

Camden Planning Guidance

# Planning Obligations

London Borough of Camden

CPG 8





## CPG8 Planning obligations

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# 1 Introduction

## What does this guidance cover?

- 1.1 The purpose of this guidance is to provide an indication of what may be required when the Council considers that a development proposal needs a planning obligation to be secured through a legal agreement. Planning obligations can be used positively and to address some of the negative impacts of development which would otherwise make a development unacceptable.
- 1.2 Planning obligations are normally secured under Section 106 (S106) of the Town and Country Planning Act 1990. However, the Government currently intends to introduce a Community Infrastructure Levy (CIL) in order to secure infrastructure funding from individual developments. This is intended to operate alongside the Section 106 system and will be explained further below.
- 1.3 The use of planning obligations is an important tool in ensuring the delivery of necessary infrastructure to support the Local Development Framework. They will be used to ensure that the strategic objectives of the LDF Core Strategy and Development Policies are met through requirements attached to individual development proposals.
- 1.4 The use of planning obligations is specifically required through policy CS19 - *Delivering and monitoring the Core Strategy* although a whole range of individual Development Policies may be used to justify an obligation, particularly those relating to affordable housing, sustainability and transport. This guidance is intended to provide general advice on how planning obligations operate. Large scale developments generally have more significant and complex obligations attached to them, but obligations may also be applied to small scale developments to achieve measures such as car free housing or to manage the impacts of construction.

## When will it apply?

- 1.5 This guidance applies to all development where proposals are likely to be subject to planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended). In dealing with planning applications, local planning authorities consider each proposal on its merits and reach a decision based on whether the application accords with the development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused.
- 1.6 In some instances, however, it may be possible to make acceptable development proposals which might otherwise be unacceptable, through the use of planning conditions (see Department of the Environment Circular 11/95) or, where this is not possible, through planning obligations. Where there is a choice between imposing conditions or entering into a planning obligation a condition will be used.



## 2 Background

### Legal and national policy background

- 2.1 The power of a local planning authority to enter into a planning obligation with the owner of land in its area is contained within Section 106 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991). Planning obligations made under Section 106 comprise both planning agreements and unilateral undertakings (where a developer independently offers to meet certain requirements, including a contribution towards infrastructure).
- 2.2 Current government advice on the application of Section 106 is contained within Circular 05/2005 as amended by the Community Infrastructure Levy (CIL) Regulations 2010 (122 and 123) which came into effect on 6th April 2010. The Council's approach is based on this national guidance.

### Legal tests

- 2.3 The CIL regulations limit the use of planning obligations so that planning permission should only be granted subject to completion of a planning obligation where it meets all of the following tests. A planning obligation should be:

#### (i) Necessary to make the development acceptable in planning terms:

- 2.4 Planning obligations should be used to make acceptable development which would otherwise be unacceptable in planning terms in accordance with published local, regional or national planning policies.

#### (ii) Directly related to the development

- 2.5 Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.

#### (iii) Fairly and reasonably related in scale and kind to the development

- 2.6 For example, developers may reasonably be expected to pay for or contribute to the cost of all, or that part of, additional infrastructure provision which would not have been necessary but for their development.
- 2.7 Legal agreements can be used to prescribe that certain things should happen (e.g. requiring affordable housing or limiting a use); to compensate for the loss of something (e.g. open space); and/ or to mitigate the impact of a development (e.g. contribute to community infrastructure or improve public transport accessibility). Such

agreements may require the direct provision of a facility either on or off the development site or a financial contribution towards the provision of that facility.

- 2.8 Funds may also be pooled between a number of legal agreements provided that there is a 'direct relationship between the development and the infrastructure and the fair and reasonable scale of the contribution being sought.' Camden will operate a pooling system in line with the CIL regulations.

### **Community Infrastructure Levy**

- 2.9 The Community Infrastructure levy (CIL) is a new charge which local authorities will be able to collect on development in their area. It will be based on a formula relating to the type and size of development. The funds gathered must on be spent on infrastructure as defined in the 2008 Town and County Planning Act which includes the following:
- roads and other transport facilities;
  - flood defences;
  - schools and other educational facilities;
  - medical facilities;
  - sporting and recreational facilities; and
  - open spaces.
- 2.10 Local authorities who wish to set a CIL must produce a draft charging schedule which will be subject to a public examination by an independent inspector. CIL can only be collected once the schedule has been adopted following consultation and examination. The process will be similar to that for planning policy documents adopted as part of the Local Development Framework.
- 2.11 The schedule will set out the proposed CIL rate(s) per square metre for eligible types of development. Economic viability will be a key consideration and authorities will be expected to undertake an assessment of land values in their area based on a sample of sites. The Council will be drawing up an approach to the new CIL and S106 system in the future and this will be subject to separate guidance and consultation.

### **Development Plan polices affecting planning obligations**

- 2.12 The content and nature of any legal agreements in Camden needs to be considered having regard to the London Plan 2011 and the Camden Local Development Framework. Policy 8.2 (Planning Obligations) of the London Plan indicates that:

*Development proposals should address strategic as well as local priorities in planning obligations. Affordable housing; supporting the funding of Crossrail where this is appropriate (see Policy 6.5 – explained in the transport section of this*



*guidance); and other public transport improvements should be given the highest importance.*

*Where it is appropriate to seek a Crossrail contribution in accordance with Policy 6.5, this should generally be given higher priority than other public transport improvements. Importance should also be given to tackling climate change, learning and skills, health facilities and services, childcare provisions and the provision of small shops.*

- 2.13 The use of planning obligations has an important role to play in meeting the strategic objectives of the Council's Core Strategy and in particular ensuring that the infrastructure is provided to support new growth, meet Camden's needs for new homes jobs and facilities, and to provide an attractive and sustainable environment as in policy CS19 – *Delivering and monitoring the Core Strategy*.

*'The Council will work with Camden's Local Strategic Partnership and its other partners to deliver the vision, objectives and policies of this Core Strategy. We will:*

*work with relevant providers to ensure that necessary infrastructure is secured to support Camden's growth and provide the facilities needed for the borough's communities. Information on the key infrastructure programmes and projects in the borough to 2025 are set in Appendix 1;*

*use planning obligations, and other suitable mechanisms, where appropriate, to:*

- support sustainable development,*
- secure any necessary and related infrastructure, facilities and services to meet needs generated by development, and*
- mitigate the impact of development ...'*

### **Main categories of planning obligations**

- 2.14 The areas which may need to be addressed through the use of legal agreements tend to fall under the following broad categories:

- affordable housing;
- transport and other infrastructure;
- tackling climate change and environmental impacts;
- works to streets and public spaces;
- community facilities and services, including education, health and open space;
- training, skills and regeneration; and
- community safety.

- 2.15 This list is not exhaustive and proposals can individually or cumulatively introduce a range of issues, requirements and potential impacts that may require the use of planning obligations to make them acceptable.

As proposals differ in terms of scale, nature, location and impacts the relative priorities of the areas listed above will differ on a case-by-case basis. What may be required will be established through the key policies and associated planning guidelines. When assessing the scope of planning obligations the Council will also take into account the range of other benefits provided by a particular development and financial viability issues.

- 2.16 Housing is the identified priority land use of the LDF and the delivery of affordable housing will be a high priority in terms of planning obligations. This also accords with the London Plan. The local impacts of individual and cumulative schemes on the local environment and local community infrastructure, and how they are designed and integrated physically and socially with existing neighbourhoods are also very important issues.
- 2.17 Where the impacts of a use and/or a design go beyond the boundary of the site then these will need to be addressed and this may be through the use of planning obligations. As Design and Access Statements will be required for most planning applications, these will be useful tools for developers to assess how their development integrates with local areas in terms of local streets, public spaces and local facilities.
- 2.18 In some cases developers may wish to argue as a background consideration that the economic viability of their development may be compromised by the range and/or scale of any obligations being sought. The Council will expect developers to co-operate on an “open book” basis to provide information to demonstrate these circumstances. Developers should always make themselves aware of the Councils policies at early stage, so that the policy requirements and potential cost of obligations is fully factored into any land purchase or development decisions.
- 2.19 The Council will take the implementation costs of any obligations into account and will expect there to be a neutral impact on Council expenditure and resources. Obligations may need to include fees or associated costs for delivery of obligations where such costs fall to the Council.
- 2.20 The Council encourages developers to initiate and carry out local consultation where appropriate and take into account local issues in drawing up their Design and Access Statements and detailed proposals. The use of forums such as the Development Management Forum can also be useful in presenting potential schemes and identifying local issues.
- 2.21 The use of planning obligations must be governed by the CIL regulations and Circular 05/2005 and the fundamental principle that planning permission may not be bought or sold. It is not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms. Nor is it legitimate to refuse an application that is acceptable on spatial planning grounds and

meets planning policy in other respects because an applicant is not willing to agree to provide unrelated benefits.

