

Planning Obligations Guidance

*Adopted
26th July 2008*

Contents

1	Introduction	3
	What are planning obligations?	3
	The purpose of this Supplementary Planning Document (SPD)	3
	Status of the SPD	4
	The structure of the SPD	4
	Consultation.....	5
	Key contacts	5
2	Policy context	6
	Legislative and national guidance	6
	The introduction of a Community Infrastructure Levy.....	6
	Regional and local policies.....	7
	The London Plan (2008).....	7
	Changes to the Mayor of London's powers	8
	Bexley Unitary Development Plan	8
	Bexley Local Development Framework.....	9
	Bexley Sustainable Community Strategy 2008-2018	9
3	Bexley's approach to planning obligations	11
	Planning obligations that may be sought.....	11
	Qualifying developments and planning obligations sought	11
	Relative priorities.....	12
	Recovery of administration costs.....	12
	Planning or development briefs	12
	Table 3.1 Qualifying development and planning obligations sought	13
	The level of contribution to be sought.....	14
	Basis for calculation of contributions	14
	Planning obligations calculator	14
	Existing facilities	15
	On-site provision.....	15
	Maintenance payments	15
	Pooled contributions.....	15
	How money will be spent.....	16
	The Council's commitments and covenants	16
	Monitoring of planning contributions and compliance.....	16
4	Procedure for dealing with planning applications and planning obligations	18
	Introduction.....	18
	Overall procedure for agreeing planning obligations parallel to consideration of planning applications.....	18
	Stage 1 : Pre-application discussions.....	18
	- The Statement of Planning Obligations.....	19
	- Title information.....	20
	Stage 2 : Submission of planning application.....	20
	Stage 3 : Appraisal, negotiation and agreement of planning obligations.....	21
	- Delegated and Committee decisions on planning applications.....	23
	- Timing of payment.....	23

Contents

- Indexation of contributions	23
- Consideration of viability issues	24
- Draft Legal Agreements	24
Stage 4 : Post-decision resolution	24

5 Review and monitoring of the SPD **26**

Annexes

A - Affordable Housing	A1 - A6
B - Transport, Access and Public Realm Improvements	B1 - B15
C - Education	C1 - C8
D - Employment Training	D1 - D7
E - Health Services and Facilities	E1 - E6
F - Open Space, Sports and Leisure Facilities	F1 - F12
G - Local Community Facilities and Services	G1 - G7
H - Professional, Legal and Monitoring Fees	H1 - H5

- 1.1 The London Borough of Bexley (the Council), through planning policies adopted in the Unitary Development Plan (UDP) and Local Development Framework (LDF), seeks to ensure that growth and development meets the needs of the community and is sustainable.
- 1.2 Growth in Bexley will result in increased pressure on local infrastructure, services and facilities, creating demands for new provision. The Council and developers have a responsibility, through the planning process, to manage the impacts of growth and ensure that all “*development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities*”. (Paragraph 5: PPS1)⁽¹⁾.

What are planning obligations?

- 1.3 Planning obligations may be sought in addition to any necessary planning conditions attached to a planning consent. Planning obligations, a Section 106⁽²⁾ (S106) agreement or unilateral undertaking⁽³⁾, are legal agreements between local planning authorities and applicants/all parties with an interest in the land, which is the subject of the planning consent. They are intended to make development acceptable in planning terms.
- 1.4 The reason for planning obligations is that, in most cases, the proposed development has an impact beyond the boundary of the site. Planning obligations can be used to prescribe the nature of development (e.g. by requiring that a given portion of housing is affordable); or to secure a contribution from a developer to compensate for loss or damage (e.g. enhancements to open space); or to mitigate a development’s impact (e.g. through increased or improved public transport provision). The use of planning obligations is an effective process by which the Council will seek to ensure that growth and development, whether individually or cumulatively⁽⁴⁾, meets the objectives of sustainable development as promoted in local, regional and national policies.

The purpose of this Supplementary Planning Document (SPD)

- 1.5 The purpose of this document is to establish a transparent, fair and consistent process for negotiating, applying and monitoring planning obligations. It has been prepared as part of the Local Development Framework as a ‘Supplementary Planning Document’ (SPD) to support Policy G3 (Planning Obligations) of the Bexley’s Unitary Development Plan, 2004. Policy G3 is set out in paragraph 2.14 of this SPD.
- 1.6 The SPD seeks to provide greater clarity and certainty around the Council’s procedures for the use of planning obligations, particularly in terms of:
- the range of planning obligations likely to be sought;
 - the types of development likely to attract planning obligations;

1 Department of Communities and Local Government Planning Policy Statement 1, Delivering Sustainable Development (2005).

2 Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991 and the Planning and Compulsory Purchase Act 2004.

3 A unilateral undertaking is where a legal document containing planning obligations offered by all parties with an interest in the application site and accepted by the Council, which is enforceable by the Council, but without the need for the Council to agree the terms.

4 Cumulative development is created by the gradual build up of successive smaller developments.

1 Introduction

- the form and scale of planning obligations;
- the protocols for negotiating and calculating contributions; and
- how planning obligations are secured and monitored.

1.7 The intention is that the SPD will:

- assist developers, landowners and other stakeholders with understanding the infrastructure requirements that may be sought to cope with additional demands brought on by new development;
- manage more effectively the legal arrangements for negotiating and securing Section 106 agreements or the giving of unilateral undertakings;
- allow for more timely and cost-effective decisions on applications involving Section 106 agreements or unilateral undertakings;
- enable planning obligations to be considered from the earliest stages of the proposed development process; and
- contribute to the achievement of sustainable development within the London Borough of Bexley.

Status of the SPD

1.8 This Planning Obligations Guidance SPD, adopted 26 July 2008, forms part of the Council's Local Development Framework (LDF). It has been prepared to supplement the policies and proposals of the adopted Unitary Development Plan (UDP), as saved policies in 2007⁽¹⁾ and the London Plan 2008 (consolidated with alterations since 2004). It is therefore a material consideration when the Council considers making decisions on planning applications. It has been prepared in line with the requirements of the Planning and Compulsory Purchase Act 2004 and associated regulations and guidance on Supplementary Planning Documents.

The structure of the SPD

1.9 The following sections are included within this SPD:

- **Section 2:** sets out the background and legislative / policy basis within which planning obligations operate;
- **Section 3:** identifies the range of planning obligations the Council may seek for specific types of development and the Council's expectations of the scale and form of planning obligations;
- **Section 4:** outlines the procedure for negotiating and completing a legal Section 106 agreement or giving a unilateral undertaking to the Council;
- **Section 5:** details the review and monitoring procedures for the SPD.
- Annexes A-H detail the Council's approach to obtaining planning obligations to contribute to a range of infrastructure, services and facilities.

¹ UDP policies adopted in 2004 were granted an extension as 'saved policies' in 2007, in accordance with requirements of the Planning and Compensation Act 2004 and Planning Policy Statement 12.

Consultation

- 1.10 During April and May 2008, the draft SPD and supporting documents, including sustainability appraisal reports, electronic calculator, planning obligations statement, model unilateral undertaking and legal agreements were published and put to a six week public consultation.
- 1.11 An analysis of responses received and changes to this SPD, as well as other revised supporting documents, can be found on the Council's website at:
<http://www.bexley.gov.uk/planning>

Key contacts

- 1.12 For any enquiries about planning applications for development in Bexley and for planning obligations that may be required, please contact:
- Development Control
North Team 020 8308 7772
South Team 020 8308 7763
Email: DevelopmentControl@bexley.gov.uk
- 1.13 For more information about this SPD, Bexley's LDF or planning policy affecting planning obligations please contact:
- Local Development Framework Team: 020 8308 7903
Email: ldfteam@bexley.gov.uk
- 1.14 Information about submitting planning applications can also be found on the Council's website.

2 Policy context

Legislative and national guidance

- 2.1 The legislative basis for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990, as amended, which provides local authorities with the opportunity to enter into planning agreements to secure contributions in connection with the development and use of land and for developers to give unilateral undertakings when making a planning application.
- 2.2 Government guidance on the application and use of planning obligations is set out in Circular 05/2005 'Planning Obligations', and the 'Planning Obligations: Practice Guidance' published by the Department of Communities and Local Government (DCLG) in July 2006.
- 2.3 There are certain broad principles in Section 106 itself as to what may be included within a planning obligation. This is amplified in Circular 05/2005. For planning obligations to be acceptable, they must meet all five tests set out in paragraph B5 of Circular 05/2005. They should be:
- i. relevant to planning;
 - ii. necessary to make the proposed development acceptable in planning terms;
 - iii. directly related to the proposed development;
 - iv. fairly and reasonably related in scale and kind to the proposed development; and
 - v. reasonable in all other respects.
- 2.4 Circular 05/2005 establishes the principles for the use of planning obligations, which are fundamental to the London Borough of Bexley's approach to planning obligations:
- Planning obligations are to be used to ensure development accords with national, regional and local level planning policies;
 - Planning obligations must be governed by the fundamental principle that planning permission may not be bought or sold;
 - A planning obligation may only be used as a material consideration to the planning decision;
 - Planning obligations may be used to make development acceptable, which would otherwise be unacceptable in planning terms; and
 - A planning obligation will not be used to resolve existing deficiencies or lack of capacity in existing facilities.
- 2.5 Acceptable development will not be refused permission because the applicant is unwilling or unable to offer unrelated benefits, nor will unacceptable development be permitted because of unrelated benefits offered by an applicant.
- 2.6 Where there is a choice between imposing planning conditions and entering into a planning obligation to manage the impacts of a new development, the use of a planning condition is always preferable.

The introduction of a Community Infrastructure Levy

- 2.7 The Government introduced the 'Planning Bill' on 27 November 2007. The Bill sets out

proposals for a new Community Infrastructure Levy (CIL), the purpose of which is to “ensure that costs incurred in providing infrastructure to support the development of an area can be funded (wholly or partly) by owners or developers of land”. Planning authorities will apparently be given a discretionary power to implement CIL. DCLG issued a Briefing Paper on CIL, in January 2008, which indicates the extent to which the Government has still to resolve the practical and technical issues in implementing CIL, including:

- defining who among landowners and developers is liable to pay CIL;
- the requirement that CIL will still be payable whether or not the land increases in value as a result of the development;
- arrangements for deciding the amount of CIL to be levied locally, including having regard to the actual or expected costs of infrastructure or increases in value;
- set out the basis on which CIL is or can be levied (eg per dwelling, per unit of floorspace);
- ensuring that CIL collected is applied to funding infrastructure;
- requiring charging authorities to prepare and publish a list of projects that are to be funded, wholly or partly, by CIL; and
- arrangements for collecting, enforcing and applying CIL.

2.8 This SPD could operate along side any CIL that is imposed, but the requirements of this SPD may need to be reviewed in light of the published regulations for CIL.

Regional and local policies

2.9 The statutory Development Plan for the London Borough of Bexley comprises:

- The London Plan - Spatial Development Strategy for Greater London (Consolidated with Alterations since 2004), herein referred to as the London Plan (2008); and
- The London Borough of Bexley Unitary Development Plan (April 2004, as amended pursuant to the Secretary of State’s Direction of 28 September 2007 under paragraph 1(2)(a) and 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004), to extend ‘saved policies’, herein referred to as the Bexley UDP.
- Adopted and emerging policy documents as part of the Local Development Framework (LDF)

The London Plan (2008)

2.10 Policy 6A.4 of the London Plan (2008) sets out the Mayor’s priorities for planning obligations, which include affordable housing and infrastructure development, and is as follows:

Policy 6A.4 Priorities in planning obligations

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).

2 Policy context

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.

- 2.11 In addition, Policy 6A.5 of the London Plan (2008) urges boroughs to adopt a clear framework for negotiations on planning obligations, having regard to national guidance, including Circular 05/2005, and strategic and local considerations.

Changes to the Mayor of London's powers

- 2.12 The Town and Country Planning (Mayor of London) Order 2008 sets out the powers the Mayor has in relation to planning decisions in London. The Order states that the Mayor's powers extend to direct approval as well as refusal of certain strategic applications and to act as 'lead' negotiator in any Section 106 planning agreements.
- 2.13 The Mayor expects referable planning applications⁽¹⁾ to be accompanied by a statement, where a London Borough is inclined to grant permission, outlining any conditions the Council is seeking to impose and, as applicable, a draft of any planning obligations the Council proposes to enter into and the details of any proposed planning contributions.

Bexley Unitary Development Plan

- 2.14 The Bexley UDP requires applicants to provide or contribute to infrastructure and community facilities as set out in Policy G3 and amplified for large residential developments in Policy H13. These policies are set out below:

Policy G3 Planning Obligations

Where appropriate, the Council will, by way of planning obligations or other legal agreements or otherwise as part of a scheme, seek appropriate benefits and/or commitments from a development including, for example: affordable housing; environmental improvements; improvements to the public transport system and/or to highway infrastructure; nature conservation and new tree planting; leisure, social and community facilities, including waste recycling facilities, to meet the needs of future occupiers or users and to minimise disturbance or adverse impacts on the local community.

The requirements of this policy for large development sites may be identified in Planning Briefs.

Policy H13

Residential developments of over 25 dwellings should, where appropriate:

¹ Referral criteria for strategic planning applications are contained in Statutory Instrument 2008 No 580 of the Town and Country Planning (Mayor of London) Order 2008, and include developments comprising more than 150 dwellings or occupying more than 10 hectares; consisting of more than 15,000m² outside central London; buildings more than 30m high outside central London; and alterations to an existing building to increase its height by 15m where the completed building would exceed 30m in height.

1. *provide recreational open space, or contribute to the cost of off-site provision (see also Policies TAL6, TAL7 and para. 6.28);*
2. *provide adequate highway and other infrastructure to serve the development prior to the need for its use in accordance with Policy T6;*
3. *incorporate a mix and balance of dwelling types and size to cater for a range of housing needs;*
4. *have adequate provision of or access to shopping and community facilities, to serve the development;*
5. *have good access to public transport facilities to serve the development in accordance with Policies T12 and G17 and;*
6. *provide for the needs of disabled and less mobile people in the layout and, by negotiation, provide a suitable proportion of dwellings designed for people with special housing needs, including housing for people with disabilities, having regard to market and site conditions.*

The Council will seek to secure these provisions through planning obligations, in accordance with Policy G3.

- 2.15 In applying UDP Policies G3 and H13, and the requirements of this SPD, the Council will also draw upon: other relevant policies of the London Plan (2008); other 'saved' policies of the UDP, where appropriate; any other LDF document; and adopted strategies. Further details are provided in the annexes to this SPD with regard to the investment programme, action plans and strategies, by which the impacts of a development might be managed and, therefore, the planning condition or planning obligation that might be sought. The relevant London Plan (2008), UDP and LDF policies are also provided.

Bexley Local Development Framework

- 2.16 We have a number of adopted Local Development Framework (LDF) documents, which will eventually replace our Unitary Development Plan. Our LDF includes both Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs). This Planning Obligations Guidance SPD supports various adopted LDF documents, including the following:
- 'design for living' SPD (adopted January 2006),
 - Affordable Housing SPD (adopted March 2006) and
 - Sustainable Design and Construction SPD (adopted October 2007).
- 2.17 All LDF documents, including draft documents emerging, can be found on our website at www.bexley.gov.uk/ldf

Bexley Sustainable Community Strategy 2008-2018

- 2.16 Bexley's Local Strategic Partnership, *the Partnership for Bexley*, adopted the Sustainable Community Strategy, *Bexley Together*, in June 2008. It outlines the long-term vision to build a strong, sustainable and cohesive community through:
- developing services for children and young people;

2 | Policy context

- building safer and stronger communities;
- developing healthier communities for adults - including vulnerable adults and older people; and
- promoting economic development and the environment.

2.17 The planning process is a key means by which a number of the Strategy's objectives can be achieved. As appropriate to planning and development, planning obligations will be sought where they support the following key objectives of the Bexley Sustainable Community Strategy:

- Deliver a range of housing options to suit different household incomes and sizes, with well-designed public buildings and spaces;
- Reduce the Borough's carbon footprint through a range of measures including a reduction in car usage and improved public transport;
- Develop a strong and sustainable local economy, through high quality education and training, and creation of job opportunities;
- Maintain a high quality environment, ensuring Bexley is a clean and attractive borough that promotes a feeling of safety among its residents;
- Provide easy access to high quality GP and hospital care;
- Develop a community where there are cultural and leisure opportunities to improve health and allow local people to feel welcome and included; and
- Reduce anti-social behaviour on our streets⁽¹⁾.

¹ In compliance with Section 17 of the Crime and disorder Act 1998

Bexley's approach to planning obligations 3

Planning obligations that may be sought

- 3.1 The SPD does not list every possible type of development that might be subject to a planning obligation or prescribe every circumstance in which a planning obligation might be sought. Rather, the SPD focuses on development of a scale and type provided for by the UDP, and the types of contribution likely to arise as a result of applying the UDP policies relevant to the whole Borough.
- 3.2 In accordance with Circular 05/2005, the Council will consider each application on its merits against relevant policy, guidance and other material considerations. Where appropriate, this would include an assessment of the development impacts. Where planning obligations are considered necessary, these are likely to include the following:
- Affordable Housing (Annex A);
 - Transport, Access and Public Realm Improvements (including cycling, walking, town centre, public safety and public art) (Annex B);
 - Education (Annex C);
 - Employment Training (Annex D);
 - Health Services and Facilities (Annex E);
 - Open Space, Sports and Leisure Facilities (Annex F);
 - Community Facilities and Services (Annex G); and
 - Professional, Legal and Monitoring Fees (Annex H).
- 3.3 Specific policies in the UDP and LDF provide the basis and justification for seeking the above-mentioned planning obligations commonly sought by the Council. However, this list should not be considered exhaustive. Depending on the merits of the proposed development, other obligations not described in this SPD may also be sought. These may include: obligations toward climate change mitigation and adaptation⁽¹⁾; cultural provision; flood defences; green infrastructure; historic environment; utilisation or goods and services of SME⁽²⁾ and local businesses. Where planning obligations are required to manage the specific impacts arising as a result of the development, they will need to be negotiated on a case-by-case basis, taking account of the requirements of this SPD where appropriate.

Qualifying developments and planning obligations sought

- 3.4 As a general guide, Table 3.1 (on page 13) indicates the range of planning obligations that will normally be sought for the types and scale of planning applications listed. For other types of development, not listed in Table 3.1, planning obligations will continue to be negotiated on an application-by-application basis.
- 3.5 Thresholds above which planning obligations will be sought have been derived for the various types of development that are specified in 'saved' UDP policies and any revised by The London Plan (2008). Financial testing and viability was also

¹ Specific requirements are set out in Bexley's LDF Sustainable Design and Construction SPD (October 2007)

² SME: Small Medium Enterprise

3 Bexley's approach to planning obligations

considered to ensure the scale of development and appropriate threshold would be able to carry the obligations sought. The fact that a development falls below the thresholds in Table 3.1 does not necessarily mean that such development would not be the subject of appropriate planning obligations needed to manage any specific requirements arising as a result of the development.

- 3.6 Where it is not possible to secure all the obligations sought at the desired level of provision, the Council will seek to secure those obligations with a 'high' priority in full whilst contributions to the 'medium' priority objectives will be sought on a pro-rata basis. Priorities are shown in Table 3.1.
- 3.7 Where development sites are subdivided or developed in phases so that the separate planning applications fall below the thresholds for which obligations may be sought, the Council will, as far as possible, consider sites in their totality. Similarly, proposals which are judged not to make the best use of land so as to result in underdevelopment will be resisted and a revised scheme will be sought.

