

# Planning Obligations SPD

LOCAL DEVELOPMENT FRAMEWORK

ROYAL BOROUGH OF KINGSTON UPON THAMES

**Revised March 2011**



<b>1. General Principles</b>	<b>1</b>
<b>Affordable Housing</b>	<b>1</b>
<b>The Role of this SPD</b>	<b>2</b>
<b>Consultation and Stakeholder Involvement</b>	<b>2</b>
<b>2. Strategic and Local Policy Context</b>	<b>3</b>
<b>The Development Plan</b>	<b>3</b>
<b>RBK Kingston Plan</b>	<b>4</b>
<b>3. The Borough's Approach</b>	<b>5</b>
<b>Priorities</b>	<b>5</b>
<b>Qualifying Schemes</b>	<b>6</b>
<b>Contributions Formula</b>	<b>6</b>
<b>Area Needs and Variations</b>	<b>6</b>
<b>Timing of Payments</b>	<b>6</b>
<b>Index Linking</b>	<b>7</b>
<b>How Monies will be Spent</b>	<b>7</b>
<b>Preparation, Management and Monitoring Costs</b>	<b>7</b>
<b>Maintenance Costs</b>	<b>7</b>
<b>Disagreements between the Local Planning Authority and the Developer</b>	<b>7</b>
<b>Local Land Charges</b>	<b>7</b>
<b>Development Briefs</b>	<b>8</b>
<b>Viability Analysis</b>	<b>8</b>
<b>Infrastructure Planning</b>	<b>9</b>
<b>4. Theme 1: A Sustainable Kingston</b>	<b>10</b>
<b>Transport</b>	<b>10</b>
<b>The Public Realm, Open Space and Children's Playspace</b>	<b>14</b>
<b>Climate Change Mitigation</b>	<b>19</b>
<b>Waste and Recycling</b>	<b>21</b>

<b>5. Theme 2: Prosperous and Inclusive</b>	<b>22</b>
<b>Affordable Housing</b>	<b>22</b>
<b>Town Centres</b>	<b>23</b>
<b>Access to Employment Training</b>	<b>24</b>
<b>6. Theme 3: Safe, Healthy and Strong</b>	<b>25</b>
<b>School Places</b>	<b>25</b>
<b>Health and Community Facilities</b>	<b>27</b>
<b>Community Safety and Visitor Management</b>	<b>28</b>
<b>7. Planning Obligation Procedures and Monitoring</b>	<b>31</b>



## 1. General Principles

- 1.1** Planning obligations are legal contracts whereby a developer/landowner makes an undertaking to carry out actions or make contributions which will help make a development more sustainable. Obligations are a means of ensuring that development is acceptable in planning terms.
- 1.2** This Supplementary Planning Document (SPD) sets out the policies and procedures governing Planning Obligations for the Royal Borough of Kingston upon Thames. It forms part of the Local Development Framework, a series of planning documents to guide development and change in the borough over the next 15 years.
- 1.3** This document has been drafted to conform with national policy (in particular Circular 05/05<sup>(1)</sup> on Planning Obligations and the Community Infrastructure Levy Regulations 2010<sup>(2)</sup>), and the Development Plan which currently comprises: the 'saved policies' of the Kingston upon Thames Unitary Development Plan<sup>(3)</sup>, the K+20 Kingston Town Centre Area Action Plan<sup>(4)</sup> and the London Plan<sup>(5)</sup> (including all agreed amendments).
- 1.4** This SPD aims to set out a clear and transparent approach towards planning obligations and the calculation of contributions using formulae. By 2014, this SPD will be largely replaced by a borough Community Infrastructure Levy. Prior to the introduction of a borough Community Infrastructure Levy many types of development will be subject to payment of a Mayoral Community Infrastructure Levy to assist in the funding of Crossrail. The Mayor of London consulted on a preliminary Charging Schedule for the proposed Mayoral CIL in January-February 2011. A draft Charging Schedule is due out for consultation in May 2011 and an Examination in public will be held later this year.
- 1.5** An Infrastructure Delivery Plan<sup>(6)</sup> (a study of local infrastructure capacity) was published by the Council in January 2011. This will be supplemented and updated later this year.
- 1.6** Planning Obligations can be used to implement planning policy and contribute towards sustainable development by, for example: prescribing the nature of a development (e.g. by requiring that a given proportion of new homes are affordable); or securing a contribution from a developer to compensate for loss or damage created by a development (e.g. loss of a community facility or open space) or mitigating a development's impact on the locality (e.g. providing appropriate infrastructure).

## Affordable Housing

- 1.7** Details of the approach towards affordable housing are set out in the RBK Supplementary Planning Document on Affordable Housing adopted in 2006 and updated in December 2007. The Affordable Housing SPD supplements RBK UDP Policy H9 Low Cost and Affordable Housing, Core Strategy Publication Version Policy DM15 Affordable Housing and London Plan Policies 3A.9, 3A.10 and 3A.11.

1 [www.communities.gov.uk/publications/planningandbuilding/circularplanningobligations](http://www.communities.gov.uk/publications/planningandbuilding/circularplanningobligations)

2 [www.legislation.gov.uk/ukdsi/2010/9780111492390/contentsand](http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contentsand) 2011

3 [www.kingston.gov.uk/udp\\_review](http://www.kingston.gov.uk/udp_review)

4 [www.kingston.gov.uk/kplus20](http://www.kingston.gov.uk/kplus20)

5 [www.london.gov.uk/thelondonplan/news.jsp](http://www.london.gov.uk/thelondonplan/news.jsp)

6 [www.kingston.gov.uk/ldf\\_evidence\\_base\\_reports](http://www.kingston.gov.uk/ldf_evidence_base_reports)

## 1. General Principles

**1.8** Planning obligations are a means of securing affordable housing in line with planning policies and this must be borne in mind when negotiating the level of planning obligations. Affordable housing is a priority of the London Plan and is a key Council priority when negotiating planning obligations. Provision of a maximum reasonable percentage of affordable housing will be regarded as the main priority when assessing the viability of development proposals and assessing planning obligations.

### The Role of this SPD

**1.9** This SPD sets out what guidance on the kinds of planning applications that will require planning obligations in the form of financial contributions, and all other planning obligations (with the exception of Affordable Housing, which is the subject of a separate SPD), the amount of contribution payable (various formulae are used where possible), the policy and evidence base for the obligation and, in broad terms, how monies will be spent. It is split into a number of topic based sections.

**1.10** The local planning authority may wish to negotiate other forms of obligations depending upon the site and development specific circumstances, in order to secure sustainable development that meets development management and development plan objectives.

**1.11** Planning obligations will be negotiated and secured in line with current legislation and planning policies.

### Consultation and Stakeholder Involvement

**1.12** In December 2009 the Council published a draft SPD for six weeks consultation. Responses were collated and reported to the Council's Executive in March 2010, together with Council responses and recommended revisions to this SPD.

## 2. Strategic and Local Policy Context

### The Development Plan

#### The London Plan

##### 2.1 Policy 6A.4 of the London Plan on priorities in planning obligations states:

“The Mayor will, and boroughs should, reflect the policies of this plan and include appropriate strategic as well as local needs in their policies for planning obligations (see Circular 05/05).

The Mayor wishes to develop with boroughs a voluntary system of pooling for the provision of facilities related to proposed developments. Affordable housing and public transport improvements should generally be given the highest importance with priority also given to tackling climate change, learning and skills and health facilities and services and childcare provisions. The Mayor when considering planning applications of potential strategic importance will take into account, among other issues, the content and existence of planning obligations.”

##### 2.2 Note this is due to be amended to include contributions towards Crossrail.

##### 2.3 Policy 6A.5 states:

“Boroughs should set out a clear framework for negotiations on planning obligations in LDFs having regard to central government policy and local and strategic considerations...”

#### RBK Unitary Development Plan (2005 as amended)

##### 2.4 Until the RBK LDF Core Strategy is adopted, the Council will continue to apply relevant ‘saved’ policies from the Unitary Development Plan (2005) as follows:

- RES2: Planning Conditions and Agreements
- RES6: Provision of Adequate Infrastructure
- RES8: Community Benefit
- T22: Transport Contributions
- H9: Affordable Housing

##### 2.5 The adopted Area Action Plan for Kingston town centre (K+20) (July 2008) which is part of the development plan includes Policy K23 Section 106 Planning Obligations and Developer Contributions. This refers to the expectation that appropriate new development within the town centre will contribute towards the costs of delivering public infrastructure, including improvements to facilities and the environment and provide affordable housing through planning obligations in accordance with relevant legislation and development plan policies. K+20 Policy K20 Town Centre Parking refers to S106 contributions for sustainable forms of transport, access, safety and environmental improvements and improvements to car parks.

