



Planning Obligations

Draft Supplementary Planning Document

October 2007

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Derby City Council seeks your views on this draft supplementary planning document for Section 106 Planning Contributions.

The formal consultation period will be from <INSERT DATE> to <INSERT DATE>. Please email, post or fax your comments on this draft SPD to the contact details below. All responses should be received by <INSERT DATE>.

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This draft SPD, its accompanying Sustainability Appraisal Scoping Report, other background documents and a comments form are available on the City Council's website at:

<http://www.derby.gov.uk/Environment/Planning>

If you would like a copy of the document in larger print, Braille or audiotape, please contact the Planning Policy Team

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Section One – General Principles

1.0 Introduction

- 1.1 New development often creates a need for additional or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. There is also a requirement for new development to provide an element of affordable housing. Planning Obligations, also known as Section 106 Agreements, are the mechanism by which these measures are secured and to enhance the quality of both the development and the wider environment.
- 1.2 This Supplementary Planning Document (SPD) will help to ensure that developments make a positive contribution to sustainable development providing social, economic and environmental benefits to the community as a whole. It aims to increase understanding and enable developers to take into account the potential costs of a proposed development at the earliest stage.
- 1.3 This SPD is made up of two sections. Section One sets out the Council's general principles with regards to Planning Obligations, and Section Two explains the thresholds and formulae used to calculate the levels of Planning Obligations that the Council may wish to seek.
- 1.4 Once adopted, this SPD will be a material consideration in determining planning applications and if development proposals do not comply, the SPD may be used as a reason or reasons for the refusal of planning permission by the City Council.
- 1.5 This document uses the term Planning Contributions that is to be found in the Planning and Compulsory Purchase Act 2004, and is intended to address the whole range of matters covered by legal agreements, from monetary contributions, to on-going maintenance and management.
- 1.6 Planning Obligation Agreements have to be agreed and in place before planning permission can be granted. It is advised that any potential developer should contact the City Council at the earliest stages of the development process to discuss their proposal and establish whether there is likely to be a requirement for a Planning Obligations agreement.

2.0 Purpose of the SPD

- 2.1 This Supplementary Planning Document has been prepared to comprehensively set out the Council's approach, policies and procedures in respect of Planning Obligations. It aims to increase understanding and enable developers to take into account the potential costs of a proposed development at the earliest stage.

- 2.2 This document aims to:
- Indicate the requirements that are likely to be needed to make development acceptable which would otherwise be unacceptable in planning terms.
 - Provide guidance on standard formulae for calculating contributions where appropriate.
 - Deliver on three central government objectives for Planning Contributions of transparency, certainty and speed.
- 2.3 The major issues that are expected to arise in considering development proposals are:
- Affordable Housing
 - Education
 - Highways and Transport
 - Open Space and Green Infrastructure
 - Public Realm
 - Public Art
 - Community Facilities
 - Lifetime Homes
 - Sports Facilities
 - Healthcare
 - Employment Initiatives
 - Natural and Built Environment
- 2.4 Other matters such as biodiversity mitigation or enhancement; built heritage; waste management and recycling; energy conservation and other aspects of the climate change agenda; water management including drainage and flood prevention; and community safety may also be the subject of planning obligations.
- 2.5 It is intended that the content of this document will assist in pre-application discussions and will be considered as a material planning consideration in determining planning applications.
- 2.6 This SPD does not cover every possible circumstance that may need to be considered in a Planning Obligation. It focuses on the use of Planning Obligations to address the likely impact of a development in the majority of cases. The Council may however wish to negotiate other forms of contributions depending on the individual circumstances of a site and proposal, where Planning Obligations are necessary, relevant and related to the proposed development in order to secure acceptable development and meet the aims and requirements of the Council's Local Plan.

3.0 Status of the SPD

- 3.1 Development proposals requiring the provision of Planning Obligations should be made in accordance with the relevant policies of the Adopted

City of Derby Local Plan and this SPD, which constitutes an important material consideration in the decision making process.

- 3.2 This SPD has been prepared in accordance with Planning Policy Statement 12 – Local Development Frameworks and the associated Town and Country Planning (Local Development) (England) Regulations 2004. Derby City Council is currently preparing its Local Development Framework and consequently the Adopted City of Derby Local Plan (2006) and its policies will be retained until it is replaced by Local Development Documents.
- 3.3 The Planning and Compulsory Purchase Act 2004 requires that a Sustainability Appraisal be undertaken alongside the preparation of an SPD. The Sustainability Appraisal is also required to incorporate the requirements of the European Union Directive 2001/42/EC on Strategic Environmental Assessment. The aim of this is to better integrate the sustainability objectives into plan preparation. A Sustainability Appraisal Scoping Report has been carried out in conjunction with the production of this draft document. The Scoping Report will be published separately.
- 3.4 This SPD is currently at the draft stage and will be put out to consultation for <INSERT FIGURE> weeks from <INSERT FIGURE> to <INSERT FIGURE>. All responses received will be taken into consideration when drawing up the final draft of the document.
- 3.5 Council Cabinet will take the final decision on the content of this SPD.

4.0 National Policy Framework

- 4.1 Planning Obligations are legal agreements made under Section 106 of the Town and Country Planning Act 1990 (as amended by Section 12(1) of the Planning and Compensation Act 1991) usually in association with planning permissions for new development. They normally relate to an aspect of a development that cannot be controlled by imposing a planning condition or by other statutory controls. It can serve various purposes including:
- Restricting the use of land
 - Requiring specific operations to be carried out, in, on, under or over the land
 - Requiring land to be used in a specific way
 - Requiring a sum or sums to be paid to the Local Planning Authority on a specified date or dates, or periodically.
- 4.2 Planning Policy Statement 1: Delivering Sustainable Communities (PPS1), sets out the Government's overarching policy on the delivery of sustainable development through the planning system.
- 4.3 Planning Policy Statement 3: Housing (PPS3), states that the national indicative minimum site size threshold for the provision of affordable

housing is 15 dwellings. Local Authorities can however set their own minimum thresholds lower than 15 dwellings where viable and practicable. This can be achieved through setting different proportions of affordable housing to be sought for a series of site-size thresholds over the plan area. As part of the development of the Core Strategy forming part of the Council's Local Development Framework, the Council will review the site threshold to be adopted and the percentage of affordable housing required.

- 4.4 PPS3 clarifies the definition of affordable housing. Included within the definition is social rented and intermediate housing. Social rented housing is rented housing owned and managed by local authorities and registered social landlords. Intermediate housing is housing at prices and rents above those for social rent, but below market prices or rents, and which meet certain specified criteria. These can include intermediate rented homes, discounted sale and New Build HomeBuy. Low cost market housing is specifically excluded from the definition.
- 4.5 Local Authorities will be required to set an overall target for the amount of affordable housing to be provided. It should also reflect an informed assessment of the likely economic viability of land for housing within the area, taking account of risks to delivery and drawing on informed assessments of the likely level of finance available for affordable housing, including public subsidy and the level of developer contribution that can reasonably be secured.
- 4.6 Planning Policy Guidance 13: Transport (PPG13, March 2001) provides a clear statement on the principle of seeking contributions to support transport improvements as part of a new development, in particular public transport and sustainable travel modes. PPG13 states that the development plan should indicate the likely nature and scope of contributions which will be sought towards transport improvements as part of development in particular areas or on key sites. This will give greater certainty to developers as to what will be expected as part of development proposals, and also to provide a firmer basis for investment decisions in the plan area.
- 4.7 While the individual circumstances of each site and the nature of the proposal will affect the details of planning obligations in relation to transport; developers will be expected to contribute more to improving access by public transport and sustainable travel modes in locations away from town centres and major transport interchanges, than for development on more central sites.
- 4.8 Guidance on the use of Planning Obligations is set out in ODPM Circular 05/2005. Planning Obligations are negotiated agreements between Local Planning Authorities and individuals with an interest in the land and are enforceable by the Local Planning Authority concerned.
Planning Obligations might be used to:

