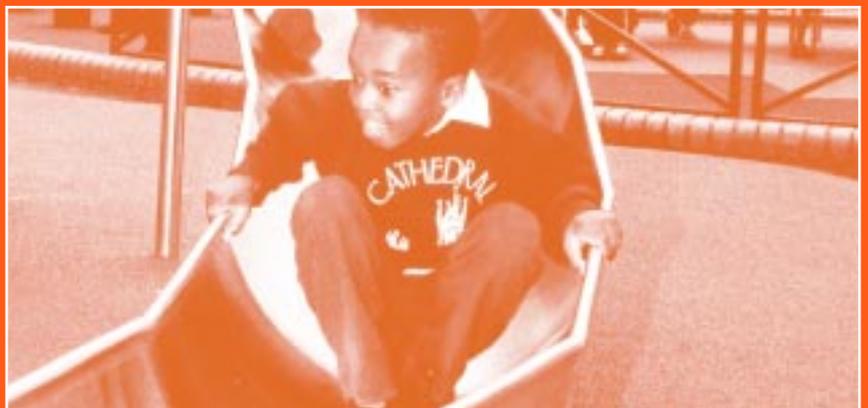




The Southwark Plan

Life Chances November 2002



Supplementary Planning Guidance for consultation
www.southwark.gov.uk

What Is An SPG?

SPG stands for Supplementary Planning Guidance. These documents contain additional information to that provided in the Unitary Development Plan The Southwark Plan (2002). There are two main types of SPG – subject (for example Residential Design Standards) and area (for example London Bridge). The information in each SPG is specific to a type of development, planning application or area within the borough.

The purpose of SPG is to expand on the policies of the UDP, giving further information and background context to Council policy. SPG cannot be contrary to policies contained within the UDP. SPG's provide guidance on good practice, the type of information required with planning applications, and factors applicants should consider when designing and locating new development within the borough.

Planning applicants may need to refer to more than one SPG to gain all the relevant information for their application. Guidance on the SPGs that should be referred to for particular applications is given in relevant UDP policies and a list of all Councils SPG's can be found in Appendix 1 of the UDP and are listed here:

Tackling Poverty & Encouraging Wealth Creation

Pack 1

- 1** Preferred Industrial and Office Locations and Mixed-Use Development
- 2** Bankside and The Borough Action Area
- 3** Elephant and Castle Opportunity Area
- 4** London Bridge Opportunity Area

Pack 2

- 5** Bermondsey Spa Action Area
- 6** Camberwell Green Town Centre
- 7** Lordship Lane Town Centre
- 8** Old Kent Road Action Area
- 9** Walworth Road and East Street Town Centre

Pack 3

- 10** Canada Water Action Area
- 11** Peckham Action Area
- 12** Dulwich

Life Chances

- 13** Planning Obligations

Clean and Green

- 14** Access and Facilities for People with Disabilities
- 15** Archaeology
- 16** Design
- 17** Designing Out Crime
- 18** Heritage Conservation
- 19** Open Space
- 20** Outdoor Advertisements and Signage
- 21** Parking
- 22** Resources
- 23** Shopfront Design
- 24** Sustainability
- 25** Tall Buildings
- 26** Telecommunications
- 27** Thames Special Policy Area

Housing

- 28** Affordable Housing
- 29** Residential Design Standards



Contents

Life Chances

13 PLANNING OBLIGATIONS

Feedback Form



PLANNING OBLIGATIONS

- 1 AIMS 2**
- 2 INTRODUCTION 2**
- 3 POLICY CONTEXT 3**
- 4 THE PLANNING PROCESS 5**
 - 4.1 Pre-Planning Application Advice 5**
 - 4.2 Making A Planning Application 5**
- 5 MONITORING 6**
- 6 PRIORITIES FOR INCLUSION
IN PLANNING AGREEMENTS 6**
- 7 LINKS TO OTHER SPGS 9**
- 8 CONTACT INFORMATION 9**



1 Aims

The aims of this SPG are:

- 1.1** To provide further guidance to policy 2.5 Of the Southwark Unitary Development Plan 1995 and the Southwark Plan 2002 to guide development.
- 1.2** To provide guidance on the proper use of planning obligations made as part of the planning process within Southwark.
- 1.3** To assist with an efficient and effective planning service by providing information on the process of planning agreements for developers, officers and the public.
- 1.4** To provide a framework for developing planning agreements which mitigate the negative impacts that a development has on a local area.
- 1.5** To provide a framework for developing planning agreements which improve people's life chances through channeling investment from new developments into local areas.
- 1.6** To ensure that local needs are taken into consideration in the planning agreement negotiations.