## 2. Strategic and Local Policy Context

### RBK Kingston Plan

**2.6** The Kingston Plan (the Community Plan) and Destination Kingston are also relevant.

**2.7** The Kingston Plan prepared by the Kingston Strategic Partnership has three themes and ten objectives, all of which are relevant to planning obligations:

**2.8 Theme 1: A sustainable Kingston: Protecting and enhancing the Environment for us and for future generations**

- Objective 1 - Tackle climate change, reduce our ecological footprint and 'reduce, reuse and recycle'
- Objective 2 - Ensure sustainable development of our borough and the promotion of sustainable transport.
- Objective 3 - Protect and improve the quality of our local environment.

**2.9 Theme 2: Prosperous and Inclusive: Sharing prosperity and opportunity**

- Objective 4 - Sustain and share economic prosperity
- Objective 5 - Raise educational standards and close gaps in attainment
- Objective 6 - Increase supply of housing and its affordability

**2.10 Theme 3: Safe, Healthy and Strong: Preventing problems and promoting responsibility and independence**

- Objective 7 - Make Communities Safer
- Objective 8 - Improve overall health and reduce health inequalities
- Objective 9 - Support people to be independent
- Objective 10 - Encourage people to take an active part in the social and cultural life of the community

## 3. The Borough's Approach

- 3.1** In the light of these national, regional and local policies the Council's approach to planning obligations is based on the key principles set out below:
- 3.2** A planning obligation will be sought when it is material to the planning decision on a proposal and where a planning obligation is required to make a development proposal acceptable in planning terms, in line with Circular 05/2005 and The Community Infrastructure Levy Regulations 2010 Part 11 Planning Obligations and the 2011 CIL Regulations. The 2010 CIL Regulations introduced limitations on the use of planning obligations, amended the tests and made them statutory. Planning Obligations must be:
- necessary to make a development acceptable in planning terms
  - directly related to a development
  - fairly and reasonably related in scale and kind to a development.
- 3.3** The overall extent of any planning obligation sought will accord with the above tests and have regard to the scale of impact of the development and development plan policies.
- 3.4** A planning obligation will not be sought to address existing deficiencies or lack of capacity in existing facilities, services or infrastructure unless a proposal would have adverse impact and materially worsen the deficiency to the extent that it would justify refusal of planning permission. For example, the impact of a development proposal on highway safety and traffic flows may be capable of being overcome through a planning obligation.
- 3.5** Where a development reflects the priorities set out in development plan policies, such as provision of affordable housing, associated costs will be taken into account in determining the extent of planning obligations required by this SPD. The local planning authority will decide the acceptability of a development proposal on the balance of its planning merits, taking into account any planning obligation which has been negotiated to mitigate any adverse impact arising from that proposal.
- 3.6** In their consideration of planning applications, the Council will consider the most appropriate approach to controlling direct and indirect impacts of development, which could be by condition, by planning obligations, or by a combination of both.

### Priorities

- 3.7** First priority will be given to essential works necessary to prepare the site for development, to make it safe and to overcome any fundamental planning or site specific objections. The next priority will be for affordable housing, which is a London Plan priority, followed by school places/education facilities, which is a local priority.
- 3.8** The Council's preference is for on-site provision of community infrastructure however, the Council recognises that in some cases, on-site provision will not be possible or appropriate. Specific guidance is provided in the topic sections of this document.

### 3. The Borough's Approach

#### Qualifying Schemes

3.9 The following minimum thresholds are used for consistency throughout the document:

<b>Residential Schemes</b>	1 net additional unit/dwelling
<b>Commercial &amp; Other Schemes</b>	100sqm or more additional Gross Floor Area
<b>Major Development Schemes</b>	10 residential units or more  or  Site area of 1ha or more  or  1,000sqm or more of additional Gross Floor Area

6

#### Contributions Formula

3.10 The Council, as Local Planning Authority, retains the right to negotiate contributions above or below 'standard' levels where the site and/or scheme specific circumstances dictate this. Standard charges act as a starting point but site and/or scheme specific circumstances may dictate a negotiated variation from the standard approach in an individual case. Whether obligations are agreed by applying standard charges or negotiating contributions, the Council in this SPD recognises the need for schemes to remain viable.

#### Area Needs and Variations

3.11 This SPD is based on a geographical assessment of needs throughout the Borough, which is divided into four Neighbourhoods. Each Neighbourhood has its own characteristics and deficiencies, which may result in different priorities and requirements for planning obligations.

#### Timing of Payments

3.12 The triggers for contributions in kind (e.g. works) or financial contributions are normally either on commencement of development or prior to completion/occupation. In some circumstances the trigger may be the grant of planning permission or a specified time period.

3.13 Late payment of obligations will be subject to interest at 3% over Bank Base Rate. They may also be subject to additional Management /Monitoring Costs (see para. 3.17 ).

## Index Linking

**3.14** In order to maintain the real value of the payments, so that infrastructure can be provided in good time, the value of financial contributions must be index linked from the date of the resolution to grant permission or the grant itself until the month preceding the date of payment. The Retail Price Index should be used to calculate index linked payments.

## How Monies will be Spent

**3.15** Planning obligation contributions will be spent in accordance with the details set out in the obligation and in accordance with legislative requirements.

## Preparation, Management and Monitoring Costs

**3.16** Applicants must meet the associated legal costs of preparing and agreeing planning obligations, which will be charged at an hourly rate.

**3.17** Once the planning obligation is signed, administrative costs are incurred on tasks such as receiving and recording financial contributions, monitoring and spending contributions in accordance with the terms of the obligation. Standard charges will apply to cover these costs on the following basis: £150 per clause/contribution, up to a maximum of £500, excluding legal costs and any standard fees incurred in implementation, e.g. design and supervision costs. For complex large scale mixed use developments a management/monitoring fee may be negotiated.

## Maintenance Costs

**3.18** Where a development results in the provision of new infrastructure or a new facility and the infrastructure is passed to the Council to manage (e.g. open space or a children's play area or tree planting), the Council will require a maintenance contribution, generally a one-off payment. The maintenance contribution to cover the physical upkeep of the facility will usually be equivalent to 10 years' maintenance cost and reflects the time lag between the provision of the new facility and its inclusion in public sector funding stream in line with the planning obligations circular.

## Disagreements between the Local Planning Authority and the Developer

**3.19** Legal agreements for planning obligations may contain dispute resolution clauses that set out how any disagreements will be resolved.

## Local Land Charges

**3.20** Planning obligations under S106 of the Town and Country Planning Act 1990 and S38 and S278 of the Highways Act 1980 have to be registered as local land charges. Applicants will, therefore, have to produce title to the site, and third parties, such as mortgagees, may have to be made party to the agreement.

## 3. The Borough's Approach

### Development Briefs

**3.21** In the case of key sites, development briefs may be prepared which will set out details of infrastructure requirements which may need to be secured through planning obligations.

### Viability Analysis

**3.22** The Council expects developers to have considered the financial implications of planning obligation policies when buying land or taking an option to buy land. The planning system is clear that that legitimate planning obligations should be taken off the land value. On this basis land cost will not be accepted as a reason for non-viability. An example of a potentially acceptable reason would be an extraordinary cost of site remediation on a highly contaminated site.

**3.23** This SPD aims to ensure that the costs of planning obligations are taken into account early in the development process. Most developments are expected to satisfy all the infrastructure requirements identified as relevant and directly related to the development. Applicants who state that they are unable to meet all planning obligation requirements, because they consider that they will render their scheme not viable, must support their case with financial evidence which should be submitted at pre-application stage and with any planning application. This evidence will be made publically available and, where necessary, will be assessed by external experts. The Council recognises that planning obligations should not deter sustainable development or render it not viable. Where the viability of a development scheme may be threatened by the costs associated with any planning obligation, it will be for the developer to substantiate the position having regard to viability and the residual value of the land. Evidence of non-viability should set out the calculations for the important factors in sufficient detail for viability to be properly assessed and tested. Any assumptions must be clearly explained and justified.

**3.24** In cases where the nature and scope of planning obligations sought may make a development less viable, the need for affordable housing will be balanced against the need for other infrastructure requirements or improvements that will mitigate the impact of development or contribute towards sustainable development, depending upon the circumstances of the case. Where a scheme is primarily composed of a use which itself delivers significant benefits, such as schemes with a high level of affordable housing, it is recognised that it will be necessary to balance those benefits against the requirements of this SPD.