- Prescribe the nature of the development (e.g. by requiring that a given proportion of housing is affordable)
 - Secure a contribution from a developer to compensate for loss or damage created by a development (e.g. loss of open space)
 - Mitigate a development's impact (e.g. through increased provision for transport).
- 4.9 Planning Obligations can also be secured through unilateral undertakings by developers. Contributions may either be in kind or in the form of a financial contribution.
- 4.10 The Obligations created usually run with the land in the same way that a planning permission does. This means that they are enforceable against the developer who originally entered into the agreement and any subsequent person acquiring an interest in that land. These legal agreements will be registered as a land charge and will form part of the planning register, available for public inspection.
- 4.11 If the legal agreement requires the developer to undertake certain action, there may be a specified time frame within which this must occur. The planning permission may refer to the phasing of development and so the agreement may make provisions that are in line with this phasing arrangement.
- 4.12 Circular 05/2005 sets out the following test that must be satisfied in order for Planning Obligations to be required:
- Relevant to planning
 - Necessary to make the proposed development acceptable in planning terms
 - Directly related to the proposed development
 - Fairly and reasonably related in scale and kind to the proposed development
 - Reasonable in all other respects.
- 4.13 Government guidance states that developers may reasonably be expected to pay for, or contribute to, the cost of all or part of additional infrastructure necessitated only by their development. It is not legitimate to permit unacceptable development because a developer offers benefits or inducements that do not make the development any more acceptable in planning terms. Similarly, obligations should not be used as a means of securing the local community a share in the developer's profits. Developers should not be expected to pay for facilities that are needed solely to remedy existing deficiencies or to help achieve wider planning objectives that are not necessary to allow consent to be given for a particular development.
- 4.14 The use of Planning Obligations aims to ensure that proposed development complies as far as is practicable with local, regional or

national policies and in doing so contribute towards providing sustainable development.

- 4.15 In November 2005, the Government issued a consultation document on proposals to collect nationally a supplementary levy on planning gain, based on a proportion of the rise in the value of land when planning permission is granted. This would be known as Planning Gain Supplement (PGS). Part of the revenue the Government received from this levy would fund regional infrastructure and part would be recycled to local authorities to spend 'as they think fit'. Local Authorities would be required to produce planning contributions policies to examine where monies will be sought and what it will be spent on. As a result, the Government proposes to reduce the scope of Planning Obligations to matters that relate specifically to the development site and to affordable housing. Whilst no firm decision has been made yet as to whether PGS will go ahead, the Government has stated that any PGS system would not be implemented before 2009. Therefore, this Document is needed in the interim.

4.16 Draft East Midlands Regional Plan (RSS8) (September 2006)

- 4.16.1 The Draft Regional Plan refers to the need for developer contributions through Planning Obligations Agreements in paragraph number 3.5.3; *"A key potential barrier to the implementation of the Regional Plan will be financial resources. It is recognised that public money is limited and unlikely to increase substantially over the short term. However strong commitment is required from key public agencies to support the infrastructure required to deliver 'sustainable communities'. In line with Circular 05/05 developers will also be required through the planning system (primarily via 'Section 106' agreements) to fund infrastructure and associated developments. In areas of high growth, the pooling of developer contributions will be appropriate to assist with the funding of strategic infrastructure. The Government is consulting on a 'Planning Gain Supplement' (PGS) to capture a proportion of land value uplift resulting from the grant of planning permission for public benefit. If a PGS is introduced, local policies will need to be amended accordingly."*
- 4.16.2 Policy 55 Regional Priorities for Implementation, Monitoring and Review in the Draft Regional Plan states; *"Local Authorities should work with developers, statutory agencies and other local stakeholders to produce delivery plans outlining the infrastructure requirements needed to secure the implementation of Local Development Documents. These should include guidance on the appropriate levels of developer contributions, and the mechanisms for securing the delivery of such contributions."*
- 4.16.3 This SPD will provide the necessary guidance on appropriate levels of Planning Obligations and the mechanisms for securing these Planning Obligations.

- 4.16.4 The Regional Spatial Strategy for the East Midlands (RSS8) recognises the importance of integrating transport and land use policies in order to reduce the need to travel, promoting the use of public transport and sustainable transport solutions.
- 4.16.5 The strategy outlines a substantial level of development growth for the region to 2021. It emphasises that this will require the commitment of significant levels of resources to deliver many kinds of necessary strategic infrastructure to serve the new developments. As such, the strategy identifies that appropriate Planning Obligations will be required from new developments.
- 4.16.6 The draft East Midlands Regional Plan sets a regional priority of 33% Social Renting for Affordable Housing provision in the Derby Housing Market Area under Policy 15. The regional plan also projects Derby's annual housing provision to be 700 dwellings per annum.

5.0 Local Policy Framework

5.1 The City of Derby Local Plan Review

The City Council is the local planning authority for determining planning applications. The infrastructure and community facilities required by the City Council Local Plan policies, the types of development they apply to and the trigger thresholds are set out in Section Two of the SPD.

- 5.2 Any development proposal that requires the use of Planning Obligations will require a number of planning issues to be considered and consequently a selection of policies in the Adopted City of Derby Local Plan Review will apply.

The following policies are of particular relevance:

- GD1 – Social Inclusion
- GD2 – Protection of the Environment
- GD3 – Flood Protection
- GD4 - Design and the Urban Environment
- GD8 – Infrastructure
- GD9 – Implementation
- CC15 – Improvements within the Central Area
- CC16 – Transport
- H11 – Affordable Housing
- H12 – Lifetime Homes
- E4 – Nature Conservation
- E5 – Biodiversity
- E11 – Recycling Facilities
- E27 – Environmental Art
- L2 – Public Open Space Standards
- L3 – Public Open Space Requirements in New Development
- L4 – New or Extended Public Open Space
- L11 – New Community Facilities

- L12 – Protection of Community Facilities
- T1 – Transport Implications of New Development
- T6 – Provision for Pedestrians
- T7 – Provision for Cyclists
- T8 – Provision for Public Transport
- T15 – Protection of Footpath, Cycleways and Routes for Horse Riders

- 5.3 The Local Plan Review highlights the need for new development to provide additional infrastructure under Policy GD8:
“New development will make provision for necessary and appropriate infrastructure directly related to the development proposed, including pedestrian, cycle and public transport facilities and services, traffic management measures, road improvements, water, sewerage and surface water drainage, recycling facilities; and other utilities and social infrastructure such as primary and secondary schools, health and community facilities, including public space, sport and recreation. This will include both on-site requirements related to the proposed use and to off-site requirements needed to avoid placing additional burdens on the existing community. Where appropriate, developer contributions will be pooled to allow infrastructure to be funded in a fair and equitable way.
- 5.4 This is strengthened by Policy GD9, which sets out the City Council's main policy for implementing development:
“The City Council will take necessary action to implement the policies and proposals of this Plan, including as appropriate, by:
a. Applying planning conditions
b. Entering into Section 106 Obligations”
- 5.5 In certain situations development may occur outside of the city boundary but affect the infrastructure requirements of the City of Derby. When cross boundary issues like this arise Derby City Council will advise the relevant neighbouring authorities about which contributions will need to be secured in order to mitigate the effects of the development within the City.
- 5.6 The Public Open Space Standards for Housing Areas Supplementary Planning Guidance (March 1998) and Affordable Housing SPG (September 2004) are to be superseded by this SPD.
- 5.7 The Derby Community Strategy “Derby’s 2020 Vision”**
- 5.8 The strategy identifies two key priorities for the period 2006-2009, these are:
- A city for all ages
 - Improving Derby’s deprived neighbourhoods

- 5.9 These priorities, and any future changes in community strategy priorities, will be taken into consideration when negotiating Planning Obligations.

