use of sustainable transport by future occupiers of the development. It is anticipated that the travel plan will be secured by planning condition along with a monitoring fee (£5,000) via the shadow section 106.
- (iv) **Delivery and servicing plan:** It is proposed that servicing activities will occur within the site boundary. In order to manage the frequency of service trips, particularly during the peak hour, it is proposed to develop a 'Delivery and Servicing Plan' (DSP) to ensure that deliveries are controlled through a site booking system where possible. It is anticipated that the DSP will be secured by planning condition.
- (v) **'Legible London':** The application proposals will deliver a high-quality new pedestrian and cycle route through the site linking Camley Street to Agar Grove and Wrotham Road. During pre-application discussions Transport for London (TfL) have indicated that they be would seeking a contribution of **£15,000** towards a pair of 'Legible London' signs to ensure this new route is integrated into the wider area which would be secured via the shadow section 106.
- (vi) **'Bus stop up-grade':** During pre-application discussions TfL have indicated that they would be seeking a contribution of **£10,000** towards the upgrading of the existing bus stop on Agar Grove.
- (vii) **'Bus capacity up-grade':** The Transport Assessment indicates that the proposed development would have negligible impact on the wider public transport network. However, during pre-application discussions TfL have indicated that they are likely to seek a contribution towards the cost of providing one additional peak return bus journey at a cost of £90,000 per annum for five years (**£450,000**) which, if necessary, would be secured via the shadow section 106 agreement.

### **Public Art**

- 3.35 As set out in CPG8 the Council encourages the use of public art within the urban design process. Given the scale and comprehensive nature of the proposals which include the delivery of new areas of public open space it is proposed to incorporate public art within the final landscape proposals the details of which can be secured via planning condition.

### **Construction Management**

- 3.36 A draft 'Construction Management Plan' (CMP) is submitted part of the application setting out how that the impacts of the development on the amenity of the area will be controlled during the construction phase. It is anticipated that the final details of the CMP will be secured by planning condition.

### **Community Infrastructure Levy**

- 3.37 The application proposals will be liable for the Mayor of London's 'Community Infrastructure Levy' (CIL) which is set at a rate of £50 per sqm based on the gross internal floorspace of the scheme minus any existing floorspace on site and social housing relief.

#### **4.0 CLOSING REMARKS**

- 4.1 This Planning Obligations Statement has been prepared by CMA Planning in support of a planning application for the redevelopment of Agar Estate in Camden.
- 4.2 As a 'Council's-own development' matters that would normally be secured as part of a section 106 planning obligation will be secured via planning conditions. As a corollary to this a 'shadow section 106 agreement' will be prepared as part of the decision making process to ensure that these provisions are secured as a planning obligation in the event site is disposed of by the Council in the future.
- 4.3 Within this Report we set out the proposed heads of terms put forward in support of the proposed development which have been developed in the context of relevant planning policy and statutory requirement and informed by pre-application discussion with the local planning authority and other key stakeholders. It is considered that the proposed heads of terms would meet the three CIL Regulation tests and would effectively mitigate any impacts the scheme might have.
- 4.4 The heads of terms set out in this Report are put forward on a 'without prejudice' basis and will be subject to further discussion with the local planning authority during the application stage.

## APPENDICES

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### **Appendix One:                    Scheme contribution formulas**



**EDUCATION CONTRIBUTION CALCULATION**

<b>Education</b>			
<b>Unit Type</b>	<b>No of Units</b>	<b>Rate</b>	<b>Contribution</b>
2 beds	106	£2,213	£234,578
3 beds	16	£6,322	£101,152
4 beds	0	£21,494	£0
<b>TOTAL</b>			<b>£335,730</b>

**OPEN SPACE CONTRIBUTION CALCULATION**

<b>Unit Type</b>	<b>Units</b>	<b>Amenity Open Space</b>		<b>Play Space</b>		<b>Green Space</b>		<b>Total</b>	
		<b>Per Unit</b>	<b>Total</b>	<b>Per Unit</b>	<b>Total</b>	<b>Per Unit</b>	<b>Total</b>	<b>Per Unit</b>	<b>Total</b>
1 Bed	212	6.5	1378	0	0	5.2	1102.4	11.7	2480.4
2 bed	200	9.2	1840	0.6	120	7.2	1440	17	3400
3 bed	56	12.8	716.8	2.9	162.4	9.5	532	25.2	1411.2
4 bed	25	14.1	352.5	3.6	90	10.2	255	27.9	697.5
<b>TOTAL</b>	<b>493</b>		<b>4,287</b>		<b>372</b>		<b>3,329</b>		<b>7,989</b>