Relative priorities

- 3.8 Whilst planning obligations should be seen as a package of measures required to offset the impacts of a development, the Council recognises that in cases where financial viability is an issue, priority needs to be given to those obligations necessary to manage the most significant impacts of the development.
- 3.9 Taking account of the London Plan (2008), the 'saved' UDP policies, LDF policies and the aims and objectives of the Bexley Sustainable Community Strategy 2008, in general, the Council expects to secure contributions towards those planning obligations with a high priority, in the first instance, as listed in Table 3.1. Climate change measures may also be secured through planning obligations on some sites. Where this is the case, they will be included in the high priority requirements listed in Table 3.1.
- 3.10 However, the Council will retain the flexibility to negotiate the priority given to planning obligations, based on the identified local needs that may be required in relation to the development of a particular site. The Council considers that this approach balances the benefits of a formulae-led approach (providing greater certainty) with the benefits of a more site specific tailored approach.

Recovery of administration costs

- 3.11 All development requiring planning obligations, is required to contribute towards the costs associated with monitoring and enforcement of Section 106 agreements and unilateral undertakings, as well as the legal and other professional costs incurred in preparing individual Section 106 agreements and approving unilateral undertakings. Methods of calculating the level of contribution towards administration costs are set out in Annex H.

Planning or development briefs

- 3.12 There are a number of sites or areas in the Borough where development requires more detailed guidance than contained in the UDP. Where planning briefs are

Bexley's approach to planning obligations 3

Table 3.1 Qualifying development and planning obligations sought

Type of qualifying development	Use classes ⁽¹⁾	Obligation types ⁽²⁾	Priority
Residential			
Applications for 5 to 9 dwellings , (including as part of a mixed use schemes ⁽³⁾)	C3	• Transport and Access	High
		• Education • Health • Open Space, Sports and Leisure Facilities • Community Facilities and Services	Medium
Residential developments of 10 dwellings or more ⁽⁴⁾ (including as part of a mixed use scheme)	C3	• Affordable Housing • Transport and Access	High
		• Education • Health • Open Space, Sports and Leisure Facilities • Community Facilities and Services	Medium
Residential educational institutions			
All applications which include the creation of 25 or more additional student bedspaces . Residential accommodation for staff will be treated as residential development in Class C3.	C2	• Transport and Access	High
		• Health • Open Space, Sports and Leisure Facilities • Community Facilities and Services	Medium
Hospitals, nursing homes and other residential care			
All applications which include the creation of 25 or more additional bedspaces	C2	• Transport and Access • Employment Training • Health	High
		• Community Facilities and Services	Medium
Town centre uses			
All applications which include the creation of 500 m² or more additional floorspace in town centre uses	A1 to A5; B1, C1 D1 and D2	• Transport and Access • Employment Training	High
		• Public Realm Improvements • Open Space, Sports and Leisure Facilities • Community Facilities and Services	Medium
Business uses			
All applications which include the creation of 500 m² or more additional floorspace in other business uses	B1 (a,b & c) B2; B8	• Transport and Access • Employment Training	High
		• Public Realm Improvements • Open Space, Sports and Leisure Facilities • Community Facilities and Services	Medium

(1) Use Classes Order 2005: A1- shops; A2- financial and professional services; A3 - restaurants and cafes; A4- drinking establishments; A5- hot food take-away; B1- business uses; B2- general industrial; B8- storage or distribution; C1- hotels; C2- residential institutions; C3- dwelling houses; D1- non-residential institutions; D2- assembly and leisure uses.

(2) In addition to these obligation types, tackling climate change is another key priority. New developments should consider the requirements of LDF Sustainable Design and Construction Guidance SPD, as adopted October 2007.

(3) Mixed use is defined as a building that has more than 1 use. Usually residential units with a commercial use in the same structure. In this case, obligations types for both types of qualifying development, including any located within town centres, would apply.

(4) London Plan (Feb 2008) has changed the threshold for affordable housing contributions from 15 to 10 units.

3 Bexley's approach to planning obligations

prepared, planning obligations specific to the site or area will be identified based on development plan policies and this SPD.

The level of contribution to be sought

- 3.13 The annexes set out a series of formulae or standardised charges that the Council will apply for particular services or facilities. Detailed advice and the formulae applicable to particular obligations or services are set out in Annexes A to G. They will be used by the developer to calculate a required level of contribution which will be used as the basis for negotiations with the Council. Developers are encouraged to use the formulae and electronic calculator to determine the type and level of their planning obligation unless site-specific considerations require otherwise.

Basis for calculation of contributions

- 3.14 The formulae in the SPD for standard residential development are based on a 'per dwelling' basis taking account of any existing occupiable dwellings on the site. This is to enable the formulae to be directly applied to outline applications where the size of individual dwellings may not be defined. For residential institutions (eg hospital, nursing home), the formulae are based on a 'per bedspace' or 'per student' basis.
- 3.15 The formulae for non-residential developments relates to the net increase in gross floor space in square metres in those uses, except for employment training which is on a Full Time Equivalent (FTE) employee basis.
- 3.16 Floorspace and new dwellings, including changes of use, will be assessed on the basis of the net increase, with the exception of affordable housing, which will continue to be assessed as a gross requirement. Mixed-use developments are to be assessed on the basis of both the number of residential units and the total net increase in gross floor space to be provided.
- 3.17 Some mixed use development may not have any net increase in commercial floorspace, but there may be an intensification of uses which require mitigating measures being imposed by a Section 106 agreement. In such cases, the intensification of commercial use will be assessed on the basis of the net increase in employee numbers and traffic movements, including foot traffic.
- 3.18 Where one or all of the individual land uses that make up a mixed use development are below the thresholds set out in Table 3.1, the Council may still require planning obligations to be secured to manage any cumulative impacts arising as a result of the development. In such circumstances, planning obligations will need to be negotiated on a case by case basis, taking account of the requirements of this SPD where appropriate.

Planning obligations calculator

- 3.19 To assist applicants in determining the level of contribution their proposal might generate, the Council has prepared a 'Planning Obligations Calculator'. The 'Planning Obligations Calculator' is a spreadsheet developed to provide an estimate of financial contributions due to the Council, and is based on general details of the proposed development. The 'Planning Obligations Calculator' is an indicative tool as a starting

Bexley's approach to planning obligations | 3

point, and is not intended to provide a definite determination of what costs may be required. The 'Planning Obligations Calculator' is available on the Council's website at www.bexley.gov.uk/planning

Existing facilities

- 3.20 The Council has, generally, set formulae or standards which relate only to the additional needs that will arise from development. As set out in Circular 05/2005, contributions will only be sought to accommodate the demand that new development will place on existing facilities. The Council's objective is not to compensate for any lack of existing facilities, but rather to meet the growing demand.

On-site provision

- 3.21 In accordance with national planning policy, there is a presumption that infrastructure provided through planning obligations should be provided 'in-kind' and 'on-site'. There will, however, be circumstances where provision will be other than on-site and the Council will either require the provision of such facilities on an appropriate alternative site or a payment in-lieu, depending on the infrastructure requirement and the specific features of the development. Situations where the development is of such a small scale that on-site provision is not physically possible will be included within this requirement. The standard methods used to calculate such contributions are outlined in Annexes A to G.
- 3.22 Where the developer makes appropriate provision on-site of particular services or facilities, the level of contribution required will be reduced or waived. Any reduction will normally be calculated by the application of the formula for that particular service.

Maintenance payments

- 3.23 Where contributions are secured through planning obligations towards the provision of facilities, it may be appropriate for the applicant to make provision for the physical upkeep of those facilities. Such payments may be required in perpetuity, although generally where an asset is intended for wider use the maintenance costs and other recurrent expenditure associated with the developer's contributions should be borne by the authority responsible for the asset.
- 3.24 Where contributions to the initial support 'pump priming' of facilities is necessary, payments should be time limited and not be required in perpetuity by planning obligations.
- 3.25 For all maintenance payments, the London Borough of Bexley and the developer will need to negotiate the type of payments to be made.

Pooled contributions

- 3.26 As set out in paragraph B21 of Circular 05/2005, where the combined impact of a number of developments will create a demand for infrastructure, it is reasonable for the contributions to be pooled. This will allow infrastructure to be secured in a fair and equitable manner.

3 Bexley's approach to planning obligations

- 3.27 Individual developments may have an impact on the capacity of local infrastructure, but not sufficient to justify immediate provision of new infrastructure. In such circumstances, the Council will require a contribution towards the cost of the future provision of such infrastructure. Such contributions will be pooled to enable the infrastructure to be delivered when it is required.
- 3.28 Where infrastructure is provided in advance, by the Council or other service providers to allow development to come forward, developers may be required to contribute to the relevant proportion of those costs.

How money will be spent

- 3.29 The Council has an established forward programme for investment within each service area as identified in Annexes A to G. Contributions received will be invested in the appropriate programmes, strategies and plans identified within those service areas. The performance of these programmes is reported in relevant Directorate Service Plans and the Council's Annual Performance Report and will include the delivery of the infrastructure or services for which a contribution was sought. These forward programmes and more detailed projects are informed through a number of Council strategies. Contributions will normally be applied to services, following an assessment of the needs of each development, taking account of the priorities noted in Table 3.1. Where necessary, this will be specified in the Section 106 agreement.
- 3.30 In the event that contributions have been made towards a specific infrastructure project and the planning obligation requires that infrastructure to be provided within an agreed timeframe, the Council will arrange to return the unspent money if the agreed timeframe is not met.

The Council's commitments and covenants

- 3.31 The Council will generally use 'best' or 'reasonable' endeavours to secure any necessary new and improved services to serve the development. The Council, in certain circumstances, may make more specific covenants, to help ensure the provision of a facility at a particular time. Where appropriate, the Council will liaise with external service providers, including Bexley Care Trust for health services and facilities.

Monitoring of planning contributions and compliance

- 3.32 A Section 106 officer in the Council's Development Control Section will monitor planning obligations and assist with the negotiation and drafting of Section 106 agreements. Regular reports will be made to the Planning Control Committee and any other relevant committee or Council Member. The reports will detail:
- information relating to agreements entered into, this will include details of the development site, the obligations agreed, the relevant dates or timing for completion of each obligation, receipt of payment, the purpose of the obligation and the dates for the receipts of funds;
 - progress on obligations e.g. affordable housing;
 - financial contributions received; and

Bexley's approach to planning obligations | 3

- the completion of schemes funded from financial contributions.

- 3.33 The Council will monitor obligations and/or financial contributions to ensure that they are undertaken or paid at the agreed trigger points. If there is a failure to comply with the planning obligations, appropriate steps and actions will be taken to ensure compliance with the agreement.
- 3.34 An accurate record of the scheme content is required to be submitted by the applicant.
- 3.35 The Council's obligation towards monitoring its own performance in relation to the completion of infrastructure and service provision is addressed in Section 5 of this SPD.
- 3.36 The council will use monitoring reports on planning obligations to measure the effectiveness of this SPD through the LDF Annual Monitoring Report as set out in Chapter 5.

4 Procedure for dealing with planning applications and planning obligations

Introduction

- 4.1 The Council's objective is to make the handling of planning applications more efficient, speed up decision-making and provide clear guidance to applicants seeking planning permission. The Council, working closely with planning applicants and other stakeholders, will seek to ensure:
- a high standard of service; and
 - that the majority of applications subject to planning obligations are determined within the Department of Communities and Local Government (DCLG) target periods for decisions where possible.

Overall procedure for agreeing planning obligations parallel to consideration of planning applications

- 4.2 Figure 4.1 (page 21) details the actions required to be undertaken by the applicant and the Council at the pre-application and application stages of the planning application process.
- 4.3 Figure 4.2 (page 22) outlines the procedure for agreeing planning obligations (whether unilateral undertakings or Section 106 agreements) and identifies the steps required to be taken before and during the consideration of a planning application. The main objectives are to ensure that, as far as possible:
- all appropriate information is provided by applicants and is available from the date of submission of the application (this information should enable the Council and consultees to respond properly to applications); and
 - prior to applications being presented for determination, the content of the proposed planning obligations and/or other appropriate legal documents is detailed (where approval is recommended); such that
 - the time taken to negotiate a planning obligation, after determination by the Planning Control Committee (assuming a delegation is given to the Head of Development Control to grant planning permission subject to a satisfactory Section 106 agreement) is kept to a minimum.
- 4.4 The main stages of negotiating and agreeing planning obligations are:
- pre-application discussions;
 - submission of the planning application;
 - appraisal, negotiation and agreement of a related planning obligation; and
 - post-decision resolution.

Stage 1 : Pre-application discussions

- 4.5 Prior to submitting a planning application, the applicant should fully consider the impacts of the proposed development and any planning conditions or obligations to mitigate those impacts.

Procedure for dealing with planning applications and planning obligations 4

- 4.6 The Council recognises that, for major applications⁽¹⁾, the advice of its officers will help establish the extent of obligations to be entered into and the extent to which the SPD will apply to a particular proposal. At the pre-application stage Council officers can advise, without prejudice, on the nature and scale of facilities and services required to be provided, including contributions, in accordance with the relevant policies of the UDP and LDF. The Council charges for pre-application advice. Pre-application advice will assist applicants in preparing the Statement of Planning Obligations. Council officers can also advise on whether financial information should be submitted with proposals for major developments.
- 4.7 For planning applications that are referable to the Mayor of London, the Greater London Authority and Transport for London also offer a pre-application advice service.

The Statement of Planning Obligations

- 4.8 During the pre-application stage, applicants should identify which planning obligations will apply to their proposal and will need to review this SPD, in particular, in order to prepare a draft "Statement of Planning Obligations". A form for completion is available on our website to assist applicants with drafting their Statement of Planning Obligations.
- 4.9 Where relevant obligations require the provision of facilities, applicants should establish the nature and scale of facilities which will be required to be provided in relation to their development proposal. Where relevant obligations require payment of financial contributions, the applicant should identify the level of contributions applicable to their proposed development. Major developments may be submitted in accordance with an adopted Planning Brief where the priority of contributions to be sought would be listed.
- 4.10 This information should be put into a Statement of Planning Obligations to be submitted to the Council along with the planning application. The Statement should also indicate whether the applicant proposes to deliver the planning obligations in the form of a unilateral undertaking or in the form of a Section 106 agreement. The Statement should include the proposed Heads of Terms (the main aspects) of a legal agreement and suggested wording for the appropriate clauses.
- 4.11 In the case of applications where this SPD requires only the payment of financial contributions, applicants are encouraged to submit a unilateral undertaking (a draft unilateral undertaking can be found on the Council's website) appended to their Statement of Planning Obligations, to be submitted with their application. Where a unilateral undertaking is not appropriate, applicants can (if they wish) amplify the Statement of Planning Obligations by submitting a draft Section 106 agreement,

¹ Major applications include applications for minerals winning and working; waste development; residential development of 10 or more dwellings or on a site with an area of 0.5 hectare or more; the creation of a change of use; provision of non-residential building(s), where the floor area to be created by the development is 1,000m² or more; and other development on a site with an area of 1 hectare or more.

4 Procedure for dealing with planning applications and planning obligations

using the model Section 106 agreement template, which is also available online. This draft agreement may, if it is drafted by a solicitor or other professional person and reflects any pre-application discussions with Council officers, reduce the time taken to negotiate the agreement.

Title information

- 4.12 When a planning obligation needs to be entered into in connection with a development proposal, title information should be submitted to the Council with the application. In respect of registered land, this should consist of up-to-date official copies of the register and title plan from the Land Registry, covering all registered interests in the application site. In respect of unregistered land, this should be a certified copy of the root of title and any conveyances referred to therein. This should be prepared by a solicitor, licensed conveyancer or other professional person.
- 4.13 The Council's starting point in the negotiation and approval of a planning obligation is that all parties with an interest in an application site should be bound into a planning obligation (that is, should be a party to it). That includes those with a freehold and/or leasehold interest, interest under a conditional contract or an option, as well as other occupiers, chargees and mortgagees. Where relevant, other public bodies may be a party to the obligation. An applicant must therefore ensure, to the Council's satisfaction, that there is no risk to the Council (as enforcing authority) that a party with an interest will be excluded. Planning applications will not be validated until satisfactory title information is submitted.
- 4.14 Planning obligations are binding contractual obligations which are set out in a Section 106 agreement signed and sealed by all of the relevant parties and are attached to land and run with change of ownership. In certain circumstances, planning obligations can be given by a unilateral undertaking, made by the applicant and all those with an interest in the site.
- 4.15 Planning obligations (whether made by a Section 106 agreement or given as a unilateral undertaking) are binding on 'successors in title' of the parties, unless the obligation has been satisfactorily discharged, and affect all those with an interest in the land to which it relates.

Stage 2 : Submission of planning application

- 4.16 In addition to the Statement of Proposed Planning Obligations, where developments are likely to need to enter into a Section 106 agreement with the Council, the following information should be submitted with the planning application:
- an undertaking from the solicitor or other professional person acting on behalf of the applicant to pay the Council's legal costs for preparing a legal agreement; and
 - contact details if there is a solicitor acting on behalf of the applicant.
- 4.17 All documents submitted with an application must be in accordance with legislation and planning policy. Once the planning application has been validated, the Council will contact the applicant (or their agent) to discuss the likely timescales to prepare the draft agreement. In circumstances where the Mayor of London will be responsible for

Procedure for dealing with planning applications and planning obligations

negotiating and signing the Section 106 agreement in consultation with the Council, the applicant is encouraged to engage with the Greater London Authority (GLA) as well as the Council at the pre-application stage.

