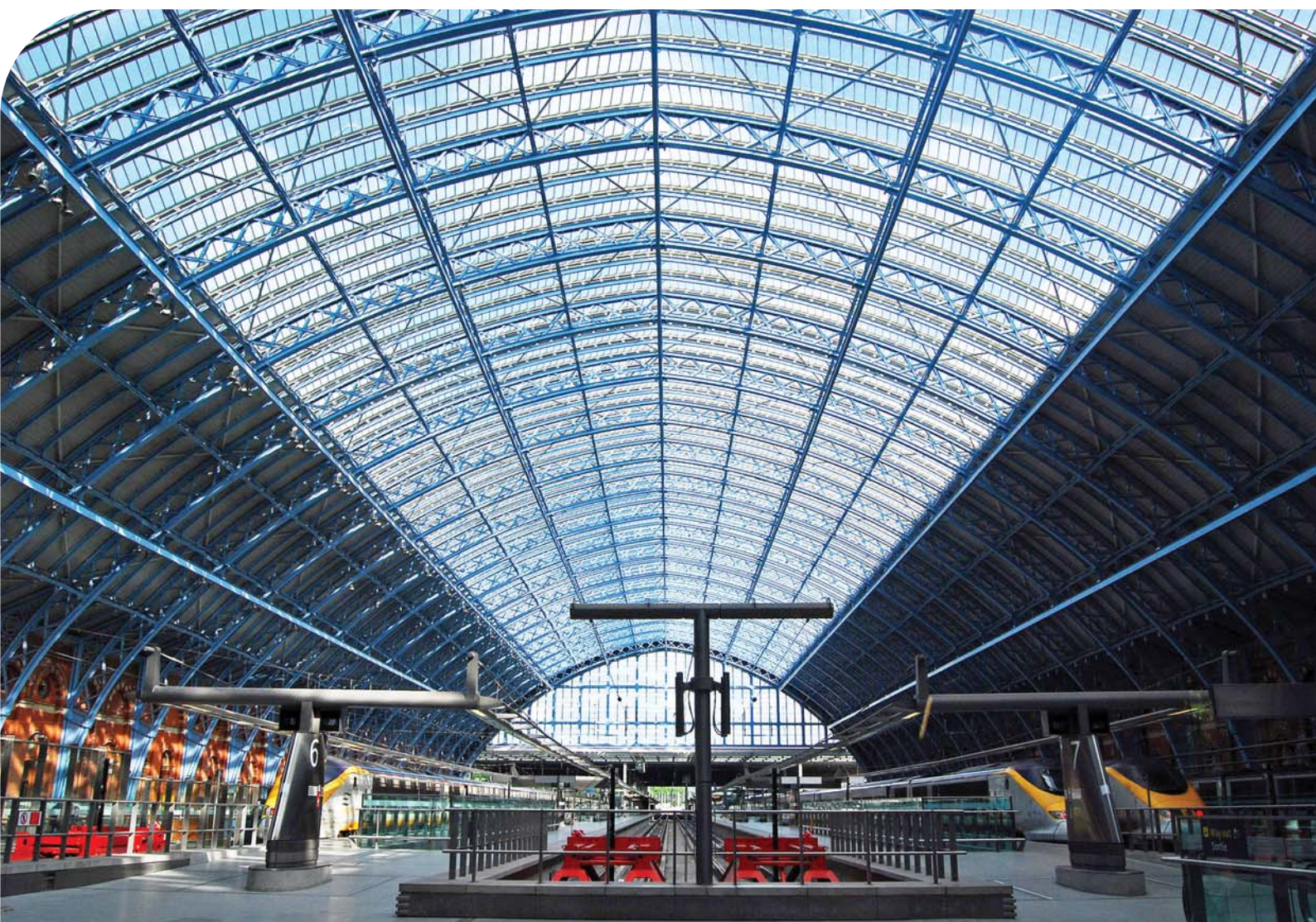


Camden Planning Guidance

# Transport

London Borough of Camden

CPG 7





