

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.



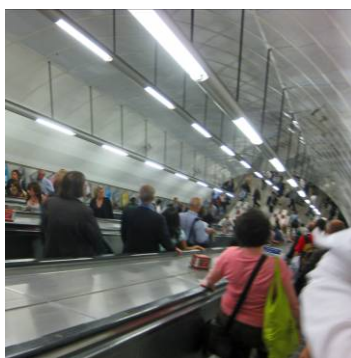
## 10 Transport

### **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.