5.10 Derby City Council Corporate Plan 2007-2010

- 5.11 The corporate plan priorities are to:
- Make us proud of our neighbourhoods
 - Create a 21st Century City Centre
 - Lead Derby towards a better environment
 - Support everyone in learning and achieving
 - Help us all to be healthy, active and independent
 - Give you excellent services and value

- 5.12 These priorities, together with any future changes in corporate plan priorities, will be taken into account when negotiating Planning Obligations.

6.0 Priorities

- 6.1 Planning Obligations will be negotiated on a site-by-site basis. The priority given to any particular type of Planning Obligation will be at the discretion of the City Council. It would not be possible to set out citywide priorities relating to development types in any sort of priority order as each development proposal will have different circumstances. Priorities may vary and will depend on a number of factors including local need as well as central, regional and local government guidance and the current political agenda.
- 6.2 There may be site-specific requirements other than those highlighted in this SPD that are flagged up whilst an application progresses and these would also need to be included in the planning agreement.

7.0 Types of Obligations and Thresholds

- 7.1 The thresholds for seeking planning contributions are set out in Table 1 below. These thresholds should be read as a guide for normal procedure and are set at practical levels that can be easily identified and measured. However each planning application will be judged on its own merits and in light of local and citywide concerns. There may be some issues, such as biodiversity and nature conservation, where no minimum threshold is applied. This will be where the impacts of even the smallest development will need to be mitigated.

7.2 Table 1: Contribution Thresholds Guide

Land Use	Contribution	Threshold
Residential	Affordable Housing	15 or more units
	Lifetime Homes	10 or more units

	Incidental Open Space	10 or more units
	Major open Space	25 or more units
	Public Realm	10 or more units
	Public Art	100 or more units
	Education	25 or more units
	Off-site Highways	No lower threshold
	Transport corridor	10 or more units
	Healthcare	75 or more units
	Community Facilities	50 or more units
	Sports Facilities	50 or more units
Commercial	Off-site Highways	No lower threshold
	Transport corridor: <u>A1</u> Food Retail/Non Food Retail <u>B1</u> Including Offices Cinemas and Conference Facilities <u>D2</u> Including Leisure Hospitals Higher and Further Education Stadia	 1000 sqm or more floorspace 2500 sqm or more floorspace 1000 sqm or more floorspace 1000 sqm or more floorspace 2500 sqm or more floorspace 2500 sqm or more floorspace 1500 or more seats
	Public Art	1000 sqm or more floorspace
	Employment initiatives	25 or more new employees
Other	As required	Case by Case basis

- 7.3 Planning Obligations will be sought on developments below these thresholds if the Council feels that the site in question is part of a larger development site, particularly where the smaller application is being used as a way to avoid Planning Obligations. When determining contributions, the Council will look at the cumulative impact of a number of adjoining small developments, or additional developments on the edge of previously developed sites. Developing sites incrementally or sub-dividing a site to avoid contributions will not be acceptable.
- 7.4 This includes cases where one site is divided between different developers, or is proposed to be developed in a phased manner, the needs generated by the site as a whole should be assessed and used as the basis on which to seek contributions. This is to ensure that the necessary contributions are divided fairly between developers on the whole site and so that services and facilities, to meet identical needs, can be delivered in a comprehensive, rather than piecemeal fashion.
- 7.5 Schemes which are just under any of the relevant thresholds must meet the Council's density requirements and all other relevant Local Plan Policies.

8.0 In-Kind Contributions

- 8.1 The presumption will be that the developer will undertake provision of facilities themselves either on-site or off-site. There will however be times where the Council wishes to provide certain facilities themselves. Under these circumstances the Council may wish to receive a land parcel free of charge from the developer, together with a financial contribution in lieu of the developer providing the facilities.

9.0 Financial Contributions

- 9.1 In cases where it is not possible to provide facilities on or off site a financial contribution will be required to mitigate this.
- 9.2 Payment of financial contributions will normally be expected upon commencement of development. There may however be circumstances where payments can occur at different stages during development, such as upon first legal completion.
- 9.3 All Planning Obligation Agreements will include trigger dates for the payment of financial contributions in addition to specifying time scales for spending of contributions.
- 9.4 All financial contributions received by the City Council will be held in separate departmental accounts by the department that will assign contributions to the capital programme. Any contributions that remain unspent at the end of the time period specified in the planning agreement may be repaid upon request by the developer.

- 9.5 Appendix A contains a Financial Contribution Matrix that will be updated on an annual basis to reflect current costs. Unless stated otherwise the formulae for calculating contributions will remain the same and only the figures will be updated.

9.6 Existing uses

- 9.6.1 For the majority of contributions that the Council will be seeking the existing use of the site will be taken into account when determining the levels of contributions. For example, for residential developments, all contributions, with the exception of affordable housing, will be based on the increase in population caused by the new development. If the new proposal will result in a lower population then no contributions would be sought, For Highways contributions the level will be dependant on the increase in trip generation.
- 9.6.2 The exception is affordable housing. As this is not a requirement that is linked to the demands of an increasing population, existing uses will not be taken into account. The level of affordable housing will be determined over the total number of dwellings proposed in the new development.

10.0 Unilateral Undertakings and Planning Appeals

- 10.1 A Unilateral Undertaking is where an applicant offers an Obligation either in support of a planning application or a planning appeal. Unilateral Undertakings bind the developer to their terms but not the City Council. When submitted in connection with an appeal, the appellant's solicitors normally draft the Undertaking, although the Council will usually welcome an opportunity to discuss terms prior to submission to the Inspector.
- 10.2 In situations where a planning permission is being determined on appeal, the Inspector will require a completed Planning Obligations Agreement prior to the close of the Hearing or Public Inquiry (cases involving Planning Obligations are unlikely to be appropriate to be dealt with through written representations). If the developer and the City Council cannot agree on the terms and conditions of the Planning Obligations, the Town and Country Planning Act 1990, makes provision for developers to enter into a legal agreement by making a Unilateral Undertaking (see paragraph number 10.1). This situation is most likely to occur at appeals where there are planning objections which only a legal agreement can resolve, but the parties cannot reach agreement. It will then be for the Inspector to determine the appropriateness of the terms of the legal agreement in relation to the development proposed.

11.0 Index Linking and Late Payment Interest

- 11.1 In order to ensure that the value of contributions are maintained from the date of the decision to grant permission until the date that the development commences, all financial contributions will be index linked.
- 11.2 All financial contributions specified in Planning Obligation Agreements will be index linked from the date of final agreed Heads of Terms using the Retail Price Index. Developers will however be granted a six month grace period from this date before payment will be subject to index linking.
- 11.3 Late Payment Interest will be payable when any payment due under a Planning Obligation Agreement is late. This will be charged at 4% over the base lending rate of the Co-Operative Bank PLC with such interest to run from day to day from the date payment is due until the date of payment.

12.0 Pooling of Contributions

- 12.1 Following the advice of circular 05/2005, where the combined impact of several developments creates the need for infrastructure, the City Council may pool contributions. Infrastructure requirements may be identified and their cost calculated, based on the cumulative impact of developments. The cost of the infrastructure will then be split in proportion to the needs arising from the development to ensure that infrastructure is provided in a fair and equitable way.
- 12.2 The circular also states that where an item of infrastructure, which has been made necessary by the cumulative impact of a series of developments, is provided before all developments have come forward, then the later developers may still be required to contribute to the relevant proportion of the costs.
- 12.3 Where individual development will have some impact, but not sufficient enough to justify the need for a discrete piece of infrastructure, the Council may seek monetary contributions towards future provision so long as the need is demonstrated.