## CPG7 Transport

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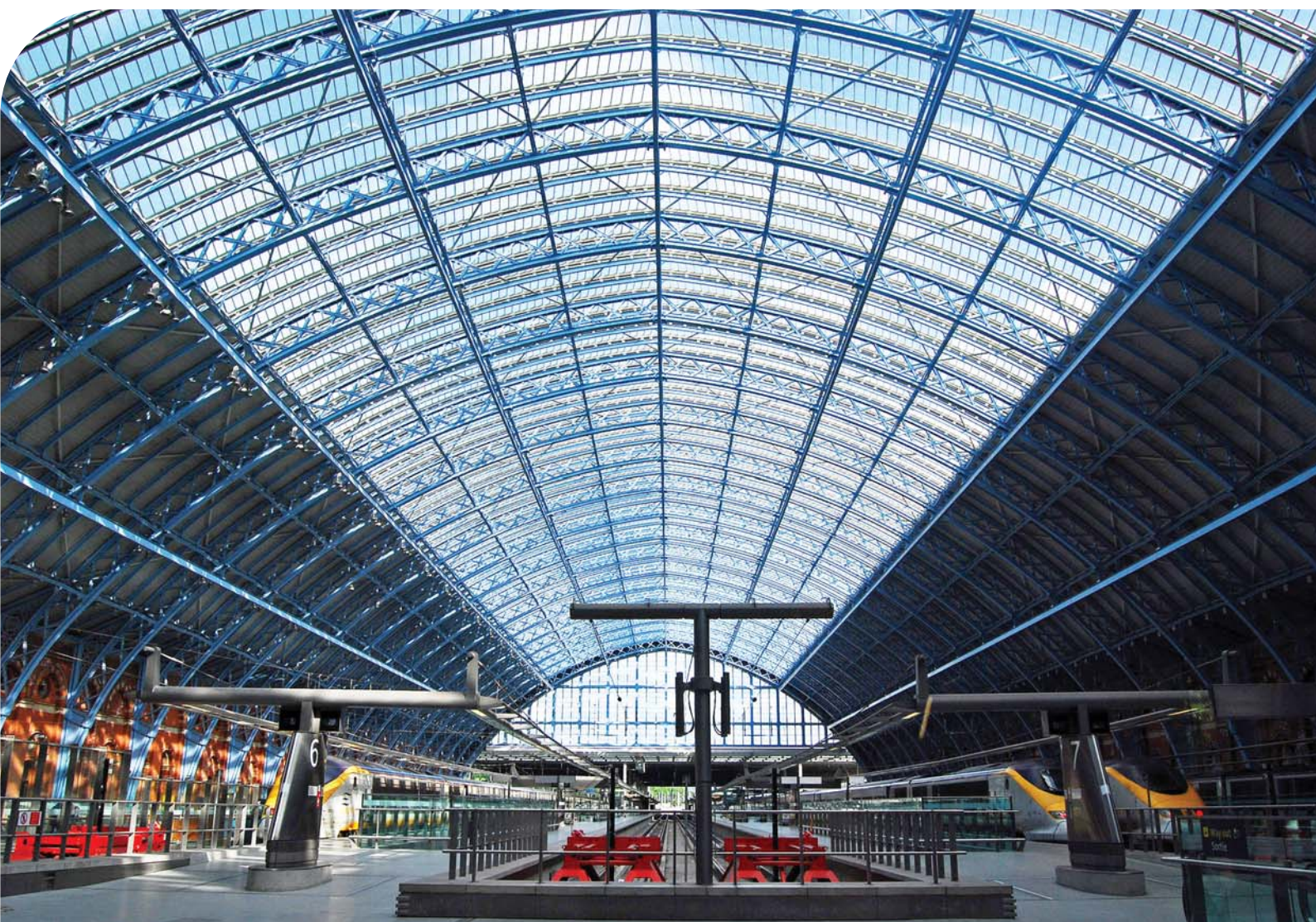