### **Expenditure of funds**

- 2.22 To enable the Council to make the most effective infrastructure provision and area enhancement as a result of financial contributions secured through legal agreements the Council will not normally accept clauses in agreements that place unrealistic time constraints on expenditure of funds. Projects such as transport infrastructure and schools can take many years to deliver. Rather, the Council's usual approach will be for the agreement to specify that monies should be spent on an agreed scope of works or projects and the Council wishes to work with developers and landowners to carry out those works in good time.
- 2.23 The Council will also look to work with developers and landowners to look at opportunities for contributions (and remaining balances from contributions) to be pooled and applied to complementary and beneficial works in the vicinity of the site that may be funded by other developers, the Council or other agencies. For example, this could mean contributions and unspent balances of funds for highways works might be used for other complementary highways or public realm works in that area.
- 2.24 This approach will enable an effective pooling of resources to carry out wider improvements or enhancements in the area of that development, and which can be of benefit to that development. The scope for spending these funds on other works will be agreed with the developer and will be reflected in the clauses of that agreement.

### **General Procedures**

#### **Pre-application stage**

- 2.25 The Council offers a formal pre-application advice service to assist potential applicants when proposals are being drawn up and applicants should familiarise themselves with related LDF policies and this supplementary guidance. The pre-application service will be useful in identifying areas that may be subject of planning obligations prior to submission of a planning application.
- 2.26 Where formally required, supporting documents such as a Design and Access Statement, an Environmental Statement and a Transport Assessment will be expected to consider the relevant range of impacts of the proposed development and set out measures proposed to deal with them. Indeed on larger development applicants will be expected to provide a statement setting out their planning obligations strategy.

#### **Application stage**

- 2.27 The final content and scope of planning obligations will be negotiated through the planning application process which will be carried out by the Council's Development Management Team. Applicants will be expected

to enter into an agreement based on the Council's model agreement and standard clauses.

- 2.28 Once an application is identified as potentially requiring planning obligations, the Council's legal team will be instructed to produce an early "without prejudice" draft for discussion. Applicants will be required to agree and submit items such as an undertaking in respect of costs, legal title and contact details as soon as possible in the application process.

#### **After planning permission has been granted**

- 2.29 When planning permission has been granted and the legal agreement issued, copies of the documentation will be forwarded to the Council's Planning Obligations officer. The officer will maintain a record of the planning obligation requirements and will monitor the implementation of the legal agreements signed by developer. It is important that notices of implementation, any plans, payments or other details required through a legal agreement should be sent to the planning obligations officer in the first instance.

#### **Costs and Charges relating to Planning Obligations**

- 2.30 As a principle the Council will seek to recover all of its costs in relation to the preparation and monitoring and processing of planning obligations and the work arising out of them. These charges fall into two categories –(i) those relating to work undertaken by legal and other officers in preparing the legal agreement containing the obligations ("Legal and Preparation Charges") and (ii) those relating to work undertaken by officers post completion of the Agreement in monitoring implementing and processing obligations contained in the agreement. ("Processing and Monitoring Charges").
- 2.31 All charges will be based on a standard Charging Schedule referencing the number and type of Heads of Terms in an Agreement. In terms of Legal and Preparation Charges these will be charged at a different rate for major and non major schemes. To facilitate preparation of agreements standard legal templates will be made available on the Camden web site to give an indication of the likely format of an agreement but the final drafting will be carried out by Camden Legal Services. More detail about the principles underpinning Processing and Monitoring Charges are set out in the paragraphs below.
- 2.32 Any changes to charges are subject to Cabinet approval and will be available through the Council's website. All charges will be payable at the time that a Section 106 agreement is completed

#### **Processing and Monitoring Charges**

- 2.33 The processing, monitoring and implementation of planning obligations after completion of the Agreement requires the input of significant Council resources. This relates to a range of activities which arise directly from the grant of planning permission for development and are

necessary to ensure that measures required to mitigate the development impacts are properly carried out. Costs associated with this work are distinct from any costs associated with processing a planning application and legal fees and in many cases will be ongoing after a development has been completed. Hence it is appropriate that charges relating to such obligations are borne by the developer.

2.34 Examples of activities carried out by the Council to facilitate planning obligations:

- Ensuring the details of all agreements are accurately recorded on a database and Monitoring agreements (including site visits to check for implementation, as necessary);
- Correspondence associated with requirements and payment of financial contributions (including index linked calculations);
- Receipt and monitoring of receipt of financial contributions and reminders/enforcement action taken if appropriate; and ensuring that contributions are spent in accordance with the terms of agreements including any expenditure deadlines;
- Coordinating and assessing discharge of both non-technical and technical plans and strategies (e.g. sustainability and energy efficiency plans);

2.35 The Processing and Monitoring Charges, have been established by taking into account financial and non-financial clauses and reflect the size and potential complexity of the agreement. In respect of very significant major schemes bespoke charges will be negotiated with reference to the scale and complexity of the agreement.

**(a) Minor schemes**

2.36 The Processing and Monitoring Charge per head of term is £365

**(b) Major Schemes**

2.37 The Processing and Monitoring Charge per head of term is £515

2.38 Both these charges will be subject to review and will be updated on an annual basis and subject to Cabinet approval.

2.39 Monitoring charges are payable upon scheme implementation.



### 3 Amenity

- 3.1 Development can be positive, but it can also have a significant environmental impact on the amenity of those who live near the development site. It can sometimes cause general nuisance and disturbance, vibration, noise pollution and dust pollution. Development can also have an impact on the surrounding landscape and biodiversity.
- 3.2 The negative impacts of development on amenity can be and short term and connected to the construction phase of the development, or they can be long term and connected to the day to day operation of the development. The negative impact of a development on the amenity of the surrounding area can normally be offset by good design, planning conditions and controls covered by other legislation.
- 3.3 Where these measures are not adequate to deal with the potential negative environmental impacts of a proposed development which is deemed generally acceptable, a S106 Agreement can be drawn up between the Council and the developer, requiring the developer to undertake certain actions to offset those impacts.
- 3.4 The Council will seek to manage the impact of development when considering a development proposal in line with Development Plan policies DP26 and DP28. However, certain aspects of demolition and construction have specific planning implications and may need to be addressed through planning conditions or planning obligations entered into through a Section 106 Agreement.



#### **Construction**

- 3.5 Where demolition and construction is likely to affect local amenity, it is better to consider the environmental impacts at the planning stage and seek ways to minimise them. Many concerns can be addressed through adoption of a co-operative stance between all parties involved and developers should refer to and utilise the Considerate Constructors Scheme.

- 3.6 Many of the environmental impacts of construction works are covered by specific legislation to control pollution, maintain clean air and minimise disturbance. Because of this and other controls small construction projects cause relatively minor amounts of local disturbance and in most cases will not require a section 106 agreement to deal with construction management. However, in the case of large construction and demolition works, planning obligations may be used to minimise the environmental impacts and address the consequences of construction (e.g. to manage construction traffic and/or reinstatement surfaces to a condition that existed prior to construction).
- 3.7 In most cases planning obligations will involve a demolition and/or construction management plan. Please refer to Camden Planning Guidance 6 Amenity, Section 8 for further detail on Construction Management Plans. In these plans the developer undertakes to carry out the demolition or construction works in strict accordance with a plan approved by the Council. The plan may include provisions for phasing, sequential development, management of waste, controlling noise and access during construction. When drawing up the construction or demolition management plan the developer will be required to consult with officers of the Council, the police and local residents and businesses. Local businesses could also be used to supply materials and services in relation to development and construction in order to minimise travel distances and transport costs.
- 3.8 The Council may require the developer to set up a Construction Community Working Group in order to discuss, advise and, where appropriate, make recommendations to the developer in relation to construction management. The Working Group should be made up of an appropriate number of representatives from local residents and/or business associations, a nominee of the Council and/or the Council's Culture and Environment Department, and a project manager and/or Liaison Officer who would act as a point of contact between the local community and the developer.
- 3.9 The Construction Community Working Group can have an input into a Construction or Demolition Plan or Method Statement for Construction, which the developer should submit for the approval of the Council before implementation. The plan or statement should cover the following:
- the programme for construction works;
  - site conditions;
  - erection of hoardings and scaffolding;
  - time of operations;
  - noisy activities;
  - time of deliveries;
  - dealing with construction traffic, vehicles and other likely traffic and parking issues;
  - temporary road and footway closures and surfacing reinstatement/repair proposals; and



- consideration of complaints from the business and residential community.