Fig. 4.1 Council and applicant requirements during the planning application process

Requirements for applicants		Requirements for the Council
<p>Minor development</p> <ul style="list-style-type: none"> Consider planning policy requirements Assess nature and scale of facilities to be provided, including financial contributions Prepare draft Statement of Planning Obligations 	<p>Major development</p> <ul style="list-style-type: none"> Consider planning policy requirements Assess nature and scale of facilities to be provided, including financial contributions Seek pre-application advice from London Borough of Bexley, GLA and TfL, as appropriate, and prepare draft Statement of Planning Obligations 	<ul style="list-style-type: none"> Advise, without prejudice, on the nature and scale of facilities and services required, including contributions, in accordance with policy (pre-application advice will be subject to a charge)
<p><i>Pre-application stage</i></p> <hr style="border-top: 1px dashed black;"/> <p><i>Application stage</i></p>		
<ul style="list-style-type: none"> Submit Statement of Planning Obligations proposed and any unilateral undertaking 	<ul style="list-style-type: none"> Submit Statement of Planning Obligations proposed Submit draft Section 106 agreement Submit open book financial appraisal if required Undertake negotiation of planning agreement contributions, as appropriate 	<ul style="list-style-type: none"> Validate and register planning application. Undertake consultation with internal and external consultees Review submitted open book financial appraisal as appropriate Comment on any proposed unilateral undertaking or enter into negotiation to complete the Section 106 agreement Application determined by Planning Control Committee or Head of Development Control, as appropriate

Stage 3 : Appraisal, negotiation and agreement of planning obligations

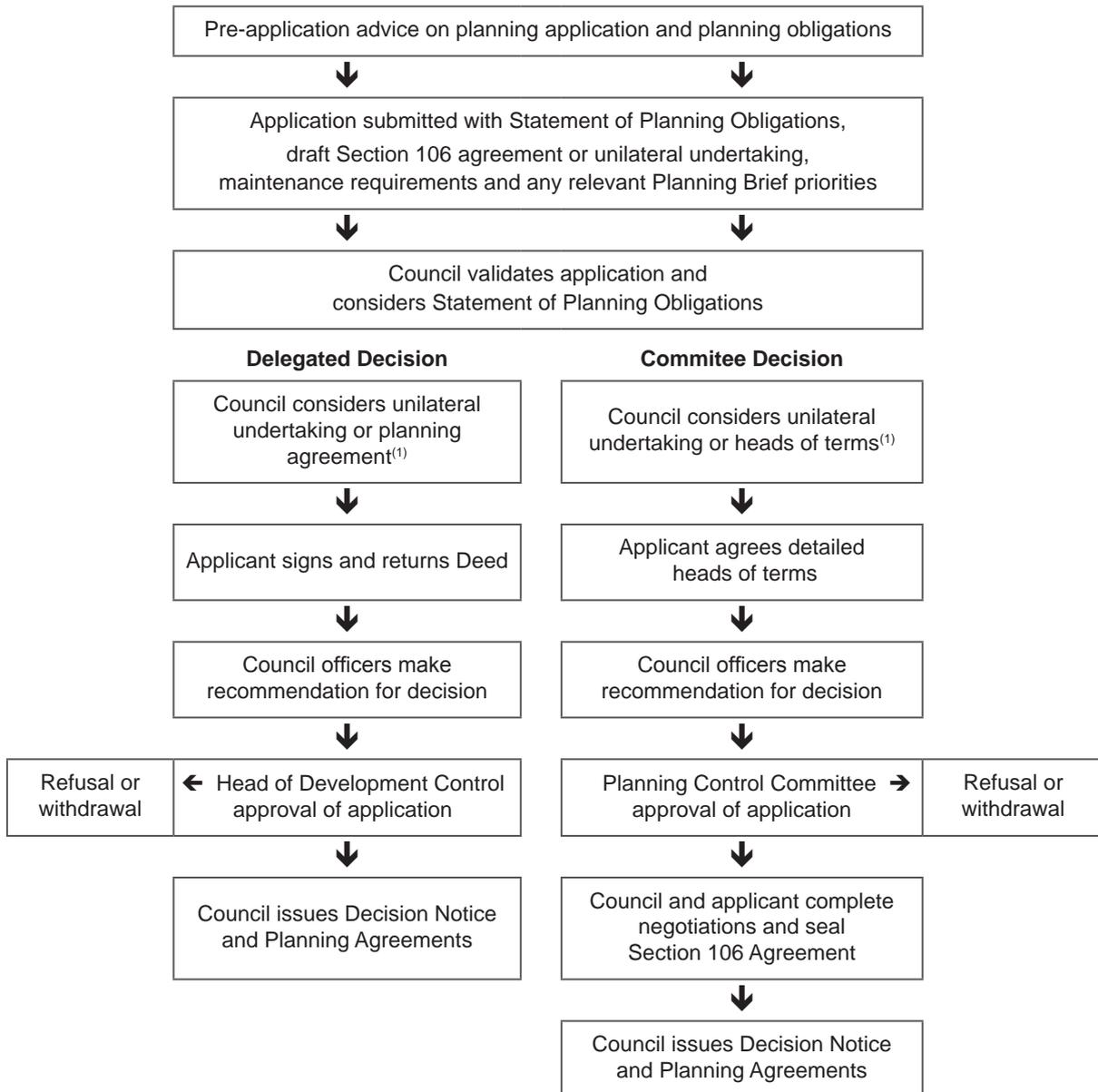
4.18 Appropriate consultation, where necessary, will be undertaken in relation to the development proposal. The Mayor of London may determine strategic planning applications and consultations on such applications will, therefore, include the Greater London Authority (GLA), Transport for London (TfL) and the London Development Agency (LDA).

4.19 As part of the process for consulting on and negotiating planning obligations, the Council’s planning case officer will:

4 Procedure for dealing with planning applications and planning obligations

- obtain, from Legal Services, legal advice as to the scope of permissible planning obligations and the content and form of the proposed agreement/undertaking; and
- if relevant, because viability is raised by an applicant, obtain, from Property Services, valuation advice as to land and development values.

Fig. 4.2 Procedure for agreeing planning obligations



(1) If it is clear that the Council cannot recommend approval, negotiations on Planning Obligations may be suspended

Procedure for dealing with planning applications and planning obligations 4

Delegated and Committee decisions on planning applications

- 4.20 In the case of planning applications to be determined under delegated authority⁽¹⁾, the Council will not consider applications for approval unless a planning obligation (in the form of a unilateral undertaking or a Section 106 agreement) has been signed as a Deed and returned to the Council.
- 4.21 Any applications that are reported to the Planning Control Committee will include the content of any planning obligation along with all other material considerations and the completed Section 106 agreement or unilateral undertaking will then be placed on the Local Land Charges Register. In the case of major planning applications, the Council will not consider applications for approval unless the applicant agrees to the detailed heads of terms to be reflected in a planning obligation.
- 4.22 If it becomes clear that the Council cannot recommend approval of a planning application, the discussions on the planning obligation may be suspended. The applicant may then be invited to withdraw the application or the application may be refused.

Timing of payment

- 4.23 To meet the additional demands from developments as they arise, it is important that planning obligations take effect at the right time.
- 4.24 Generally, the Council will seek payment of contributions, required by means of a planning obligation, in full, on commencement of development, except on Council-owned sites where payments in lieu of Section 106 contributions are made on completion of the sale with a Development Agreement. The reason for a Development Agreement is that, where the Council is the landowner, it cannot legally enter into Section 106 agreement with itself. However, in preparing the Development Agreement, the Council will seek to secure planning obligations in accordance with the requirements of this SPD and to publish those elements of the Development Agreement that relate to planning obligations.
- 4.25 For large development schemes, with a long build-out period, the Council and applicant will negotiate alternative arrangements in the Section 106 agreement for the timing of provision or contributions (i.e. phased payments tied to development 'triggers').

Indexation of contributions

- 4.26 Contributions sought from developers will normally be index-linked in the Section 106 agreement. This will take account of the:
- Building Cost Information Service (BCIS) published by the Royal Institute of Chartered Surveyors (RICS);
 - any other appropriate index, as specified in Annexes A to H; and

¹ The Planning Control Committee has delegated authority to determine some planning applications the Head of Development Control.

4 Procedure for dealing with planning applications and planning obligations

- any additional costs which may arise from inflation.

4.27 Indexing will commence from the date of grant of permission.

4.28 The nominal rate for contributions payable under a planning obligation will be set at the time of application. The rates set out in Annexes A to H apply from the date this SPD is adopted and they will be revised periodically and published as an amendment to the Annexes.

Consideration of viability issues

4.29 The Council will seek the full contributions as set out in the accompanying Annexes. If an applicant considers that the applicable obligations in this SPD cannot be fully provided because to do so would render the proposed scheme unviable, the applicant should submit an 'open book'⁽¹⁾ viability assessment to the Council.

4.30 Where it is not possible to secure all the obligations sought at the desired level of provision, the Council will seek to secure those obligations with a 'high' priority in full, whilst contributions to the medium priority objectives will be sought on a pro-rata basis.

4.31 Following consultation with the Council's Property Services and further negotiation with the applicant, an independent expert with at least ten years' relevant experience may be consulted in the event of any dispute arising between the parties in respect of the negotiations of the planning obligations agreement. Circular 05/2005 stresses that the role of the independent expert is to facilitate or contribute to the negotiation process, and not to arbitrate. However, it is the responsibility of the parties involved to agree on the outcome of the planning obligation negotiations. The final determination of the planning application remains with the Council as local planning authority. The Council will require that its reasonable costs associated with the use of an independent expert will be met by the applicant. Further advice on this is provided in Annex H, paragraph 9.

Draft Legal Agreements

4.32 The Council has prepared a model Section 106 agreement and unilateral undertaking, which are available on the Council's website. These are intended to assist applicants in understanding how the arrangements will work in detail and will help with the timely consideration of planning applications. The model planning agreements may change over time and applicants should always check with the Council's website that they have the latest version available.

Stage 4 : Post-decision resolution

4.33 Following the decision to grant planning permission, subject to a Section 106 agreement being finalised, Legal Services and the planning officer, in liaison with the applicant's solicitors or other representatives, will issue a final draft for approval and

¹ An open book appraisal means providing the valuations undertaken to show the likely cost and value of the proposed development. Where necessary, the Council may agree that the appraisal is reviewed by a nominated third party valuer.

Procedure for dealing with planning applications and planning obligations

signature by all parties.

- 4.34 On completion and signing of the binding legal agreement, planning permission will be formally issued. The completed agreement will then be registered as a Local Land Charge against the land and a copy placed on the Local Land Charges Register.

5 Review and monitoring of the SPD

5.1 The Council will assess the performance of UDP Policy G3, Planning Obligations, as part of its LDF Annual Monitoring Report. However, it is appropriate to also ensure the effectiveness of this SPD is monitored and reported on. The Council has therefore established the following set of monitoring requirements in respect of this SPD:

- the level of contributions being achieved and compliance with the requirements of this SPD;
- monitoring time taken for decisions where a planning obligation has been agreed as part of the application; and
- monitoring of delivery (i.e. the completion of obligations including those to be undertaken by delivery agents other than the developer).

5.2 In addition, three Significant Effects Indicators (SEI) have been established from the Sustainability Appraisal Report. These SEIs will be included in Annual Monitoring Reports and are:

1. Number of completed planning obligations (Section 106 and unilateral agreements)

This indicator monitors the total number of completed planning obligations from adoption of the SPD, calculated annually and cumulatively.

2. Number and type of planning obligations secured.

The SPD provides Bexley with a protocol for securing obligations on multiple service area requirements related to different types of development. This indicator monitors obligations made by service area as defined in paragraph 3.2 of this SPD (and also relevant service area priority, in cases where viability is an issue). In addition to service areas, this indicator also monitors 'other' site-specific obligations that Bexley secured in accordance with paragraph 3.3 of this SPD.

3. Percentage of qualifying developments for which planning obligations were successfully secured on approved planning decisions.

Financial testing has been conducted on the SPD threshold criteria and related obligations. Monitoring will show whether this testing has established a reasonable cost framework for securing contributions from developers.

5.3 To take into account significant changes in circumstances that would affect the appropriateness of the requirements in this SPD, the document will be reviewed periodically. The review will take account of:

- the changing needs for facilities and services;
- the adoption of emerging LDF documents, including the Core Strategy, Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs);
- further alterations or reviews of the London Plan (2008);
- changes to Central Government Guidance (including the replacement of Circular 05/2005);
- indexation of contributions; and
- the Government's initiative to introduce the Community Infrastructure Levy (CIL) , possibly alongside planning obligations, to ensure local and strategic infrastructure needs can be supported.

Annex A

Affordable housing

Introduction

- 1 This annex sets out guidance for deriving the affordable housing contributions sought from developments in Bexley. This forms one of eight annexes that detail the Council's approach to obtaining planning obligations.

Definition

- 2 Affordable housing is defined within Bexley's Unitary Development Plan (UDP) as housing, *"that is accessible to people whose incomes are insufficient to enable them to afford adequate housing locally on the open market"*⁽¹⁾.
- 3 This definition is elaborated upon in the Local Development Framework (LDF) Affordable Housing Supplementary Planning Document (SPD), which states, *"housing designed to meet the needs of households whose incomes are not sufficient to allow them to access decent and appropriate housing in their borough. Affordable housing comprises social housing, intermediate housing and in some cases, low-cost market housing"*⁽²⁾.
- 4 This definition is superseded by Planning Policy Statement (PPS) 3, Housing (November 2006) definition:⁽³⁾
- "Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should:*
- *Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.*
 - *Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision."*
- 5 The London Plan (2008) definition, Policy 3A.8, is shown at paragraph 9. This definition also supersedes the definition in the LDF Affordable Housing SPD at paragraph 3 above.

Background

- 6 The Council's preferred approach to establish affordable housing is to:
- ensure the type of affordable housing provided will meet an identified local need;
 - ensure the end cost of the housing remains genuinely affordable in the longer term;
 - ensure mixed and balanced communities will result; and
 - ensure economic viability of the scheme.
- 7 Overall, the Council is committed to achieving increased provision of affordable housing in the Borough.

1 London Borough of Bexley Unitary Development Plan, 28 April 2004, paragraph 6.30.

2 London Borough of Bexley LDF Affordable Housing SPD March 2006, paragraph 1.7.

3 Department of Communities and Local Government, Planning Policy Guidance Note 3: Housing (2006), Annex B - definitions.

Policy context

- 8 Planning Policy Statement (PPS) 3: Housing⁽¹⁾ sets out the approach to seek applicant contributions to facilitate the provision of affordable housing. In seeking contributions, the presumption is that affordable housing will be provided on the application site so that it contributes towards creating a mix of housing. However, where it cannot be provided on-site, off-site provision or a financial contribution in lieu of on-site provision will be accepted as long as the agreed approach contributes to the creation of mixed communities in the local authority area and meets the requirements of Bexley's Affordable Housing SPD.
- 9 **Policies within the London Plan** (2008), which support affordable housing are as follows:

Policy *Definition of affordable housing*

3A.8 DPD⁽²⁾ policies should define affordable housing as housing designed to meet the needs of households whose incomes are not sufficient to allow them to access decent and appropriate housing in their borough. Affordable housing comprises social and intermediate housing.

DPD policies should ensure that new affordable housing provision seeks to meet the full spectrum of housing need.

Policy *Affordable housing targets*

3A.9 DPD policies should set an overall target for the amount of affordable housing provision over the plan period in their area, based on an assessment of all housing needs and a realistic assessment of supply.

In setting targets boroughs should take account of regional and local assessments of need, the Mayor's strategic target for affordable housing provision that 50 per cent of provision should be affordable and, within that, the London wide objective of 70 per cent social housing and 30 per cent intermediate provision, and the promotion of mixed and balanced communities. They should take account of the most robust available assessment of housing capacity, and of potential sources of supply, such as:

- local authority developments, including net gain from estate regeneration;
- affordable housing schemes funded independently of planning contributions from private development;
- affordable housing secured through planning agreements or conditions on private residential or mixed use (including residential) development;
- long term vacant properties brought back into use;
- provision from non-self-contained accommodation.

Policy *Affordable housing thresholds*

3A.11 Boroughs should normally require affordable housing provision on a site which has a capacity to provide 10 or more homes, applying the density guidance set out in Policy 3A.3 and Table 3A.2. [of the London Plan]

1 Department of Communities and Local Government, Planning Policy Guidance Note 3: Housing, (2006), paragraph 29.

2 DPD - Development Plan Document, which form part of the Local Development Framework, which will eventually replace the adopted Unitary Development Plan.

Boroughs are encouraged to seek a lower threshold through the DPD process where this can be justified in accordance with government guidance.

10 **Policies within the UDP** which support affordable housing are as follows:

Policy G3 Where appropriate, the Council will, by way of planning obligations or other legal agreements or otherwise as part of a scheme, seek appropriate benefits and/or commitments from a development including, for example: affordable housing; environmental improvements; improvements to the public transport system and/or to highway infrastructure; nature conservation and new tree planting; leisure, social and community facilities, including waste recycling facilities, to meet the needs of future occupiers or users and to minimise disturbance or adverse impacts on the local community.

The requirements of this policy for large development sites may be identified in Planning Briefs.

Policy H14 The Council will seek to secure the provision of affordable housing in suitable residential developments of 15 dwellings or more. Affordable housing is housing designed to meet the needs of households whose incomes are not sufficient to allow them to access decent and appropriate housing in the Borough. Affordable housing comprises social housing, intermediate housing and low cost market housing.

Where the provision of affordable housing is for rent, it should be secured by a Registered Social Landlord and/or through legal agreements and integrated with general housing development in terms of access and design.

11 The London Plan (2008) Policy 3A.11 has subsequently revised UDP Policy H14 and the threshold for affordable housing has changed from 15 to 10 residential units.

12 **Policies within the LDF:** Applicants are advised to refer to the LDF Affordable Housing SPD, adopted in March 2006, which sets out clear detailed guidance on the following:

- types of affordable housing;
- ensuring the correct type of affordable housing;
- specific needs;
- funding affordable housing;
- long term management, affordability and occupancy controls;
- on-site, off-site or cash in lieu;
- habitable rooms or units;
- the mix of units;
- standards for affordable housing;
- thresholds;
- site suitability;
- integration of affordable housing;
- service charges;
- pre-application discussions; and
- submitting a planning application

Justification

- 13 A Housing Needs Study for Bexley was carried out in 2004. The study concluded, assuming the backlog of need is to be cleared in 10 years, that:
- there is an overall requirement to provide a total of 739 additional dwellings each year in Bexley; and
 - that this total includes 365 additional affordable dwellings each year.
- 14 The London Plan 2004 identified an overall annual housing target of 280 additional homes per year in Bexley. The London Plan 2008 sets out a revised target of 345 dwellings per annum. For the London Borough of Bexley to meet the identified need for additional affordable housing, would require all new residential development within the Borough to be affordable.
- 15 Further to this, monitoring data⁽¹⁾ on housing need has identified a number of trends, which are likely to exacerbate the current situation, including:
- The numbers on the common housing register have increased from 3,592 in 2000 to 4,528 in 2005, an increase of more than 26%. It is widely recognised that housing registers represent a considerable underestimate of true housing need.
 - The total number of Registered Social Landlord (RSL) lettings has fallen from 1,039 in 2000 to 974 in 2003.
 - The number of homeless households in temporary accommodation in priority need has risen from 198 in 2000 to 377 in 2005, a 90% increase.

Year	No. of households on the Housing Register	No. of homeless households in temporary accommodation in priority need
2000	3,592	198
2001	3,596	180
2002	3,487	129
2003	4,265	300
2004	4,044	321
2005	4,528	377

- Only 14% of the total housing stock in Bexley is affordable housing, which is provided by RSLs. The other 86% is in the private sector.
- 16 The above demonstrates the significant need for affordable housing provision in the London Borough of Bexley and provides considerable weight to the use of planning obligations to secure affordable housing contributions, in-line with the 'saved' UDP Policy H14, as revised by London Plan Policy 3A.11 and Bexley's LDF Affordable Housing SPD.

Development for which contributions will be sought

- 17 UDP Policy H14 sought contributions towards affordable housing from all residential development, including private residential and mixed use development schemes, in

¹ London Borough of Bexley Annual Monitoring Report.

the Borough comprising of 15 dwellings and above.

- 18 This policy has been superseded by a new threshold for affordable housing and is set out in the London Plan (February 2008) Policy 3A.11. This sets a threshold for contributions towards affordable housing for schemes comprising of 10 or more homes.

Provision of affordable housing

- 19 As set out in the Affordable Housing SPD, the Council will apply a target of 35% for the provision of affordable housing. The Council will apply the London Plan (2008) objective for affordable housing of 70% social housing and 30% intermediate housing provision. This ratio will be applied to private development sites in Bexley which give rise to a policy requirement for affordable housing, as far as is practicable.
- 20 For planning applications referable to the Mayor of London, regard should also be had to the Supplementary Planning Guidance to the London Plan for Housing (2005).

On site, off site provision or cash in-lieu

- 21 The Council's preference is to seek the provision of an appropriate element of affordable housing on the application site. Where affordable housing can not be provided on site, consideration will be given to off site provision where an appropriate alternative site or sites have been identified and where the project is deliverable prior to the on site market development being completed.
- 22 Only in exceptional cases, when affordable housing cannot be provided on or off site, the Council will seek a financial contribution 'in-lieu' of an element of affordable housing. Where a financial contribution is to be made 'in-lieu' of on or off-site provision, applicants should refer to Bexley's Affordable Housing SPD, March 2006, to determine the level of contribution that will be required for their development.

Construction standards

- 23 For detailed advice on design and construction standards, the Council normally requires that all development schemes refer to the following documents:

Bexley Sustainable Design and Construction Guide SPD

Design for Living, Bexley's Residential Design Guide SPD

The Housing Corporation Design and Quality Standards April 2007

The Department of Communities and Local Government's Code for Sustainable Homes October 2007

Annex B

Transport, access and public realm improvements

(including cycling, walking, town centre and security improvements)

Introduction

- 1 This annex sets out guidance for deriving the transport infrastructure, access and public realm contributions sought from developments in Bexley. This forms one of eight annexes that detail the Council's approach to securing planning obligations.
- 2 This annex outlines the contribution formulae to be applied by qualifying developments where transport and public realm is to be provided off-site or as a partial contribution.