13.0 Review of Figures

- 13.1 In order to ensure best value the Council will annually review all figures used to calculate Planning Obligations.
- 13.2 Any guidance or legislation upon which the strategy is based is subject to change and any such changes would be taken into consideration when determining planning applications and negotiating Planning Obligations.

- 13.3 The Financial Contribution Matrix contained in Appendix A will be updated whenever necessary to reflect the most up to date situation.

14.0 Maintenance Costs

- 14.1 Circular 05/2005 states that where planning contributions are secured for facilities that are predominantly for the benefit of users of the associated development then it may be appropriate for the maintenance of these facilities to be contributed to by the developer. This provision may be required in perpetuity.
- 14.2 In cases where a development results in a requirement for new facilities and ownership of these facilities is passed to the City Council then the City Council will require a maintenance contribution, generally as a one off payment. This contribution will normally be to cover the physical upkeep of the facility and will usually be equivalent to the cost of 30 years maintenance. Different standards will apply to different contributions, please refer to Section 2 of this SPD for further information.
- 14.3 In cases where a developer chooses to retain responsibility for a facility they will be bound to ensure proper maintenance through the Planning Obligations Agreement.

15.0 Economics of Provision

- 15.1 For all developments, both residential and non-residential, the Council expects the full relevant Planning Obligation requirements, as outlined in this document, to be taken into account when negotiating the price of the land. Therefore, before entering into a commitment to purchase a site, applicants should engage in pre-application discussions with the Council. In order for the Council to consider reducing or waiving certain requirements, the developer must be able to show that there are abnormal development costs associated with the site that could not reasonably have been foreseen at the time the land was bought. If a legal commitment to purchase the land has not been entered into, the Council will expect the developer to renegotiate the price of the land to reflect our requirements. It is not acceptable for a developer to pay, or to commit to pay, an enhanced purchase price in the expectation that they can then use this to minimise the Planning Obligation requirements.
- 15.2 If despite this reflection of the Planning Obligation requirements in the purchase price, the developer claims that they are unable to provide the full Planning Obligation requirements, they will be required to prove their case through an economic appraisal. This appraisal will be undertaken by the developer and submitted to the City Council for assessment by an independent surveyor. The developer will cover the costs of both the economic appraisal and independent assessment.

If the independent assessment shows real viability issues then it may be possible to renegotiate some of the terms of the Planning Obligation Agreement.

- 15.3 The Council will look initially at the appraisal before requiring the developer to commission an independent assessor to look at the information. The Council will provide terms of reference to instruct the independent assessor on behalf of the Council and a list of approved assessors. The developer can choose any of the assessors from the list. The assessors report must be submitted directly to the Council from the assessor.
- 15.4 In the case of Greenfield sites the strong expectation is that the Planning Obligation requirements will be delivered. In the case of Brownfield sites there will be an existing use value and so the financial challenge to meet all the Planning Obligation requirements will be greater. In certain circumstances it may be possible to accept reduced Planning Obligations contributions in order to achieve an acceptable land use or development.

16.0 The Charter

- 16.1 In order to assist in providing a prompt efficient and transparent response to major planning applications Derby City Council introduced The Charter.
- 16.2 The Charter recognises that major applications have a significant impact on the city's environment and prosperity and that quick, good quality decisions require a two way process. It serves as an agreement between the Council and developers whereby both parties commit to providing the relevant information and resources in order to speed up development proposals.
- 16.3 A full copy of The Charter can be found in Appendix B.
- 16.4 In addition to The Charter, the Council will endeavour to respond to all correspondence during the process of negotiating a Planning Obligations Agreement within two weeks.

17.0 Legal and Admin Costs

- 17.1 Developers will be required to pay the Council's legal costs for preparing and completing the Planning Obligations Agreement. If any work is done on a draft but it is never completed then the developer will still be required to cover any costs already incurred.
- 17.2 Legal fees will be charged at the hourly rate of the officer drafting the agreement with a minimum overall charge of £500 per agreement.

- 17.3 Developers will be required to pay the Council's fees for administrating and monitoring the Agreement. Please refer to the Financial Contributions Matrix in Appendix A for the level of fees required.

18.0 Drafting of Agreements

- 18.1 Planning Obligations Agreements will be drafted by the City Council's Legal Services Team or by Solicitors acting on the City Council's behalf. Developers will be required to pay the Council's reasonable legal and professional costs in drafting the agreement, and monitoring the obligations.
- 18.2 The Council's Legal Services Team has standard wording to cover contributions for Incidental Open Space, Major Open Space, Highways, Affordable Housing, Lifetime Homes, Education and Public Art, which would enable standard agreements to be concluded quickly in many cases.

19.0 Monitoring

- 19.1 The Council has an established process for monitoring and managing Planning Obligation Agreements, including a database with details of all agreements.
- 19.2 The allocation and expenditure of Planning Obligation contributions together with the progress of works and projects will be monitored. It will be the responsibility of benefiting departments to monitor their contributions but the Implementation Team will provide an overarching monitoring system. All Council Officers who use Planning Obligation contributions will supply information about the spend programme and progress to the Planning Implementation Team to enable them to provide this system
- 19.3 Quarterly monitoring reports will be submitted to Members with details of planning agreements that have been signed together with the amounts negotiated and received. These reports will also provide details of where funds have been committed for projects through the capital programme.

20.0 Contact Details

- 20.1 Although this SPD sets out how we will apply Planning Obligation policies so that developers know in advance what we will be seeking, we recommend that all developers contact us at the earliest opportunity to discuss their requirements. It is advisable to contact a member of the Implementation Team in the first instance.

20.2 Table 2: Contact Details

Contact	Position	Department	Telephone	Email
Malcolm Amatt	Team Leader	Planning – Implementation	01332 255075	malcolm.amatt@derby.gov.uk
Rosie Watson	Senior Planning Officer	Planning – Implementation	01332 255073	rosie.watson@derby.gov.uk
Andy Moger	Trainee Planning Officer	Planning - Implementation	01332 256025	andrew.moger@derby.gov.uk
Duncan Inwood	Group Leader	Development Control – North	01332 255926	duncan.inwood@derby.gov.uk
Ian Woodhead	Group Leader	Development Control - South	01332 255083	ian.woodhead@derby.gov.uk

Section Two – Specific Contributions

21.0 Affordable Housing

21.1 Introduction

21.1.1 The City of Derby has a pressing need for affordable housing. The City Council's Housing and Advice Services Section conducted a Housing Needs Survey in the summer of 2007. This Survey identifies the level of need for affordable accommodation, through both the social rented and shared ownership tenures, across the city. In addition to this, the Survey enables the required mix to be specified on individual sites.

21.2 Local Plan Policies

21.2.1 Policy H11 – Affordable Housing states;

“The City Council will seek the provision of affordable housing within residential developments on sites of 1.0 hectares or more or those providing at least 25 dwellings. The following considerations will be material: -

- a. Evidence of local need for affordable housing
- b. Site size, suitability and the economics of provision
- c. The need to achieve a successful housing development
- d. The presence of competing planning objectives

21.2.2 The affordability of housing will be required to be guaranteed by secure arrangements that ensure that initial and successive occupiers benefit from its affordability. Where, exceptionally, on-site provision is not practical or desirable, off-site provision will be preferable to commuted payments.

21.3 Threshold

21.3.1 Planning Policy Statement 3 was published in November 2006 and has superseded the Local Plan. It states that the national indicative minimum site size threshold is now 15 dwellings. Therefore the Council will be applying the PPS3 threshold and will seek affordable housing provision on all residential applications for 15 dwellings or more.