3.10 Construction should proceed at all times in accordance with this plan or Method Statement.

### **Construction waste**

3.11 The Council will seek to minimise the amount of waste generated by a development and to maximise the amount of waste that is reused or recycled. Developers should try to ensure that construction waste is minimised. Recycling of demolition waste can help reduce the amount of aggregates that have to be transported through London and contribute to the saving of resources.

3.12 Construction waste needs to be disposed of safely and the vicinity of the construction site should be kept in a clean and safe condition. The Council may require the developer to submit for approval a Construction Waste Management Plan separately, or as part an overall Construction and Demolition Plan, which the Developer will be obliged to follow during the period of construction.

### **Noise**

3.13 Noise pollution has a major effect on amenity and on quality of life in general. The Council will not grant permission for noise sensitive development in locations where there is noise pollution, unless appropriate attenuation measures are taken. Policy DP28 *Noise and vibration* sets out the acceptable thresholds for noise in relation to sensitive uses. If suitable separation cannot be achieved the Council will consider whether it is practical to control or reduce noise levels through the use of conditions, planning obligations or other environmental legislation.

3.14 Whilst design measures and planning conditions will often be sufficient to address noise impacts within the development site, planning obligations may require financial contributions to fund:

- noise mapping;
- noise monitoring to identify the number of people adversely affected by noise from road traffic and railways, and to validate noise levels calculated by noise mapping; and/or
- a post development survey to confirm that requisite measures have been implemented successfully.

3.15 In addition the Council may require a noise management plan through a legal agreement, which may require a developer to:

- put in place a scheme for the sound insulation of affected dwellings in order to safeguard amenity;

- reduce noise at source, e.g. by vehicle fleet selection to minimise noise generated by individual vehicles such as delivery lorries, cars and railway vehicles;
- implement off-site noise mitigation measures against traffic noise and vibration such as noise barriers and sound insulation of residential properties and other noise sensitive receivers;
- provide and maintain off-site tree and landscape buffers;
- put into operation a traffic management scheme to reduce road traffic noise; and/or
- work with the local highways authority to implement requisite highways works and a maintenance programme incorporating provision of quieter road surfaces, such as porous asphalt.

### **Contaminated land**

- 3.16 Contamination of the ground and underground water can affect human health, cause harm to the natural environment and damage buildings and underground services. The Council will require measures to remove unacceptable risk from contaminated land and thus make the site suitable for its new use by way of planning conditions.
- 3.17 Where a development includes any potentially contaminative uses the Council will expect proposals to be submitted to prevent future contamination of land or groundwater and may impose planning conditions to that effect. Land contamination issues must be fully addressed in any environmental assessment or statement to accompany a planning application.
- 3.18 For those developments in or adjacent to areas where objectives for land contamination are unlikely to be met by condition (i.e. where there is still a residual impact), the Council will require a S106 planning obligation. The planning obligation will be directed towards measures designed to deal with the contamination, including during construction works, and to make the site suitable for its intended use.
- 3.19 The Council may require a developer to provide a financial contribution for:
- site investigation and remediation works which would include any measures to prevent hazards arising from future use of the site and the disposal or containment of any contaminants;
  - for monitoring following the completion of the development, e.g. measuring gas or water contamination in boreholes or installing permanent monitoring equipment; and/or
  - a post-development survey to confirm that requisite measures have been implemented successfully.
- 3.20 A management plan may also be necessary requiring the maintenance of remedial works such as landscaping or water treatment facilities, or imposing restrictions on the land to minimise and control future potentially hazardous or contaminating development or use of the site.

## **Microclimate**

- 3.21 Large developments have the potential to change the microclimatic conditions in the surrounding area, for example by overshadowing a public space for large parts of the day, or by causing windy conditions around the development. The Council will expect that in the case of a development that has the potential to have an adverse effect on the environmental conditions in a nearby street or public space relevant attenuation measures should be integrated into the proposals.
- 3.22 On-site attenuation measures can also be specified in the planning conditions attached to a planning permission. The Council may require a developer to undertake an assessment (e.g. a wind assessment) of the development as part of the planning application submission. The developer may be required to integrate any findings or recommendations into the finished development. The Council may also require the developer to manage and maintain a development in accordance with an environmental plan, which may need to be approved as part of an application.
- 3.23 In certain cases the adverse effects of a development on the environmental conditions of the public spaces around and within the development may be attenuated by off site measures such as planting trees as a windbreak. Other off-site shading or shielding devices may be required to control or improve the environmental conditions in public and semi public spaces around the proposed development. The Council may require the developer to pay a financial contribution to secure these works.



## 4 Community facilities

- 4.1 Community facilities include childcare facilities, educational and training facilities, healthcare facilities, policing facilities, youth facilities, libraries, community halls, meeting spaces, places of worship, public conveniences and other uses in Use Class D1 that provide a service to the local community. Leisure facilities include cinemas, music venues, theatres, leisure centres, indoor and outdoor sports facilities and other similar uses.
- 4.2 Core Strategy policy CS10 – Supporting community facilities and services, sets out the Council’s overarching approach to protecting and providing the community facilities that meet the needs of Camden’s growing population. Development Policy DP15 – Community and leisure uses helps to deliver the Core Strategy by providing information about the detailed approach that will be taken to protect existing community and leisure facilities and the expectation that schemes which create additional demand for community facilities to make an appropriate contribution towards community facilities on-site or close to the development.



### **Educational contributions from residential developments**

- 4.3 Camden is a relatively small built up borough, with few opportunities for large scale housing developments. Whilst the number of children likely to be housed in individual schemes for new housing is often relatively small, the cumulative impact of these developments upon the Borough’s existing education places is significant, and each new dwelling created in the Borough places increased pressure upon education places and costs.
- 4.4 It is generally accepted that schools should not operate at 100% capacity as it is important to retain some level of surplus capacity to enable parental preference to be exercised. Surplus places are also required to cover fluctuations in the numbers of children requiring places due to, for example, the numbers and location of homeless families being temporarily housed, cross boundary movements, new statutory

requirements to include nursery provision which will affect some primary capacity and redevelopment of 'windfall sites'.

- 4.5 All residential development (Class "C3" of the Town and Country Planning Use Classes) including new build, change of use and conversion where the scheme results in a net increase of five or more dwelling units will normally be expected to provide a contribution towards education provision (except for those categories of development set out below).
- 4.6 The contribution sought will always be proportional to the number and size of dwellings proposed. Contributions will not be sought for single-bedroom or studio dwellings, as these are unlikely to provide accommodation for children. Where a scheme includes a mix of single-bedroom and larger units a contribution will only be sought for the larger units.
- 4.7 Contributions will also not be required from certain other types of residential accommodation:
- Student housing schemes (provided there is no child yield);
  - Specialist elderly housing and Housing in Multiple Occupation (e.g. for young, single people) which will not accommodate children; and
  - Affordable housing for rent or intermediate housing provided by a registered social landlord secured via planning obligations where the Council has 100% Council nomination rights where such accommodation generally houses children already resident and educated in the borough.
- 4.8 The contributions sought will not vary by the location of the development within the Borough as it is difficult to predict the age of children who will actually occupy new housing; because they may move through the Borough's education sectors, and because educational need arises and is planned for at Borough level. Figure 1 on page 23 shows the level of contribution sought for different sized units.
- 4.9 The contribution required from the development as a whole is calculated by multiplying the number of units of each size (excluding one bedroom units or units within the categories set out above), by the potential child yield and then the contribution required by each unit.
- 4.10 Education contributions will be used to improve capacity and expand education provision to accommodate additional children. Examples include providing additional education places, adapting and extending educational buildings and facilities (including nursery and reception classes), providing new schools or educational buildings, or purchasing new equipment required to meet additional demands. Funds may also be used for extra curricular facilities where local pressures arise e.g. related sports and after school clubs and play centres.
- 4.11 Contributions may also be built up over time and pooled in order to optimise their benefits and, until mainstream funding, grants and other revenue sources "catch up" with increased pupil numbers, may be

sought to pump prime initial revenue and maintenance costs. The Council will continue to monitor the situation in relation to education places and Borough capacity, and will update this guidance should the situation alter significantly in relation to supply of education spaces and facilities.