2 Introduction

- 2.1** This SPG provides a guide to planning agreements, obligations and requirements for planning officers, developers and the general public.
- 2.2** All types of developments may require planning agreements. The impacts should be considered for both the individual development and also the cumulative impacts of a series of developments within an area.

2.3 This supplementary planning guidance provides additional information on planning obligations and agreements which are further requirements to Policy 2.5 In the Life Chances section of the Southwark Plan (2002) and Policy R.2.2 In the Southwark Unitary Development Plan (1995).

2.4 All applications for planning permission must meet the council's planning policies to be considered acceptable. Planning obligations or Section 106 agreements (from S106 of the Town and Country Planning Act) are used to secure certain matters that are either not suitable to be dealt with by conditions attached to a planning permission such as when they refer to works to be carried out that are outside the development site. Obligations cannot make an unacceptable scheme acceptable.

3 Policy Context

3.1 This SPG outlines a clear process that developers should follow to meet the local planning authority's requirements. These meet all relevant legal, national and local policy requirements and the main requirements are listed below.

3.2 Circular 1/97 sets out the Government's policy for the use of planning obligations, stating that in granting planning permission, or in negotiating with developers, a local planning authority may seek to secure modifications or improvements to the proposals submitted for their approval. The authority may grant permission subject to conditions, and where appropriate they may seek to enter into planning obligations with a developer regarding the use or development of the land concerned or of other land or buildings.

3.3 Section 106 of the "Town and Country Planning Act 1990", states that:

- i. A local planning authority may enter into an agreement with any person interested in land in their area for the purpose of restricting or regulating the development or use of the land, either permanently or during such period as may be prescribed by the agreement;
- ii. Planning obligations should never be used as a means of securing for the local community a share in the profits of development;
- iii. The tests to apply for an application are that they should be necessary, relevant to planning, directly to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other aspects.

3.4 The Government's Planning Green Paper 2001 suggests a radical reform of planning obligations moving towards a tariff system. Under this system there would be agreed finance provision for different types and sizes of developments. This is subject to debate and the next stage of this reform of the planning system will be a White Paper in Autumn 2002.

3.5 All Council's activities work towards achieving the objectives of southwark's Community Strategy. This Community Strategy sets out a framework for delivery of services and activities by the council, statutory organisations and many voluntary sector organisations. Planning agreements are set within the Community Strategy delivery framework mitigating the effects of development on local communities and improving local facilities for communities. This process has been developed in recent years to enable developers to assist with creative schemes which have far reaching benefits for areas.

3.6 Council Policy

This supplementary planning guidance provides additional information on planning obligations and agreements which are further requirements to Policy 2.5 In the Life Chances chapter of the Southwark Plan (2002) and the Unitary Development Plan (1995).

3.6.1 The current Unitary Development Plan (1995) states:

Policy R.2.2

“Where the council considers it appropriate it will seek to enter into planning agreements with applicants, to assist in securing the best use of land, a properly planned environment, and the implementation of plan policy, with any planning permission granted. The range of potential matters for agreement should be related to the scale of development and might include the following:

