

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 Polices 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.



### 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.



## 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



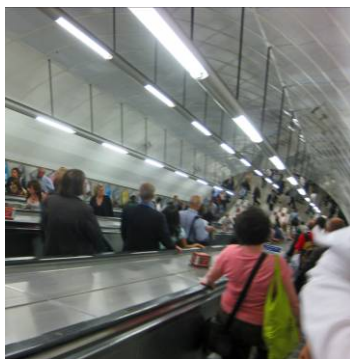
## 10 Transport

### 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 it 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 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.