**Figure 1. Calculation of education contributions**

Unit type	Child yield per unit [1] [2]	Education sector [3]	Child yield by education sector	Child yield by sector	DCSF costs per school place [4]	Contribution by education sector	Total contribution per unit [2]
<b>2 bed</b>	0.14	<b>Primary</b>	0.50	0.07	£ 14,830	£ 1,038	
		<b>Secondary</b>	0.38	0.0532	£ 22,347	£ 1,189	
		<b>6th Form</b>	0.12	0.0168	£ 24,236	£ 407	
						£ 2,634	
<b>3 bed</b>	0.40	<b>Primary</b>	0.50	0.2	£ 14,830	£ 2,966	
		<b>Secondary</b>	0.38	0.152	£ 22,347	£ 3,397	
		<b>6th Form</b>	0.12	0.048	£ 24,236	£ 1,163	
						£ 7,526	
<b>4+ bed</b>	1.36	<b>Primary</b>	0.50	0.68	£ 14,830	£ 10,084	
		<b>Secondary</b>	0.38	0.5168	£ 22,347	£ 11,549	
		<b>6th Form</b>	0.12	0.1632	£ 24,236	£ 3,955	
						£ 25,589	

1. Based on information collected through the Camden Survey of New Housing 2002-2008.

2. Reduced by 16.6% to take account of children whose schooling is not met by Camden and the fact that the survey covers 15 year bands whereas schooling only covers 14 year bands.

3. Information taken from Camden School Organisation plans indicates that the balance of children and young people in Camden schools is split between the education sectors in these proportions.

4. Based on the Department for Education and Skills (DfES) established cost of education places in schools taken from 2008/2009. The new department of education has yet to update these figures and new cost figures will be incorporated into this formula as appropriate.

**Example A**

Conversion and extension of a large single family dwelling house to create:

- 2 x 1 bedroom units
- 2 x 2 bedroom units
- 2 x 3 bedroom units

This scheme results in a net increase of five units (and therefore requires a contribution as the threshold is net five or more units). No Child Yield will be presumed for one of the 3-bedroom units as the previous house may have previously been occupied by children. No contributions will be sought from the one-bedroom flats

2 x 2 bedroom flats	2 x £ 2,213	= £ 4,426
1 x 3 bedroom flat	1 x £ 6,322	= £ 6,322
Total		= £ 10,748

**Example B**

New build scheme providing 30 units comprising:

- 8 x 1 bedroom units (4 affordable)
- 16 x 2 bedroom units (8 affordable)
- 4 x 3 bedroom units (2 affordable)
- 2 x 4 bedroom units (1 affordable)

No Child Yield would be presumed for the 8 one-bedroom units. No contribution will normally be sought from affordable housing units (as long as they are secured and protected through a planning obligation and have 100% local authority nomination rights).

8 x 2 bedroom units	8 x £ 2,213	= £ 17,704
2 x 3 bedroom units	2 x £ 6,322	= £ 12,644
1 x 4 bedroom units	1 x £ 21,494	= £ 21,494
Total		= £ 51,842





### **Other Community facilities**

- 4.12 There are a number of community centres and recreation facilities including meeting halls and spaces, libraries and indoor sports halls across Camden, and such centres provide an important component of daily life for a significant section of the population. These can help to enhance quality of life, improve personal health and well being, deliver a sense of community and help to reduce crime.
- 4.13 New residential or commercial development which generates or attracts significant numbers of people to an area may require new provision or lead to an increased demand on existing community facilities near to a site. The provision of these facilities is important in supporting new growth as recognised in planning policies.
- 4.14 Depending on the scale of development, an appropriate level of provision or contribution towards existing or new facilities may be sought and will be determined by considering the likely increase in demand for community facilities resulting from a development and the effect that this will have on existing provision.
- 4.15 Obligations and contributions will not generally be sought for developments of less than 10 residential units or 1,000sq m of floor space. The requirements for community facilities generated by developments will vary and contributions will be sought on the basis set out in the table on page 26.
- 4.16 In exceptional cases 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 it to be provided on the development site. Where this is not possible the Council will seek a financial contribution based on the cost of provision of a replacement facility. In cases where a community facility is provided or a contribution is made, the Council will prescribe a specification for the building to facilitate the occupation by community groups, which may include subsidised rents.

**Figure 2. Contributions towards community facilities**

<b>Development</b>	<b>Contribution</b>	<b>Use of funds</b>
General needs housing - developments including market and affordable housing which will result in an increase of 10 or more residential units where onsite community facilities are not provided	£980 per bedroom[1]	Funds are used by Camden Regeneration and Partnerships Team to contribute to improvement to community buildings and facilities within the vicinity of the development.  Funds may be combined with other funds (including lottery and charitable funds) to increase the value of the community benefit obtained.
Student housing and hostels which will result in an increase of 10 or more student bedspaces. The Council will make as assessment looking at the number of units and whether onsite facilities are provided	<b>Onsite</b> A minimum of 1 sq m per bedroom of indoor community space to be provided as common rooms, quiet study area, indoor sports facility[2] <b>Offsite</b> Where facilities are not provided £980 per bedroom[3] will be required (or a pro rata contribution where on site insufficient).	Funds are used to improve facilities in the vicinity of the development which would be relevant to students living in the scheme, including indoor sports, libraries and community centres where they provide services relevant to young adults
Major mixed use or commercial developments (more than 1,000 sq m) where on site community facilities are not provided	Contributions will be negotiated on a case by case basis relating to the needs generated by the development.	Funds will be used to improve facilities in the vicinity of the development site.

1. Requirement per bedspace = 0.2 sq m x £4,900 per sq m = £980

One bedspace generates the need for 0.2 sq m multi-purpose community space (derived from the Camden Infrastructure Study, based on average space requirement per 1000 people used by 8 local planning authorities in the south east. Similar figure (0.16 sq m per person) can be derived from assessment that 1000 people require 1/3 of a community centre and assuming average 500 sq m GIA)

Build cost per square metre of community facilities is £4,900 (derived from actual build cost including fees and VAT of extensions at five Camden community buildings 2008 – 2010)

2. Most student housing schemes in Camden include some onsite amenity space. No space standards exist for community use provision in student accommodation. 1sq m is a minimum standard for onsite provision based on an analysis of existing student accommodation schemes in Camden.

3. As per build costs for general needs housing

## **Contributions to healthcare**

- 4.17 New development can lead to an increase in demand for new health care provision and put pressure on existing facilities and capacity to meet the health care needs of local residents, workers and visitors to the borough. It is appropriate for those carrying out major new development in Camden to make a contribution towards the provision of health care, particularly local primary health care, if development generates or increases pressures on existing facilities.
- 4.18 This contribution could be financial and is likely to be pooled with similar contributions. For schemes of more strategic importance or involving the replacement of health facilities, it may involve the direct (re)provision of health facilities within or near a proposed development site.
- 4.19 To assess and establish an appropriate level and type of obligation including financial contributions to mitigate any health care impacts, the Council will consult with a range of statutory healthcare providers in the area to identify the healthcare needs likely to be generated by a development.
- 4.20 It will also have regard to the model commissioned by the NHS Healthy Urban Development Unit (HUDU) and produced by Matrix Research and Consultancy ([www.healthyurbandevelopment.nhs.uk](http://www.healthyurbandevelopment.nhs.uk)). The HUDU model is designed to forecast at a high level the health demand that might result from a new residential development and subsequent cost of provision. Obligations and contributions will not generally be sought for developments of less than 50 residential units but local circumstances will need to be assessed, e.g. loss of health facilities.
- 4.21 In schemes of more strategic importance where significant numbers of visitors or workers are going to be generated, in addition to a new residential population, there will be a need for developers to carry out an assessment of the health implications of the development and its impact on local health services.



## 5 Design

- 5.1 The Council's planning policies seek to ensure that Camden's places and buildings are attractive, safe, healthy and easy to use. Core Strategy policy CS14 - *Promoting high quality places and conserving our heritage* requires development to be of the highest standard of design that respects local context and character, including improving the spaces around buildings and achieving high quality landscaping in schemes. More information about our detailed approach to the design of new developments and alterations and extensions can be found in Development Policy DP24 - *Securing high quality design*.
- 5.2 The Core Strategy also sets out our approach to other matters related to design, such as tackling climate change through promoting higher standards (CS13), the importance of community safety and security (CS17) and protecting amenity from new development (CS5). Further guidance on design is contained in our Camden Planning Guidance 1 – Design

### **Landscaping**

- 5.3 There is a general need for more greenery in the borough and to enhance wildlife habitats in the urban environment. Planning obligations may be required for landscaping and planting if the potential impacts of a development on nearby parks and other green spaces are substantial enough to require mitigation measures.
- 5.4 Landscaping is an essential element of design. If high quality landscaping cannot be provided on-site or enhancements carried out to affected landscaping of value, either on or off site, works in kind or a financial contribution may be required by way of a legal agreement for the appropriate compensatory or mitigating landscaping works.
- 5.5 The Council will specify the scope of the requisite measures and will calculate the cost of new planting, new features and associated works based on the cost of implementation by Council contractors. As part of a Section 106 Agreement the Council may require a developer to submit for approval a landscape management plan setting out measures and standards in relation to the management and maintenance of affected wildlife habitats and/or landscapes.