**3.25** The level of affordable housing secured through planning obligations will be a key factor affecting viability. In line with Circular 05/05 para B10 the starting point for consideration will be whether or not a scheme is needed to meet the aims of the development plan, in particular securing a five year supply of affordable housing. If the scheme is necessary to help secure this then the mix and level of affordable housing may need to be varied to ensure the scheme is viable and can proceed. Viability analysis, taking account of any public subsidy and different tenures and sizes of affordable housing, is likely to be required. Annex 4 of the Affordable Housing SPD sets out details of development appraisals. In all cases an 'open book' approach will be promoted for purposes of transparency.

## Infrastructure Planning

- 3.26** Between 2011 and 2026 (the period covered by the LDF Core Strategy), the borough's population is forecast to rise by nearly 11,000 people (7%) from 156,750 to 167,600 (GLA projections). Over the 15 years of the Local Development Framework, housing development is forecast to provide an average of at least 385 units per year to meet London Plan targets. Whichever of these measures is applied, a significant increase in population and residential development is anticipated over the plan period. This can be expected to place additional demands on a range of infrastructure provision, including transport and highways, community facilities – schools and health facilities, recreation and open space, water supply and sewerage.
- 3.27** Emerging Government guidance recognises that new development can cause infrastructure capacity problems. The anticipated population increase is used as the basis for infrastructure planning, in order to plan for accommodating the additional population. It is also recognised that new development should contribute to easing these problems by way of financial or other in-kind contributions.
- 3.28** The Council is in the process of examining existing local infrastructure capacity and identifying where deficiencies and shortfalls exist in provision, as well the options available to address such problems. This exercise will form the base-line for the Borough's approach to Infrastructure Planning.

### 4. Theme 1: A Sustainable Kingston

#### Transport

##### 4.1 The need to improve Transport

4.2 The Borough is served by Network Rail overground rail links and has no underground stations. Many parts of the borough are reliant on the bus.

4.3 New development proposals may create a need for off-site access or other improvements, such as roads, public transport routes, paths, cycle ways, lighting and links to the existing road network or in exceptional circumstances major infrastructure works such as construction of a new junction. Planning obligations will be used to secure financial contributions and/or the dedication of land for such works. The Council may also seek to enter into an agreement with developers under Section 278 of the Highways Act 1980.

4.4 If highways are to be adopted for public maintenance on completion, then the Council may also seek to enter into an agreement with developers under Section 278 of the Highways Act 1980 or other appropriate powers to secure construction of new highways or highway improvements to adoptable highway standards, and to secure payments towards maintenance and repair where the infrastructure provided is of a specialist or unusual nature, and whose maintenance would fall outside the statutory remit of the Highway Authority.

4.5 The Council will use Planning Obligations, where appropriate, to protect existing and provide new pedestrian and cycle access routes across development land.

4.6 All schemes will therefore be expected to contribute to transport improvements. For smaller schemes, in-kind contributions will be expected to mitigate the impact directly related to the development, while the contributions for larger schemes will be based on the Transport Assessment.

##### 4.7 Transport Assessments

4.8 For larger and negotiated schemes the Transport Assessment<sup>(7)</sup> will be used as the basis for determining the appropriate measures to be secured through a planning obligation. The indicative thresholds for when a Transport Assessment is required can be found in Appendix B of the DfT guidance, while further guidance on their preparation is provided by the Greater London Authority<sup>(8)</sup>.

4.9 Where the impact of the development is likely to be significant in air quality terms, an air quality assessment should also be undertaken.

##### 4.10 Negotiated Obligations for Schemes Subject to Transport Assessment

4.11 Where the planning authority, having regard to the Transport Assessment of the impact of the development and its own evidence, consider that the increase in traffic from the development is likely to result in:

7 [www.dft.gov.uk/pgr/regional/transportassessments/guidanceonta](http://www.dft.gov.uk/pgr/regional/transportassessments/guidanceonta)

8 [www.tfl.gov.uk/assets/downloads/corporate/TAGuidance\\_LQ.pdf](http://www.tfl.gov.uk/assets/downloads/corporate/TAGuidance_LQ.pdf)

- increased delays to public transport; and/or
- increase in congestion; and/or
- a potential for an increase in the amount of traffic using unsuitable roads (e.g. residential streets)
- increases in on-street parking
- road safety issues

**4.12** The developer will be required to identify specific measures to address these impacts, where they are unacceptable. These measures will be secured through the use of planning obligations.

**4.13** Where the transport impact of development proposals would be unacceptable according to the Borough's policies, the planning and highway authorities will consider what measures, if any, may be possible to mitigate this acceptably. National policy supports the use of such measures – including the use of contributions to improve accessibility through improved public transport or other appropriate forms of infrastructure – not necessarily those immediately confined to the site. These measures will be strictly and proportionally related to the development in question and will not be used to relieve existing problems unless the development would exacerbate an already unacceptable situation. Not every development can be made acceptable in transport terms; sometimes it might just be the wrong use in the wrong location or it might require a thorough redesign or a reduction in scale.

**4.14** In a number of cases alterations to parking provision, improved accessibility by walking or cycling, design changes and/or associated on-site traffic management measures may resolve any concerns over a scheme. In certain cases conditions may be applied to resolve these problems. However some schemes may need wider co-ordinated measures and those required to make a scheme acceptable may lie outside the site and/or require a financial contribution for a related purpose.

#### **4.15 Travel Plans**

**4.16** Travel Plans will also be required for significant new commercial and residential developments, showing how sustainable transport use can be optimised and car use managed. These will be secured by planning obligations where appropriate. Developers will also be required to pay, via a planning obligation, for carrying forward travel plans and making them effective, including measures for monitoring and measures to mitigate shortfalls in targets. For Residential Travel Plans particular attention will need to be given in the planning obligation to the ongoing funding, management and monitoring of the travel plan once the development is complete. Full details of travel plan requirements, including thresholds for the requirement of a travel plan will be set out in an SPD on Sustainable Transport.

#### **4.17 Sustainable Travel Incentives**

**4.18** When residents first move into a new home, it is the optimum time to influence travel choices before transport behaviours have been established. It is therefore essential that adequate information is provided to residents of new development on the sustainable travel choices available and incentives provided to encourage them to take up sustainable modes. For significant residential development this would normally be addressed through a Residential Travel Plan but for development falling below this

threshold the Council still views it as necessary for residents to be provided with sustainable travel information and incentives. Therefore, for residential development that does not require a full Residential Travel Plan a financial contribution will be secured from the developer that will be used by the Council to fund the provision of measures such as: site specific local travel information; free car club membership and trial use; free Oyster Card with credit and discounts for bicycles and season tickets. The required contribution will be £500 per dwelling but will vary depending on the scale and location of the development and to account for any changes in market value of the incentives involved.

**4.19 Sustainable Parking and Car Clubs**

**4.20** For sites within existing or proposed CPZs, a residential development will typically only be approved as a ‘car capped scheme’ subject to a planning obligation to prevent all occupants from being granted residential on-street parking permits. Where private off-street residential or workplace parking is provided a parking management strategy detailing how the parking provision will be managed and allocated should be agreed and included in the obligation (e.g. workplace parking charges or permits, residential parking spaces being purchased separately from the property).

**4.21** ‘Car Clubs’ are schemes that enable members to hire cars for short term occasional use. Members generally pay an annual subscription to the car clubs operator (usually a commercial firm) and pay a charge each time they use a vehicle. There is currently an on-street car club network operating in the Borough and the Council wishes to expand the number of vehicles over coming years. All new significant residential development will be expected to provide a car club facility within a suitable location on site; the details of which will be secured within a planning obligation (the threshold for an on-site car club will generally be around 40 units but will depend on local circumstances). To encourage residents to use the car club, the developer will also be required to provide and fund a package of incentives which will at a minimum be expected to include at least 2 years free membership and at least 5 hours free trial use of the car club, per dwelling. If it is not feasible to provide a car club on site then the Council may secure a fee to provide additional car club facilities on the local highway plus a fee of £200 per unit to provide free membership and car use to residents for up to a year.