21.4 Negotiating affordable housing

21.4.1 Level of contribution

21.4.2 The reasoned justification of Policy H11, states that the Council will seek to secure between 20% and 30% affordable housing on sites without a specific target. The Local Plan includes a number of site specific policies that, in the main, seek affordable housing at 30%.

21.4.3 When the Policy was first proposed in 2002 there were 6338 applicants on the waiting list, and there were areas in Derby characterised by low demand. Seeking to secure affordable housing at between 20% and 30%, allowed for these variations in housing need.

21.4.4 However, average house prices have increased by 58.5% since then, and the high market price of housing, as well as a shortage of properties to rent, is now excluding many people from being able to afford to either rent or buy a suitable home on the open market. As at September 2007 there were 11,904 applicants on the waiting list and there is un-met housing need for the full range of property types, sizes and tenures across all areas of the city. Therefore, on sites without a specific affordable housing allocation, the affordable housing requirement on qualifying sites will be 30% of the total number of units proposed. This will include applications for renewal of permission where the site now crosses this threshold.

21.5 Affordable Housing Tenure and Property Type

21.5.1 In order to meet the needs identified in the Housing Needs and Market Study 2001, as well as those identified by an analysis of applicants on the waiting list, our priority is to secure 80% of properties for rent and the remaining 20% of properties for new build HomeBuy. This tenure mix ensures a range of accommodation options for prospective residents, as well as promoting social inclusion and contributing to the long-term sustainability of housing developments.

21.5.2 An up to date Housing Needs and Market Study is due for publication in late 2007. If information contained within the study shows that a different mix of rented and new build HomeBuy is required, provision will be sought at the new level.

21.5.3 Although the preferred ratio is for 80% rented and 20% new build HomeBuy properties, it may not always be appropriate to seek this quota for each development site. The need for particular house types and tenures can vary greatly between the different Housing Market Areas in Derby, and within the Areas themselves. Therefore, the exact tenure and mix will address specific local housing needs.

21.5.4 There are a number of low cost home ownership options, for example, restricted floor space properties. These do not come within the definition of affordable housing and will not be accepted as forming part of the affordable housing provision.

21.5.5 The types of properties sought for affordable housing on any given site will be dependant on the affordable housing mix in the area and the mix of properties proposed on the wider site. The aim is to plug the gaps in the local affordable housing supply.

21.6 Design and Specification

- 21.6.1 With the introduction of the Housing Corporation Design and Quality Standards in April 2007, the Council will require all affordable housing provided in the city to meet these standards or any subsequent standards that amend or replace those standards. As specified within the core standards, various levels must be achieved based on the requirements of HQI v4 (2007), Code for Sustainable Homes and Building for Life Standard or any subsequent standards that replace or amend those standards.
- 21.6.2 In respect of the Code for Sustainable Homes, Level 3 is currently required, although this will be reviewed upwards over time in line with the change in Housing Corporation requirements. For the Building for Life Standard the requirement is that there will be a positive response to 12 or more of the questions. The Council are currently in the process of developing an SPD that will cover design and it is anticipated that this will require a positive response in respect of 14 or more of the questions. Once this higher standard has been adopted then it will supersede the 12 or more standard.
- 21.6.3 There will have to be detailed discussions with developers regarding how these requirements will be met.
- 21.6.4 The Council will expect applicants to ensure that the affordable properties are integrated into the overall development, in terms of their built form and external appearance, so that they are indistinguishable from the market properties. Affordable properties should not be marked out by being of poorer design, specification and quality of finish than neighbouring market properties. It is recommended that the skills and experience of RSL's be employed at an early stage in the design process to ensure that the future management of the affordable housing units is fully considered.

21.7 Pepper Potting

- 21.7.1 The Council supports the development of sustainable mixed and balanced communities. In order to avoid the negative implications of social exclusion and isolation, affordable homes within housing schemes should be evenly distributed across the site and not disproportionately allocated to the periphery or in one particular area. The Council will require affordable homes to be grouped together in clusters of no more than 5 properties.
- 21.7.2 In apartment and flat schemes the Council requires pepper potting to be maintained. However it is recognised that other issues impact upon the provision of affordable units in apartment blocks, including difficulties in their management and financial concerns regarding levels of service charges. The benefits of this will be weighed against the scope to achieve a better degree of pepper potting. The level of

pepperpotting on apartment schemes will be negotiated on a site-by-site basis

- 21.7.3 The Council expects the location of the affordable housing will be discussed and agreed at an early stage in conjunction with the developer's appointed RSL. The final location must be agreed before development starts.

21.8 Energy Efficiency and Environmental Sustainability

- 21.8.1 The Council promotes the development of energy efficient housing. It is important not only to minimise the running costs of a home to the occupier but also to create sustainable homes and reduce emissions.

- 21.8.2 The Council will be assessing schemes using the Code for Sustainable Homes. It is expected that all affordable properties will achieve a Code Level 3 or greater.

21.9 Accessibility

- 21.9.1 There is a need for properties that are either accessible for wheelchair users now or can be easily adapted to meet the changing mobility needs of the occupants over time. The Council therefore will be seeking all affordable units to be built to Lifetime Homes standards and 10% to be wheelchair units in accordance with the Wheelchair Housing Guide, Second Edition BRE Press.

21.10 Affordability and Service Charges

- 21.10.1 The affordable rented properties should be let at no more than Housing Corporation Target Rent Levels. The rent on the retained equity of new build HomeBuy properties should be set at a level of 2.75% or below, with an absolute cap of 3%, rising by RPI plus ½% per annum. There should be mandatory sinking funds for flats to cover contributions to major capital projects.

- 21.10.2 Although the emphasis in determining affordability is primarily focussed on rent or purchase price, it is the total cost of occupation that ultimately determines affordability. Some residential developments have high levels of service charges, and this has an impact upon the relative affordability of the accommodation. Such potentially significant additional costs may result in affordable housing extending beyond the financial reach of those in housing need. It is therefore anticipated that the cost of service charges will be minimised. The proposed level of service charges will form part of pre-application discussions.

21.11 Funding for Affordable Housing

- 21.11.1 The Housing Corporation is the main provider of funding for affordable housing. Their approach is that affordable housing on

Planning Obligation sites should be delivered without the input of Grant. If Grant were to be considered on a site, their objective would be to ensure that the site delivers more affordable housing or a different mix or higher standards, than would have been possible without Grant. The Housing Corporation will assess the 'additionality' offered by a scheme in making a decision regarding potential funding.

- 21.11.2 Developers should therefore assume that no Grant will be available to fund the affordable housing, unless an agreement has been made with the Housing Corporation.

21.12 Registered Social Landlords (RSLs)

- 21.12.1 To ensure the affordable homes are available in perpetuity, and that they are satisfactorily managed and maintained, the Council prefers all affordable homes to be provided through an Approved RSL, and managed by them or by the local ALMO Derby Homes.
- 21.12.2 The RSLs on our approved list have been through a rigorous assessment. If developers want to use an RSL who is not on this list, or another Housing Corporation accredited management organisation, then their suitability will have to be individually assessed.
- 21.12.3 Derby City Council also recognises the importance of the services that Black and Minority Ethnic (BME) associations can provide to BME communities in Derby. Therefore the aspiration is for an element of the affordable properties to be managed by a BME led association, and/or for the BME led association to be involved in the design and construction process.
- 21.12.4 It is recognised that it is good practice for the applicant to involve the managing organisation early in discussions regarding a proposal in order to benefit from their experience in delivering and managing affordable housing.

21.13 Delivering affordable housing

21.13.1 Viability

- 21.13.2 The general presumption is that the cost of providing affordable housing will be offset in the negotiation of the land purchase or option. Where the applicant proposes to demonstrate that there are particular or abnormal costs that cannot be offset by depreciated land value, where they could not reasonably have been known prior to purchase, or where they cannot be recouped in the open market sale price of the new homes, a financial appraisal will have to be supplied.
- 21.13.3 If following the completion of a financial appraisal a developer is able to demonstrate genuine viability problems a revision may be agreed

either to the overall scale of affordable provision, to the property mix and/or tenure type.