- i. Improvement of public transport system, particularly at stations, interchanges and termini, when the proposal will generate journeys to work using these facilities;*
- ii. Provision of special benefits in the form of buildings, open space, play space, pedestrian access and other facilities for the use public, related to the development itself or the pedestrian movements which are generated or attracted;*
- iii. Improvement to the environment to compensate for disbenefit caused by the development;*
- iv. Redevelopment of areas of poor layout or design;*
- v. Conservation of buildings or places of historic or architectural interest;*
- vi. Carrying out archaeological investigations and excavations, and preserving, recording and publishing the results (see Policy E.5.1: Sites of Archaeological Importance)*
- vii. Conservation, creation and enhancement of areas of plant and wildlife habitat (see Policy E3.6.3: Protection and Creation of Sites of Ecological Importance);*
- viii. The provision of on-site and off-site recreational facilities related to the development;*
- ix. In the case of small developments, a contribution to nearby sport and recreation or other open space provision;*
- x. Alternative provision when recreational land or open space is lost;*
- xi. Securing the complete implementation of mixed developments;*
- xii. Provision of small suites of offices, business units or workshops available on a rental basis;*
- xiii. Provision of industrial sites or units for rent to firms which may be displaced by the proposal;*
- xiv. Improvement of vehicular, pedestrian and cyclist access to the site;*
- xv. Provision of affordable housing in conjunction with the development (see Policy H.1.4: Affordable Housing);*
- xvi. Restricting the occupation of affordable housing to people falling within particular categories of need (see Policy H.1.4);*
- xvii. The construction, improvement, adaption or repair of housing for persons nominated by the council or to meet the requirements of people with special housing needs;*
- xviii. Provision of education and training projects which will better equip the local labour force to provide skills for jobs likely to be available on the site (see Policy B.3.2: Employment Facilities and Conditions);*

xix. The provision of child care and other indoor community facilities related to the development (see policy B.3.2: Employment facilities and Conditions and Policy S.3.1: Customer Facilities);

xx. Recycling installations for products used or traded by occupants of the development e.g. paper, cans, bottles;

xxi. Any other matter related to the site which would overcome a planning objection or objections to the development.

When considering the materiality of any planning obligation made or offered under the town and country planning act 1990, or any other act, the council will have regard to the practicality of enforcing the obligation and/or the likelihood of the obligation being performed.”

3.6.2 The Southwark Plan (2002) states:

Policy 2.5 – Planning Agreements

“The council will enter into planning agreements with applicants for developments for which it considers to have an impact either individually or cumulatively on the local area. These will be to:

- i. Mitigate negative impacts of developments;*
- ii. Enhance the local area to improve the life chances of communities affected by the development.*

Requirements are detailed in the Planning Agreements SPG.”

4 The Planning Process

4.1 Pre-Planning Application Advice

4.1.1 Pre-deposit application discussions are recommended for medium and large scale applications. Planning officers will be able to provide advice on the types of requirements that will be requested through the planning agreement process.

4.2 Making A Planning Application

4.2.1 The Council planning officers will review larger applications in the early stages and then contact the applicant with the Council’s expectations.

4.2.2 The legal agreement will be drawn up, negotiated and agreed under Section 106 of the Town and Country Planning Act 1990. The officer’s will base negotiations on mitigating the impacts of developments. These are often basic infrastructure projects such as an access road that enables the development to proceed. They can also include providing facilities and programmes of activities to improve people’s life chances. These will always be working towards achieving the Community Strategy objectives focusing on reducing social inclusion, improving economic performance and improving the environment.

4.2.3 Any sums of money secured by the agreement are normally expected to be paid or made available when the development construction commences. In exceptional circumstances the payment can be received at various stages during the development process. Milestones and the finance or works will be agreed in the legal agreement and it may include an initial and staged payment during construction or upon completion and occupation of the development. When interest is gained on finance

within the Council's system, this will be spent on projects that meet the objectives and terms of the planning agreement.

4.2.4 In order to assist in the identification of appropriate works to mitigate developments that place additional pressures on amenities and services in an area, a project bank will be prepared by the Council. A Project Bank will be established, which will be accessed by the Planning Agreements officer. This Project Bank is a list of all local projects that require funding, identified through the Local Strategic Partnership, Area Forums and Regeneration Partnerships. Once the project is agreed, a report is produced allocating the finance to the project, linking this to the Council and Community Strategy objectives and local needs.

4.2.5 When planning obligations involve the payment of a sum of money for the Council to carry out the works, the Council will recover the costs incurred in carrying out the work through Section 106 agreements. There are basic fees which are required for all applications, these are:

- Planning Obligations fee – planning (3% of total agreement costs);
- Planning Obligations fee – legal administration;
- Waste Management fee – 1% of total agreement costs.

4.2.6 Certain sites, due to their complexity, local significance or regeneration potential, may be subject to a planning brief produced by the Council. This is a material consideration in the planning process and is subject to public consultation. Such a document will clearly set out the obligations that development schemes should include and will justify why they are required and how they relate to the proposed development and fit into the Council's Community Strategy.