### **Works to streets, highways and public realm**

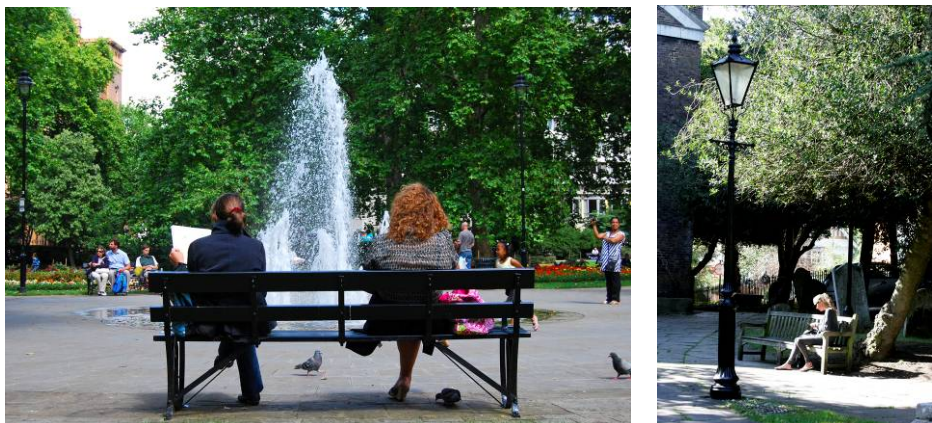
- 5.6 A whole range of developments may require works to be carried out to the surrounding streets and public spaces to ensure that the site can be safely accessed, and to allow a new development to properly and safely function. Some works may also need to be carried out to mitigate the impacts of development and could include the following:

**Site accessibility improvements**

- a connection to a public highway;
- alterations and improvements to junctions;
- new or improved footways and pedestrian facilities;
- new or improved cycle routes and cycle stands;
- new traffic islands/refuges;
- pavement reinstatement and resurfacing;
- new or improved crossings and traffic control signals;
- crossovers;
- road closures / stopping up;
- road realignment and/or widening;
- bridge works;
- traffic reduction and calming measures e.g. clear zone strategy, “Home zones” and “safer routes to schools” initiatives;
- parking management schemes/revisions to a CPZ;
- Traffic Regulation Orders, e.g. loading areas;
- shopmobility and scootability schemes (loan of scooters or electric wheelchairs to assist movement in the area around a home or destination from the initial point of arrival); and
- works and improvements to canals and waterways.

**Public space improvement hard and soft landscaping treatment**

- retention, repair and reinstatement of historic surface treatments;
- making access to new development easier and safer for disabled people;
- trees on streets, public or private open spaces;
- street furniture (in some cases removal/rationalisation of street furniture would be appropriate);
- improved street lighting;
- associated signage;
- public art – either within public areas or on private land visible from the street;
- CCTV;
- associated drainage works;
- specific site related conservation area enhancement; and
- specific area initiatives, e.g. town centre improvements, canal towpath improvements.



### **Highway works**

- 5.7 The Council, as the local highways authority, is responsible for the maintenance, safety and quality of the borough's roads and highways and other adopted public spaces. It will determine how highway and/or other related works should be designed and implemented, in consultation with developers, to ensure that they are carried out in accordance with Council procedures and standards. Developers should refer to the Council's Streetscape Design Manual. (Note: the Transport for London Road Network is the exception where TfL are the highway Authority).

### **Level plans**

- 5.8 The design of any development needs to take account of the surrounding topography and in particular the levels of site where it adjoins the public highway. The Council will not adjust highway levels to meet accesses that do not sit at the required level. It will be a requirement of a Section 106/278 agreement for the developer to submit level plans to the Council for approval prior to implementation. These plans will need show existing and proposed levels for channel, top of kerb, back of footway and any other features of relevance. They will also need to clearly show that any accesses or adjoining open areas will match the back of footway levels required.

### **Agreement of highway works**

- 5.9 There are two main ways for public highways works on Borough Roads to be undertaken through a section 106 / 278 obligation. The Council can design and carry out these works at the developer's expense; or the developer can (with the Council's agreement) design the works themselves to a specification set by the Council. The Council will then undertake these works at the developer's expense. Occasionally where very minor works are involved, the Council may allow the developer to undertake the works on the Council's behalf (under Council supervision).
- 5.10 In both cases, the Council will exercise control over the design of the works and be involved in the implementation of the scheme. Any works

which will or may affect the structural integrity of the highway requires approval and inspection by the Engineering Service's structural engineers. Works may be subject to a formal Approval in Principle under highways legislation. For more information and advice please contact the Council's Engineering Service on 020 7974 5138.

- 5.11 In very limited circumstances (e.g. where a Borough Road is not maintainable at the public expense, or in large scale developments), a scheme could be designed and implemented by the developer, although the Council's Engineering Service would still need to instruct and approve the scheme. The Council will always have the right to intervene (at the developer's expense) if any works are not to the Council's reasonable satisfaction.
- 5.12 For planning applications located on or affecting GLA roads (Transport for London Network - TLRN), the local planning authority will consult with Transport for London regarding the suitability of the proposed scheme. Where the development would involve an alteration to or a new access onto the TLRN, Transport for London has ultimate responsibility for indicating what is acceptable.
- 5.13 The particular approach to be followed will need to be agreed with the Council before the obligation can be completed. In all cases the works will need to be completed within an agreed timescale. In some situations where highway works are necessary to allow the development to commence, the works will need to be completed before the works approved by the planning permission are started though in many circumstances any highways or public realm works will tend to follow on from the main construction.

#### **Payment for highways works**

- 5.14 The Council will secure payment of required works by preparing an estimate (including fees) for the scheme that the developer will be required to pay before commencing development. It is inevitable that, sometimes, unforeseen costs can arise during more detailed design and implementation. The agreement can provide for a subsequent adjustment to be made if actual costs exceed the amount paid, up to a maximum figure, usually agreed through the planning obligation.
- 5.15 The Council will provide an indicative cost of the proposed works prior to the determination of the application and this will be included in the agreement. On completion of the works the Council will certify how much money was expended in undertaking the works.
- 5.16 If the expenditure exceeds the contribution paid through the s106 agreement, the Council will require the developer to pay the excess amount. An option may be for developers to pay a one-off negotiated returnable bond or contingency sum in addition to the estimated cost, the size of which will be based on the nature, scale and risk associated with the particular works (e.g. up to 60% as per HM Treasury Green Book guidance).



- 5.17 If the contribution is not fully utilised and the agreement of the developer or landowner has not been obtained so that funds can be spent on complementary and similar works in the vicinity of the site, then the Council will repay any unspent monies.
- 5.18 Scheme costings include design, supervision and contract fees will be indexed linked from the date the agreement is signed. The developer will also be required to pay the Council's costs in respect of any necessary traffic management orders or other appropriate costs related to the works.
- 5.19 In occasional situations, it may be appropriate for other accountable parties to implement works or expend funds under the supervision of the Council. Examples of this may include works to canals/waterways or other areas of land over which the Council does not have control.

### **Public Art**

- 5.20 The Council encourages the use of public art, either as a permanent or temporary feature, within the urban design process. Public art can be a catalyst for improved environmental quality by upgrading and animating public space, enhancing local character and identity through helping create a 'sense of place', and promoting better visual 'legibility' of the local area by contributing to more recognisable and distinctive places and townscape.
- 5.21 Public art can also serve as an emblem of civic pride or corporate image. It can further improve the marketability of a property and add to the process of urban regeneration. In this sense public art can be seen, both in the short and long term, to add value to a development and to enhance the visual quality of an area.
- 5.22 Examples could include painting, sculpture, photography, film and video, projections, installations, murals, tapestry, decorative ironwork, glass engravings, street and performance art, and elements integral to buildings and surrounding public spaces themselves. Many developers will be committed to public art and high quality design and will positively incorporate public art plans and works when new major developments are being designed and commissioned.



- 5.23 A new development, particularly one which is large enough to attract significant numbers of visitors or to change its context, may be expected to incorporate public art as part of the necessary measures proposed to enhance public spaces and the surrounding townscape. Public art initiatives may be provided or funded either through the use of section 106 agreement or planning conditions.
- 5.24 The Council will only seek a planning obligation in circumstances which are appropriate and directly related to the proposed development, and where it is not possible to deal with the matter through the imposition of a planning condition. The circumstances where an agreement may be required will be determined by factors such as the precise location, nature and scale of a development, taking into account the nature of the site, the scale of associated public realm schemes and the extent of public accessibility.