Definition

- 3 Transport infrastructure incorporates contributions for sustainable transport schemes and programmes in the Borough. Bexley's Unitary Development Plan (UDP) advocates the importance of promoting sustainable choices of transport, in particular walking, cycling and public transport.
- 4 Access arrangements ensure that all users will have equal and convenient access to buildings, spaces and the public transport network. As such it is applicable to both transport infrastructure and public realm provision and, within this SPD, is not dealt with as a separate and distinct obligation. For clarity, in planning terms access relates only to 'access to development' and therefore does not include those aspects normally dealt with by Building Regulations.
- 5 Public realm is considered to be those sections of an urban area (whether publicly or privately owned) located between and within buildings that are publicly accessible, including streets, squares, forecourts, parks and open spaces. Planning obligations in respect of public realm include contributions towards improvements to employment areas and town centre environments, such as the provision of public art, and measures to enhance community safety in the vicinity of developments, such as improved lighting of public areas and closed circuit television (CCTV).

Transport background

- 6 Transport plays a fundamental role in the creation of sustainable communities and in enhancing the quality of life for all residents, including combating social exclusion of disadvantaged individuals and groups. The provision of adequate and sustainable transport infrastructure and mitigation measures will be required of developments that will generate new transport demand. The Council's transport objectives include:
 - promoting sustainable transport choices;
 - protecting and enhancing the environment and amenity;
 - optimising the use of the existing transport network (in the context of other constraints and objectives) to meet transport needs in Bexley;
 - directing major generators of travel demand to locations where public transport capacity exists or can be created;
 - improving access, safety and comfort, particularly for pedestrians, cyclists, people with disabilities and other vulnerable road users;

- regulating parking to achieve the Council's environmental and transport objectives; and
- other specific transport matters.

Public realm background

- 7 The Council's policies seek to ensure that development within employment areas and town centres is balanced with the need to maintain and improve the overall quality of these areas. In particular, the policies underline the importance of designing good quality space between and around buildings by: promoting accessibility; improving public enjoyment and use of such areas; reducing incidents of crime; and encouraging further inward investment. The provision of public realm improvements can add character to developments, provide opportunities to connect the development to its context, provide mechanisms for promoting user interaction and engagement, and enhance the natural environment.
- 8 In order to create and maintain new and existing public realm and public art and to enhance the local environment, the Council will seek contributions from qualifying commercial developments. Developers will be encouraged to engage artists and urban designers on their teams at an early stage.

Policy context

- 9 **Policies within the London Plan (2008)**, which support transport, access and public realm provision are as follows:

Policy *Integrating transport and development*

- 3C.1** The Mayor will work with TfL, the government, boroughs and other partners to ensure the integration of transport and development by:
- encouraging patterns and forms of development that reduce the need to travel, especially by car
 - seeking to improve public transport, walking and cycling capacity and accessibility where it is needed, for areas of greatest demand and areas designated for development and regeneration, including the Thames Gateway, Central Activities Zone, Opportunity Areas, Areas for Intensification and town centres and other parts of suburban London in which improved access is needed
 - in general, supporting high trip generating development only at locations with both high levels of public transport accessibility and capacity, sufficient to meet the transport requirements of the development. Parking provision should reflect levels of public transport accessibility (see Annex 4 on Parking Standards)
 - encouraging integration of the major transport infrastructure plans with improvements to the public realm, particularly in key areas around major rail and Underground stations and interchanges, using land assembly powers where necessary.

Policy *Matching development to transport capacity*

- 3C.2** The Mayor and boroughs should consider proposals for development in terms of existing transport capacity, both at a corridor and local level. Where existing transport capacity is not sufficient to allow for travel generated by proposed

developments, and no firm plans exist for a sufficient increase in capacity to cater for this, boroughs should ensure that development proposals are appropriately phased until it is known these requirements can be met.

Boroughs should take a strategic lead in exploiting opportunities for development in areas where appropriate transport accessibility and capacity exists or is being introduced. The cumulative impacts of development on transport requirements should be taken into account. Boroughs should also facilitate opportunities to integrate major transport proposals with development in a way that supports the London Plan's priorities.

Developments with significant transport implications should include a Transport Assessment and Travel Plan as part of planning applications. Developers and planning authorities should refer to TfL's guidance on Transport Assessments. All developments that exceed thresholds defined in TfL guidance on Workplace Travel Planning and Residential Travel Planning should have a Travel Plan.

Policy *Design principles for a compact city*

4B.1 The Mayor will, and boroughs should, seek to ensure that developments should:

- maximise the potential of sites
- promote high quality inclusive design and create or enhance the public realm
- contribute to adaptation to, and mitigation of, the effects of climate change
- respect local context, history, built heritage, character and communities
- provide for or enhance a mix of uses
- be accessible, usable and permeable for all users
- be sustainable, durable and adaptable in terms of design, construction and use (see Chapter 4A)
- address security issues and provide safe, secure and sustainable environments (Policy 4B.6)
- be practical and legible
- be attractive to look at and, where appropriate, inspire, excite and delight
- respect the natural environment and biodiversity, and enhance green networks and the Blue Ribbon Network
- address health inequalities (Policy 3A.23).

These principles should be used in assessing planning applications and in drawing up area planning frameworks and DPD policies. Design and access statements showing how they have been incorporated should be submitted with proposals to illustrate their impacts.

Policy *Enhancing the quality of the public realm*

4B.3 The Mayor will work with strategic partners to develop a coherent and strategic approach to the public realm. Boroughs should develop local objectives and implementation programmes for their public realm. In doing so they should involve stakeholders, including their local communities and have particular regard to issues of safety and security.

The Mayor will, and boroughs should, work to ensure the public realm is accessible, usable for all, meets the requirements of Policies 3A.17 and 4B.5, and that facilities, such as public toilets, are provided. Planning applications will be assessed in terms of their contribution to the enhancement of the public realm.

The Mayor will, and boroughs should, seek a high quality of design for all waterside development. All development should integrate successfully with the water space in terms of use, appearance and physical impact. Water space should be at the heart of consideration of development along the waterside - the water must be the starting point.

For all major development proposals within the Thames Policy Area and adjacent to the rest of the Blue Ribbon Network, developers should prepare design and access statements.

Policy *Creating an inclusive environment*

4B.5 The Mayor will require all future development to meet the highest standards of accessibility and inclusion. DPD policies should integrate and adopt the principles of inclusive design so that developments:

- can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or financial circumstances
- are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment
- are flexible and responsive taking account of what different people say they need and want, so people can use them in different ways
- are realistic, offering more than one solution to help balance everyone's needs, recognising that one solution may not work for all.

The principles of inclusive design should be used in assessing planning applications and in drawing up master plans and area planning frameworks. Design and access statements should be submitted with development proposals explaining how the principles of inclusive design, including the specific needs of disabled people, have been integrated into the proposed development and how inclusion will be maintained and managed. The principles of inclusive design and the requirements of Policy 3A.17 should be adopted by all responsible for changing or managing the built environment.

Policy *Priorities in planning obligations*

6A.4 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.

Policy *Planning obligations*

6A.5 Boroughs should set out a clear framework for negotiations on planning obligations in DPDs having regard to central Government policy and guidance and local and strategic considerations (see Policy 6A.4) to the effect that:

- it will be a material consideration whether a development makes appropriate provision for, or contribution towards requirements that are made necessary by and are related to, the proposed development

- negotiations should seek a contribution towards the full cost of all such provision that is fairly and reasonably related in scale and in kind to the proposed development and its impact on the wider area
 - boroughs should refer to planning obligations that will be sought in the relevant parts of the DPD (such as transport and housing policies).
-

10 **Saved policies within Bexley's UDP** that support transport, access and public realm are as follows:

Policy G2 The Council will seek to avoid adding to the demand for infrastructure or services beyond the ability of the Council and other statutory bodies to provide them. In particular the Council will not normally permit development unless the infrastructure requirements of that development can be met or standards of service can be maintained without unacceptable cost to the Council or other statutory bodies or to the environment. Where increased capacity is required and this cannot be provided straight away, the Council may require that development be phased to take into account the necessary works to increase capacity.

Policy G3 Where appropriate, the Council will, by way of planning obligations or other legal agreements or otherwise as part of a scheme, seek appropriate benefits and/or commitments from a development including, for example: affordable housing; environmental improvements; improvements to the public transport system and/or to highway infrastructure; nature conservation and new tree planting; leisure, social and community facilities, including waste recycling facilities, to meet the needs of future occupiers or users and to minimise disturbance or adverse impacts on the local community.

The requirements of this policy for large development sites may be identified in Planning Briefs.

Policy ENV39 In order to protect and enhance the quality of the built environment, the Council will seek to ensure that all new developments, including alterations and extensions, changes of use and other operations, including highway improvements, are satisfactorily located and are of a high standard of design and layout. In determining applications for development the Council will consider the extent to which the proposal:

1. is compatible with the character of the surrounding area, would not prejudice the environment of the occupiers of adjacent property, or adversely affect the street scene by reason of its (a) scale, (b) massing, (c) height, (d) layout, (e) elevational treatment, (f) materials and/or (g) intensity of development;
2. is appropriately landscaped, including the retention of appropriate trees and shrubs and the incorporation of public art where relevant;
3. has any unreasonable effect on the surrounding area by reason of noise and any emissions to land, air, or water, and is not, by reason of its location, itself adversely affected by such conditions as may already be in existence within the neighbourhood;
4. makes adequate provision for vehicle parking in accordance with the Council's vehicle parking standards;
5. takes due account of the need to deter crime, both against individuals and

against public or private property whilst maintaining an attractive environment;
and

6. takes into consideration important local and strategic views, particularly where the proposed development is one which significantly exceeds the height of its surroundings or is located on a prominent skyline ridge.

Policy ENV60 The Council will encourage improved security and crime prevention measures in new development.

Policy T3 Development proposals likely to be significant generators of travel should be sited in town and district centres and other locations accessible by, or capable of being made accessible by, a range of transport modes, especially public transport, walking and cycling.

Policy T6 The Council will seek to secure the provision of affordable housing in suitable
The Council will normally refuse any development proposals that would either cause local traffic flows to rise above the design flow for a road or would generate additional traffic on a road on which flows are already considered to exceed design flow, unless:

1. either the affected road is included in an improvement programme that would increase the design flows to a level capable of accepting increased demands from the base flow and the development or the applicant is prepared and in a position to undertake un-programmed road improvements, including traffic management and environmental measures, to increase the design flow capacity of relevant highway links to a level capable of safely accommodating increased demands from the development; and
2. there are no environmental, or other planning or road traffic objections to such highway improvements taking place (calculation of base flow shall take account of developments permitted but not yet implemented).

Policy T9 The Council will promote and support the maintenance and improvement of public transport services that will improve access to town centres, employment areas and services within the borough and commuter services for borough residents, including:

1. public transport links across the river, downstream of Greenwich, e.g. a new rail link from Thamesmead to Docklands;
2. upgrading of station facilities and services on lines through the borough;
3. improvements to the bus network;
4. implementation of the London Bus Priority Network;
5. intermediate mode proposals for the Greenwich to Erith Corridor; and
6. riverbus services to provide additional capacity for journeys to central London, Docklands and Thames Gateway developments in line with employment growth;

subject to an environmental impact assessment where appropriate.

Policy T11 Where improvements to public transport and/or other modes of travel are required as part of a development proposal, the Council will expect the development to provide these improvements or to make financial contributions for these purposes by way of a legal agreement.

Policy SHO2 The Council will promote the enhancement of the quality of shopping provision and the environment of all town centres and encourage appropriate shopping developments within the boundaries of these centres.

Policy TAL22 The provision of public works of art will be encouraged to enhance new developments and existing spaces and the provision of an appropriate “percentage for art” element will be expected in all relevant development proposals and briefs.

Further requirements for transport contributions

- 11 Planning applications will also need to have regard to the following policy requirements within the Development Plan. Where appropriate, site specific obligations may be sought in respect of these policies, over and above the contributions sought through applying the formulae in this Annex. These policy requirements include:
- ensuring Transport Assessments are undertaken in line with the criteria set out in the Council’s Smarter Developments Guidance;
 - ensuring that applications that are referable to the Mayor of London also comply with the Transport for London Transport Assessment Best Practice Guidance (May 2006) by all developments exceeding the thresholds set out in London Plan (2008) Policy 3C.2⁽¹⁾;
 - ensuring Travel Plans, where required, are produced in line with Transport for London Guidance on Workplace Travel Planning and Residential Travel Planning for all developments;
 - seeking traffic calming measures and environmental enhancement measures, where appropriate in new developments (London Plan Policy 3C.2);
 - refusing any development proposals that would either cause local traffic flows to rise above the design flow for a road or would generate additional traffic on a road on which flows are already considered to exceed design flow (UDP Policy T6);
 - reducing the need to travel and encourage the use of public transport, walking and cycling (UDP Policy T13);
 - ensuring high levels of design for the provision of safe and convenient cycle routes and secure cycle parking (UDP Policy T14);
 - improving the environment and safety for pedestrians (UDP Policy T16);
 - improving linkages in the Borough (UDP Policy G18); and
 - promoting sustainable transport choices across the Borough (UDP Policy G23).
- 12 Where development requires improvement to existing or the construction of new highways infrastructure to access the development site in a safe and appropriate manner, the Council will secure contributions through a separate agreement under Section 38 or Section 278 of the Highways Act 1980, as amended.

¹ Referral criteria for strategic planning applications are contained in Statutory Instrument 2008 No. 580 of the Town and Country Planning (Mayor of London) Order 2008, and include developments comprising more than 150 dwellings or occupying more than 10 hectares; consisting of more than 15,000m² outside central London; buildings more than 30m high outside central London; and alterations to an existing building to increase its height by 15m where the completed building would exceed 30m in height.

Investment programmes, action plans and strategies in the borough

- 13 The Council's planned transport improvements in the Borough, are set out in the following plans and strategies:
- Bexley Council Local Implementation Plan (LIP)⁽¹⁾;
 - Highways Asset Management Plan;
 - Right of Way Improvement Plan; and
 - Crayford Strategy and Action Plan.
- 14 The Council's objectives for public realm and public art are outlined within the following:
- Regeneration Framework;
 - Cultural Strategy; and
 - Public Art Scheme
- 15 Contributions will be sought towards the transport and public realm priorities set out in these strategies, frameworks and plans.

Development for which contributions will be sought

- 16 Transport contributions will be sought from the following:
- Residential developments of five dwellings or more, including mixed use schemes;
 - All applications which include the creation of 25 or more additional student bed spaces. Residential accommodation for staff will be treated as residential development in Class C3;
 - Applications for hospitals, nursing homes and other residential care, which include the creation of 25 or more additional bed spaces;
 - All applications which include the creation of 500 m² or more additional floorspace in town centre uses; and
 - All applications which include the creation of 500 m² or more additional floorspace in other business uses.
- 17 Public realm contributions will be sought from the following:
- All applications which include the creation of 500 m² or more additional floorspace in town centre uses; and
 - All applications which include the creation of 500 m² or more additional floorspace in other business uses.

Justification of transport contribution

- 18 All development will result in increased pressure on transport infrastructure across the Borough and create demand for new provision. This includes: improvements

¹ The LIP is a statutory document required to be prepared by each London borough under the Greater London Authority Act 1999. Its purpose is to put forward the policy context and proposals of the borough for the implementation of the Mayor of London's Transport Strategy (MTS) in its area. In essence, it is a five-year plan for the improvement, enhancement and maintenance of a sustainable transport system in the Borough.

in the quality, capacity and safety of the road network as a result of residential and commercial vehicle movements; improvements to cater for increased walking and cycling trips; and enhancements and new provision in public transport, such as bus and rail services. As a result, the Council will seek planning contributions from all qualifying development towards transport infrastructure provision.

Justification of public realm contribution

19 The public realm is an important aspect of any development within town centre or employment area, and ensures that the development is integrated into, or enhances the existing character and use of the area. All commercial development is required to contribute towards good design, which extends to the consideration of the public realm through the provision of measures to design out crime and contribute to community safety. Contributions to public realm will also contribute towards refurbishment or new provision of civic space and other projects aimed at improving the quality and benefits for users of these areas. Planning obligations for public realm improvements will be sought from commercial development proposals within the defined town centres (Strategic, Major District, District and Neighbourhood Centres) and Primary Employment Areas. Contributions will be invested in schemes most closely related to the development in these areas across the Borough:

- Strategic Centre - Bexleyheath;
- Major District Centres - Crayford; Erith; Sidcup and Welling;
- District Centres - Belvedere; Blackfen; Northumberland Heath; and Old Bexley;
- Neighbourhood Centres; and
- Primary Employment Areas - Belvedere Industrial Area; Europa Trading Estate and Fraser Road; Manor Road, Erith; Crayford Ness; Slade Green Industrial Area; Thames Road, Crayford; Crayford Industrial Area; and Foots Cray Business Area.

Methodology for calculating transport contributions

20 Residential, commercial and retail developments will have an impact on travel patterns and the current transport network. As a result, all qualifying developments should make some level of contribution to local sustainable travel, with particular emphasis on improving public transport.

21 The following calculation is to be applied to calculate transport contributions:

Estimated annual S106 contributions	x	% of predicted trips generated	÷	Predicted growth in Bexley	=	Cost per dwelling / m ²
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22 Local Implementation Plans (LIP) set out Borough Councils' programmes of transport schemes and initiatives to be implemented to deliver the Mayor of London's Transport Strategy 2001. Table B.1 summarises the principal transport schemes included in Bexley's LIP⁽¹⁾ and other programmes and illustrates the range and type of transport schemes towards which the Council will seek planning contributions. It includes one-off schemes and rolling programmes.

¹ Bexley Local Implementation Plan 2005/6-2010/11, March 2006 (Revised; approved by the Mayor of London January 2007)

Table B.1 Transport schemes and programmesType: Scheme = S Rolling programme = R
Funding through S106: None = N Partial = P Full = F

LIP Ref	Scheme	Location	Cost £k 2006-09	Type	S106
002	Local safety schemes	Borough wide	3600	R	P
002	20 mph zones	Borough wide	600	R	P
003	School travel plans	Borough wide	1,024	R	P
004	Parking control around schools	Borough wide	210	R	P
005	Road safety education, training and publicity	Borough wide	338	R	N
006	Bus priority programme	Borough wide	1,052	R	P
007	Travel awareness and travel demand management	Borough wide	342	R	P
008	Pre-feasibility study for Jubilee Line extension to Bexley	Bexleyheath	25	S	F
009	Controlled parking zones	Borough wide	584	R	P
010	Freight Quality Partnership	Thames Gateway	277	R	P
011	Local accessibility	Borough wide	120	R	P
012	Bus stop accessibility	Borough wide	380	R	P
013	Accessible transport / community transport	Borough wide	176	R	P
014	Enhancement of the Shopmobility Scheme	Borough wide	77	S	N
015	Encouraging walking	Borough wide	606	R	P
016	Cycling (non- London Cycle Network) and cycle parking	Stations and town centres	2,910	R	P
017	London Cycle Network + Cycling Scheme	Borough wide	94	R	P
018	Cycling training	Borough wide	8,529	R	P
019	Planned highway maintenance	Principal highway network	17,768	R	N
020	Planned and reactive borough road maintenance	Non principal roads	5,432	R	N
021	Street lighting improvement and maintenance	Borough highway network	3,979	R	N
022	Bridge strengthening and maintenance	Borough wide	525	R	N
023	Kennet Road Regeneration Scheme	Kennet Road, Crayford	8,000	S	N
024	Queens Road roundabout improvements	Erith	940	S	P
025	Erith Station access improvements	Erith	3,392	S	P
026	Morrisons car park redevelopment	Erith	450	S	N
027	Erith pedestrian links	Erith town centre - Lessness Heath and North End	2,905	S	N
028	Erith Pier upgrade	Erith Riverside	6,400	S	P
029	A2016 public realm improvements	North Belvedere	2,810	S	P
030	Church Manorway link road	North Belvedere	305	S	P
031	Environmental monitoring and measures	Borough wide	1,015	R	P
032	Public realm and transport improvements	Upper Belvedere	4,410	S	N
033	Crayford Town Centre improvements: transport	Crayford	463	S	P
034	East Welling 'streets-for-people' scheme	East Welling	350	S	N
035	Northumberland Heath 'streets-for-people' scheme	Northumberland Heath	100	S	N
036	Parallel initiatives - coordination of projects	Borough wide - A roads and busy bus routes	5,032	R	P
037	Mitigation of traffic impacts of Thames Gateway Bridge	Borough wide	1,000	S	N
	Crossrail to Ebbsfleet (scheme development)	North Bexley	500	S	P
	North Bexley Transit (scheme development)	North Bexley	1,000	S	P
	DLR to Bexley (scheme development)	Thamesmead	2,000	S	P
	Introduction of 12 carriage trains	Borough wide	1,000	S	N
	Extension of Oyster Card to surface rail	Borough wide	2,000	S	N
	Bexley Village bypass	Bexley Village	1,000	S	P
	Manor Road relief road (scheme development)	Erith	1,000	S	P
	Thames Road Bridge (scheme development)	Slade Green	1,000	S	P
Total costs			90,415		

- 23 Location specific schemes will only receive contributions from developments that are reasonably related to that scheme.