Camden Planning Guidance

# Transport

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CPG 7



## 5 Car free and car capped development

### KEY MESSAGES

- We expect car free development in the borough's most accessible locations and where a development could lead to on-street parking problems
- Legal agreements will be used to maintain car-free and car-capped development over the lifetime of a scheme

- 5.1 This section explains further the terms car-free and car-capped development, as referred to in the Camden Core Strategy and Camden Development Policies, the mechanisms that are needed to secure them, and the circumstances in which it will be appropriate for the Council to refuse additional dwellings that are not car free or car capped.
- 5.2 It relates to Core Strategy Policy CS7 – *Promoting sustainable and efficient travel* and policies DP18 – *Parking standards and limiting the availability of parking* and DP19 - *Managing the impact of parking* of the Camden Development Policies.

#### **Car-free development**

A development which has no parking within the site and occupiers are not issued with on-street parking permits

#### **Car-capped development**

A development which has a limited amount of on-site car parking, but no access to on-street parking permits.

- 5.3 Car-free and car capped development is successful in Camden because most of the borough has very good access to public transport services. Levels of car ownership are low compared with London generally, and choosing not to own a car can be an attractive lifestyle option. The guidance in this section covers:
- What car free development is, and where it is sought;
  - What car capped development is, and where it is sought;
  - Implementation of off-street parking restrictions for car-free and car-capped development, including partial provision of car free and car capped development, and maintaining the on-street parking rights of existing occupiers;
  - Meeting the parking needs of disabled people.

### **When we expect car free and car capped housing**

- 5.4 Car free and car capped requirements apply to developments in particular locations and circumstances:
- we expect car free development in the Central London area, our town centres and other areas with high public transport accessibility (see Development Policy DP18);

- we will also expect car free development where the creation of a new access could lead to on-street parking problems where the loss of kerb space creates unacceptable parking pressure. Refer to Development Policy DP21, and the Access section of this guidance for more information);
  - Car capped development applies to schemes that would have an unacceptable impact on on-street parking conditions or highway management and safety through the introduction of new units with access to on-street parking permits (see Development Policy DP19).
- 5.5 Car-free or car-capped housing may be sought wherever development involves the creation of one or more additional dwellings – whether newly built, or created by a conversion or change-of-use.
- 5.6 Non-residential development can potentially involve car-free or car-capped designation if it creates a new non-residential address or involves a change-of-use that would otherwise increase the demand for car parking. This reflects the operation of the parking permit scheme, where permits relate to individual addresses.

### **Car free development**

- 5.7 Car-free development is development that does not have any car parking. No parking is provided or allowed on the site (except parking designated for disabled people), and all of the dwellings or units created are not entitled to on-street car parking permits. Where we seek car free development our parking standards do not apply as no parking is allowed.
- 5.8 Camden Development Policy DP18 states that we will expect development to be car free in the Central London Area, the town centres of Camden Town, Finchley Road/ Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead, and other highly accessible areas.
- 5.9 'Highly accessible areas' are considered to be areas with a public transport accessibility level (PTAL) of 4 and above. The PTAL of a specific site can be established using Transport for London's Planning Information Database website pages, which can be found at: <http://webpid.elgin.gov.uk/>.
- 5.10 Car free development will also be required where the creation of an access to allow off-street parking would reduce the availability of on-street parking (see also section 6 of this guidance on vehicle access), or would otherwise cause problems relating to highway management or safety. Policy DP19 of the Camden Development Policies states that we will resist developments that would harm on-street parking conditions or harm highway safety.

### **Car capped development**

- 5.11 Car-capped development is development in which all of the dwellings or units created are not entitled to on-street car parking permits, although some or all of the dwellings or units created may have a parking space

on the site, in accordance Camden's parking standards (see policy DP18 and Appendix 2 of the Camden Development Policies). It therefore differs from car free development because some on-site car parking is allowed, in line with Camden's parking standards.

- 5.12 Car capped development is sought in developments that are not in the locations listed in paragraph 4.7 above, where additional off-street spaces can be accommodated within the development without harming highway or on-street parking conditions, but where additional on-street car parking is not considered acceptable.