### **Community Safety**

- 5.25 Achieving community safety in all new developments is an important objective for the Council which is reflected in Core Strategy policy CS17 – Making Camden a safer place. Crime preventive design is an important aspect of achieving community safety and should be considered from the earliest stages of a development proposal and integrated into the design. More information on designing safer environments is provided in CPG1 – Design, chapter 09. Designing safer environments.
- 5.26 Where an otherwise acceptable development could have potentially negative impacts on local community safety, either through its uses or hours of operation, or its design, the Council will require the developer to undertake or fund appropriate and related works or measures to minimise these impacts, which will be secured through a Section 106 Agreement.
- 5.27 Developments of the following types may require a planning obligation to address community safety issues:
- New proposals (generally those considered “major” or over 1000 square metres) for leisure facilities and venues including uses such as gyms, leisure centres and cinemas that are likely to operate late at night. Any development proposals for entertainment venues will be expected to contribute to improving local safety (e.g. through CCTV coverage);
  - Most cafes, restaurants, public houses and clubs with late night opening (generally those that could hold 100 or more people). With applications for new licensed premises (including clubs), the use of security measures around entrances and vicinity management may be required. This will be especially important in the areas identified as having relatively high levels of crime;
  - Major town centre and high street developments including retail, hotel, office and mixed use developments that may be open into the

night and/or are substantial enough to generate significant increases in visitor numbers and use of local public transport facilities;

- Major residential developments (over 10 units) that suffer from poor public transport accessibility and/or poor pedestrian routes and linkages to public transport facilities, local shops and community facilities;
- Developments located in the vicinity of a canal or waterway; and
- Developments that have specific user or design requirements, such as secured rear servicing, that have implications for the quality of pedestrian routes and streets (e.g. high, blank walls and blank elevations).

5.28 Planning obligations (which could take the form of financial or non-financial agreements) may be sought to address a range of issues including:

- Improving and creating safer routes for pedestrians directly serving and in the vicinity of the development;
- Improving and creating safer routes for cyclists directly serving and in the vicinity of the development;
- Improvement or provision of lighting to established or proposed pedestrian routes and cycle routes to make them safer;
- Rerouting of or controlling access to underused and potentially dangerous paths and links such as subways and alleyways which serve a limited purpose;
- Improvements to housing estates in the vicinity of the development at risk of an increase of Anti social behaviour and crime as a result of it;
- Environmental improvements that contribute towards improving safety in town centres, Central London areas and other areas affected by a development, e.g. landscaping works to improve visibility and removing areas of concealment;
- Improvements to the accessibility, safety and quality of transport infrastructure and facilities serving the development;
- Works to improve the accessibility and safety of waterways and towpaths in the vicinity of the development;
- Community initiatives which may form one strand of crime prevention e.g. youth projects, provision of community safety officers/street wardens;
- Safety improvements to existing or proposed public facilities and car parks where new developments may be located; and
- Providing new and supplementing existing CCTV schemes including management and maintenance.

5.29 The provision of local management plans including community safety management plans to manage the impact of the development on the surroundings. This could include plans for the construction and/or post construction phases of the development.

## Development involving heritage assets

- 5.30 Camden has a rich architectural heritage with many special places and buildings from many different eras in the area's history. These places and buildings add to the quality of our lives by giving a sense of local distinctiveness, identity and history. Core Strategy policy CS14 - *Promoting high quality places and conserving our heritage* and Development Policy DP25 – *Conserving Camden's Heritage* recognise our responsibility to preserve and enhance the Borough's heritage assets. Further guidance on how these policies will be applied is provided in Camden planning Guidance 1 – Design, in particular chapter 2 - Heritage.



- 5.31 Many of the potential impacts of development on historic buildings and in archaeological priority and conservation areas can be covered through design and by conditions on the planning permission, for example the need to carry out surveys or the storage and restoration of artefacts. Some objectives for building and area conservation or archaeology may not be satisfactorily controlled by a condition. Where impacts are off-site, or involve a particularly sensitive or complex programme of works, involving phasing, the Council may require implementation of these measures through a Section 106 Agreement. This would be in accordance with policy DP25.
- 5.32 Depending on the nature of the scheme, the Council may require a developer to:
- put measures in place so that work can be stopped if the developer finds some archaeological artefacts during construction;
  - provide, implement and maintain a suitable historic landscape management plan;
  - draw up a listed building or conservation maintenance, repair and/or management plan;
  - provide and implement a restoration scheme for historic buildings and features perhaps to a set timescale and an agreed specification;
  - provide and financially support an information centre including the resourcing of staff;

- carefully record, remove, store, display and maintain specifically identified artefacts or remnants from demolition as part of a new development or in another location;
- safeguard in perpetuity an area containing significant remains and incorporate it into the design of the scheme and allow and manage public access;
- undertake and complete specified works prior to implementation or occupation of any new or enabling development; and
- carry out related surveys.

5.33 A financial contribution or works in kind may also be required for a range of works. For example:

- to secure the investigation and protection of archaeological remains and ancient monuments in advance of development;
- to investigate, record and remove any archaeological finds and/or allow and manage public access;
- to reinstate and repair historic features (such as streetlights, bollards and surfaces, such as granite setts, cobblestones and York stone paving) directly affected by the development and its construction impacts;
- off-site improvements, for example installing new paving, lighting or bollards to complement and enhance conservation areas and existing features and, furniture and surface materials; and
- improvements and enhancement of canals and other industrial heritage feature.



## 7 Sustainability

- 7.1 Promoting a sustainable Camden is an integral element of our Local Development Framework strategy. Core Strategy policy CS13 - *Tackling climate change through promoting higher environmental standards* sets out a key part of our overall approach to tackling climate change, which includes promoting higher environmental standards in design and construction.
- 7.2 Core Strategy policy CS13 states that the Council will have regard to the costs and feasibility of measures to tackle climate change within developments (paragraph 13.4). This approach also applies to policy DP22. We will also take into account the cumulative costs of not responding to the need to mitigate and adapt to climate change as well as the long term cost savings, such as on energy and water bills, to future occupiers. Measures to tackle climate change are integral in the development process and are a priority of the Council, therefore, they should not be seen as 'add-ons'. They are an essential element of sustainable development. For further information on ways to achieve carbon reductions and more sustainable developments please refer to Camden Planning Guidance note 3 – Sustainability.



### **Biodiversity/habitats;**

- 7.3 Planning obligations may be used to require developers to carry out works to secure or reinstate existing habitat features, enhance existing features, create new features or to undertake habitat creation schemes. In those very exceptional cases where a developer cannot protect an ecological habitat adjacent to or within the boundaries of the site and in other respects the development is acceptable they will be required to provide an alternative compensatory measure of equal or greater value. These measures could be land off-site on which the Council or other responsible agency can carry out works and recover the reasonable costs from the developer, or assistance in enlarging or enhancing existing nature conservation assets and habitats and make provision for maintenance of the site.

- 7.4 A planning obligation may also be appropriate where additional monitoring or survey work is considered necessary to confirm that relevant environmental measures have been implemented successfully. Some developments may result in increased activity and affect the value of areas of nature conservation merit adjacent to or within the site. In certain circumstances legal agreements may be appropriate to restrict types and hours of activities and development rights. They may also be used to control access so as not to damage or harm existing features and to make proper provision for the long-term maintenance of directly affected sites

### **Sustainable Design and Construction**

- 7.5 Policy DP22 – *Promoting sustainable design and construction* contributes towards delivering the strategy in policy CS13 by providing detail of the sustainability standards we will expect development to meet. Meeting the requirements for sustainable design and construction is often achieved in the detailed design or construction phases. Normally, requirements for environmental design will be dealt with using conditions, but in some circumstances, a Section 106 agreement may be required to secure an environmental assessment of the proposed development carried out by an impartial assessment body or a sustainability plan to provide and maintain the highest environmental standards of development.
- 7.6 If they cannot be implemented through the approved design or satisfactorily secured through conditions, the following design features may be specified through a sustainability plan required to be submitted as part of a s106 Agreement:
- energy efficient design measures;
  - renewable energy facilities;
  - waste and recycling storage facilities;
  - water retention and recycling facilities;
  - heating or cooling systems;
  - internal water consumption levels; and
  - materials sourcing proportions.
- 7.7 Other specific management plans may normally be required through a condition of a planning approval. However, some proposals or aspects of a proposal might generate a requirement for a management plan to deal with some of the following issues, depending on the scale, nature and location of the scheme:
- waste management;
  - energy including renewable energy on site and energy efficiency;
  - facilities management;
  - construction and demolition;
  - water efficiency;



- Sustainable Drainage Systems (SUDs)
- community safety;
- contamination;
- hazardous substances; and
- biodiversity.

This list is not exhaustive, and the requirements will be relevant, proportionate and related to the specific nature and potential impacts of the development proposed.