Estimated level of S106 contributions

- 24 It is estimated that Bexley will require annual S106 contributions totalling an average of **£1,065,300** to deliver the Council's programme over a 10 year period. This figure is derived from estimated 10 year costs to 2016 based on the current 2006-2009 costs shown in Table B.1 and is used as the basis for calculating the transport contributions set out in this SPD. Costs, which are based on 2006 prices, will be updated by the Council periodically, using relevant indices such as the Baxter Index⁽¹⁾.
- 25 Transport for London (TfL) provide funding for projects within their business plan and the Council will bid to TfL and other agencies for funding when appropriate. However, the success of these funding bids and the level of settlement cannot be guaranteed.

Predicted trips from development

- 26 Invariably, different types of development will generate different travel characteristics. The location of any development in relation to town and neighbourhood centres will have a bearing on travel habits. With this in mind, Table B.2 sets out the daily trip rates generated by the more common types of development.

Table B.2 Daily trips generated from development

Type of development	Daily trip rate
C3 Residential dwellings: 1 bedroom (incl. flats)	4
C3 Residential dwellings: 2 bedrooms (incl. flats)	8
C3 Residential dwellings: 3 bedrooms (incl. flats)	12
C3 Residential dwellings: 4 bedrooms	16

A1 - A5 Use	60 per 100m ² gross floor area (gfa)

B1(a) Use	28 per 100m ² gfa
B1(b) Use	10 per 100m ² gfa
B1(c) Use	7 per 100m ² gfa
B2 Use	3 per 100m ² gfa
B8 Use	4 per 100m ² gfa

C1 Use (hotels)	3 per bedroom

D2 Use (health clubs and leisure centres)	42 per 100m ² gfa

Source: TRAVL8 database, London Borough of Bexley 2007

- 27 Information supplied by Environmental Resources Management (ERM) growth scenarios refers to various reports that outline the trends for various types of development. Predicted growth levels in Bexley are set out in Table B.3.

¹ Baxter indices are monthly indices for price adjustment formulae for construction works, issued by the National Statistics Office.

Table B.3 Predicted growth in Bexley

Development type	Predicted growth
Residential dwellings per year to 2016/17 (The London Plan 2008)	
Average	345 dwellings per year Assuming 63% flats and 37% houses
Town Centre Development: 2001 - 2016 ⁽¹⁾	
Welling	38,000 m ²
Sidcup	36,000 m ²
Crayford	34,000 m ²
Bexleyheath	86,000 m ²
Erith	19,000 m ²
Average	14,200 m ² per year
Business Development: 2006 - 2016	
B1 to B8 development	332,600 m ²
Average	33,260 m ² per year

- 28 By applying the daily trip rates (Table B.2) to the projected growth (Table B.3), an estimate of the annual number of trips likely to be generated by development can be derived (Table B.4). The percentage of total trips attributable to each type of development is also shown and this is used to calculate the transport contribution.

Table B.4 Predicted annual trip rates generated from development

Development	Daily trips Table B.2	Predicted growth Table B.3	Annual trips generated
Flats (based on 2 bed)	8 per flat	x (345 x 63%)	= 1,739
Houses (based on 3 bed)	12 per house	x (345 x 37%)	= 1,532
Residential development: C3 use			Total = 3,271 (29%)
Town centres: A, B1(a) & D2 uses	$(60+28+42) \div 3 = 43.33$	x 14,200m ² ÷ 100m ²	= 6,153 (54%)
Business development: all other B uses	$(10+7+3+4) \div 4 = 6$	x 33,260m ² ÷ 100m ²	= 1,996 (17%)
Total trips generated			11,420

Transport contributions

- 29 Apportioning the percentage of annual trips generated from each type of development (Table B.4) to the annual S106 contribution (paragraph 24) and dividing it by the predicted growth provides the transport contribution per development unit (dwelling, bedspace, sq.m. or trip, as appropriate) and is set out in Table B.5.

¹ Mayor of London, Sub-Regional Development Framework, East London (2006), page 49.

Table B.5 Transport contribution per development

	£106 annual contribution		% of trips generated (Table B.4)			Contribution
Residential development (5 or more dwellings)	£1,065,300	x	29%	÷	345 units	= £895 per dwelling
Residential bed space					£895 ÷ 2.4*	= £373 per bedspace
Town centre use	£1,065,300	x	54%	÷	14,200m ²	= £41 per m ²
Business development	£1,065,300	x	17%	÷	33,260m ²	= £5 per m ²
Other types of development (incl C1)	£1,065,300	÷	11,420 trips			= £93 per trip

* To calculate the transport contribution for bed spaces, the per dwelling contribution is divided by the average household of 2.4

- 30 Where appropriate, the Council may impose a planning condition or, where this is not possible, a planning obligation, to ensure a development accords with relevant policy. All works on streets must be undertaken to an adoptable standard and offered to the Council for adoption as appropriate. There will be a requirement for the developer to pay for maintenance of the works for a minimum of a year.
- 31 Transport contributions will be allocated to, but not limited to, the schemes identified in Table B.1. An analysis of the most appropriate projects at the time of development will be carried out. In addition, appropriate projects may change from those identified at the time the agreement is drawn, but will meet the tests set out in Circular 05/2005.

Methodology for calculating public realm contributions

- 32 A development will be expected to contribute to the improvement and management of the public realm to which it is most closely related. As a prerequisite to any development, the developer will be responsible for providing the necessary elements of quality public realm in or adjacent to the proposed development.
- 33 On all town centre developments of 500m² and above, a contribution of £20 per m² will be sought for public realm improvements. Based on financial viability testing appraisals, the Council considers this contribution to be feasible for all town centre developments.
- 34 On all business development of 500m² and above a contribution of £2.50 per m² will be sought for public realm improvements, again based on financial viability testing.

Worked example

Transport and public realm contributions

- 35 Taking an example of the following types of development:
- 25 residential units;
 - 30 bed spaces for an educational institution;
 - 800 m² town centre development; and
 - 5,000 m² business development.

Table B.6 Transport and public realm contribution examples

Development	Transport contribution (Table B.5)	Public realm contribution	Total contribution
25 residential units	£895 per unit x 25 units = £22,375	-	= £22,375
30 bed spaces	£373 per bed space x 30 bed spaces = £11,190	-	= £11,190
800 m ² town centre development	£41 per m ² x 800 m ² = £32,800	+ £20 x 800 m ² = £16,000	= £48,800
5,000 m ² business development	£5 per m ² x 5,000 m ² = £25,000	+ £2.50 x 5,000 m ² = £12,500	= £37,500

Annex C

Education

Introduction

- 1 This annex sets out guidance for deriving the education facilities contributions sought from developments in Bexley. This forms one of eight annexes that detail the Council's approach to obtaining planning obligations.
- 2 This annex outlines the contribution formulae required for qualifying developments where education is to be provided off site or as a partial contribution.

Definition

- 3 Contributions for educational facilities include the capital costs of providing school places as a direct result of a proposed development.
- 4 Education facilities include:
 - primary school places (5 to 11 years old);
 - secondary school places (11+ to 16 years old); and
 - post-16 education places (17 and 18 years old).

Background

- 5 Education facilities are important assets for the local community, not only as places of learning for school age children, but increasingly as community facilities capable of providing life long learning and family support outside school hours.
- 6 Providing educational facilities will help to ensure young people can have the skills, knowledge and confidence that will allow them to have fulfilling and successful lives and careers.

Policy context

- 7 **Policies within the London Plan (2008)**, which support educational facilities and services are as follows:

Policy *Protection and enhancement of social infrastructure and community facilities*

3A.18 Policies in DPDs should assess the need for social infrastructure and community facilities in their area, and ensure that they are capable of being met wherever possible. These needs include primary healthcare facilities, children's play and recreation facilities, services for young people, older people and disabled people, as well as libraries, sports and leisure facilities, open space, schools, nurseries and other childcare provision, training facilities, fire and policing facilities, community halls, meeting rooms, places of worship, public toilets, facilities for cyclists, convenience shops, banking facilities and post offices (also see Chapter 3D). Adequate provision for these facilities is particularly important in major areas of new development and regeneration.

Policies should seek to ensure that appropriate facilities are provided within easy reach by walking and public transport for the population that use them. The net loss of such facilities must be resisted and increased provision be sought, both to deal with the increased population and to meet existing deficiencies.

Policy *Education facilities*

3A.24 Policies in DPDs should reflect the demands for pre-school, school and community learning facilities, taking into account GLA demographic projections, and should ensure adequate provision in partnership with the local education authority, local strategic partnership and users. Boroughs should provide a criteria based approach to the provision of different types of educational facilities and the expansion of existing facilities, taking into account:

- the need for new facilities, with particular reference to Areas for Regeneration
- the potential for expansion of existing provision
- the possibility of inter-borough provision
- safe and convenient access by pedestrians, cyclists and by public transport users
- proximity to homes and workplaces
- the other policies in this plan, including safety, sustainable design and construction, inclusive design, enhancement of the public realm and the protection of the green belt, Metropolitan Open Land and other open spaces in London.

The Mayor will continue to work with the government and boroughs to assess and review strategic educational needs and the land use implications of these. Further information on implementation will be set out in SRIFs.

In order to maximise usage and to reduce the need for more alternative land to be sought, education authorities should work with local partners to achieve full use of schools in the evenings and at weekends.

Policy *Improving employment opportunities for Londoners*

3B.11 Working with strategic partners, the Mayor will:

- provide the spatial context to coordinate the range of initiatives necessary to improve employment opportunities for Londoners, to remove barriers to employment and tackle low participation in the labour market
- ensure that opportunities provided by the 2012 Olympics and Paralympics and other major new developments are used to assist in enhancing skills and the targeting of job opportunities to local communities
- increase the productivity of London's businesses by tailoring supply-side skills to employer led demand through the Mayor's London Skills and Employment Board and Sub-Regional Implementation Frameworks.

Policy *Priorities in planning obligations*

6A.4 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.

Policy Planning obligations

6A.5 Boroughs should set out a clear framework for negotiations on planning obligations in DPDs having regard to central Government policy and guidance and local and strategic considerations (see Policy 6A.4) to the effect that:

- it will be a material consideration whether a development makes appropriate provision for, or contribution towards requirements that are made necessary by and are related to, the proposed development
- negotiations should seek a contribution towards the full cost of all such provision that is fairly and reasonably related in scale and in kind to the proposed development and its impact on the wider area
- boroughs should refer to planning obligations that will be sought in the relevant parts of the DPD (such as transport and housing policies).

8 **Policies within the UDP** which support educational facilities and services are as follows:

Policy G3 Where appropriate, the Council will, by way of planning obligations or other legal agreements or otherwise as part of a scheme, seek appropriate benefits and/or commitments from a development including, for example: affordable housing; environmental improvements; improvements to the public transport system and/or to highway infrastructure; nature conservation and new tree planting; leisure, social and community facilities, including waste recycling facilities, to meet the needs of future occupiers or users and to minimise disturbance or adverse impacts on the local community.

The requirements of this policy for large development sites may be identified in Planning Briefs.

Policy COM1 The Council will seek to ensure that adequate primary and secondary educational facilities are made available in Bexley, taking into account changing demands as a result of fluctuating school rolls and shifting distribution of the borough's population.

Investment programmes, action plans and strategies in the borough

9 The Council's objectives for education are outlined within the following:

- Bexley's Sustainable Community Strategy 2008-2018 (adopted June 2008);
- Children's and Young People's Plan 2006 to 2009;
- Early Years Development and Childcare Plan; and
- Education Asset Management Plan.

Development for which contributions will be sought

10 Education contributions will be sought from all residential development of 5 units and more.

Justification of education contribution

11 Most development will result in increased pressure on primary and secondary and

post-16 education facilities across the Borough and create demand for new or expanded provision.

- 12 The Bexley Sustainable Community Strategy 2008-2018 (page 22), sets out a vision for Bexley as a place where young people are given every opportunity to learn and grow. The Sustainable Community Strategy also states that the number of pupils aged 5-14 is predicted to rise in the Borough over the next 25 years.
- 13 New residential development will place a demand on existing facilities and services. Therefore, a contribution will be required towards the provision, enlargement or improvement of existing facilities and services in the Borough. The Council has successfully bid for targeted capital funding for renewing four primary schools and has been offered funding for a new secondary schools as part of the national Building Schools for the Future One-School Pathfinder programme. These funding allocations will be used in tandem with other funding streams, including developer contributions, to deliver the following Capital programmes for educational improvements in the Borough.

Table C.1 Capital Programme of Works

	2008/09 £m	2009/10 £m	2010/11 £m	Total £m
Primary Schools rebuilding	5.8	8.8	0.0	14.6
Devolved Formula Capital Grant	2.9	7.4	3.4	13.7
Target fund - Special needs	0.0	2.0	6.0	8.0
School modernisation programme	1.9	0.1	1.6	3.6
Pupil Referral Unit relocation	2.7	0.4	0.0	3.1
Primary capital programme	0.0	3.0	0.0	3.0
Harnessing Technology Grant	0.8	0.8	0.8	2.4
Enhanced Specialist Special Education Needs provision	0.8	0.5	0.0	1.3
Primary places review - Normandy School	0.9	0.0	0.0	0.9
Other schemes	4.2	4.8	2.6	11.6
TOTAL	20.0	27.8	14.4	62.2

Methodology for calculating contributions

- 14 The methodology for calculating education contributions is based on the demographic profile of an area. For each Ward, the total population has been disaggregated into distinct age ranges. These have been matched to specific education provision, based on the age bands, which are:
- primary education (5 to 11 years old);
 - secondary education (11+ to 16 years old); and
 - post-16 education (17 and 18 years old).
- 15 To calculate education contributions it is necessary to establish the need for education-related expenditure generated by a new development. This is based on the latest 'Child Yield' information, prepared by the Greater London Authority (GLA), which predicts the number of children likely to be accommodated in dwellings of various sizes, as shown in Table C.2. This guidance uses figures from the London Household Survey 2002 in the in the GLA Data Management and Analysis Group (DMAG)

Briefing 2005/25 on Child Yield. The figures used are for the outer London area for owner occupied and social rented housing. It has been assumed the retention for post-16 education places to is 83.6%⁽¹⁾.

Table C.2 GLA child yield summary (5-15 years)

Housing rate	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
Owner occupied - children per household	0.04	0.10	0.38	0.64
Social rented - children per household	0.04	0.59	0.99	1.69

Source: GLA Data Management and Analysis Group, Briefing 2005/25, August 2005

- 16 For intermediate or shared ownership housing the owner occupied rate should be used. For all other affordable housing the social rented housing rate will be applied.
- 17 The formula below is used to calculate the expected child yield from a housing development. This relates to children aged from 4 to 16 years of age and needs to be applied separately for owner occupied and social rented.

$$\text{No. of dwellings} \times \text{Average child yield per dwelling - child yield of 0-3 years} = \text{Expected child yield}$$

- 18 The total expected child yield for a development then needs to be apportioned to primary, secondary places and post 16 education based on the number of years of education. This is:
- **Primary education** - seven years;
 - **Secondary education** - five years; and
 - **Post-16 education** - two years.
- 19 In order to apportion a total child yield for a development to the relevant types of education, the total number of child yield places needs to be divided by 14 (the number of years children are in education) then multiplied by the number of years per type of education e.g seven for primary education. This is explained further in the worked examples.

$$\text{Total number of children} \div \text{Total number of school years (14)} \times \text{Number of years in type of education (e.g. primary = 7 yrs)} = \text{Number of primary school places}$$

- 20 For post-16 education, the average Bexley retention rate of 83.6% is applied, which discounts those students in Bexley who do not continue within state schools and colleges. This analysis considers the requirement for places rather than the level of physical provision or land requirements.
- 21 The Council will endeavour to use up to date, relevant estimates for the various components in its formulae at all times. As such, any of the figures given below may be updated by the Borough at any time in response to new information. This affects in particular the Location Factor, the Building Cost per square metre, and the Basic Need Cost Multiplier. This information is provided by the Department for Children, Schools and Families (DCSF).

¹ The average retention rate for Y12 and Y13 recorded by Council between 2005 and 2007.

- 22 The DCSF cost multipliers are the costs per pupil for the construction of accommodation to provide for additional pupil places, and will be used to determine the basic cost place figure for primary, secondary and post 16 places within the Borough. The 2006 to 2007 cost multipliers are as follows:
- Primary School places - £10,372 per place
 Secondary School places - £15,848 per place
 Post-16 places - £17,013 per place
- 23 The cost multipliers are likely to be updated by the DCSF every two to three years, and will be updated by the Council at any time in response to the new information. Each multiplier has an area per place factor (derived from the Building Bulletins No.98 or No.99 area standards), which is multiplied by a cost per square metre factor. A location factor is provided by the DCSF to weight the costs given above to account for differing building costs in different local authority areas. This is updated annually and is 1.08 in Bexley Borough for the 2007/2008 financial year. The basic cost per place figures (given the 2007/08 location standard) are as follows:
- Primary School places - £11,202 per place
 Secondary School places - £17,116 per place
 Post-16 places - £18,374 per place
- 24 There are other reductions which may be appropriate, reflecting the proportions of children who will be educated privately or outside the Borough and to take account of any spare capacity. A discount of 50% is therefore applied, as Table C.5, which is likely to be well in excess of the true value.

Worked examples

- 25 The following example shows the potential education contribution for a 25 dwelling development of which 35% (nine units) are social housing. The size and mix of the development is eight 1 bedroom units, eight 2 bedroom units and nine 3 bedroom units. The calculations in Table C.3 generate the total child yield expected from that development.

Table C.3 Education contributions - calculating total child yield

No. of units	x	Average child yield per dwelling (excluding child yield of 0-3 yr. olds)	=	Expected child yield	
Owner occupied					
5 (1 bed)	x	0.04	=	0.20	
5 (2 bed)	x	0.10	=	0.50	
6 (3 bed)	x	0.38	=	2.28	
Social rented					
3 (1 bed)	x	0.04	=	0.12	
3 (2 bed)	x	0.59	=	1.77	
3 (3 bed)	x	0.99	=	2.97	
Total owner occupied and social rented				=	7.84

- 26 The estimated school place requirement would be 7.84 places (taken from child yield in Table C.3). This needs to be apportioned by school year and is shown in Table C.4.