Between 5 and 40 dwellings	Over 40 dwellings
<p>A sustainable travel contribution of £500 per dwelling shall be sought towards the cost to the Council of providing information and incentives to residents to encourage the use of sustainable travel modes.</p> <p>The level of contributions required for sustainable travel is based on the first year costs of providing opportunities for travel by public transport, bicycle or car club and for providing information to enable smarter travel choices.</p>	<p>A full residential travel plan will be required. The residential travel plan provisions will be secured by planning obligation and particular attention will need to be given to the ongoing funding, management and monitoring of the travel plan. A residential travel plan fee of up to a maximum of £5000 will be sought to cover the councils administration costs associated with monitoring of the travel plan.</p>

	<p>A car club facility on-site containing approximately 1 car per 40 units (depending on circumstances) will be required and the provisions of the car club secured by planning obligation.</p> <p>Where the developer can demonstrate it is not possible to provide suitable car club parking within the curtilage of the site then a financial contribution of up to a maximum of £5000 will be sought towards the Council's costs of providing and managing the provision of car club facilities on the public highway and £200 per dwelling towards the cost of providing information, free membership and incentives to residents.</p> <p>Further details of the Residential Travel Plan and Car Club requirements can be found in the Council's SPD on Sustainable Travel and advice should be sought from Council Officers at pre-application stage.</p>
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## 4.22 Public Transport

**4.23** The Council is committed to improving and encouraging the use of public transport, and assess all major developments in terms of their accessibility by public transport and levels of trip generation. Planning obligations may be used to secure the provision of, or improvements to, public transport infrastructure or services, such as:

- provision of new facilities such as bus shelters and stops, including the dedication of development land for such facilities
- passenger information systems
- contributions towards community transport provision or dedicated bus service, e.g. a works bus
- improvements to a bus service which passes near the site
- bus priority measures
- improvements to transport interchanges
- promotion of public transport

**4.24** Existing bus routes may run close to a site but frequency levels may act as a disincentive to alter travel patterns and encourage modal change. Improved service level/frequency can be achieved by the use of a subsidy. In addition, if such infrastructure is to be managed by the Council (or other public body) then developers may be required to enter into a planning obligation to provide commuted maintenance payments to pay for the upkeep of the facility for a limited short term period.

## 4. Theme 1: A Sustainable Kingston

**4.25** When considering developer contributions towards revenue support of public transport services, it should be borne in mind that any contribution might only be over the short term (e.g. 3 years) but the services provided need to be viable in the medium term. The main purpose of revenue contributions therefore should be for 'pump priming'. Money is needed because the early stages of a development may not generate enough demand to justify services being provided in their own right. However, it is always necessary to provide public transport early in the life of a development to ensure that people have a choice of transport modes and do not become dependent on car use.

### **4.26 Use of Transport Funds**

**4.27** Funding will be ring fenced into a fund for expenditure on capital and associated revenue funding of transport related works. Contributions will be used for priorities as listed above for measures designed to deal as directly as possible with the transport impact of the proposal. Priorities and area-based implementation schemes are also set out in the Borough's annual Local (transportation) Implementation Plan, which is subject to separate public consultation.

## **The Public Realm, Open Space and Children's Playspace**

14

### **4.28 The Need to Improve Kingston's Public Realm and Open Space**

**4.29** Kingston has 839ha of open space (source: Open Space Assessment 2006), however the largest single components of this are golf course and private playing fields with local parks only occupying 13.3% of all open space land. The amount of public open space is limited, relative to neighbouring boroughs, but the quality is generally good, albeit unevenly distributed. There is a similarly uneven distribution of children's play space across the Borough.

**4.30** Provision varies significantly by ward with some areas having limited access to open space and children's playspace. The green infrastructure of the Borough will require substantial investment if quality is to be maintained. A significant amount of the Borough's open space is of wildlife importance and the River Thames corridor is one of the Borough's most important open spaces.

**4.31** Following consultation the Council has agreed a Green Spaces Strategy, a Trees Strategy and an Allotments Strategy.

**4.32** From the Open Space Assessment the Borough has adopted standards for different types of open space and defined an area of public park deficiency including parts of Coombe Hill, Coombe Vale, Surbiton Hill, Berrylands and Chessington South Wards, as well as areas deficient in children's play and natural and semi-natural green space.

**4.33** The public realm comprises all parts of the environment that define the public spaces between buildings. It comprises the public highway and street scene, as well as public spaces. The visual quality of this area is often enhanced by 'semi public' areas such as front garden walls and trees. Attention to and design of this area is as important, if not more important, than the design of buildings themselves.

**4.34** The Council's Tree Strategy recognises the importance of street trees in the public realm. The loss of street trees from environmental factors such as the impacts of climate change and fungal decay is on the increase; hence the overall number of street trees is declining year on year. Improvements to tree coverage should also have a positive impact on climate change.

**4.35** This section is concerned only with open space, the public realm and children's playspace. The Council has commissioned a review of access to indoor and outdoor playing pitches in accordance with the requirements of PPG17. The guidance and advice contained within this section will be reviewed and amended in response to the findings of this study.

#### **4.36 Open Space Standards**

**4.37** The following open space standards will apply:

<b>Open Space Type</b>	<b>Quantity Standard</b>	<b>Area Required to Meet Needs up to 2016</b>
Public Parks	1.11ha per 1,000 population	177ha including 12ha additional public parks to alleviate deficiencies
Natural/semi-natural greenspace	1ha of statutorily designated ecological land per 1,000 population	N/A
Allotments	0.35ha of allotment land per 1,000 population	51.96ha including an additional 14.42ha of allotment land

#### **4.38 Qualifying Schemes for Public Realm and/or Open Space Contributions**

<b>Scheme Type</b>	<b>Requirements</b>
Residential Schemes	All schemes above the qualifying scheme threshold will be required to contribute to open space and public realm provision by way of a financial contribution.
Commercial & Other Schemes	
Major Development Schemes	All major schemes will be expected to make provision for open space and public realm improvements within or adjacent to the application site.  All major developments are required to contribute to the provision / planting of street trees, together with ongoing maintenance, either in the form of planting of street trees or a financial contribution towards street trees elsewhere. The level of contribution will be determined on a case-by-case basis having regard to the site, its location and its physical characteristics.

### 4.39 Qualifying Schemes for Children's Play

Scheme Type	Requirements
Residential Schemes	All schemes above the qualifying scheme threshold will be required to contribute to general children's play space provision by way of a financial contribution.
Major Development Schemes	All major residential schemes will be expected to make provision on-site for general children's play space

### 4.40 General

**4.41** Residential schemes that are less likely to contribute towards demands for open space, e.g. some forms of special needs housing, will be exempt from contributions.

**4.42** Contributions towards riverside regeneration, for the River Thames and Hogsmill River, will be negotiated as appropriate; in relation to the impact and proximity of the development proposal to the riverside. Contributions will be pooled for riverside projects. Major waterside developments should have specific provision to include water sports facilities, e.g. for sailing or canoeing.

**4.43** Where there is a site specific need for a biodiversity mitigation measure, such as a badger set, this will be in addition to the formula contribution.

**4.44** Where a development includes significant on-site provision, which in most cases will be preferred, contributions will not be sought.

### 4.45 Calculating Open Space Contributions

**4.46** Having regard to the standards set out in the table, 2.11 hectares of public park and natural/semi natural greenspace is required per 1,000 population to service their outdoor informal recreational needs. This translates to 21.1sqm per person. Typical costs for providing 100sqm of open space has been calculated as £11,714, therefore commuted sums for the provision of open space will be calculated on the basis of £2460 per person.

**4.47** The requirement per dwelling will be calculated as follows:

**(A) Basic Costs**

Cost of providing 21.1m<sup>2</sup> of Open Space

X

**(B) Occupancy Factor**

**4.48** The occupancy factor is as follows:

Size of Unit	Occupancy Factor	
	General Market Housing and Intermediate Housing	Social Rented Affordable Housing
1 bedroom	1.5	1.4
2 bedroom	1.8	1.9
3 bedroom	2.5	2.8
4+ bedrooms	3.2	3.7

**4.49** The method used to calculate these costings is contained in a background paper.

#### **4.50 Calculating Contributions for Street Trees and Associated Urban Heat Island Mitigation**

**4.51** 1 tree per 5 dwellings or 1 tree per 1,000 sqm of floorspace for non residential elements. The cost of a street tree including maintenance in perpetuity is £4,000.

#### **4.52 Calculating Children's Play contributions**

**4.53** The Council will use the standard included in the GLA Supplementary Planning Guidance on Children's Play which also explains the basis of the formula<sup>(9)</sup>.

**4.54** This applies a benchmark standard of a minimum of 10sqm per child should be applied to establish the quantitative requirements for play space provision arising from new developments in the area. The same child yield factors as apply to education contributions will be used. A standard charge of £175/sqm will be used.

**4.55** All children and young people should have access to places for play within reasonable and safe walking distance of new residential developments. The following benchmark standards are recommended in respect of different age bands in determining whether there is accessibility to existing play provision to serve the needs of the existing population and new residents in the area.