- 7.8 Camden Planning Guidance 3, Sustainability provides further detail on the appropriate standards for different types of development – BREEAM, Ecohomes or the Code for Sustainable Homes. A Section 106 Agreement may be used by the Council to require the developer to carry out and submit a post-construction review to ensure that the development has met the criteria which were approved earlier as part of the estimate and design stage assessments. The Council will not permit occupation of the development until a satisfactory post-construction review has been provided and any issues identified in that review have been satisfactorily addressed

### **Decentralised energy networks**

- 7.9 Developments are expected to connect to a decentralised energy network and use the heat, unless developers can demonstrate it is not technically feasible or financially viable. Developers should use guidance in CPG3 – Sustainability chapter 5, to determine whether connection to a decentralised energy network, a combined heat and power plant or a contribution towards a decentralised energy network will be expected.
- 7.10 Where appropriate s106 agreements will be used to secure:
- the installation of CHP/CCHP and the generation and use of energy;
  - details that ensure the plant and its operation is carbon dioxide efficient with regards to operating hours, compatibility with the need (amount and timing) for heat, and requirements for a heat store;
  - details that ensure the design of the heating system is compatible with any nearby decentralised energy network;
  - the export of heat, cooling and/or electricity;
  - development use heat, cooling and or electricity from a decentralised energy network;
  - sufficient space is provided for future plant, heat exchanges, connection points to either generate, export and take heat, cooling and/or electricity; and
  - a financial contribution towards future decentralised energy networks.

- 7.11 The financial contribution expected will be in line with the following table taken from CPG 3 - Sustainability (chapter 5):

<b>Size of development</b>	<b>Residential (per dwelling) or per 300sq m of non-residential floorspace</b>
Over 20 storeys	£2,800
8-20	£2,500
5-7	£2,800
3-4	£4,100
2-3	£5,300
Single dwelling houses or Single storey commercial developments	£8,600

Source: Community energy: Urban planning for a low carbon future

## 8 Employment and business support

- 8.1 Local businesses can provide employment for local people and new business development can benefit the local economy and existing businesses through the use of local shops, facilities and services. Core Strategy Policy CS8 – *Promoting a successful and inclusive Camden economy* and Development Policy DP13 – *Employment premises and sites* aims to ensure that the borough’s economy will be strong and diverse and that Camden’s residents can play a role in this by supporting training and employment opportunities.
- 8.2 There is an identified skills gap between Camden residents and the jobs on offer in the Borough. Currently, only 23% of the workforce in Camden is resident in the Borough. Local employment and training initiatives can open up job opportunities for people from many sectors of the community, who may otherwise find it difficult to access employment offered by existing and new businesses, helping to bridge the identified skills gap.
- 8.3 The Council may require developers to assist with training and employment initiatives via section 106 Agreements where the development impacts on the availability of jobs for Camden residents, including the following types of development:
- Any commercial land use where the proposed development could offer local employment opportunities, or would have the potential to provide it on account of its floorspace (i.e. greater than 1000 square metres or 50 jobs);
  - A development in a location where there are identified employment and training issues (e.g. higher than Borough-average levels of unemployment, lower than Borough-average levels of skills/education attainment);
  - Where major developments result in the loss or displacement of existing employment opportunities; and
  - Major infrastructure or development projects involving significant construction contracts (e.g. over £3 million).
- 8.4 A financial contribution to assist local residents to receive training in the skills that would enable them to access the types of job created by new development may be sought. These monies will be held by the Council and used in suitable partnership projects with recognised training and employment organisations and partnerships.
- 8.5 The contributions would be paid to the Council and then allocated by the Council’s Economic Development Team to a recognised local and/or specialist training provider. Alternatively, developers and/or occupiers of development may, in conjunction with the Council’s Economic Development Team, be able to develop and offer tailored in-house training or work experience schemes for local residents (this could be offered through local schools and colleges).

- 8.6 Developers may need to provide a financial contribution to support the employment and training elements of local regeneration initiatives or partnerships. This could extend to funding or providing construction training opportunities for local residents related to a development, either through recognised local initiatives or partnerships (e.g. Kings Cross Construction Skills Centre), or through in-house training schemes operated by their contractors and agreed with the Council's Economic Development Team.
- 8.7 Measures will also be sought to maximise the opportunities offered by new major developments for local residents and local businesses that might be affected. Developers and occupiers of new development will be strongly encouraged to put in place measures to seek to recruit widely from Camden's resident population, for example by registering all vacancies with the local Job Centre, by advertising in the local press and running local recruitment events.

### **Developments which result in a loss of employment space**

- 8.8 Policies CS8 and DP13 aim to protect employment sites which provide employment opportunities. However, in exceptional circumstances we may agree that change of use is acceptable. In these circumstances, where the loss of employment use can be expected to result in a reduction of job opportunities for Camden residents, developers may be required to contribute towards training and employment measures to enable Camden residents to access alternative employment.
- 8.9 In line with paragraph 13.11 of Policy DP13, the term 'business' and 'employment' refer to B1, B2, B8 uses and other sui generis uses of a similar nature.
- 8.10 A contribution will only be sought in cases where:
- the net loss of employment space is 500sq m or more;
  - where the building is occupied by a commercial tenant or has only recently been vacated; and
  - the building has design features which make it suitable for continued employment use.
- 8.11 The calculation will take account of the proposed alternative use of the floorspace, such as for education or training use, and whether this use can be expected to create employment or training opportunities for Camden residents.
- 8.12 The planning obligation for loss of employment floorspace will be based on the following formula:

Gross employment floorspace lost / 19sqm (space requirement per full time employee) = full time jobs lost.  
 Full time jobs lost x 23% [% of Camden residents in the workforce] x £2,750 [cost to provide training per employee] = contribution

These figures will be subject to review and may be updated to reflect the latest information.

#### **Worked example 1: Change of use from employment to residential**

- 8.13 If the existing building provides 1,000sqm of employment floorspace and a change of use to residential is proposed, we will expect a contribution of £33,000 to cover training and employment support measures.

Net fulltime jobs lost, in this case the no. of full time jobs expected if use continues:

$1000\text{sqm} / 19\text{sqm} = 53$  FT jobs lost (floorspace / avg space per worker):

No. of jobs lost which would be expected to be filled by Camden residents:  
 $53 \times 23\% = 12$  jobs (FT jobs lost  $\times$  23%)

Cost of retraining and supporting number of Camden residents who would be expected to be employed in former use:

$12 \times \text{£}2,750 = \text{£}33,000$  (No. of jobs lost which would be expected to be filled by Camden residents multiplied by retraining costs)

#### **Worked example 2: Change of use from employment to hotel**

- 8.14 If the existing building provides 4,000sqm of employment floorspace and a change of use to hotel is proposed we will expect a contribution of £101,750 to cover employment training. This takes account of the hotel use providing 50 FTE jobs.

The contribution required would recognise that the hotel would generate some employment opportunities for Camden residents but the number of full time jobs created would be less than if the building remained in its former use. The contribution is based on the difference between the number of jobs expected to be supported if a building remained in its existing employment generating use and the number of jobs expected to be generated by the hotel use.

No. of full time jobs expected in an employment generating use (floorspace / avg space per worker):  
 $4,000 / 19 = 211$  FT jobs

Net job lost (FT jobs expected in employment use minus FT jobs in new (hotel) use):  
 $211 - 50 = 161$  FT jobs

No. of net jobs lost expected to be filled by Camden residents (net loss of FT jobs  $\times$  23% [% of Camden residents in the workforce]):  $161 \times 23\% = 37$  jobs

Cost of retraining and supporting number of Camden residents who would be expected to be employed in former use:  $37 \times \text{£}2,750 = \text{£}101,750$  (No. of jobs expected to be filled by Camden residents multiplied by retraining costs)

#### **Employment and local procurement during construction**

- 8.15 In line with Core Strategy Policy CS8, large schemes are expected to produce an Employment and Training Strategy which will be secured through a S106 agreement. This applies to all major developments

which will result in an increase of 1,000 sq m or more employment space, including office, hotel and retail developments.

- 8.16 The strategy will involve the developer/point of contact meeting with Camden Council and their nominated partner at pre-tender stage/pre-implementation to discuss an Employment and Skills Plan for every phase of the development and liaising with local employment providers to fill vacancies.
- 8.17 Developments over £3 million will be required to recruit one construction apprentice through Camden Council, or its nominated partner, for every £3million of build where the length of the project allows (generally, where the contract is 52 weeks or more) A support fee of £1,500 per apprentice placement will also be payable in order to cover:
- pre-employment;
  - recruitment process;
  - training provider brokerage; and
  - post-employment mentoring and support.
- 8.18 Where the length of the project/build does not allow for an apprenticeship placement, a £7,000 fee per apprentice will be payable to allow for the creation of training opportunities elsewhere in the borough.
- 8.19 Developers will also be required through a legal agreement to sign up to the Camden Local Procurement Code where the value of the scheme exceeds £1,000,000. This will involve the developer/point of contact meeting with Camden Council and their nominated partner prior to the implementation of their scheme to discuss potential for local businesses becoming part of the supply chain and to draw up a Local Procurement plan in line with the Local Procurement Code.