21.13.4 A bid to the Housing Corporation may also be supported in cases where there is a viability issue to fund the 'additionality' in order to improve the level of provision, mix or standards. This would result in a 'with grant' and a 'without grant' scenario being reflected in the Planning Obligations Agreement.

21.14 Transfer prices

21.14.1 The Council has set out maximum figures at which the affordable properties for rent are to be transferred for a range of property types, which are set out in Appendix D and the table below. These prices are based on what an RSL can afford to pay for a property charging Housing Corporation Target Rents and they will be reviewed annually under Table 9 in Appendix D. These figures can be seen below based on the maximum figures that Registered Social Landlord's can pay for each particular unit.

21.14.2 Table 3: Maximum Transfer Price Guide

Property Type	Minimum gross Internal floor Floor area (sqm)	Social rented	NBHB (New build Homebuy)
1-bed 2 person flat	46	£45,000	Max of 70% OMV
2-bed 3 person flat	56	£52,500	Max of 70% OMV
2-bed 3 person bungalow	56	£55,000	Max of 70% OMV
2-bed 4 person bungalow	66	£57,000	Max of 70% OMV
2-bed 4 person house	73	£57,000	Max of 70% OMV
3-bed 5 person house	86	£64,000	Max of 70% OMV
4-bed 7/8 person house	110	£73,000	Max of 70% OMV

21.14.3 Where properties are developed for new build HomeBuy, the requirement is that they will be transferred to an Approved Housing Association at a price of no more than 70% of open market value (OMV).

21.15 On-site provision

21.15.1 The expectation is that the affordable housing will be provided on site as part of the proposed development unless the City Council and the developer consider it is preferable for the affordable housing to be provided off-site or a financial contribution to be made towards the provision of an element of affordable housing on another site.

21.15.2 Where provision is to be made on-site, or off-site, the Planning Obligations Agreement will require the developer to carry out the

following before the legal completion of an agreed percentage of the market units:

- Enter into a contract with an approved RSL to build the agreed affordable units
- Grant a 99 year lease to the approved RSL
- Complete the transfer of the freehold of the affordable units to the Council, subject to the lease

21.15.3 Unless otherwise agreed, the timescale for this will be before the legal completion of 50% of the market units.

21.16 Off-Site Provision

21.16.1 In exceptional circumstances, where it can be robustly justified, the Council may accept all, or an element of the affordable housing, to be provided off-site. In these circumstances the first preference is for the units to be provided by the developer on another site. The Council has absolute discretion on the location of the alternative site. Developers will have to provide an increase in the number of affordable units provided to take into account the increase in market units on the original site. The percentage agreed on the original site will be applied across both sites.

21.16.2 Working example

OFF-SITE PROVISION:

Development of 80 houses and 20 flats

$$\frac{\text{(Number of affordable units on-site / Number of market units on site)}}{\text{Total number of units on site}}$$

Total development of 100 dwellings. Affordable housing requirement of 30% equates to 30 units.

$$\frac{30}{70} \times 100 = 43$$

Therefore the number of off-site units required = 43.

21.17 Financial Contributions

21.17.1 The least preferred option is for a financial contribution to be made. Where a financial contribution is acceptable to the Council, the amount will be calculated by deducting the transfer price of the unit from its open market value (OMV).

21.17.2 Working example

FINANCIAL CONTRIBUTION:

Development of 17 flats (10 x 2-bed, 7 x 1-bed)

Affordable housing obligation of 30% requires provision of 5 flats (3 x 2-bed, 2 x 1-bed).

OMV of 2 bed flats: £125,000

OMV of 1 bed flats: £100,000

Transfer price of 2 bed flats: £52,500

Transfer price of 1 bed flats: £45,000

Subsidy per 2 bed flat: $£125,000 - £52,500 = £72,500$

Subsidy per 1 bed flat: $£100,000 - £45,000 = £55,000$

Subsidy: $3 \times £72,500 = £215,500$

$2 \times £55,000 = £110,000$

The total sum required for affordable housing in the example shown above would be £325,500

22.0 Public Open Space

22.1 Introduction

22.1.1 Current Government Policy places great emphasis on the provision of high quality environments and improving the quality of the public realm through good design. With public demand for facilities to meet sporting, recreational and community needs increasing, new development creates further pressure to provide adequate facilities.

22.1.2 Public open space is defined as land that is freely accessible to the public and usually, but not always, maintained by the City Council. Land used for indoor leisure uses, stadia and essentially private open spaces, such as private golf courses, are not included. However, some private and education facilities in dual use may, under certain circumstances, be included. Together these are described as Green Infrastructure. Their connectivity and potential multiple use are often important characteristics which may have to be secured through a Planning Obligation.

22.1.3 Public open space should aim to meet the following requirements.

1. Environmental enhancement which:

- Improves the urban area for people to live and work in, by providing natural, seasonal interest and pleasant views
- Improves the value for nature conservation through good design and management of existing natural resources; and

- Helps combat air pollution

2. Recreational activity that takes the form of:

- Active sport, such as team games
- Informal physical activity such as walking, cycling and play; and
- Passive leisure, such as sitting and enjoyment of outdoor spaces.

22.1.4 In order to meet the aforementioned range of environmental and recreational demands appropriate planning policies are required to protect existing as well as provide new public open space at sufficient levels, of the correct type and in suitable locations. This is achieved through the adoption of a hierarchy of open spaces.

22.1.5 There are two broad categories of public open space:

1. Incidental open space

This is usually located within housing developments and is also known as 'on-site' open space. In order for on site provision to be accepted as open space it must be of sufficient size and layout and be deemed to be usable space by the appropriate Council Officer. Incidental open space will cater for local children's play, informal small scale recreation and should contribute towards creating a quality public realm environment. Landscape planting (unless forming part of a larger piece of open space) or highway verges will not be classified as usable open space.

2. Major open space

This refers to designated parks and is also called 'off-site' open space. There are three levels of park provision under major open space:

- **Neighbourhood Parks** – Between 2 and 14 hectares serving a 400 metre catchment. These provide for people's daily informal sport and recreation needs and should contain children's play facilities, kick-about areas, sports pitches, where space allows, and pleasant seating areas.
- **District Parks** – Between 20 and 60 hectares serving a catchment of around 1,200 metres. These provide a more local function than City Parks and should contain a reasonable range of facilities for children's play and adult recreation. These will include those required for neighbourhood parks plus additional facilities such as wheeled sports areas, park pavilion/changing rooms, network of connected footpath and cycle routes and larger scale landscape features such as woodland and ponds.
- **City Parks** – Over 60 Hectares serving a catchment of around 5,000 metres. These provide a wide range and high standard of complementary facilities of broad interest to visitors.

22.2 Local Plan Policies

- 22.2.1 Policy L2 of the adopted City of Derby Local Plan Review 2006, provides a standard for open space provision for the City of Derby as a whole.
- 22.2.2 This standard is 3.8 hectares per 1,000 population. Provision will be regarded as adequate where it is comprised as follows:
- Incidental public open space of 1.4 hectares per 1,000 population
 - Major open space of 2.4 hectares per 1,000 population for public use

22.3 Threshold

- 22.3.1 Policy L3 – Public Open Space Requirements in New Development, states that where housing development generates a need for additional public open space and related facilities, planning permission will only be granted if public open space is provided to meet those needs.
- 22.3.2 Provision of incidental open space will be sought from developments of 10 or more dwellings. Provision of major open space will be sought from developments of 25 or more dwellings and will normally be provided off-site in the form of City, District or Neighbourhood Parks.
- 22.3.3 In circumstances where suitable land for public open space is not readily available to a developer, or where public open space cannot be satisfactorily incorporated into a development, the City Council may, as an alternative, accept an index-linked payment based on the cost to the Council of acquiring, laying out, equipping and maintaining land.
- 22.3.4 The policies in CDLPR (2006) relating to parks and open space tend to relate specifically to the quantity of provision. However the Council aims to improve both quality and accessibility and will reflect this through on-site requirements where applicable. The Council may choose to enhance existing spaces and facilities where this would be the best solution

22.4 Incidental Open Space

On sites of 10 dwellings or more, incidental open space is to be provided and will be calculated on the basis of the CDLPR requirement for the provision of 14 sqm per person.