Maximum walking distance from residential unit:	
Under 5s	100 m
5-11 year olds (normally integrated with LEAP provision)	400 m
12+	800 m

## 4. Theme 1: A Sustainable Kingston

### 4.56 Transfer and Maintenance of Open Space

**4.57** The Council may be prepared to adopt and maintain properly laid out open space, subject to payment of a commuted sum to cover costs. Transfer of open space will normally take place once it has been laid out, fully equipped and maintained for a minimum period of 12 months to the satisfaction of the Council and the payment will be payable on the transfer of the land. The figure will be calculated using the current contract prices for maintaining open space of comparable characteristics and features over at least a 10 year period (to ensure that the open space can become established) and will be index linked from the date the agreement is signed. Commuted payments will not be used for general purposes to cover existing maintenance or running costs of unimproved facilities. If as a result of development new playground equipment or other equipment is provided, a similar commuted maintenance payment based on current costings will be sought. This is to cover the typical costs of repair and replacement of items that would not otherwise have been required were it not for the direct impact of a scheme on local facilities and the increased burden on local authority budgets. If developers do not intend to seek adoption, the Council will still need to be satisfied through the submission of a management plan that adequate alternative arrangements are put in place for long term management and maintenance by, for example, the establishment of a sufficiently resourced management company or trust.

18

### 4.58 Use of Funds

**4.59** Funding will be assigned to each of the purposes specified above, via a ring-fenced Parks, Public Realm and Open Spaces fund, in accordance with the priorities as set out in the Green Spaces Strategy.

**4.60** Public art will be funded as part of public realm contributions. On larger schemes art should be commissioned at an early stage of the process as an integral part of the architectural or landscape design.

## Climate Change Mitigation

### 4.61 The Need for Climate Change Mitigation Contributions

**4.62** National policy (PPS1 annex) requires that the proposed provision for new development, its spatial distribution, location and design should be planned to limit carbon dioxide emissions, also that new development should be planned to make good use of opportunities for decentralised and renewable or low carbon energy.

**4.63** The Government has also introduced a requirement for all new homes to attain a Code for Sustainable Homes (CSH) assessment rating. CSH levels range from 0–6 and the assessment covers various aspects of a home’s sustainability, including setting minimum requirements for CO<sub>2</sub> savings at each level.

**4.64** The 2008 version of the London Plan<sup>(10)</sup> also contains specific policies and targets on carbon dioxide reduction and local energy generation.

### 4.65 Targets for CO<sub>2</sub> Emissions Reductions

**4.66** The following targets will be used, these are derived from the targets for CO<sub>2</sub> reduction at different levels of the Code for Sustainable Homes, and the London Plan 2008, and they have been found to be viable and achievable in South West London<sup>(11)</sup>. These targets work towards the Government’s aim of achieving zero carbon new housing by 2016.

**4.67** In addition there is the London Plan Target; policy 4A.7, has a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation (which can include sources of decentralised renewable energy) unless it can be demonstrated that such provision is not feasible.

**4.68** These targets primarily apply to residential dwellings until equivalent mandatory energy saving targets are set by government for non-domestic dwellings. However, the 20% requirements for decentralised/renewable energy generation still applies to non-domestic dwellings unless it can be demonstrated that such a provision is not feasible.

**4.69** In the majority of development proposals it will be possible to address these requirements on site through design and, in appropriate cases, planning conditions or Section 106 agreements will be used to ensure such provision and its use. However, the Council is generally supportive of creating local heat and power networks and in two parts of the Borough, the Town Centre and Hogsmill Valley area, the Core Strategy contains a specific proposal for the development of combined heat and power generation scheme. In these areas planning obligations will be used to secure the extension of the distribution network and connections to it.

10 [www.london.gov.uk/thelondonplan/docs/londonplan08.pdf](http://www.london.gov.uk/thelondonplan/docs/londonplan08.pdf)

11 [www.richmond.gov.uk/08\\_11\\_03\\_richmond\\_evidence\\_report\\_v1\\_1.pdf](http://www.richmond.gov.uk/08_11_03_richmond_evidence_report_v1_1.pdf)

## 4. Theme 1: A Sustainable Kingston

### 4.70 Calculation of contributions

**4.71** Development within the catchment of proposed combined heat and power facilities should also contribute towards infrastructure provision in accordance with these levels of contribution (based on TCPA/ Combined Heat and Power Association<sup>(12)</sup>):

Density DPH	Cost per Dwelling
240 – flats – 10-15 storeys	£2,500
120 – flats 5-6 storeys	£2,800
80 - flats	£4,100
80 – houses - terrace	£5,300
40 – houses - detached	£8,825

**4.72** For non-residential uses, the level of contribution required will be negotiated and agreed on an individual basis having regard to the value of the carbon saving accruing to the user and the London Plan 20% carbon reduction target, whichever is the greater.

### 4.73 Use of Contributions

**4.74** Payments for CHP will be held in a ring fenced fund to be used for development and improvement of such projects.

## Waste and Recycling

### 4.75 The Need for Waste and Recycling Contributions

**4.76** Government guidance and EU directives urge local authorities to reduce reliance on landfill as a means of waste disposal and to minimise the production of waste. The Council has adopted a reduce, re-use, recycle approach to all waste streams arising within the Borough:

- The Council has an extensive programme of publicity and education to encourage citizens and businesses to manage their waste.
- The Council provides a range of local and central recycling facilities and services.
- The Council works in partnership with adjacent boroughs to provide an economic and efficient service for the disposal of residual waste whilst continually reducing its reliance on landfill.

**4.77** However, additional provision for recycling and waste disposal may have to be made to accommodate new developments, particularly where existing facilities are already at capacity.

### 4.78 Calculating Waste and Recycling Contributions

**4.79** In the majority of cases, the Council will expect provision to be made for the management and disposal of waste within the scheme through the provision of on-site facilities for the recycling, storage and disposal of waste arising from users of the development. However, the Council recognises that there may be occasions where it is neither desirable nor appropriate for provision to be made either partially or completely on-site. In these instances, planning obligations will be sought to:

- Secure contributions towards the provision of additional waste recycling, storage or collection facilities locally; or
- Secure contributions towards the provision of central facilities for the recycling, storage or collection of waste.

**4.80** The cost of contributions in these cases will be negotiated and agreed on an individual basis having regard to the Council's normal requirements for on-site provision.

### 4.81 Use of Waste and recycling funds

**4.82** All funds will be collected in a fund solely for local infrastructure for waste and recycling or waste minimisation/recycling initiatives. The contribution is based on capital costs of additional households only and designed to avoid these costs falling on existing council tax payers.

### 5. Theme 2: Prosperous and Inclusive

#### Affordable Housing

- 5.1** The cost of housing in and around the Borough is high and there is a severe shortfall in the availability of affordable housing; that is housing that is accessible to people whose incomes are insufficient to enable them to afford adequate housing locally on the open market.
- 5.2** National policy governing the provision of affordable housing is set out in PPS3. This gives support for the provision of affordable housing through the use of Planning Obligations.
- 5.3** The London Plan sets out a strategic objective to provide 50% affordable housing in new developments, 70% of which should be social rented and 30% intermediate housing. The Kingston UDP has a target that 40% of all additional housing in the Borough should be affordable of which 62.5% should be social rented and 37.5% intermediate. These targets were derived from local circumstances through the process of developing the UDP and are set out in UDP Policy H9. Policy H9 also sets the thresholds at which these requirements will apply. The Affordable Housing SPD (2007) amplifies and guides the application of Policy H9.
- 5.4** Over the last five years, Policy H9 and the associated SPD have yielded an average of 80 affordable dwellings per year.
- 5.5** Analysis of affordable housing provision and available sites in the course of producing the Core Strategy has identified that, in order to achieve the step-change in affordable housing provision that is required to meet local needs; the thresholds for provision of affordable housing will need to be lowered. This matter is considered in more depth in the draft Core Strategy and the Strategic Housing Market Assessment that forms part of its evidence base.
- 5.6** This document will be amended to include detailed guidance on the application of the Council's policy in relation to affordable housing when this is amended through the Core Strategy process - SPD cannot be used to propose new or amend existing policies. In the interim, the Council will continue to use the existing guidance.

## Town Centres

### 5.7 Why is this obligation necessary

**5.8** Kingston town centre is a Metropolitan Centre and the Borough's main shopping centre. There are also three district town centres in the Borough. Collectively they ensure that local residents have access to a full range of goods and services whilst minimising the need for travel by car.

**5.9** However, town centres are important not just because of the variety of shopping that they can offer. They are also important as the focus for a range of employment opportunities, leisure experiences, and for Kingston borough, they are the places where many people live. In Kingston town centre the River Thames and riverside is a very special asset which contributes to the vitality of the town centre.

**5.10** Town centres need to provide a high quality environment if they are to continue to be the places where people live, work, shop and enjoy their leisure. The Council works with partners, such as Kingston First, to ensure that the vitality and viability of its town centres is maintained and improved and to make sure that the hierarchy of town centres in the borough is maintained. Specifically for Kingston town centre the K+20 Kingston Town Centre Area Action Plan sets out a range of projects promoting and managing change to ensure that Kingston remains a thriving and environmentally sustainable town centre, through partnership working.