Table C.4 Using total school places to calculate education places required by type

Total places required	No. of school years	No. of years	No. of places by type	Attendance/retention rate	Total places by type
Primary					
7.84	÷	14	x	7	= 3.92 x 1.00 = 3.92
Secondary					
7.84	÷	14	x	5	= 2.80 x 1.00 = 2.80
Post-16					
7.84	÷	14	x	2	= 1.12 x 0.836 = 0.94 ⁽¹⁾
Total					7.84
					7.66

27 The expected number of places per type of school is then applied to the modified unit costs for the provision of school places. A worked example of the costs is set out in Table C.5.

28 For a 25 dwelling scheme, the following contribution is required:

Table C.5 Education contributions summary table

Education type	Places required	Contribution per pupil (50% of DCSF unit cost)	Contribution
Primary	3.92	x £5,601	= £21,956
Secondary	2.80	x £8,558	= £23,962
Post-16	0.94 ⁽¹⁾	x £9,187	= £8,602
Total	7.66		£54,520

29 In total, an expected education contribution of £54,554 will be required. If the total contribution was evenly distributed across the 25 dwelling scheme, then the average contribution per dwelling would be £2,188.16. Different mixes of tenure and size will produce a different average per dwelling contribution.

1 Actual figure 0.93632 is used for calculation but shown as rounded to 0.94

Annex D

Employment training

Introduction

- 1 This annex sets out guidance for deriving the employment training contributions sought from developments in Bexley. This forms one of eight annexes that detail the Council's approach to obtaining planning obligations.
- 2 This annex outlines the contribution formulae required for qualifying developments where employment training is to be provided off site or as a partial contribution.

Definition

- 3 Contributions for employment training services incorporate the full range of facilities and schemes that support residents in gaining skills and in turn increase the employment opportunities of all residents in the labour market. Employment training can include advice, guidance, training and job search support for individuals, in addition to apprenticeships and on-site training courses.
- 4 Employment training incorporates those who are:
 - unemployed but seeking training to enter the labour market;
 - in current low skilled employment seeking to retrain; and
 - introducing skills to the market.

Background

- 5 Employment training services are important assets for the local community. Improving the skills of the local population is important in promoting a vibrant labour market and local economy that provides employment for local people and a full range of goods and services for residents and visitors.
- 6 The Council acknowledges the importance of helping unemployed people to gain employment by increasing their vocational and employment skills to enter or re-enter employment. The Council also acknowledges the importance of providing employer-led skills training to ensure employees meet future skill needs whilst in work.
- 7 Employment training services should be provided to meet local employer demand, sector needs, and the needs of local businesses. Employment and training is currently provided within the Borough through Resources plus. The programme provides a variety of training courses to meet the needs of both employers and residents in Bexley, Lewisham and Greenwich.

Policy context

- 8 **Policies within the London Plan (2008)**, which support employment training facilities are as follows:

Policy *Improving employment opportunities for Londoners*

3B.11 Working with strategic partners, the Mayor will:

- provide the spatial context to coordinate the range of initiatives necessary to improve employment opportunities for Londoners, to remove barriers to employment and tackle low participation in the labour market

- ensure that opportunities provided by the 2012 Olympics and Paralympics and other major new developments are used to assist in enhancing skills and the targeting of job opportunities to local communities
- increase the productivity of London's businesses by tailoring supply-side skills to employer led demand through the Mayor's London Skills and Employment Board and Sub-Regional Implementation Frameworks.

Policy *Priorities in planning obligations*

6A.4 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.

Policy *Planning obligations*

6A.5 Boroughs should set out a clear framework for negotiations on planning obligations in DPDs having regard to central Government policy and guidance and local and strategic considerations (see Policy 6A.4) to the effect that:

- it will be a material consideration whether a development makes appropriate provision for, or contribution towards requirements that are made necessary by and are related to, the proposed development
- negotiations should seek a contribution towards the full cost of all such provision that is fairly and reasonably related in scale and in kind to the proposed development and its impact on the wider area
- boroughs should refer to planning obligations that will be sought in the relevant parts of the DPD (such as transport and housing policies).

9 **Policies within Bexley's UDP** which support employment training are as follows:

Policy Where appropriate, the Council will, by way of planning obligations or other legal agreements or otherwise as part of a scheme, seek appropriate benefits and/or commitments from a development including, for example: affordable housing; environmental improvements; improvements to the public transport system and/or to highway infrastructure; nature conservation and new tree planting; leisure, social and community facilities, including waste recycling facilities, to meet the needs of future occupiers or users and to minimise disturbance or adverse impacts on the local community.

The requirements of this policy for large development sites may be identified in Planning Briefs.

Investment programmes, action plans and strategies in the borough

10 Council's objectives for employment are outlined within the following:

- Bexley's Sustainable Community Strategy 2008 - 2018;
- Economic and Employment Development Strategy 2005 - 2010;
- Economic and Employment Development Plan 2007 - 2010; and
- Skills Training: A Programme for Sustained Employment 2008 - 2012.

Development for which contributions will be sought

11 Employment training contributions will be sought from the following:

- All applications for hospitals, nursing homes and other residential care which include the creation of 25 or more additional bed spaces.
- All applications which include the creation of 500 m² or more additional floorspace in town centre uses.
- All applications which include the creation of 500 m² or more additional floorspace in other business uses.

Justification of employment and training contribution

- 12 The emphasis of local economic development policy in the UDP is on retaining employment, sustaining the local economy and the provision of additional, good quality local job opportunities. A key to delivering 'mixed and balanced communities' as advocated in Government policy, is to ensure all sections of the community have access to housing, jobs and community facilities and services. This is reiterated in the Bexley Sustainable Community Strategy, which recognises that it is important to *"develop a strong and sustainable local economy, through high quality education and training, and creation of job opportunities."*⁽¹⁾
- 13 Training brings benefits to the local economy in terms of sustainability by enabling businesses to have access to an appropriately skilled workforce. Greater London Authority (GLA) employment projections suggest there will be 5,000 additional jobs in Bexley by 2016⁽²⁾. Therefore, the Council will require developer contributions to assist with employment training in the Borough.

Methodology for calculating contributions

- 14 The cost of supporting individuals through advice, guidance, training and jobs search support varies depending on the individual need and potential employment opportunities available. The Council recognises that adequate advice, guidance and training is necessary for individuals to enter or re-enter the employment market.

1 Bexley Sustainable Community Strategy (2008), page 23

2 GLA Economics Employment Projection (2007)

- 15 The Council's approach to obtaining contributions from applicants for employment training has been based on the following:

$$\text{Employee full time equivalent (FTE)} \times \text{Proportion which require training} \times \text{Cost of training} = \text{Contribution required for training}$$

Full time equivalent (FTE)

- 16 The number of jobs likely to be created as a result of a development is expressed as Full Time Equivalent (FTE), which is defined as a standard measure, equal to one full time job (37.5 hours per week). For the purposes of this SPD, two part time staff are considered as one FTE. The FTE is calculated in relation to the scale and different types of employment proposed by using the following:

$$\text{Total floorspace} + \text{employment density (as Table D.1)} = \text{FTE}$$

This FTE figure can then be used to calculate training requirements.

- 17 Employment density figures, set out in Table D.1, are derived from English Partnerships and provide an estimate of the number of jobs that are likely to be created per square metre of development.

Table D.1 Employment densities

Industry	m ² per employee	Industry	m ² per employee
General	34	Retail	
Small business	32	Town/city centre (net internal figures)	20
High tech. / R&D* (non science park)	29	Food superstores (net internal figures)	19
Science Park	32	Other superstores/retail warehousing (incl. wholesale but not storage-gross internal figures)	90
Warehousing and distribution		Leisure and visitor attractions	
General warehousing	50	General hotels (3 star)	1 employee per 2 bedrooms
Large scale and high bay	80	Budget hotels (2 star/lower)	1 employee per 3 bedrooms
Office		4/5 star hotels	0.8 employees per bedroom
General	19	General restaurants	13
Headquarters	22	Cultural attractions	36
Serviced Business Centre	20	Cinema (incl. multiplex)	90
Business Park	16	Amusement and entertainment centres	40
City of London	20	Sports centres	90
Call Centre	12.8	Private sports clubs	55

* R&D: Research and Development

Source: Employment Densities: A Simple Guide, English Partnerships and the Regional Development Agencies, September 2001

- 18 In the case of hospitals, nursing homes and other residential care facilities, the applicant will be required to produce employment estimates.

Proportion which require training

- 19 The following formula is used to calculate the proportion of employees that require training each year:

$$\frac{\text{Number seeking training}}{\text{Number needing training}} = \text{Proportion requiring training}$$

- 20 The number of people seeking employment training in Bexley is equivalent to the number of people who sign on to the Council's Resources *plus* programme to enter or retrain into the employment market. This is approximately **3,000** a year.
- 21 The estimated number needing training in Bexley comprises:

Unemployed wanting to re-enter the labour market		Low skilled employment seeking to retrain		Introducing new skills to the market		Number needing training
7,000	+	32,500	+	1,250	=	40,750

- 22 Statistics were sourced from Nomis Official Labour data to assess the number of:
- unemployed who want to re-enter the labour market; and
 - low skilled employees seeking to retrain
- 23 The National Employment Skill Survey⁽¹⁾ June 2005 concluded that 25% of all vacancies are skill-shortage vacancies. Therefore, of the 5,000 jobs forecast to be created in Bexley up to 2016 (paragraph 1.13), it is estimated that 1,250 will need training.
- 24 The proportion requiring training is calculated as 0.0736 (rounded to 0.07) as follows:

No. seeking training in Bexley		Estimated need		Proportion requiring training
3,000	÷	40,750	=	0.0736 (7.36%)

- 25 To calculate the contribution required for employment training, an average cost of £2,500⁽²⁾ per employee (FTE) is applied.

Worked example

The training cost figure

- 26 Taking an example of the following types of developments:
- 5,000 m² business development in the Class B8; and
 - 800 m² town centre development
- the contributions due will be as in Table D.2.

1 Survey undertaken by the Learning Skills Council, Department for Education and Skills, and the Sector Skills Development Agency.

2 Average cost of training taken from Bexley Training & Skills records March 2003 - March 2007.

Table D.2 Employment training contributions summary table

Development type	Employee full time equivalent (FTE)		Proportion requiring training		Cost of training	=	Contribution required for training
Town centre	40	x	0.07	x	£2,500	=	£ 7,000
Business	100	x	0.07	x	£2,500	=	£17,500

- 27 For business development, the contribution averages £3.50 per square metre. For town centre development, the contribution averages £8.75 per square metre.

Annex E

Health services and facilities

Introduction

- 1 This annex sets out guidance for deriving the health services and facilities contributions sought from developments in Bexley. This forms one of eight annexes that detail the Council's approach to obtaining planning obligations.
- 2 This annex outlines the contribution formulae required for qualifying developments where health services and facility provisions are to be provided off-site or as a partial contribution.

Definitions

Health services

- 3 Contributions will be sought for the primary costs of healthcare, i.e. the building or redevelopment of facilities.
- 4 For the purposes of this document, contributions to health care facilities and services incorporates contributions to the following facilities:
 - primary care - including GP surgeries and primary care centres;
 - intermediate care - day places and beds;
 - acute facilities - elective, non-elective and day care beds; and
 - mental health facilities.
- 5 The Council will use the National Health Service (NHS), London Healthy Urban Development Unit (HUDU) model to assist in the calculation of health services and facilities contributions for Bexley. HUDU is supported by the 31 PCTs⁽¹⁾ in London and the London Development Agency (LDA). The primary role of HUDU is to support all NHS organisations across London in securing more effective engagement in the planning and development process.

Background

- 6 Increases in the local population as a result of new residential development will invariably increase the demand for local health services in the Borough. In many cases, the existing provision will not be sufficient to meet the increased demand. Therefore, investment in health care facilities will be required to cater for the increased demand. As a result, the Council will require the applicant to contribute to maintain levels of health care facilities in the Borough.
- 7 Health services and facilities are integral to maintaining healthy and cohesive communities. They play a crucial role in enhancing the quality of life of all residents within the Borough, and are important in meeting the needs of a growing population.

Policy context

- 8 **Policies within the London Plan (2008)**, which support health are as follows:

¹ PCT: Primary Care Trusts are responsible for providing health care in London. Bexley's PCT is Bexley Care Trust (BCT)

Policy *Partnership approach and Sub-Regional Implementation Frameworks*

3A.12 The Mayor will work with partners to ensure that a sub-regional approach is embedded in his Housing Strategy and that his funding recommendations to government seek resources for cross-borough and sub-regional initiatives.

Policy *Protection and enhancement of social infrastructure and community facilities*

3A.18 Policies in DPDs should assess the need for social infrastructure and community facilities in their area, and ensure that they are capable of being met wherever possible. These needs include primary healthcare facilities, children's play and recreation facilities, services for young people, older people and disabled people, as well as libraries, sports and leisure facilities, open space, schools, nurseries and other childcare provision, training facilities, fire and policing facilities, community halls, meeting rooms, places of worship, public toilets, facilities for cyclists, convenience shops, banking facilities and post offices (also see Chapter 3D). Adequate provision for these facilities is particularly important in major areas of new development and regeneration.

Policies should seek to ensure that appropriate facilities are provided within easy reach by walking and public transport for the population that use them. The net loss of such facilities must be resisted and increased provision be sought, both to deal with the increased population and to meet existing deficiencies.

Policy *Health objectives*

3A.20 Policies in DPDs should include policies for the improvement of the health of the local population and reduction of health inequalities as set out in the objectives of the NHS Plan, the 'Choosing Health' White Paper, Local Delivery Plans and Modernisation Programmes and the organisation and delivery of health care in the borough. This should be in partnership with the London strategic health authority, primary care trusts, NHS Foundation Trusts, Local Strategic Partnerships and with voluntary and community organisations involved in delivering health services.

Policy *Health impacts*

3A.23 Boroughs should require Health Impact Assessments for major development proposals and have regard to the health impacts of development proposals as a mechanism for ensuring that major new developments promote public health within the borough.

Policy *Priorities in planning obligations*

6A.4 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.

Policy *Planning obligations*

6A.5 Boroughs should set out a clear framework for negotiations on planning obligations in DPDs having regard to central Government policy and guidance and local and strategic considerations (see Policy 6A.4) to the effect that:

- it will be a material consideration whether a development makes appropriate
- provision for, or contribution towards requirements that are made necessary by and are related to, the proposed development
- negotiations should seek a contribution towards the full cost of all such provision that is fairly and reasonably related in scale and in kind to the proposed development and its impact on the wider area
- boroughs should refer to planning obligations that will be sought in the relevant parts of the DPD (such as transport and housing policies).

9 **Policies within the UDP** which support health care provision are as follows:

Policy G3 Where appropriate, the Council will, by way of planning obligations or other legal agreements or otherwise as part of a scheme, seek appropriate benefits and/or commitments from a development including, for example: affordable housing; environmental improvements; improvements to the public transport system and/or to highway infrastructure; nature conservation and new tree planting; leisure, social and community facilities, including waste recycling facilities, to meet the needs of future occupiers or users and to minimise disturbance or adverse impacts on the local community.

The requirements of this policy for large development sites may be identified in Planning Briefs.

Policy COM4 The Council will advise and assist the relevant health authorities in order that future land use requirements for an efficient health care service may be satisfied.

Policy COM5 As an exception to Policy H2, the Council will normally support proposals for doctors' and dentists' surgeries in residential areas, subject to all of the following criteria being satisfied:

1. the proposal should not result in adverse parking and/or traffic impact;
2. use of the facility should not cause a significant nuisance for the occupants of neighbouring properties; and
3. there is no conflict with any other policy in this Plan.

Investment programmes, action plans and strategies in the Borough

10 Key plans for improving the health of the population and developing health care services in Bexley are outlined in the following:

- Bexley Sustainable Community Strategy 2008-2018;
- Bexley Care Trust Commissioning Strategy Plan 2007-2010; and
- Bexley Care Trust Operating Plan, 2007

Developments for which contributions will be sought

- 11 Contributions for health services and facilities will be required from the following:
- Residential developments of 5 dwellings or more, including mixed use schemes.
 - All applications which include the creation of 25 or more additional student bed spaces. Residential accommodation for staff will be treated as residential development in Class C3.
 - Applications for hospitals, nursing homes and other residential care facilities, which include the creation of 25 or more additional bed spaces.

Justification for health contributions

- 12 The expected increase in the number of people over the age of 55 will have implications for healthcare and service provision, over and above that required to meet the demands placed on health services by new development. Increased provision for new facilities and services, or enhanced capacity of existing facilities, will be required.
- 13 Additionally, a key aim of the Bexley Sustainable Community Strategy is to “provide easy access to high quality GP and hospital care” and “developing improvements in health.”⁽¹⁾
- 14 A development programme from Bexley Care Trust will be required with information on GP requirements and proposed capital projects rolling forward for 2-3 years. The Bexley Care Trust will provide the Council with information on the implementation of projects to ensure the completion of obligations can be effectively monitored by the Council.

Methodology for calculating contributions

- 15 The methodology for calculating health contributions involves the use of the Healthy Urban Development Unit (HUDU) model. The HUDU model is a web-based spreadsheet model, access to which is available to all Primary Care Trusts and Boroughs in London or through the HUDU, subject to a licence agreement.
- 16 The HUDU model is designed to calculate the additional health demand that might result from new residential development and to quantify the impact in terms of the physical space and capital and revenue costs. It takes account of relevant population and health activity data specific to Bexley.
- 17 The health contribution is derived using the following assumptions:
- 345 housing units will be built each year over a 10 year period;
 - size and tenure breakdown will be as achieved in 2006; and
 - 35% affordable housing provision.
- 18 Table E.1 sets out the contributions which were generated as a result of the above assumptions. Should the assumptions change, the Council would expect the contributions to alter although not significantly.

¹ Bexley Sustainable Community Strategy (2008), page 21

Table E.1 Summary based on the HUDU model

	Contributions
10 year capital planning contribution	£ 4,051,164
10 year revenue contribution	£10,244,063
10 year combined financial requirement	£14,295,227
10 year housing unit total	3,450
Capital planning contribution per unit	£1,174
Revenue contribution per unit	£2,969
Combined contribution per unit	£4,144

- 19 The Council will expect the developer to pay 100% of the capital contribution per unit. In addition, the Council will expect the developer to pay, at a minimum, 10% of the revenue costs associated with running such facilities. This level of contribution towards revenue costs was derived from viability considerations and the need to secure obligations towards other service areas in addition to healthcare, to ensure new development in Bexley contributes to the creation of safe, sustainable, liveable and mixed communities in accordance with PPS1.

Worked example

- 20 Taking an example of 25 residential units, 30 educational bed spaces or 30 additional residential care bed spaces. The contribution sought would be £1,471 per dwelling and £613 per bedspace assuming 100% of capital costs and 10% revenue costs.

Development	Calculation	Contribution
25 dwellings	$25 \times [£1,174 + (10\% \times £2,969)]$	£36,773
30 educational bed spaces	$30 \times [£1,174 + (10\% \times £2,969)] \div 2.4$	£18,386
30 residential care bed spaces	$30 \times [£1,174 + (10\% \times £2,969)] \div 2.4$	£18,386

To calculate the contribution for bed spaces, the per dwelling contribution is divided by the average household of 2.4

Annex F

Open space, sports and leisure facilities

Introduction

- 1 This annex sets out guidance for deriving the planning contribution towards open space and built sports and leisure facilities provision. This forms one of eight annexes that detail the Council's approach to securing planning obligations.
- 2 The contributions outlined in this annex are relevant for all qualifying residential, town centre and business uses contributing towards open space and sports and leisure facilities where provided off-site or as a partial contribution.