- 22.4.1 The population of a development will be based on the following assumed figures:
- 1 bed flat = 1.5 people
 - 2 bed flat = 2 people
 - Flats with 3 beds or more, & houses with 1-4 beds = 2.5 people
 - Houses with 5 beds and above = 3 people

22.4.2 The assumed total population for the development will be multiplied by the figure of 14sqm to calculate the level of incidental open space that should be provided.

22.4.3 On-site provision

22.4.4 The presumption is that incidental open space will be provided on-site as an integral part of the development. In certain circumstances a financial contribution in lieu of on-site provision may be acceptable. This would particularly be the case on small high density apartment schemes where provision of on-site open space would not be possible due to the relative size of the site and population generated. However, on the majority of schemes the Council would expect every effort to be made to accommodate the open space on-site.

22.4.5 On-site open space will need to be provided in line with the standards set out above and laid out to a specification that has previously been agreed by the Council. In the majority of cases it will have to be laid out before the legal completion of 50% of the dwellings on the site. There may be certain circumstances where the Council agrees a different timescale.

22.4.6 When incidental open space is provided on site it is to be maintained in perpetuity by the developer to an agreed management plan and to the Council's reasonable satisfaction or transferred to the Council under the terms set out below in paragraph number 22.9.

22.5 Design of Incidental Open space

22.5.1 Incidental open space provides a need for the local area in satisfying immediate recreational and amenity uses and contributes to providing a high quality natural environment. Use of suitably experienced and qualified landscape consultants to design the overall landscape scheme is recommended to ensure all aspects are taken into consideration.

22.5.2 The design of the open space should:

- Relate directly to adjacent houses in the form of small squares, courtyards or greenways and pocket parks. Odd pieces of land for example located at end of gable walls, backing onto rear gardens and not overlooked and other pieces of land left over because they serve no other purpose are not acceptable.
- Be of sufficient size to be used for small scale recreation, such as sitting, playing and walking, without impacting on adjacent land uses or putting site users at risk
- Be designed so it is an integral part of the overall development layout to ensure that open space is safe and welcoming. Design shall ensure there is natural surveillance from neighbouring paths, roads and houses to discourage vandalism and other anti social

behaviour. Open space should not be located to the rear of properties.

- Should make a positive contribution to the environmental amenity of the area through careful design of earthworks, planting, and incorporating existing natural landscape features such as trees
- Where appropriate include hard surface footpaths providing recreational routes and access to any recreational facilities

22.5.3 Developers are encouraged to provide fewer but larger pieces of incidental open space wherever possible, rather than a large number of small and fragmented sites that offer little recreational and environmental value. The larger areas offer greater scope for a wider range of recreational use and introduction of large scale tree planting, without having a negative impact on neighbouring properties

22.5.4 Detail design of open space shall include measures to ease maintenance, such as mowing strips under railings and against boundaries, use robust materials and street furniture and provide any necessary boundary protection measures to prevent unauthorised access.

22.6 Play Areas and Changing Facilities

22.6.1 The provision of play areas within on-site open space will be sought on developments that include 50 or more family houses, as follows:

- Developments of 50 or more dwellings to provide one or more equipped play area to National Playing Fields Association (NPA) LEAP (Locally Equipped Areas for Play) standard for children up to 8 years old. The minimum area required is 400m²
- Developments over 100 dwellings shall include provision for the above plus additional provision for junior children up to the age of 11. The total Area required for Toddler and Junior is 600m²
- Developments over 350 dwellings shall include provision for above plus additional provision for senior children aged from 12 to 16. Total area for a senior facility is 1000m² plus allowance for Toddler and Junior

22.6.2 The play facilities will be provided as part of the on site open space provision. The developer will be expected to locate and design the on-site open space provision to take account of the specific needs of the play areas. For developments at the smaller end of the scale this may require amalgamating the incidental open space into a larger unit to provide sufficient area for the play facilities and an adequate buffer between the play area and adjacent houses. The precise design and specification will need to be agreed with the Council within the wider specification for the open space. The Council is able to offer guidance at an early stage on the design of play areas

22.6.3 Where playing fields are being provided changing rooms will also be required. They would need to be built to a specification agreed with the Council.

22.6.4 Developers will be expected to display approved estate layout drawings showing the location and type of play areas clearly marked for the information of prospective buyers/tenants at the time of initial interest prior to purchase.

22.7 Design of Play Areas

22.7.1 It is expected that the LEAP standard play area will in most cases be provided on site and provided directly by the developer. Provision for junior and senior play are likely to be provided off site and paid for through a financial contribution, except in the largest developments where it may be possible to locate these as part of the on site open space network.

22.7.2 The basic play area shall comply with the NPFA LEAP standard and any additional requirements set out below for each of the different type of play facility.

22.7.3 Play areas should be designed so as to provide a quality play setting that incorporates a variety of different play spaces/environments. These could include use of mounding, changes in level, incorporation of natural features and planting, creation of quiet spaces, use of logs and other items for seating. While the standards set out a minimum size requirement, there may be circumstances where the actual fenced play area is extended beyond this to incorporate existing natural features on site that will contribute to the play environment, such as mounding and slopes and established trees or groups of trees.

22.7.4 Play area design should be inclusive and offer play opportunities for children with disabilities. This includes ensuring that equipment is accessible and that children with disabilities are able to feel integrated into the play experience. More advice is available from the Council on request.

22.7.5 All types of play facility should include an area of grass for informal play and sitting.

22.7.6 Equipment should be located so as to create a progressive play experience around the site. Where a play facility caters for a wide age range then play equipment should be located to provide a progression from equipment for the very young towards older children.

22.7.7 Play areas should be located away from roads and car parks and at the minimum distances from surrounding homes set out in the standards.

22.7.8 Toddler Play Area: Designed to fully comply with NPFA LEAP guidelines.

22.7.9 Junior: as NPFA guidelines but to include at least 3 additional pieces of equipment offering a minimum of five types of play experience (for example climbing, swinging, sliding, socialising, balancing) catering for junior aged children. There will be a need for more seats and litter bins.

22.7.10 Senior: a segregated area for older children to include:

- Equipment offering challenging play use
- A fenced ball court for multi games use (typical size 36 x 20 metres)
- Seating and/or shelter for gathering and hanging out
- Senior play facilities should be a minimum distance of 30 metres from neighbouring homes so as to not cause a nuisance.
- The ball court may be separate to the other play elements depending on site constraints.

22.7.11 On completion of the play facilities the developer shall provide to the Council an independent post inspection report for the play facility confirming that it:

1. Conforms to all European and British guidelines and standards current at the time of completion
2. Has been designed to a minimum LEAP standard (note in some sites the play area may be required to exceed the LEAP standard in design and range of age groups catered for and equipment provided)
3. Is fully accessible by all groups of children including children with disabilities

22.8 Maintenance

22.8.1 If requested, the City Council will adopt areas of incidental open space. In this case the developer will have to maintain the open space to the Council's reasonable satisfaction for a minimum period of 12 months after the Council has certified that it has been laid out satisfactorily. At the end of the maintenance period the developer will transfer ownership of the land to the Council and pay a commuted sum to cover the maintenance costs for 30 years. There may be circumstances where this period will be longer.