**5.11** The Council will seek to secure contributions towards town centre public realm and riverside enhancement schemes and related measures, where appropriate and linked to the particular development in question.

### 5.12 What schemes qualify?

**5.13** The impact of all proposed schemes in the town centres will be assessed, and may require planning contributions. Major developments can be expected generally to have a greater effect and place greater demands on town centres than smaller developments. However, the nature and scale of these impacts will vary significantly dependent on the scale, content and location of individual development schemes.

### 5.14 How is this contribution calculated?

**5.15** The nature and scale of contribution toward town centre enhancement will therefore be negotiated on an individual basis having regard to the following matters:

- the proposed use and its likely impact on the town centre
- the total floorspace and likely level of activity and trip movements
- the location in terms of public transport and accessibility
- the physical and design impact on the immediate area
- other infrastructure requirements e.g. car parks, street furniture, lighting, open spaces, pedestrian routes, cycle paths, CCTV
- previously identified opportunities for environmental improvement and provision of public art.

### 5.16 How will these funds be used?

## 5. Theme 2: Prosperous and Inclusive

**5.17** Funds will be used to support a range of physical improvements, marketing, promotional and co-ordinating activities to improve the physical appearance, vitality and viability of the town centre within which the development scheme is located.

### Access to Employment Training

#### 5.18 The Need for Training

**5.19** Provision of training is a key element of the London Plan, of which Objective 4 is to promote social inclusion and tackle deprivation and discrimination. A key way to achieve this is to tackle unemployment by increasing access to high quality jobs across London through training, advice and other support. Policy 2A.1 states that a consideration in determining planning proposals will be the contribution that the development might make to strengthening local communities and economies including opportunities for local businesses and for the training of local people.

#### 5.20 Contributions to Employment Training

**5.21** Seeking contributions for training can provide benefits through employment, training and enabling sustainable development. A local workforce will also enable easier recruitment and retention and will reduce the environmental impact of a commuting workforce as well as making a contribution towards social exclusion. As new development places additional demands on the skills base it is considered that contributions to employment training can be justified.

**5.22** Contributions will be sought from major commercial developments and assessed on a case by case basis.

#### 5.23 Access to Employment Opportunities

**5.24** For major schemes the Council will consider further obligations in order to maximise employment opportunities for groups suffering difficulties accessing the local labour market. Vacancies could be advertised through an on-site recruitment centre, the use of local employment brokerage agencies, the holding of job fairs aimed at disadvantaged local residents, advertisements in minority newspapers, with Jobcentreplus at employment centres and through local training/employment organisations.

**5.25** In practice maximising the use of local labour in the construction phase of development may require the developer to ensure that the main contractor and sub-contractors meet local labour and training targets throughout the supply chain.

**5.26** The developer should, where possible, notify the Council of the names of companies (and contacts) moving into a completed development. This will enable officers to advise those enterprises on employment and business support initiatives in the Borough, and where appropriate work with those companies to tailor provision to meet their needs.

## 6. Theme 3: Safe, Healthy and Strong

### School Places

#### 6.1 Why the Obligation is Needed - The Need for Additional School Places

- 6.2** The population of the borough is forecast to increase from around 156,000 in 2006 to nearly 168,000 by 2026. Part of this increase is due to new housing, with an annual target of 375 new homes amounting to over 5,000 new homes by 2026. New housing developments will result in an increased number of children resident in the Borough which will lead to increased demand for school places in Kingston schools and the need to provide additional school places through the expansion of existing schools and the provision of new schools.
- 6.3** Up to 2008 the supply and demand for school places was broadly in balance. However since 2008 there has been a significant increase (28%) in demand for primary school places due to a number of factors including: a significant rise in the birth rate in the borough (30%) since 2001, new housing development, more families with children moving into the borough, less families moving out, popularity and reputation of local schools and the effects of the recession in increasing applications to borough schools.
- 6.4** The Council has a statutory duty to provide sufficient school places for all borough children. The increased demand for reception year school places in 2008, 2009, 2010 and 2011 is being met through the provision of temporary accommodation and temporary increases in admission numbers at some schools by creating 'bulge' classes. The increased demand is not temporary but will be sustained requiring the provision of permanent accommodation by expanding existing schools and providing a new school. Up to 15 additional forms of entry are required. A new primary school is planned to serve the Surbiton area on the Surbiton Hospital site as part of a comprehensive redevelopment scheme.
- 6.5** The cost of temporary accommodation to provide additional school places currently exceeds £4 million and the cost of Phase 1 permanent expansion of primary schools to provide additional accommodation and school places exceeds £42 million.
- 6.6** In 2015, the increase in primary aged children will be at an age when they need to transfer to secondary schools which will require additional secondary school places from 2014/15 onwards through the expansion of existing secondary schools and the provision of a new secondary school to serve the Kingston area on the North Kingston Centre site. The demand for places for pupils with special educational needs will also increase with new housing provision and as the population increases.
- 6.7** This situation is being mirrored across the capital in both inner and outer London. The London Plan states that by 2016 London's school age population is projected to rise by 8%. Half of this total growth is expected in outer London. In planning for this increase, the Plan states that Boroughs should seek planning contributions to address shortfalls in capacity arising from new housing developments. Increasingly developers will be required to contribute funding towards one-off capital costs for additional accommodation required to meet the need for additional places arising from new housing development.

### 6.8 What schemes will qualify

**6.9** The Authority will seek funding for the provision of additional school places through planning obligations in conjunction with proposals for residential development, where a development would result in additional children and where a development would create or exacerbate a shortage of school places. Currently there is a shortage of school places throughout the Borough. The provision of primary school places takes place within four school planning areas based on the four Neighbourhoods in the Borough. Secondary school planning takes place on a borough wide basis.

**6.10** The Audit Commission recommends that a surplus capacity of approximately 5% should be provided to ensure that sufficient places are available to accommodate a degree of flexibility and parental preference and allow for in-year admissions from families moving into the Borough.

**6.11** The Borough will seek education contributions towards additional school places and consequent education facilities from all new housing developments of one or more dwellings that result in the provision of an additional dwelling and comprise flats or houses with more than one bedroom. One bedroom dwellings, specialist housing for the elderly, university halls of residence and housing in multiple occupation (HMO) for single persons are exempt from education contributions.

**6.12** Contributions for school places will not generally be sought on the affordable housing component of development schemes that comprise more than 50% affordable housing and where the Council has 100% nomination rights in perpetuity.

### 6.13 The Calculation of Education Contributions

**6.14** Taking account of population and housing forecasts, take up of school places and the capital costs of providing school places (based on Department for Education multipliers adjusted for higher construction costs in RBK), the following contributions towards school places and associated capital costs will apply:

- **£3000 for two bedroom dwelling**
- **£6500 for three bedroom dwelling**
- **£13,000 for dwelling with four or more bedrooms**

**6.15** Pupil Take Up of school places is the proportion of children likely to be educated in maintained schools in the Borough. It is recognised that not all children of school age will attend a maintained school in the Borough but may seek alternative education in independent schools, or in other Local Authorities. For Primary education the take up rate is around 89% to maintained schools from children living in the Borough. For Secondary education the take up rate is around 71%. The above contributions take these take up rates into account.

**6.16** The calculation of contributions also takes into account the average cost of providing a school place, based on Department for Education indicators related to construction costs, which are published annually. For this borough construction costs are 12% higher

than the average. It is of note that the actual costs of providing an additional school place significantly exceed these multipliers. The current multipliers for Kingston (incorporating the 12% addition) are:

- Primary £13,728
- Secondary £20,685

### 6.17 Use of School Places Funding

**6.18** The education contributions secured through planning obligations will be put towards the capital costs of funding the provision of additional school places and consequent education facilities.

**6.19** Central Government issues a basic needs assessment to local authorities (to borrow funds) in order to meet rising school rolls. However these approvals are contingent on Local Authorities using their best endeavours to secure planning obligations as enabling funding.

## Health and Community Facilities

### 6.20 The need for Health and Community Facility Contributions

**6.21** Kingston NHS Primary Care Trust (PCT) is the organisation responsible for the health of the local community. Their main responsibilities are:

- Improving the health of the local population
- Providing community services, which means working with doctors, pharmacists, opticians and dentists
- Buying services from other providers, e.g. Hospitals
- Working closely with social services

**6.22** A Strategic Commissioning Plan sets out how the PCT will develop services to ensure they are fit for purpose and how they will respond, through commissioning, to the changing needs of our population. Commissioning is a complex process which includes the assessment of population needs, prioritising health outcomes, procuring products and services and managing service providers.

**6.23** The PCT contracts with practices for the provision of general medical services. GPs either operate in single practices or in group partnership, operating from the same premises. Recent changes in provision have increased the flexibility for PCTs to directly employ health professionals such as salaried doctors.