Definition

- 3 Planning Policy Guidance Note 17 (PPG17), Planning for Open Space, Sport and Recreation (2002) defines open space as, *"all open space of public value, including not just land but also areas of water such as rivers, canals, lakes and reservoirs, which offer important opportunities for sport and recreation and can also act as a visual amenity"*.
- 4 For the purpose of this annex, open space is defined as a park, sports ground, playing field, golf course or area of woodland for outdoor recreational use. In considering the need for contributions, open space will be taken to include all open space of public value, including: parks; allotments; commons; woodlands; natural habitats; recreation grounds; playing fields; burial grounds; amenity space; and children's play space. Excluded are spaces provided solely or mainly for vehicles.
- 5 Sports and leisure facilities includes two types of indoor sports facilities, swimming pools and sports halls. This mirrors the Sport England approach to seeking contributions to built sport and leisure provision.

Background

- 6 Open space and sports and leisure facilities are fundamental elements in the promotion of active and healthy lifestyles, encouraging social inclusion, reducing anti-social behaviour and improving the quality and vitality of a community.
- 7 Open spaces can also provide a sense of place and are important to the character and quality of the Borough. These spaces offer a focal point for integrating communities and reducing social isolation and provide safe local play areas for households. Maintenance and improvement of open space is essential to ensure local needs are met, in terms of providing a high quality of natural environment for local residents to enjoy and to promote biodiversity.
- 8 The quality, quantity and accessibility of public open space provided within the Borough is important and should reflect the needs of the community and the current and future demand. The Council recognises that these needs can be met by improving the appearance, quality, and safety of existing open space, and through the provision of new open space. Open space is important to the environmental quality of the Borough and is an important recreational resource.
- 9 Policy TAL7 of the Bexley Unitary Development Plan (UDP) seeks to ensure all new residential developments include sufficient recreational open space within an easy walking distance to meet the needs of the occupants.

Children's play space

- 10 The provision of children's play spaces will be required for all new residential developments. This is in line with Policy TAL7, in which the Council will seek sufficient recreational open space, including informal open space, and children's play space, for all new residential developments. The design and siting of play areas should take into account accessibility and safety. This will include proximity to main roads, railways, waterways and other potential hazards, including the areas level of casual surveillance. Play areas should be located so as allow for a level of informal supervision and to minimise conflict.
- 11 The National Playing Fields Association (NPFA) provides a standard (the Six Acre Standard) for outdoor open space and children's play space of 2.4 ha per 1,000 population. This comprises 1.6 ha per 1,000 population for outdoor sport and recreation space, and 0.8 ha per 1,000 population for children's play space.
- 12 Planning Policy Guidance 17 requires local authorities to develop local standards for open space based on assessments of local need rather than adopting national standards such as the NPFA standard above. The Council anticipates adopting local standards for open space in late 2008. These standards will, when adopted, be incorporated into any relevant Service Area Management or Delivery Plans and any subsequent review of this SPD.

Policy context

- 13 **Policies within the London Plan (2008)**, which support contributions for open space, sport and leisure facilities are as follows:

Policy *The Olympic and Paralympic Games and sports facilities*

3D.6 The Mayor will work with partners to develop and implement legacies from the new permanent facilities in the Olympic Park. These will include ensuring that the facilities meet London's sport needs and that they are accessible and affordable for all Londoners.

The Mayor will work with partners to take the opportunities presented by the Olympic and Paralympic Games to increase participation in sport and physical activity among all sections of London's population, and ensure that community access to legacy facilities is secured following the Games.

In DPDs boroughs should identify sites for a range of sports facilities to meet local, sub-regional and wider needs.

In considering proposals for sports facilities, boroughs should ensure that:

- a sequential approach is applied
- sites have good access by public transport, cycling and walking, or improved access is planned
- facilities are accessible to all sections of the community, including disabled people
- new provision is focused on areas with existing deficiencies in facilities
- the multiple use of facilities is encouraged, including those of schools and commercial organisations.

Policy *Realising the value of open space and green infrastructure*

3D.8 The Mayor will work with strategic partners to protect, promote and improve access to London's network of open spaces, to realise the current and potential value of open space to communities, and to protect the many benefits of open space, including those associated with health, sport and recreation, children's play, regeneration, the economy, culture, biodiversity and the environment.

Policies in DPDs should treat the open space network as an integrated system that provides a "green infrastructure" containing many uses and performing a wide range of functions, such as the East London Green Grid.

All developments will be expected to incorporate appropriate elements of open space that make a positive contribution to and are integrated with the wider network.

Policy *Open space provision in DPDs*

3D.11 In addition to the policy in 3D.8, DPD policies should:

- identify and support Regional and Metropolitan Park opportunities
- identify broad areas of public open space deficiency and priorities for addressing them on the basis of audits carried out as part of an open space strategy, and using the open space hierarchy set out in Table 3D.1 as a starting point
- ensure that future open space needs are considered in planning policies for Opportunity Areas and other areas of growth and change in their area
- encourage functional and physical linkages within the network of open spaces and to the wider public realm, improve accessibility for all throughout the network and create new links based on local and strategic need
- identify, promote and protect Green Corridors and Green Chains and include appropriate designations and policies for the protection of local open spaces that are of value, or have the potential to be of value, to local communities.

The Mayor will assist in co-ordinating this process across borough boundaries.

Policy *Open space strategies*

3D.12 Boroughs should, in consultation with local communities, the Mayor and other partners, produce open space strategies to protect, create and enhance all types of open space in their area. Such strategies should include approaches for the positive management of open space where appropriate to prevent or remedy degradation or enhance the beneficial use of it for the community. To assist with such strategies the Mayor has produced a Guide to Preparing Open Space Strategies.

Boroughs should undertake audits of existing open space and assessments of need in their area, considering both the qualitative and the quantitative elements of open space, wildlife sites, sports and recreational facilities, as part of an open space strategy and in accordance with the guidance given in PPG17. In doing so, they should have regard to the cross-borough nature and use of many open spaces in London.

Policy *Children and young people's play and informal recreation strategies*

3D.13 The Mayor will and boroughs and other partners should ensure that all children have safe access to good quality, well-designed, secure and stimulating play and

informal recreation provision. boroughs should produce strategies on play and informal recreation to improve access and opportunity for all children and young people in their area.

Boroughs should undertake audits of existing play and informal recreation provision and assessments of need in their areas, considering the qualitative, quantitative and accessibility elements of play and informal recreation facilities.

The Mayor will and boroughs should ensure developments that include housing make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs.

Policy *Priorities in planning obligations*

6A.4 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.

Policy *Planning obligations*

6A.5 Boroughs should set out a clear framework for negotiations on planning obligations in DPDs having regard to central Government policy and guidance and local and strategic considerations (see Policy 6A.4) to the effect that:

- it will be a material consideration whether a development makes appropriate provision for, or contribution towards requirements that are made necessary by and are related to, the proposed development
- negotiations should seek a contribution towards the full cost of all such provision that is fairly and reasonably related in scale and in kind to the proposed development and its impact on the wider area
- boroughs should refer to planning obligations that will be sought in the relevant parts of the DPD (such as transport and housing policies).

14 The Mayor of London's Supplementary Planning Guidance, *Providing for Children and Young People's Play and Informal Recreation, March 2008*, is also relevant.

15 **Policies within the UDP** which support provision of open space, sport and leisure facilities are as follows:

Policy Where appropriate, the Council will, by way of planning obligations or other legal agreements or otherwise as part of a scheme, seek appropriate benefits and/or commitments from a development including, for example: affordable housing; environmental improvements; improvements to the public transport system and/or to highway infrastructure; nature conservation and new tree planting; leisure, social and community facilities, including waste recycling facilities, to meet the needs of future occupiers or users and to minimise disturbance or adverse impacts on the

local community.

The requirements of this policy for large development sites may be identified in Planning Briefs.

-
- Policy G7** All development, including conversions, extensions and alterations of existing buildings will be required to:
- meet high standards of design, construction and layout;
 - make adequate provision for vehicle parking;
 - have regard for safety;
 - incorporate open space where appropriate; and
 - relate sympathetically to and be in scale with the existing built and natural environment.

-
- Policy TAL5** The Council will aim to provide or secure provision of a range of parks and open spaces such that every resident would have access to the following:
1. a local park;
 2. a local natural space; and
 3. a large, multi activity space

-
- Policy TAL6** In areas of open space or recreational deficiency the Council will have regard to the need for additional open space provision, by means of:
1. appropriation, for public open space purposes, of Council owned land in another use, when it is no longer required for that use; and
 2. seeking the provision of, or access to, open space in all new residential developments to meet the recreational and open space needs of residents and users of such developments in accordance with Policies H13 and TAL7.

-
- Policy TAL7** For all new residential developments, developers will be required to ensure there would be sufficient recreational open space within easy walking distance to meet the needs of occupants, including:
1. informal open space; and
 2. children's playspace to nationally accepted standards of design.
- To achieve this a contribution may be sought from the developer towards new or enhanced off-site provision where on-site provision is neither practical nor desirable in design and planning terms.

-
- Policy TAL16** Subject to other policies in this Plan the Council will encourage commercial and voluntary provision of suitable sports and leisure facilities, including arts, culture and entertainment, for public use in appropriate locations and will oppose the loss of existing facilities, unless appropriate alternative provision can be made.

-
- Policy TAL17** The Council will encourage the provision and retention of a range of commercial and voluntary leisure and entertainment uses at points of good public accessibility, notably in and adjacent to town centres.

-
- 16 This SDP replaces Design and Development Control Guideline 10 of the UDP, Playspace Provision for New Developments. However, Council policy for maintenance of play space remains as follows.

- 17 The Council is prepared to maintain play areas which have obtained its approval. Subject to the play areas being installed to the appropriate requirements, the local authority is prepared to take over responsibility for maintenance once the play area is completed. Manufacturers will have liability for defects in equipment for an initial period. The Council would wish to check the installation of equipment to be satisfied that this has been properly undertaken. The Council would also undertake regular safety checks, cleaning and, when necessary, equipment replacement.
- 18 It may be appropriate for developers to dedicate play areas to the Council to facilitate these arrangements. A play area will be deemed to be handed over when the Council has certified in writing that it is satisfied with the play area. The Council would then take over full responsibility for it.
- 19 **The Local Development Framework**, 'design for living' SPD (2006), a design guide for new residential development, includes principles for open spaces.

Investment programmes in the borough

- 20 Council's objectives for open space, sports and leisure facilities are outlined within the following Strategies:
- Cultural Strategy;
 - Sports Strategy;
 - Playing Pitch Strategy;
 - Physical Activity Strategy;
 - Diversion and Inclusion Strategy;
 - Council's Parks Strategy;
 - Local Agenda 21 Strategy;
 - Trees and Woodland Strategy;
 - Biodiversity Action Plan; and the
 - Draft Open Space Strategy

Developments for which contributions will be sought

- 21 Contributions towards open space, sports and leisure facilities will be sought from the following:
- Residential developments of 5 dwellings or more, including mixed use schemes.
 - All applications which include the creation of 25 or more additional student bed spaces. Residential accommodation for staff will be treated as residential development in Class C3.
 - All applications which include the creation of 500 m² or more additional floorspace in town centre uses.
 - All applications which include the creation of 500 m² or more additional floorspace in other business uses.
- 22 As set out in Policy TAL7 of the UDP, the Council will normally require a contribution from the developer towards new or enhanced off-site provision of open space, where on-site provision is neither practical nor desirable in design and planning terms. Where some or all of the open space cannot be provided on site, the relevant

proportionate contribution will be sought, as considered appropriate by the Council.

- 23 In accordance with the National Playing Fields Association (NPFA) standard, children’s play space will be sought in new family housing⁽¹⁾ schemes at the following rates:
- equipped children’s play areas: 0.3 hectares per 1,000 population; and
 - casual children’s play areas 0.5 hectares per 1,000 population.
- 24 Where children’s play space cannot be provided on site, or where suitable play spaces exist, the relevant proportionate contribution will be sought as considered appropriate by the Council.

Justification for open space, sports and leisure facilities contribution

- 25 As set out in paragraph 10.9 of the UDP, the user assessment has identified the overriding consideration of provision, namely the need for diversity within and between the different spaces provided. There is a need for small, local parks and natural areas close to people’s homes to cater for the short, informal visits often undertaken on weekdays and the needs of people with reduced mobility. There is also a need for large, predominantly natural “green” spaces with a sufficient variety of features to provide a day out for its visitors. People are prepared to travel by bus/car to visit such spaces if they are perceived to have sufficient attractions. The Council therefore aims to secure the provision of a range of parks and open spaces distributed so as to maximise accessibility for residents and provide the range of benefits they seek.
- 26 Sports and leisure facilities provide an important function to the people of Bexley. UDP Policies TAL16 and TAL17 state that the Council will encourage the provision of new and retention of existing facilities. New development places demand on existing facilities and services and therefore a contribution will be required towards the provision of new, or enlargement or improvement of existing, leisure facilities and services in the Borough.

Methodology for calculating contributions

Open space (including children’s play space)

- 27 The provision of open space sought will be based on ensuring the overall rate of open space does not decrease to below the NPFA standard rate of 2.4 ha per 1,000 population. Sensitive landscape design, appropriate planting and provision for young children, must be incorporated into any new publicly accessible open space.
- 28 Where contributions are sought for the provision of open space off-site to account for a shortfall of provision on-site (below 2.4 ha per 1,000 population), the contribution will be calculated using the Bexley average household size of 2.4 persons per household⁽²⁾. In the case of residential educational institutions the number bed spaces is divided by the Bexley average household size of 2.4.
- 29 The methodology, which is consistent with the NPFA standards assumes:
- outdoor sport and recreation space: 1.6 ha per 1,000 population (16m² per person);

1 Family housing should normally be taken as referring to dwellings suitable for households, that include children, with two or more bedrooms and private garden space.

2 Source: Census 2001 (measures the average as 2.43 for Bexley)

- equipped children's play areas: 0.3 hectares per 1,000 population (3m² per person);
 - casual children's play areas: 0.5 hectares per 1,000 population (5m² per person).
- 30 The cost of the open space components has been drawn from Spon's Architects' and Builders' Price Book 2006. Spon's differs from the Building Cost Information Service (BCIS) in that it already includes an assumption for development within the outer London area. As such, a regional multiplier has not been applied to the unit costs. The costs for the individual elements of open space provision quoted below also include the 30% on-costs (30% of build costs to cover fees, finance and contractor profit).
- 31 Costs have been developed for the three separate components:
- open space - derived from the cost of providing a general sports field, using Spon's;
 - casual children's play area - derived from the cost of providing an informal turfed area, using Spon's; and
 - equipped children's play areas - derived from the cost of providing a safe surface (bark particles type safety surfacing), plus basic equipment (swings, stainless steel slide, climbing frame, seesaw) for an average play area of 400 m².
- 32 This equates to the following unit costs:
- **open space - £2.64 per m²;**
 - **casual children's play areas - £2.07 per m²; and**
 - **equipped children's play areas - £29.11 per m²**
- 33 Only qualifying residential development will be required to contribute towards the provision of casual and equipped children's play areas.
- 34 Contributions secured towards open space provision may be used for the initial establishment, management and ongoing maintenance of the open space that is to be provided off site, and/or towards enhancing the quality and capacity of existing open space.
- 35 Public open space (including children's play space) is to be constructed to the appropriate requirements and may, once completed to Council's satisfaction, be offered to the Council to take over the responsibility for maintenance once completed, subject to payment of a commuted sum to cover costs in accordance with Circular 05/2005.
- 36 In the case of town centre and business development, the contribution will be based on the number of jobs likely to be created as a result of the development, expressed as Full Time Equivalents (FTE).

Full Time Equivalent (FTE)

- 37 Full Time Equivalent (FTE) is a standard measure equal to one full time job (37.5 hours per week). A worker who works part time is equivalent to 0.5 FTE. The FTE is calculated using the following:

$$\text{Total floorspace} \div \text{employment density (Table F.1)} = \text{FTE}$$

- 38 Employment density figures, set out in Table F.1, are derived from English Partnerships to provide an estimate of the number of jobs that are likely to be created per square metre of development.

Table F.1 Employment densities

Industry	m ² per employee	Industry	m ² per employee
General	34	Retail	
Small business	32	Town/city centre (net internal figures)	20
High tech./Research & Development (non science park)	29	Food superstores (net internal figures)	19
Science Park	32	Other superstores/retail warehousing (incl. wholesale but not storage-gross internal figures)	90
Warehousing and distribution		Leisure and visitor attractions	
General warehousing	50	General hotels (3 star)	1 employee per 2 bedrooms
Large scale and high bay	80	Budget hotels (2 star/lower)	1 employee per 3 bedrooms
Office		4/5 star hotels	0.8 employees per bedroom
General	19	General restaurants	13
Headquarters	22	Cultural attractions	36
Serviced Business Centre	20	Cinema (incl. multiplex)	90
Business Park	16	Amusement and entertainment centres	40
City of London	20	Sports centres	90
Call Centre	12.8	Private sports clubs	55

Sports and leisure facilities

- 39 Contributions towards sports and leisure facilities will be used to provide new off-site facilities or enhance the quality and capacity of existing facilities.
- 40 Where sports and leisure facility contributions are sought from developers, the total will be derived from the set formula:

Build costs	+	On-costs
Spon's Architects' and Builders Price Book		30% of Build Cost to cover fees, finance and contractor profit

- 41 To derive build costs, the calculation uses the following assumptions:
- adopting the Sport England minimum standard of provision; and
 - taking the Bexley average of 2.4 occupants per household;
- 42 Sport England set the minimum standard of provision, by assessing the sports and leisure requirement per person. This equates to:
- 10.27 m² per 1,000 population for pool space; and
 - 0.28 courts (0.28 x 38.25m² standard court = 10.71m²) per 1,000 population for sports halls

- 43 The build costs of the sports and leisure components have been drawn from Spon's⁽¹⁾ Architects' and Builders' Price Book 2006. The costs for the individual elements are set out as follows:

Swimming Pool	+	Sports Halls including changing rooms
This is the build cost based on the Local Authority Standard		
£1,400 per m ²		£660 per m ²

Table F.2 Calculations for build cost per household

	Sports England minimum standard per 1,000 population	x	Build cost per m ²	=	Total build cost	÷	Population	=	per person	x	2.4 people per household	=	Total build cost per household
Swimming pool	10.27m ²	x	£1,400	=	£14,378	÷	1,000	=	£14.38	x	2.4	=	£34.51
Sports hall	10.71m ²	x	£660	=	£7,069	÷	1,000	=	£7.07	x	2.4	=	£16.96
Total													£51.47

- 44 In the case of residential educational institutions, the cost per person figure should be multiplied by the number bed spaces and divided by the Bexley average household size of 2.4, to derive the contribution.
- 45 In the case of town centre and business development, the contribution is based on the number of jobs (FTE) likely to be created as a result of the development as described in paragraphs 37 and 38 above and Table F.1.

Worked examples

- 46 The calculations for a 25 dwelling development, a 30 bed space residential educational institute development, an 800 m² retail development in a town centre, and a 5,000 m² business development in Class B8 (general warehousing in Table F.1) are illustrated in Tables F.3 and F.4.