### **Circumstances where additional on-street car parking is not acceptable**

- 5.13 There are parts of the Borough where increasing competition for on-street parking through introducing additional premises with on-street parking rights is not acceptable. This is generally the case in the Central London Area, but also in many other areas where the parking spaces available cannot meet existing demand. This has implications for queuing and congestion, illegal parking, and highway safety. In these circumstances, if a developer will not enter into an agreement to designate the additional development as car-free or car-capped, planning permission will not be given.
- 5.14 In considering the ability of available on-street parking to accommodate the impact of additional development, we will have regard to the cumulative effect of proposals in the area, including unimplemented and partly implemented schemes already granted planning approval.
- 5.15 Our Parking and Enforcement Plan provides regularly updated permit data, which is used to establish levels of on-street parking pressure on each of the borough's roads. This information will be used when considering the acceptability of applications that would involve the potential allocation of additional on-street parking permits to the future occupiers of new development.

### **Implementation of on-street parking restrictions for car-free and car-capped development**

- 5.16 The whole of Camden has controlled parking and, in principle, is appropriate for car-free or car-capped development. On most days, most parking spaces on residential streets are only available to people holding a parking permit issued by the Council. In Controlled Parking Zones we can restrict access to on-street car parking because we can control the issuing of parking permits.

#### **Controlled Parking Zones**

Designated areas in regulations control how parking may be used on different sections of the street and at different times.

- 5.17 In order to be able to maintain car-free and car-capped development over the lifetime of a scheme, the developer will be required to enter into



a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), which would permanently remove the entitlement to an on street parking permit for each home created:

- 5.18 The legal agreement requires the owner of the development to inform incoming occupiers that they are not eligible to obtain a parking permit for on-street parking, or to purchase a space in a Council-controlled car park. This part of the legal agreement stays on the local search in perpetuity so that any future purchaser of the property is informed that occupiers are not eligible for parking permits.

### **Maintaining on-street parking rights of existing occupiers**

- 5.19 Existing parking rights can normally be retained on development sites, where it can be demonstrated that existing occupiers are to return to the address when it is completed. This is common where an existing dwelling or block is being extended or subdivided. It can also occur where a change-of-use brings a site or property into residential occupation.
- 5.20 If a development is to have new occupiers, existing parking rights will not apply, and the Council will apply its car-free / car-capped policies as set out in Development Policies DP18 and DP19.

### **Meeting the needs of disabled people**

- 5.21 Car-free development and car-capped development should be designed taking into account the needs of disabled car users. Blue Badge holders are able to use parking spaces in Controlled Parking Zones without a parking permit. Minimum parking standards apply to parking for people with disabilities, and 1 parking space for people with disabilities is required per 10 general-purpose dwellings (see Appendix 2 of the Camden Development Policies document). In addition, where car-free and car-capped developments contain wheelchair housing, the Council will expect a parking space to be provided for each wheelchair dwelling. Where a resident in need of a reserved disabled parking space moves into a development with no off-street spaces, the Council will consider a request for a designated disabled space on-street in the same way whether the development is formally car-free or not.