**6.24** Kingston NHS Primary Care Trust and the Council have produced a Joint Strategic Needs Assessment (JSNA)<sup>(13)</sup>. This will be the means by which the PCT and the local authority will determine the future health, care and well-being needs of the local population. The JSNA provides the background to inform commissioning decisions and help determine future estate requirements.

## 6. Theme 3: Safe, Healthy and Strong

**6.25** In addition to health facilities there are a number of community facilities in the borough, e.g. meeting halls, community centres and youth facilities; many of which are run by the Council. It is important that residents have equal access to community facilities, in all areas of the borough.

### 6.26 Calculating Healthcare Payments

**6.27** Payments are based on the model developed by the Healthy Urban Development Unit (HUDU), which calculates costs by applying the Borough's housing target and a mix of dwellings. The Council/PCT reserves the right to carry out a full modelling of the healthcare impact of major developments (10 units or more).

### 6.28 Calculating Health and Community Facilities Contributions

**6.29** The formula is:

**(A) Health Care Costs = £1,293 per dwelling**

And

**(B) Community Centres, Halls and Youth Centres = £450/dwelling X (C) Occupancy Factor**

**6.30** The occupancy factor is as follows:

Size of Unit	Occupancy Factor	
	General Market Housing and Intermediate Housing	Social Rented Affordable Housing
1 bedroom	1.5	1.4
2 bedroom	1.8	1.9
3 bedroom	2.5	2.8
4+ bedrooms	3.2	3.7

### 6.31 How these funds will be used

Planning obligations will be used, where as a result of increased population from development, existing health and community facility premises (including Court Facilities) are inadequate to cope with additional users, or premises need to be enlarged.

## Community Safety and Visitor Management

### 6.32 The Need for Funding – Crime, Disorder and Substance Misuse Strategy

**6.33** Kingston upon Thames has one of the lowest crime levels in London. The Safer Kingston Partnership publishes a Crime, Disorder and Substance Misuse Strategy<sup>(14)</sup>. Kingston is in the top five boroughs with regards to overall residents' satisfaction with their local area. However, despite these significant improvements, the Partnership is committed to reducing crime, disorder, substance misuse and re-offending still further and improving residents' perceptions and public confidence. The Partnership prioritises those specific areas of activity identified through its annual statutory Strategic Assessment.

### **6.34 Qualifying Schemes for Community Safety Payments**

**6.35** Qualifying schemes (subject to a minimum threshold of 100sqm) will be as follows:

- All A4 (pubs and bars) schemes
- A3 (restaurants) open after 8.00pm
- A5 (takeaway) schemes open after 8.00pm
- All nightclubs and
- Other major visitor attractions

### **6.36 Calculating Community Safety Contributions**

**6.37** Contributions will be negotiated rather than formula based having regard to the location of the proposal, the factors that are known to increase the risk of crime and disorder in the surrounding area, including current levels of use, size and opening hours of premises, as well as the sensitivity of the area. The payments apply to both new developments and to changes of use, to extensions, applications for use of forecourts and for extensions to opening hours.

### **6.38 Use of Funds**

**6.39** Funding will be ring-fenced into a fund for expenditure on capital and diversionary/intervention, educational and other projects prioritised in the Borough's annual Partnership Plan, including the CCTV control room, and also for the provision of enhanced or extended court facilities.

**6.40** Examples of local community safety needs include:

- Provision of improved lighting in the vicinity of the proposal
- CCTV, whether supplementing existing systems or new schemes, including as appropriate commuted sums for management and maintenance
- Environmental improvements that contribute towards safer town centres and other areas affected by a development, e.g. landscaping works to improve visibility and remove areas of concealment, works on adjacent waterways and towpaths
- Safety improvements to existing or proposed public transport interchanges, facilities and car parks
- Enhanced night bus networks or specially created services to provide alternative safe forms of travel to and from major new facilities and leisure uses
- Contributions towards toilets, improved toilet facilities (e.g. facilities for the disabled and baby change facilities) and a Community Toilets Scheme

## 6. Theme 3: Safe, Healthy and Strong

- Contributions towards schemes which promote community safety, e.g. Best Bar None
- Contributions towards the Town Centre/District Centres Radio Link/Alert Box and associated systems, wireless transmitters for CCTV etc.
- The provision of enhanced or extended court facilities
- Emergency services

### 6.41 The Need for Additional Police Facilities

**6.42** Development resulting in the net increase in the number of residents, businesses, commercial, social and leisure activity in an area may increase the need for police facilities. In parts of the Royal Borough of Kingston police services are already near capacity. New populations and an increase in visitor numbers will require additional police services.

### 6.43 Qualifying Schemes for Contributions for Policing Facilities

**6.44** The MPA wish to be consulted, and may seek contributions through Planning Obligations on schemes which exceed any of the following thresholds:

- 100 residential units
- 5,000sqm commercial floorspace; or
- 100 car parking spaces

### 6.45 Provision of Policing Floorspace

**6.46** All development schemes that have a significant impact on policing will be expected to contribute to additional policing facilities through a Planning Obligation.

## 7. Planning Obligation Procedures and Monitoring

**7.1 Early Information** – During pre-application discussions developers will be given advice over the likely requirements of a planning obligation in order to allow these to be properly integrated into project development stages. Any developer choosing not to enter into pre-application discussions will be advised at the earliest opportunity of these likely obligations. These will assist in the preparation of a draft planning obligation or unilateral undertaking, which will be required to accompany your planning application. A model legal agreement relating specifically to provision of affordable housing is provided as an Annex to the Supplementary Planning Document- Affordable Housing. Failure to supply a relevant draft planning obligation meeting local validation requirements at the application submission stage may result in your planning application not being registered as valid.

**7.2** In each case, the objective is to ensure that, as far as possible:

- applications can be determined within the target periods for decisions set by government; and
- applicants provide information that is available from the date of submission of the application, which enables the Council and consultees to respond properly to applications; and
- the content of proposed planning obligations is settled before applications are presented for determination.

**7.3 Transparency** – The presence of this and other supplementary planning documents and accompanying documents and procedures allow all interested parties to have a clear understanding of the Borough's policy on planning obligations. At appropriate stages, necessary consultation will be made with the public and other interested parties and these will inform the decision making process.

**7.4** The draft planning agreement will be subject to review and validation by the Council which may lead to further negotiation and revision. In most instances, it should be possible to negotiate any amendments to the agreement such that the agreement can be signed by the developer and/or owner of the site before the application is considered by Committee or the relevant Chief Officer for a decision.

**7.5** Where the Council makes it clear that there are fundamental objections to the application, which are unlikely to be resolved, negotiation of the agreement will be suspended.

**7.6 The Role of the Case Officer** - Case Officers are responsible for the negotiations on planning applications and for the management of the application process to ensure that negotiations proceed as quickly as possible. They take responsibility for ensuring that obligations are comprehensive and that the developer is informed of the necessary inclusions at the earliest opportunity, normally this would be prior to the planning application being submitted.

**7.7** The Case Officer will ensure that the applicants are advised of progress through the determination process. Public consultation will be carried out at the appropriate stages in the planning application process and the response to these consultations will be included within their final report.

## 7. Planning Obligation Procedures and Monitoring

- 7.8** The onus is on the applicant to prepare a draft planning obligation, where relevant in accordance with the Council's published standard terms and the case officer will instruct the Borough Solicitor to confirm the content of the draft. The report on the planning application will contain justifications for the obligation and offer professional advice and recommendations.
- 7.9** The recommendation to grant a planning permission where a planning obligation is necessary will be subject to satisfactory completion of that obligation and this will be recorded in the recommendation. Where the application is submitted with a unilateral undertaking then a recommendation to approve can be processed immediately and this procedure is preferred, using the Borough's standard undertaking, for simpler and smaller cases. For other cases where a recommendation has been subject to satisfactory completion of a planning obligation then the heads of terms of such an obligation, including the scale of necessary contributions, will be recorded in the report and recommendation.
- 7.10** Completion of a satisfactory legal agreement should take place within a specified time period (subject to an appropriate draft being in place, this could take place almost immediately or not more than 1 month from the determination of a planning application). Should the case officer's recommendation be endorsed, if this has not already been done, they will then instruct the Borough Solicitor who will then assume responsibility for completion of the legal agreement in consultation with the applicant's solicitor, and with Council officers as appropriate. Where there are unreasonable delays in the process the Local Planning Authority may reconsider its recommendation in light of the absence of an agreement. Failure to complete satisfactorily within 6 months will normally lead to a recommendation to refuse the scheme.
- 7.11 Late Payments** - To ensure compliance with the terms of legal agreement, appropriate clauses will be included in the terms of the legal agreement involving interest for the late payment of financial contributions payable from the time of the relevant trigger in the agreement. This is written into any planning obligation so that developers are aware of the implications of late payment and agree to the terms.
- 7.12 Monitoring** – it is important that the undertakings given are complied with and any contributions are provided on time or as otherwise required by the Council or other benefiting stakeholder. The developer will be expected to inform the local planning authority when development is about to commence which will trigger the necessary steps to be undertaken to comply with the terms of the agreement.
- 7.13** Variation and discharge of undertakings will only be considered formally, whether by a deed of agreement or an application following any necessary public consultation.
- 7.14** The Annual Monitoring Report will highlight the various benefits resulting from undertakings implemented throughout the year and show how such improvements have contributed to the infrastructure and essential public services of the area.