Table F.3 Open Space contributions

	Requirement per person	x	Cost / m ²	x	Average household (2.4), bed spaces or number of FTE	=	100% off-site provision	50% off-site provision	25% off-site provision
Residential development									
Open space	16m ²	x	£2.64	x	2.4 x 25 dwellings	=	£2,534	£1,267	£634
Casual, children's play space	3m ²	x	£2.07	x	2.4 x 25 dwellings	=	£373	£186	£93
Equipped, children's play space	5m ²	x	£29.11	x	2.4 x 25 dwellings	=	£8,733	£4,366	£2,183
Residential educational institute development									
Open space	16m ²	x	£2.64	x	30 bed spaces ÷ 2.4	=	£528	£264	£132

1 Spon's Architects and Builders Price Book 2006, Author: Davis Langdon; Publisher: Taylor and Francis

	Requirement per person	Cost / m ²	Average household (2.4), bed spaces or number of FTE		100% off-site provision	50% off-site provision	25% off-site provision
Town centre retail development							
Open space	16m ² x	£2.64 x	40 FTE (800m ² ÷ 20m ² employee density)	=	£1,690	£845	£422
Business development in Use Class B8 (general warehousing)							
Open space	16m ² x	£2.64 x	100 FTE (5,000m ² ÷ 50m ² employee density)	=	£4,224	£2,112	£1,056

- 47 For the example provided above, the total contribution towards open space provision is £465.60 per dwelling; £17.60 per bed space for a residential educational institute or residential care development; £2.11 per m² for a town centre retail development; and £0.84 per m² for general warehousing, assuming 100% off-site provision.

Table F.4 Sports and Leisure Facilities

Facility	Per person cost	Average household size (2.4), bed spaces, number of FTE	Total
Residential development			
Swimming Pool	£14.38 x	2.4 x 25 dwellings	= £863
Sports Centre	£7.07 x	2.4 x 25 dwellings	= £424
Residential educational institute development			
Pool	£14.38 x	30 bed spaces ÷ 2.4	= £180
Sports Centre	£7.07 x	30 bed spaces ÷ 2.4	= £88
Town centre retail development			
Swimming Pool	£14.38 x	40 FTE (800m ² ÷ 200m ² employee density)	= £575
Sports Centre	£7.07 x	40 FTE (800m ² ÷ 200m ² employee density)	= £283
Business development in Use Class B8 (general warehousing)			
Swimming Pool	£14.38 x	100 FTE (5,000m ² ÷ 50m ² employee density)	= £1,438
Sports Centre	£7.07 x	100 FTE (5,000m ² ÷ 50m ² employee density)	= £707

- 48 For the example provided above, the total contribution towards sports and leisure provision is: £51.48 per dwelling; £8.94 per bed space for a residential educational institute or residential care development; £1.07 per m² for the town centre retail development; and £0.43 per m² for the general warehouse development, assuming 100% off-site provision.

Annex G

Local community facilities and services

Introduction

- 1 This annex sets out guidance for deriving the local community facility and service contributions sought from developments in Bexley. This forms one of eight annexes that detail the Council's approach to securing planning obligations.
- 2 The contribution formulae outlined in this annex are required for all qualifying developments where local community facility and service provision is to be provided off site or as a partial contribution. Where the developer makes appropriate provision on-site, the level of contributions will be reduced or waived.

Definition

- 3 Local community facilities and services cover a range of facilities and services provided across the Borough by both public and private sectors. They include community centres, libraries and mobile libraries and places of worship and may also include other services such as family centres, childcare and play facilities, adult learning facilities, youth and voluntary services. The definition for local community facilities and services can incorporate any facility or service for which a need is generated by development.

Background

- 4 The provision of adequate local community facilities and services contributes to enhancing the quality of life of all residents and is a vital part in achieving a sustainable community. The provision of community facilities and services will contribute to increasing social inclusion, and provides important resources for differing groups of society including religious and ethnic minority groups, older people, children and young people, and unemployed residents.
- 5 An increase in population resulting from new development will intensify the demand on existing community facilities across the Borough. The increase in demand will require refurbishment, redevelopment or new provision of facilities and services to support and extend those currently provided within the Borough.
- 6 The need for community facilities should be assessed at the beginning of the planning process, and if required as part of a development, provision should form part of the application. Local community facilities and services should be located in areas easily accessible by the local community, preferably in highly pedestrianised areas. On smaller residential sites, the need for community facilities may not warrant full provision on site. Where the new development would place a burden on existing facilities, contributions will be sought.
- 7 Although some investment will take the form of enhancements to existing centres, the value of contribution to community facilities will be calculated by establishing the cost of new build community facilities per dwelling, bed space or square metre of development.

Policy context

- 8 **Policies within the London Plan (2008)**, which support community facilities are as follows:

Policy *Protection and enhancement of social infrastructure and community facilities*

3A.18 Policies in DPDs should assess the need for social infrastructure and community facilities in their area, and ensure that they are capable of being met wherever possible. These needs include primary healthcare facilities, children's play and recreation facilities, services for young people, older people and disabled people, as well as libraries, sports and leisure facilities, open space, schools, nurseries and other childcare provision, training facilities, fire and policing facilities, community halls, meeting rooms, places of worship, public toilets, facilities for cyclists, convenience shops, banking facilities and post offices (also see Chapter 3D). Adequate provision for these facilities is particularly important in major areas of new development and regeneration.

Policies should seek to ensure that appropriate facilities are provided within easy reach by walking and public transport for the population that use them. The net loss of such facilities must be resisted and increased provision be sought, both to deal with the increased population and to meet existing deficiencies.

Policy *Priorities in planning obligations*

6A.4 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.

Policy *Planning obligations*

6A.5 Boroughs should set out a clear framework for negotiations on planning obligations in DPDs having regard to central Government policy and guidance and local and strategic considerations (see Policy 6A.4) to the effect that:

- it will be a material consideration whether a development makes appropriate provision for, or contribution towards requirements that are made necessary by and are related to, the proposed development
- negotiations should seek a contribution towards the full cost of all such provision that is fairly and reasonably related in scale and in kind to the proposed development and its impact on the wider area
- boroughs should refer to planning obligations that will be sought in the relevant parts of the DPD (such as transport and housing policies).

9 **Policies within the UDP** which support community facilities are as follows:

Policy Where appropriate, the Council will, by way of planning obligations or other legal
G3 agreements or otherwise as part of a scheme, seek appropriate benefits and/or commitments from a development including, for example: affordable housing; environmental improvements; improvements to the public transport system and/or

to highway infrastructure; nature conservation and new tree planting; leisure, social and community facilities, including waste recycling facilities, to meet the needs of future occupiers or users and to minimise disturbance or adverse impacts on the local community.

The requirements of this policy for large development sites may be identified in Planning Briefs.

Policy G4 The Council will, within available resources, seek to provide adequate means and opportunities for all sections of the borough's population to have access to housing, jobs, leisure, social and community facilities. In particular and wherever possible, proposals relating to special housing needs will receive favourable consideration.

Policy H13 Residential developments of over 25 dwellings should, where appropriate:

1. provide recreational open space, or contribute to the cost of off-site provision (see also Policies TAL6, TAL7 and paragraph. 6.28);
2. provide adequate highway and other infrastructure to serve the development prior to the need for its use in accordance with Policy T6;
3. incorporate a mix and balance of dwelling types and size to cater for a range of housing needs;
4. have adequate provision of or access to shopping and community facilities, to serve the development;
5. have good access to public transport facilities to serve the development in accordance with Policies T12 and G17 and;
6. provide for the needs of disabled and less mobile people in the layout and, by negotiation, provide a suitable proportion of dwellings designed for people with special housing needs, including housing for people with disabilities, having regard to market and site conditions.

The Council will seek to secure these provisions through planning obligations, in accordance with Policy G3.

Policy COM6 The Council will encourage the provision and retention of: publicly accessible meeting halls; community centres; and buildings used for, or in connection with, public worship or religious instruction; in suitable locations, possibly as an element in new residential or commercial developments.

Policy COM7 The Council will maintain adequate branch library provision in all parts of the borough, in relation to the pattern of use of those facilities and their relationship to centres of activity.

Investment programmes, action plans and strategies in the Borough

- 10 Council objectives for community facilities and services are outlined within the following:
- Bexley Sustainable Community Strategy 2008 - 2018;
 - Our Culture: A Cultural Strategy for the London Borough of Bexley 2003 - 2008;
 - Bexley Integrated Youth Strategy Consultation 2007 - 2010;

- Children's and Young People's Plan 2006 to 2009;
- Community Centres Capital Programme; and
- Community Centres Revenue Programme.

Developments for which contributions will be sought

- 11 Local Community Facilities and Service contributions will be sought from:
- Residential developments of five dwellings or more, including mixed use schemes;
 - All applications which include the creation of 25 or more additional student bed spaces. Residential accommodation for staff will be treated as residential development in Class C3;
 - Applications for hospitals, nursing homes and other residential care, which include the creation of 25 or more additional bed spaces;
 - All applications which include the creation of 500 m² or more additional floorspace in town centre uses; and
 - All applications which include the creation of 500 m² or more additional floorspace in other business uses.

Justification for local community facilities and services

- 12 Locally based amenity, religious groups and youth organisations benefit from having suitable halls or rooms for meetings. These are considered an important component of everyday life for the residents and can help to reinforce community spirit.
- 13 In addition, the provision of a comprehensive library service, including mobile services, across the Borough is recognised as an important community service, which the Council seeks to maintain and enhance. Demographic changes and changes in the pattern of use will affect the library service and give rise to a need to review branch library provision. In so doing, the Council will seek to locate libraries in or close to centres of activity, such as shopping areas, where they are readily accessible.
- 14 A key objective of the Bexley Sustainable Community Strategy, is to develop “a community where there are cultural and leisure opportunities to improve health and allow people to feel welcome and included”⁽¹⁾. New residential developments which will place a demand on existing facilities and services will be required to contribute towards the provision, enlargement or improvement of community facilities and services in the Borough.

Methodology for calculating contributions

- 15 Where local community facilities contributions are sought from developers for provision, the total will be derived from the set formula.

Build costs	+	On-costs
Derived from Building Cost Information Service July 2006 + London Regional Factor		30% of Build Cost to cover fees, finance and contractor profit

¹ Bexley Sustainable Community Strategy (2008), page 21

- 16 Using the above formula, the total cost of providing local community facilities can be derived from the following assumptions:
- the average build cost in 2006 for a community facility is £1,382 per m² of development;
 - one dwelling generates the need for 0.25 m² of multi-purpose community floorspace, including libraries and a variety of other community and cultural facilities. This is based on research used by a number of Councils, both within and outside London;
 - one bedspace generates the need for 0.11 m² of multi-purpose community floorspace, including libraries and a variety of other community and cultural facilities;
 - town centre and business use is based on the above per person requirement (0.11 m²) multiplied by the number of jobs likely to be created as a result of a development, expressed as Full Time Equivalents (FTE), multiplied by the total cost of provision (£1,382 per m² of development).

Full time equivalent (FTE)

- 17 Full Time Equivalent (FTE) is a standard measure equal to one full time job (37.5 hours per week). For the purposes of this SPD, two part time staff are considered 1 FTE. The FTE is calculated using the following:

$$\frac{\text{Total floorspace} + \text{employment density}}{\text{m}^2 \text{ per employee}} = \text{FTE}$$

- 18 Employment density figures, set out in Table G.1, are derived from English Partnerships to provide an estimate of the number of jobs that are likely to be created per square metre of development.

Table G.1 Employment densities

Industry	m ² per employee
General	34
Small business	32
High tech. / R&D* (non science park)	29
Science Park	32
Warehousing and distribution	
General warehousing	50
Large scale and high bay	80
Office	
General	19
Headquarters	22
Serviced Business Centre	20
Business Park	16
City of London	20
Call Centre	12.8

* Research and Development

Industry	m ² per employee
Retail	
Town/city centre (net internal figures)	20
Food superstores (net internal figures)	19
Other superstores/retail warehousing (incl. wholesale but not storage-gross internal figures)	90
Leisure and visitor attractions	
General hotels (3 star)	1 employee per 2 bedrooms
Budget hotels (2 star/lower)	1 employee per 3 bedrooms
4/5 star hotels	0.8 employees per bedroom
General restaurants	13
Cultural attractions	36
Cinema (incl. multiplex)	90
Amusement and entertainment centres	40
Sports centres	90
Private sports clubs	55

Source: Employment Densities: A Simple Guide, English Partnerships and the Regional Development Agencies, September 2001

Worked example

- 19 Taking an example of a 25 residential dwelling development, a 30 bed space educational institute and a 800 m² retail town centre development, the contribution required towards community facilities is shown in Table G.2.

Table G.2 Community Facilities Contributions Summary Table

Development	Provision per unit	Total provision	Cost per m ²	Total build cost	On-cost	Total cost
25 dwellings	x 0.25m ²	= 6.25m ²	x £1,382	= £8,638	+ £2,591	= £11,229
30 bed space	x 0.11m ²	= 3.30m ²	x £1,382	= £4,561	+ £1,368	= £ 5,929
800m ² town centre	0.11m ²	x 40 FTE	x £1,382	= £6,081	+ £1,824	= £ 7,905

- 20 The overall figures are equivalent to a cost of about £449 per dwelling, £198 per bed space and £9.88 per m² of commercial floorspace.

Annex H

Professional, legal and monitoring fees

Introduction

- 1 This annex sets out guidance for deriving the provision, including planning contributions towards professional, legal and monitoring fees. This forms one of eight annexes that detail the Council's approach to securing planning obligations.

Definition

- 2 Contributions will be sought towards the following:
 - payment of professional fees, directly incurred in the completion of any Section 106⁽¹⁾ planning agreement or where such an agreement needs subsequently to be modified;
 - payment of the Council's legal fees, directly incurred in the completion of any planning agreement or unilateral undertaking or where such an agreement needs subsequently to be modified; and
 - costs incurred by the Council for monitoring compliance with any S106 agreements, unilateral undertakings and other related agreements.

Background

- 3 For all planning applications, the Council incurs substantial costs in assessing the requirement for planning obligations. This includes undertaking development appraisals, the negotiation and the drafting of individual S106 agreements or responding to unilateral undertakings. These are over and above the normal costs of dealing with planning applications, for which applicants already pay a fee. Following completion of an agreement, the applicant or the Council may find it necessary to modify an agreement. The Council incurs further costs in negotiating such modified agreements.

Costs for which fees may be charged

- 4 **Professional fees** will be incurred if the Council needs to seek the advice of its Property Services or from an independent third party. All applicants will be required to pay these fees.
- 5 **Legal fees** will include payment for the following tasks:
 - negotiation, preparation and the drafting of individual S106 agreements, unilateral undertakings and other related agreements;
 - review of individual S106 agreements, unilateral undertakings and all other related agreements; and
 - costs incurred over and above the standard costs of dealing with planning applications and the application fee currently paid by the applicant.
- 6 Significant costs are incurred by Council for negotiation and legal advice in completing planning agreements. Applicants are currently required to pay the Council's legal costs in preparing agreements and, if applicable, for the negotiation and modification of those agreements. Legal costs are also incurred in checking that the form and content of unilateral undertakings are acceptable to the Council. In both cases legal

¹ Section 106 (S106) of the Town and Country Planning Act 1990, as amended.

costs are incurred in checking title to the site and ensuring that all necessary parties are included in the Section 106 agreement or unilateral undertaking.

- 7 **Monitoring fees** will include payment for the following tasks:
- validating the planning obligation details so that the planning application may be validated on statutory register; and
 - monitoring and accounting for the delivery of the obligations.

Viability of development

- 8 Where an applicant considers that the requirements of the Council would significantly harm the viability of a proposal, the onus will be on the applicant to demonstrate this.
- 9 Where there is a need for the Council to seek professional advice from Property Services or an independent third party, to assess submitted viability evidence, any costs incurred are to be met by the applicant. An estimate of expected cost of professional fees will be notified to the applicant at the time of the application, or within four weeks of submission.
- 10 Proven impact on viability will be a material consideration in the assessment of a planning application and the relevant weight given to this and failure to comply with this Supplementary Planning Document (SPD) will be considered on a case-by-case basis.

Legal fees

S106 agreements, unilateral undertakings and other agreements

- 11 The Council will require an undertaking from the solicitor acting on behalf of the applicant (or the applicant where no solicitor is appointed) to pay the Council's reasonable legal costs for preparing a legal agreement or approving a unilateral undertaking regardless of whether the planning agreement is eventually agreed and completed or unilateral undertaking given to the Council.
- 12 Where a solicitor or other professional adviser is not acting on behalf of the applicant, the Council may ask for the deposit of a reasonable sum on account of costs having regard to the likely complexity of the matter.
- 13 The Council's Legal Services will recharge the applicant for work undertaken at the rate of £150 per hour. Legal Services record all time spent on a matter on their computerised time recording system. Legal Services will, where requested, provide applicants with an estimate of costs at the outset of a case and it may be possible to agree a fixed fee in some cases.
- 14 The legal fees (or balance of legal fees where a payment on account of costs has been made) will be payable at the time of signing of the legal agreement or unilateral undertaking. From Legal Services' experience of previous negotiations, an estimate has been made of a minimum of four hours legal work for a minor application and a maximum of twelve hours for a major application. Any complex applications may incur additional costs that will be negotiated between the Council and applicant and can be added to the calculator as required.

Monitoring fees

- 15 The Council will seek to cover the cost of administration and the monitoring obligations, once entered into. The cost will be 6% of the total cost of the financial or in-kind contributions payable by the applicant in respect of the planning obligations agreement. The 6% monitoring cost is an estimate of the staff costs of monitoring the total revenue expected by way of financial or in-kind contributions and those reasonable costs incurred in monitoring compliance of non-financial obligations, excluding monitoring obligations in respect of affordable housing provision, where such cost will be met by the Registered Social Landlord, the applicant and the Council, as they are incurred. The cost of reporting the findings of monitoring to the Council's Planning Control Committee, any other relevant Committee or Council Members, will be met entirely by the Council.
- 16 The S106 officer will monitor planning obligations and assist with the negotiation and drafting of S106 agreements and the giving of a unilateral undertaking. Monitoring results of planning obligations will be reported quarterly to the Planning Control Committee and any other relevant Committee or Council Member. The report will detail:
- information relating to S106 agreements entered into and unilateral undertakings given, which will include details of the development site, the obligations agreed, the relevant dates or timing for completion of each obligation, receipt of payment, the purpose of the obligation and the dates for the receipts of funds;
 - progress on obligations, for example, affordable housing;
 - financial contributions received; and
 - the completion of schemes funded from financial contributions other non-monetary obligations, e.g. affordable housing, or whether a Section 278⁽¹⁾ agreement has been entered into.
- 17 Planning obligations and/or financial contributions will be monitored to ensure that they are undertaken or paid at the agreed trigger points. If there is a failure to comply with the planning obligations, appropriate steps and actions will be taken to ensure compliance with the agreement.
- 18 The spending of received contributions will also be closely monitored to ensure that they are spent by the Council or other agencies on what was agreed and within the correct time period.

Variation of agreements and obligations

- 19 The applicant or the Council, following completion of an agreement, may find it necessary to modify an agreement. Additional time, and therefore cost, will be required by the Council and in the negotiation, preparation and the drafting of such agreements. Such costs will be recharged on a time and cost basis.

¹ In accordance with Section 278 of the Highways Act 1980, as amended.

Timing of payment of fees

- 20 Payment of fees may involve a phasing agreement with appropriate trigger points. Phasing will depend on the needs of the development, the type and scale of the proposal and the impacts it would have.
- 21 Applications requiring a unilateral undertaking or a straightforward Section 106 agreement will be expected to pay contributions on commencement of development. All legal fees will be paid on the signing of the Section 106 agreement or unilateral undertaking (or at the point of a decision by the applicant that the agreement or undertaking is not to proceed to completion).

Indexation of contribution

- 22 Any additional costs which arise from inflation, where the applicant is to make direct provision of facilities automatically fall on the applicant. The nominal rate for contributions payable under a planning obligation will be set at the time of application. Professional, legal and monitoring fees will be reviewed to reflect any inflation and increased fees. The rates set out in Annexes A to H apply from the date this SPD is adopted and they will be revised annually and published as an amendment to the Annexes.

If you would like to know more about the services the Council provides, or would like either a translation of this document or the information in a different format, please call our Customer Contact Centre on 020 8303 7777 and press 0, quoting reference: 602850/9.08



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