5 Monitoring

5.1 Monitoring is carried out using a Planning Agreement database. All the details of agreements are recorded together with projects, works, dates of income and expenditure. Certain works or payments at certain times in the agreement are monitored with reference to the database to ensure that they are reviewed efficiently. Where interest is gained whilst projects are being implemented, this should be spent on projects which meet the objectives and criteria of the legal agreement.

6 Priorities For Inclusion In Planning Agreements

6.1 Planning obligations will be negotiated for each development and will be specific to reducing impacts of developments and providing for needs caused by developments and providing infrastructure to enable development to proceed. Beyond this, the Council has identified a number of priorities which are likely to be provided through the use of planning obligations.

6.2 Income may be spent on projects which meet the following categories:

6.2.1 Tackling Poverty and Encouraging Wealth Creation

- Schemes to increase local employment and training;
- Town Centre improvements;
- Visitor Management schemes.

6.2.2 Life Chances

- Building new community facilities and improving current facilities;

- Provision of educational facilities, improvements to schools, improvements to school places and increasing local performance of schools including education provision; major regeneration projects; initiatives for exchanging skills; and offering work placement;
- Improving community sport and recreation provision;
- Schemes to increase and improve public art and culture;
- Schemes to improve community safety and reduce crime.

6.2.3 Clean and Green

- Waste management impacts for the borough (this should be on average 1% for all planning agreements);
- Open space improvements and enlargements;
- Heritage, conservation and archaeological improvements;
- Street environmental improvements such as benches, tree planting, improving the areas around advertising hoardings.

6.2.4 Housing

- Planning obligations will be used to negotiate finance for social housing in developments over a certain amount of units or size. The requirements for this are set out in the Affordable Housing SPG.

6.2.5 Transport

- Traffic Impacts such as; safety improvements, cycle lanes, bus lanes, road crossings, pedestrian facilities, public transport facility improvements.

6.3 Local Area Priorities

Local priorities for six sub areas of the borough have been chosen to deliver the Community Strategy Objectives, these are based on local consultation. These areas are illustrated in figure1 overleaf. Planning negotiations will be aiming to focus on achieving the following top five priorities for each area. However this is not an exclusive list and other priorities may be appropriate for certain applications.

6.3.1 Area 1

- Increasing the quality and quantity of open spaces;
- Improving public transport, cycling and walking facilities;
- Increasing access to employment through training and other schemes;
- Reducing crime and improving community safety;
- Encouraging provision of waste reduction and recycling facilities.

6.3.2 Area 2

- More and different types of shops;
- Improving public transport, cycling and walking facilities;
- Increasing the quality and quantity of open spaces;
- Increasing the quality and quantity of community facilities;
- Improving access to high quality education in schools.

6.3.3 Area 3

- Increasing the quality and quantity of open spaces;
- Reducing community safety and improving safety;



Figure 1 – Area Locations

- iii. Increasing access to employment through training and other schemes;
- iv. Improving access to high quality education in schools;
- v. Increasing the quality and quantity of community facilities.

6.3.4 Area 4

- i. Providing more/different types of shops;
- ii. Improving public transport, cycling and walking facilities;
- iii. Increasing the quality and quantity of community facilities;
- iv. Increasing the quality and quantity of open spaces;
- v. Reducing community safety and improving safety.

6.3.5 Area 5

- i. Increasing the quality and quantity of open spaces;
- ii. Increasing the quality and quantity of community facilities;
- iii. Improving public transport, cycling and walking facilities;
- iv. Improving access to high quality education in schools;
- v. Reducing community safety and improving safety.

6.3.6 Area 6

- i. Increasing the quality and quantity of open spaces;
- ii. Improving public transport, cycling and walking facilities;
- iii. Encouraging provision of waste reduction and recycling facilities;
- iv. Reducing air pollution;
- v. Improving important old buildings and landmarks.

6.4 Making The Most From The Funding

To ensure the most efficient use of funding from planning agreements, these projects are co-ordinated with other council funding schemes such as community groups funded through Central Grants, Neighbourhood Renewal funding and Regeneration Programme initiatives.

7 Links To Other SPGs

This SPG is linked to all of the SPGs listed on the front cover and in Appendix 1 of the Southwark Plan (2002).

8 Contact Information

Comments on this SPG and Planning Policy contact:

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