### **Further information**

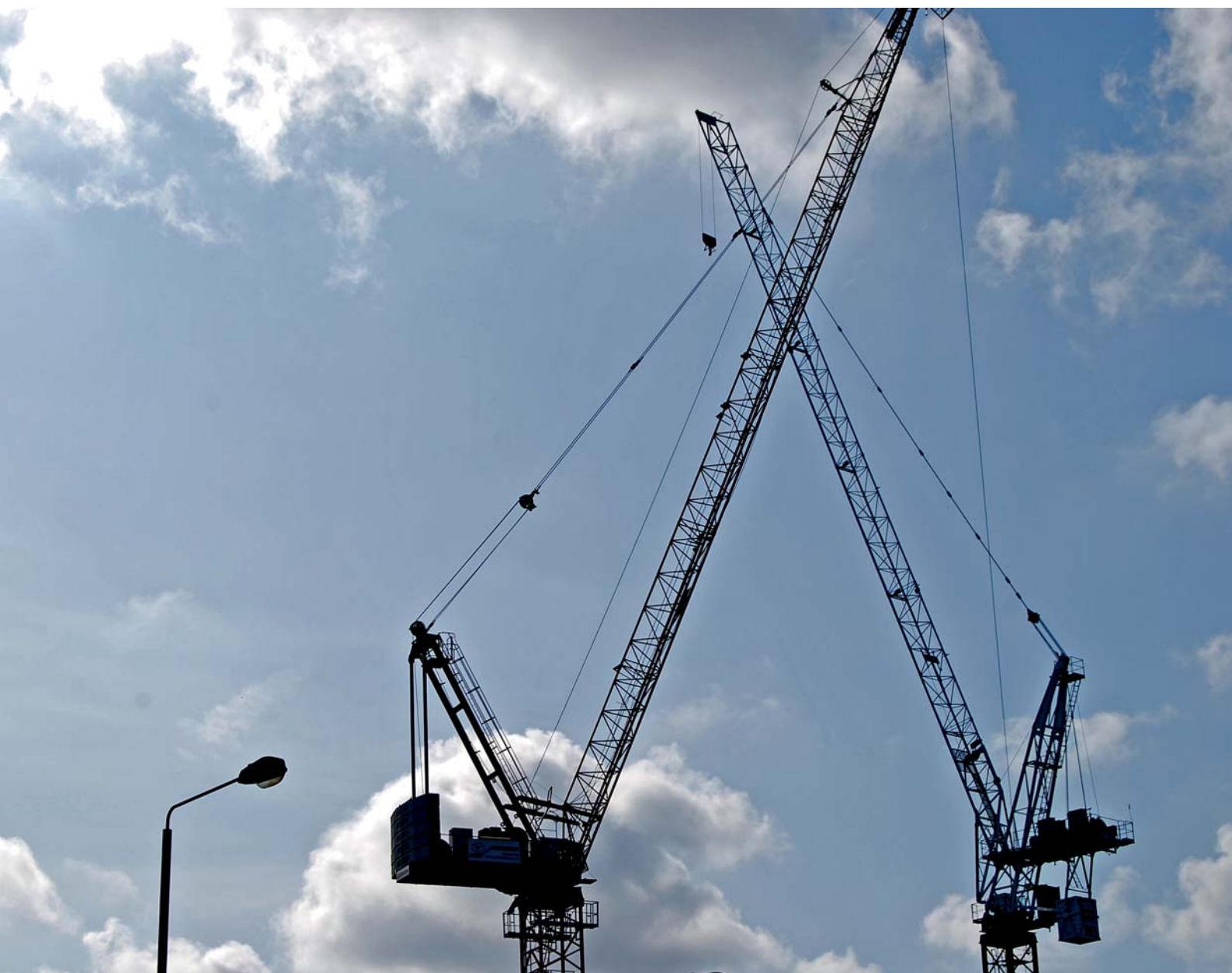
- 5.22 In addition the guidance above regard should also be had to Camden's Parking and Enforcement Plan (2004), which provides further information on our approach to managing parking in the borough.

Camden Planning Guidance

# Planning obligations

London Borough of Camden

CPG **8**



July 2015



## CPG8 Planning obligations

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## 1 Introduction

### What is Camden Planning Guidance?

- 1.1 We have prepared this Camden Planning Guidance to support the policies in our Local Plan documents. This guidance is therefore consistent with our adopted Core Strategy and Development Policies, and forms a Supplementary Planning Document (SPD) which is an additional material consideration in planning decisions.
- 1.2 The Council adopted CPG8 Planning obligations on 7 September 2011 following statutory consultation. This document has been subject to two updates:
  - Updated 25 February 2015 to take into account Camden's Community Infrastructure Levy (CIL) Charging Schedule following independent examination. Camden's CIL charging schedule came into effect on 1 April 2015.
  - Updated 17 July 2015 to include revised guidance for employment and business support.