### 7.15 Standard Recommendations on Committee Reports

Recommendation **A**: Subject to the applicant first entering into an appropriate planning obligation for the provision of the following heads of term:

£xxxx for *[insert name of infrastructure provision]* and

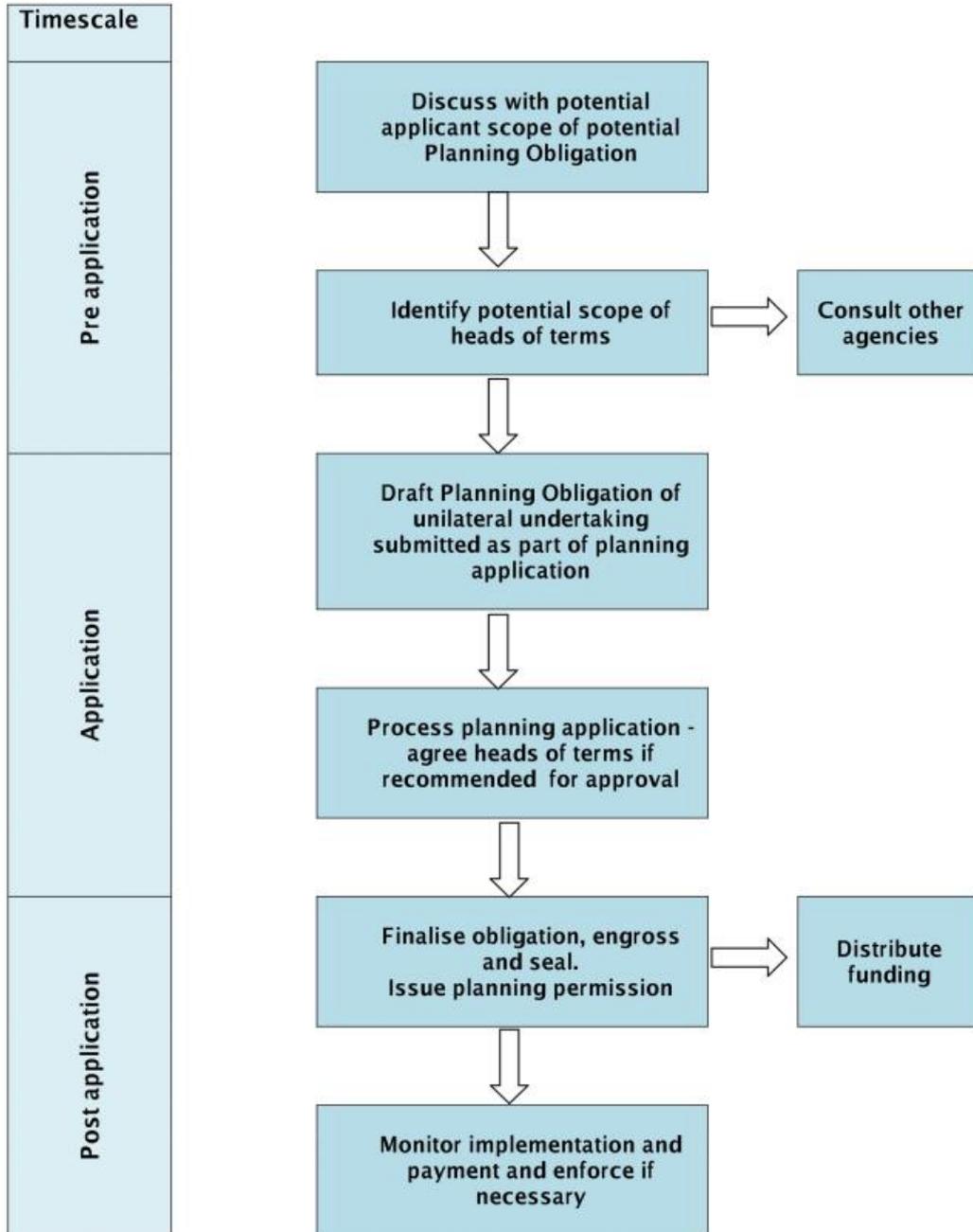
£xxxx for *[insert name of infrastructure provision]* ...etc

no later than *[insert date]* permission be GRANTED subject to the following conditions:-

Recommendation **B**: In the event that the requirements of recommendation A are not met by *[insert date]*, the *[insert title of officer delegated to refuse application]* be authorised to refuse planning permission on the following grounds:-

In the absence of an acceptable completed planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with Policy *[insert policy reference from adopted development plan]* in relation to provision of *[insert name of infrastructure provision]* and Policy *[insert policy reference from adopted development plan]* in relation to *[insert name of infrastructure provision]* infrastructure of the *[insert name of the adopted development plan]*.

Picture 1 The Planning Obligations Process





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چنانچہ قادر نیستید این نامہ را بہ دلیل ناتوانی یا مشکل زبان بخوانید ما میتوانیم بہ شما کمک کنیم۔ لطفاً خود یا شخص دیگری با شماره کمک شہرداری کینگسٹون تماس بگیرید۔  
تلفن 020 8547 5757 ۰۲۰۸۵۴۷۵۷۵۷

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ئەگەر تۆوانای خویندەنەوی ئەم نوسراوەت نە بەر ئە بەر پەکەوتە/ بێ تۆوانای یاخود ئە بەر زمان تێنە گەشتن ، ئەوا ئێمە ئەتوانین یارمەتیت بەدەین . تکایە پەيوەندی بکە بە هێلی یارمەتی شارهوانی کینگستونەوه (Kingston Council) 020 8547 5757 بە ژمارە تەلەفۆنی . یان بەکەسی بلی کە بەناوی تۆوه پەيوەندی بکات .

"إن لم تكن قادراً على قراءة هذا النص بسبب اللغة أو أي عائق آخر، اتصل بنا فنحن نستطيع مساعدتك. الرجاء الاتصال بخط مجلس كنجستون للمساعدة (Kingston Council helpline) على الرقم 020 8547 5757 أو اطلب من أي شخص آخر الاتصال بنا نيابة عنك."

“ਜੇਕਰ ਤੁਸੀਂ ਅਪਹਜਤਾ ਜਾਂ ਭਾਸ਼ਾ ਦੇ ਕਾਰਣ ਇਸ ਦਸਤਾਵੇਜ਼ ਨੂੰ ਪੜ੍ਹਨ ਵਿੱਚ ਅਸਮਰਥ ਹੋ, ਤਾਂ ਅਸੀਂ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੇ ਹਾਂ। ਕਿਰਪਾ ਕਰਕੇ 020 8547 5757 'ਤੇ ਕਿੰਗਸਟਨ ਕੌਂਸਲ ਦੀ ਹੈਲਪਲਾਈਨ 'ਤੇ ਕਾਲ ਕਰੋ ਜਾਂ ਅਪਣੇ ਵੱਲੋਂ ਕਿਸੇ ਨੂੰ ਕਾਲ ਕਰਨ ਲਈ ਕਹੋ।”

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உங்களால் இந்த கடிதத்தை படிக்க இயலவில்லை என்றால் தயவு கூர்ந்து கிங்ஸ்டன் உதவி மையத்தை நீங்களோ அல்லது உங்களை சார்ந்த எவராவது தொடர்பு கொள்ளவும்.  
தொடர்பு கொள்ள வேண்டிய எண் 020 8547 5757

- کرینگے مدد کو آپ ہم تو ہیں ناقابل سے وجہ کسی پڑھنے کو دستاویز اس آپ اگر فون 020 8547 5757 ۰۲۰۸۵۴۷۵۷۵۷ لائن ہیلپ کاونسل کنگسٹن مہربانی برائے 020 8547 5757 سے کسی یا کیجنے کروائے۔

Haddii aadan awoodin akhrinta dokumentigan sabab naafada ama luqadda ah, waan ku caawin karnaa. Fadlan soo wac Khadka caawimada ee Kawnsalka Kingston 020 8547 5757 ama qof ku matalaya ka codso inuu na soo waco

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