### **Employment in development after completion**

- 8.20 Camden Council encourages the creation of apprenticeships and training placements to help to close the skills gaps between the jobs on offer in the borough and the skills of the local workforce, allowing companies to recruit and retain local people into work. This approach is supported through policy CS8 of the LDF and applies to major commercial developments which will result in a NET increase of 1,000sq m or more of employment space including office, hotel and leisure developments.
- 8.21 The Council will seek to negotiate a s106 contribution to be used by the Council's Economic Development service to support training and provide employment advice to help local residents access local jobs and to support local procurement initiatives in Camden. The contribution is lower than for developments involving a loss of employment space. To reflect the fact these developments are providing new employment opportunities will be calculated as follows:

**Employment space**

Net increase in floorspace / 19sqm [space requirement per full time employee]  
= full time jobs created

Full time jobs created x 23% [%of Camden residents in the workforce] x 35 [%  
of employees requiring training] x £1,500 [£ per employee requiring training]

**Hospitality**

No of bedrooms / 0.5 [number of employees per bedroom] = full time jobs  
created

Full time jobs created x 23% [%of Camden residents in the workforce] x 35 [%  
of employees requiring training] x £1,500 [£ per employee requiring training]

Note: The cost of employment and recruitment training and support per employee is based on the amount asked for by KX construction centre (£1,500)

- 8.22 Where the end use occupier is known, as part of the s106 we will seek an agreement with the developer to provide a specified number of apprentice or trainee places within the development. Where the end use occupier is not known, the Council will seek an agreement to ensure that its aims and objectives, in respect of employment and skills, are promoted by brokering a meeting between the new occupier and the Economic Development team.





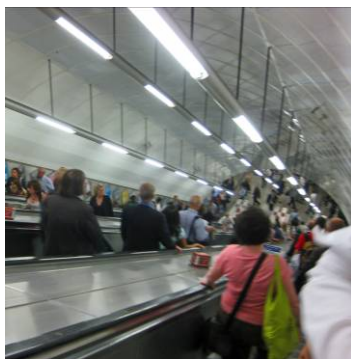
## 10 Transport

### Car free and car capped housing

- 10.1 In order to encourage use of other types of transport and reduce parking stress the Council will use legal agreements to make development car free or car capped. This will limit the number of new residents from being able to obtain on-street parking permits.
- 10.2 Agreements will require the owner of the property to inform the Council's Planning Obligations officer in writing of the official postal address of the property and to clearly identify the car free units before the development is occupied. The owner will also be required to inform any occupants of the property of any car free restrictions. Please refer to the Guidance note on car free and car capped developments for an explanation why the Council imposes these restrictions.
- 10.3 Once planning permission is granted which includes a car free restriction, a copy of the agreement will be passed to the Council's permit issuing team who will maintain a record of properties excluded from obtaining a parking permit. In cases where part of the property is subject to a car free restriction no parking permits will be issued until the owner or developer has clarified in writing with the Council's Planning Obligations officer the official postal address of the property and identified the unit(s) to which the car free restriction applies.

### Travel plans

- 10.4 The Council may use legal agreements to require travel plans to manage the impacts of the development where these measures are deemed necessary to control the impacts of the development. A contribution may be sought to cover the staff costs for overseeing the implementation of these plans. Please refer to guidance note on Travel Plans and Transport Assessment for further information



## Public transport contributions

### a) Contributions towards Crossrail

- 10.5 The collection of funds for Crossrail is required under Policy 6.5 of the London Plan 2011 (Funding Crossrail and other strategically important transport infrastructure) which states that:

*In view of the strategic regional importance of Crossrail to London's economic regeneration and development, and in order to bring the project to fruition in a suitably timely and economic manner, contributions will be sought from developments likely to add to, or create, congestion on London's rail network that Crossrail is intended to mitigate. This will be through planning obligations, arrangements for the use of which will be established at strategic level, in accordance with relevant legislation and policy guidance.*

- 10.6 In July 2010 Supplementary Planning Guidance was published by the Mayor explaining how the system will operate In Camden is that all office, retail and hotel development schemes in Central London and the Euston and Kings Cross Opportunity area which add more than 500sq m of floorspace will need to will need to pay a charge. The charging rates and land uses are given in the table below and there will be a 20% reduction on charges paid before March 2013.

Use	Rate per sq m
Office	£137
Retail	£88
Hotels	£60

- 10.7 Applicants' are recommended to consult the final Crossrail Supplementary Planning Guidance Note which can be viewed on the Greater London Authority web site. The charge will be collected by Camden on behalf of the Mayor. The negotiation of the contribution towards Cross Rail will be carried out having regard to Policy 8.2 in the 2011 London Plan.

### b) Other public transport contributions

- 10.8 Where public transport provision is not adequate to serve a development (in terms of capacity, frequency, reliability, boarding points, access to boarding points and vehicles), the Council may seek a contribution to public transport provision. This will be assessed through the transport assessment. Please see guidance note on Assessing transport capacity.
- 10.9 The Council will therefore consider mechanisms such as those listed below to reconcile development proposals with the public transport services which will serve them:

- seeking contributions to existing provision so that they can serve the development better (examples could include enhancing pedestrian routes to stops, providing shelters, better seating and real-time information at stops, or increasing service frequencies); and
  - seeking contributions towards pooled funds to be used towards a particular provision or type of provision once accrued funds are adequate (examples could include funds for bus priority measures extending some distance along a route, for an extension to a route, or for a co-ordinated series of measures across an area to make public transport safer at night).
- 10.10 The Council will generally consider seeking contributions towards facilities that assist the use of public transport services which have an existing or proposed boarding point within a convenient walking distance of the development. For bus services, a convenient walking distance is generally up to 400 metres. For rail services, a convenient walking distance is generally up to 800 metres.

### **Pedestrian, cyclist and environmental improvements**

- 10.11 Developments that lead to an increase in trips in the borough have a cumulative impact on Camden's transport network, particularly the public transport network and pedestrian flows. To help mitigate this impact, the Council may seek contributions to improve provision for pedestrian and cyclists as well as making the public realm more accessible and attractive.
- 10.12 Therefore for larger developments (above 1,000 sq m), the Council may seek contributions toward pedestrian, cyclist and environmental improvements in the local area in addition to any works which might be required to integrate the development with the surrounding public highway network. The Council will seek flexibility in the S106 to allow funds to be spent on an agreed range of relevant transport projects. This will allow co-ordination with other projects in the area, which may have a variety of funding sources.

## 11 Provision of public open space

- 11.1 Many developments by the extent and nature of their occupancy will lead to an increase demand for and use of public open spaces. The protection and improvement of these spaces and the provision of new open spaces in Camden is encouraged by policies CS15 and DP 31 of the LDF.
- 11.2 CPG 6 Amenity sets out the detailed guidance on how public open space should be provided in new developments. In summary, the Council's preference is:
1. On site provision of new public open space;
  2. Off site provision of new public open space;
  3. Providing a financial contribution in lieu of direct provision.
- 11.3 Where developments cannot realistically provide sufficient open space to meet the needs of their occupants on or off site the Council will ask a financial contribution. The contribution will be used to improve existing public open spaces or towards the provision of new public open spaces. The Council may seek to coordinate contributions with sites identified Parks Improvement Plan and Biodiversity Action plan provided that these relate to impacts generated by the development.
- 11.4 The contribution will be based on:
- capital cost of providing new public open space;
  - cost of maintenance for the first 5 years; and
  - cost for the open space team to administer the contribution and design schemes.

**Figure 6. The financial contributions**

	<b>Capital cost</b>	<b>Maintenance</b>	<b>Design and admin</b>
<b>Self-contained homes in Use Class C3</b>			
One bedroom home	£ 385	£ 386	£ 46
Two bedroom home	£ 663	£ 561	£ 80
Three bedroom home	£ 1,326	£ 832	£ 159
Four bedroom home	£ 1,537	£ 921	£ 184
<b>Student housing, hotels and hostels</b>			
Single room	£ 297	£ 297	£ 37
Double room	£ 593	£ 594	£ 71
<b>Commercial/ higher education development in the Central London Area</b>			
Per 1,000 sq m	£ 1,265	£ 1,284	£ 152

- 11.5 Please refer to CPG 6 Amenity for the full explanation and worked examples.