Details on these updates and the consultation process are available at [camden.gov.uk/cpg](http://camden.gov.uk/cpg).

### What does this guidance cover?

- 1.3 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. This guidance also sets out how planning obligations will be operated alongside the Community Infrastructure Levy.

### When will it apply?

- 1.4 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.
- 1.5 In some instances, however, it may be possible to make development proposals which might otherwise be unacceptable, acceptable through the use of planning conditions 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.

- 1.6 The use of planning obligations is an important tool in managing the impacts of development and assisting the delivery of necessary infrastructure to support the London Plan and Camden's Local Plan documents. They will be used to ensure that the strategic objectives of the Core Strategy and Development Policies are met through requirements attached to individual development proposals.
- 1.7 The use of planning obligations is specifically required through policy CS19- Delivering and monitoring the Core Strategy although other Development Policies may be used to justify an obligation, particularly those relating to affordable housing, sustainability and transport. Further site specific requirements are set out in our adopted Site Allocations DPD. 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.

## **7 Sustainability**

- 7.1 Promoting a sustainable Camden is an integral element of our Local Plan documents 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 and 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.
- 7.4 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.
- 7.5 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.
- 7.6 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**

- 7.7 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.
- 7.8 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 section 106 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.
- 7.9 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.
- 7.10 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.

- 7.11 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**

- 7.12 Developments are expected to connect to a decentralised energy network unless it can be demonstrated that 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.
- 7.13 Where justified and clearly related to the development of a site section 106 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;
  - developments 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 in the immediate vicinity of the site.



## 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 (unless the resident is the holder of a disabled persons badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970.)
- 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 (as issued and agreed by the Council's Street Name and Numbering Department) and to clearly identify the unit number of the car free units specified in the legal agreement before the development is occupied. The owner will also be required to inform any occupants of the property of any car free restrictions (in writing). Please refer to CPG7: Transport 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 CPG7:Transport for further information on Travel Plans and Transport Assessments.

### 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 (Funding Crossrail and other strategically important transport infrastructure) which states that:
- 10.6 '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.'

- 10.7 In April 2013 Supplementary Planning Guidance was published by the Mayor explaining how this system will operate alongside the Mayor's Crossrail CIL. In Camden 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.

Use	Rate per sq m
Office	£140
Retail	£90
Hotels	£61

- 10.8 Applicants' are recommended to consult the 2013 Supplementary Planning Guidance note on the Use of Planning Obligations in the Funding of Crossrail, and the mayoral community infrastructure levy which can be viewed on the Greater London Authority web site.
- 10.9 In general terms, funds collected under the Mayor's CIL for office, retail and hotel uses (currently £50 per sq m) can be deducted from the section 106 charge. The charge will be collected by Camden on behalf of the Mayor. The negotiation of the contribution towards Crossrail will be carried out having regard to Policy 8.2 (Planning Obligations) in the London Plan.

#### **b) Other public transport contributions**

- 10.10 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), and the absence of such provision would make a development unacceptable the Council may seek a contribution to public transport provision in accordance with the statutory tests. This will be assessed through the transport assessment. Please see CPG7: Transport on Assessing transport capacity.
- 10.11 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).

- 10.12 The pooling of funds will be limited to 5 contributions per infrastructure project or type of infrastructure. 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. Funds will not be sought for transport projects which are in Camden's CIL funding list.

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

- 10.13 New developments also have wider impacts and may increase the demands on a transport network that at certain times already operates above capacity. Traffic problems include congestion, traffic intrusion (e.g. additional traffic on quiet lanes), road safety, air quality and the impact of additional traffic on other, especially vulnerable, highway users. Such development also increases the need to improve transport alternatives such as walking, cycling and public transport; this requires further investment so as to make these modes more attractive. Where these are site specific and necessary works to make a scheme acceptable they may be secured through planning obligations. Wider strategic and area-based network improvements will generally be addressed through the use of CIL funds.