22.8.2 A Planning Obligation may also be used to secure the long term management of an area of open land in a certain way, by a nominated third party. In these circumstances it is likely the third party will also require similar commuted sums for taking on an area of land.

22.8.3 Please refer to the Financial Contributions Matrix in Appendix A for the level of financial contribution for maintenance of play areas.

22.8.4 For children's play areas and changing facilities the commuted sum will cover a 15 year period. The Council will adopt play areas without the 12 months maintenance period by the developer as long as 12 months defects liability is provided.

22.9 Financial Contributions

22.9.1 Please refer to the Financial Contributions Matrix in Appendix A for the level of financial contribution.

22.9.2 In certain circumstances some of the open space requirement will be able to be provided on-site. A part on-site, part financial contribution is acceptable as long as the on-site element is usable. In these cases the amount that can be accommodated on-site is deducted from the overall requirement. The financial contribution is then calculated from the remaining requirement.

22.10 City Centre sites

22.10.1 The contributions secured from development sites within the central area, as defined in the City of Derby Local Plan Review 2006, will be spent on public realm rather than on more traditional forms of open space. In these cases the money will be held by the Regeneration & Community Department rather than by Environmental Services.

22.10.2 Further information on open space within the City Centre can be found in the Public Realm Strategy which refers to the provision, quality and management of such spaces.

22.11 Working Examples

FULL FINANCIAL CONTRIBUTION:

Development of 25 flats (12 x 2-bed & 13 x 1-bed) and 5 houses

12 x 2-bed = 24 people

13 x 1-bed = 19.5 people

5 x 2.5 = 12.5 people

Total assumed population: 56 people

14 sqm of incidental open space should be provided per person
therefore 784 sqm of incidental open space should be provided on site

If the site is not capable of providing usable space of sufficient size and quality then a financial alternative of £405,000 per hectare will be accepted using the following calculation:

784 sqm

10,000 = 0.0784 Hectares

$0.0784 \text{ Hectares} \times £405,000 = £31,752$

The total sum required for incidental open space in the example shown above would be £31,752.

PRO-RATA FINANCIAL CONTRIBUTION:

Development of 25 flats (12 x 2 –bed & 13 x 1-bed) and 5 houses

12 x 2-bed = 24 people

13 x 1-bed = 19.5 people

5 x 2.5 = 12.5 people

Total assumed population: 56 people

14 sqm of incidental open space should be provided per person
therefore 784 sqm of incidental open space should be provided on site

As 310 sqm of the site is suitable as incidental open space a pro-rata contribution is required.

$784 \text{ sqm} - 310 \text{ sqm} = 474 \text{ sqm}$ (basis for pro-rata contribution)

474 sqm

$\frac{474 \text{ sqm}}{10,000} = 0.0474 \text{ Hectares}$

$0.0474 \text{ Hectares} \times £405,000 = £19,197$

The total pro-rata sum required for incidental open space in the example shown above would be £19,197.

22.12 Major Open Space

22.12.1 On sites of 25 units and above, major open space is to be provided and will be calculated on the basis of the CDLPR requirement for the provision of 24 sqm per person.

22.12.2 The population of a development will be based on the following assumed figures:

- 1 bed flat = 1.5 people
- 2 bed flat = 2 people
- Flats with 3 beds or more, & houses with 1-4 beds = 2.5 people
- Houses with 5 beds and above = 3 people

22.12.3 The assumed total population for the development will be multiplied by the figure of 24 sqm to calculate the level of major open space that should be provided.

22.13 On-site provision

22.13.1 Major open space contributions are usually in the form of financial contributions. However there may be certain situations where the developer may be able to provide a suitable parcel of land in lieu of the financial contribution based on the assumed population. Where this is possible the open space will need to be provided in line with the standards set out above and laid out to a specification that has previously been agreed by the Council. In the majority of cases it will have to be laid out before the legal completion of 50% of the dwellings on the site. There may be circumstances where the Council agrees to a different timescale.

22.14 Maintenance

22.14.1 Where the Council has agreed to take on the open space the developer will have to maintain the open space to the Council's reasonable satisfaction for a minimum period of 12 months after the Council has certified that it has been laid out satisfactorily. At the end of the maintenance period the developer will transfer ownership of the land to the Council and pay a commuted sum to cover the maintenance costs for 30 years. There may be circumstances where the period will be longer.

22.14.2 Should the developer wish to maintain the open space themselves they will have to do so in perpetuity to the Council's reasonable satisfaction to an agreed management plan.

22.15 Financial Contributions

22.15.1 Please refer to the Financial Contributions Matrix in Appendix A for the level of financial contribution.

22.15.2 In certain circumstances it may be possible to accept a proportion of the major open space as a land parcel and then deduct this from the total level of major open space that should be provided. In this situation the usual contribution per hectare will be applied pro-rata to take into account the on-site provision. For areas less than 2 hectares (minimum size for a neighbourhood park, the smallest size for major open space), this will only be acceptable where the parcel of land is attached to either an existing piece of major open space, or is attached to an existing piece of open space that by the addition of the new parcel of land is capable of meeting the requirements of major open space.

22.16 Working Examples

FULL FINANCIAL CONTRIBUTION:

Development of 50 houses and 12 apartments (10 x 1-bed and 2 x 2-bed)

50 x 2.5 = 125 people
10 x 1-bed = 15 people
2 x 2-bed = 4 people
Total assumed population: 144 people

24 sqm of major open space should be provided per person therefore
3,456 sqm of major open space should be provided on site

If the site is not capable of providing usable space of sufficient size and quality then a financial alternative of £332,000 per hectare will be accepted using the following calculation:

$$\frac{3,456 \text{ sqm}}{10,000} = 0.3456 \text{ Hectares}$$

$$0.3456 \text{ Hectares} \times £332,000 = £114,739$$

The total sum required for major open space in the example shown above would be £114,739.

PRO-RATA FINANCIAL CONTRIBUTION:

Development of 50 houses and 12 apartments (10 x 1-bed and 2 x 2-bed)

50 x 2.5 = 125 people
10 x 1-bed = 15 people
2 x 2-bed = 4 people
Total assumed population: 144 people

24 sqm of major open space should be provided per person therefore
3,456 sqm of major open space should be provided on site

As the developer is able to transfer a parcel of land of 2,000 sqm to the Council a pro-rata financial contribution of £332,000 per acre will be accepted using the following calculation:

The 2,000 sqm that the developer provides will have to be laid out to a specification agreed with the Council and maintained to the council's reasonable satisfaction for 12 months. At the end of the 12 month period, provided that the Council agrees that the open space has been properly maintained, the developer will transfer ownership of the land to the Council and pay a commuted maintenance sum equivalent to 10 years maintenance costs.

$$3,456 \text{ sqm} - 2,000 \text{ sqm} = 1,456 \text{ sqm}$$

$$\underline{1,456 \text{ sqm}}$$

10,000 = 0.1456 Hectares

0.1456 Hectares x £332,000 = £48,339

Working on the basis of the requirement of a 30 year commuted maintenance sum the following sum would also be required:

2,000 sqm x £22 = £44,000

The total sum required for major open space in the example shown above would be £21,840 plus the commuted sum of £94,000 for maintenance of the open space after transfer of ownership.

23.0 Highways & Transportation

23.1 Off-site Highway works

23.1.1 Introduction

23.1.2 New developments will have an impact on the number of vehicular trips on the surrounding road network. This could cause problems for the safe and free flowing running of the network. In these circumstances, works or contributions will be required to mitigate the negative impacts of the development.

23.1.3 Developers have a responsibility to provide facilities within the vicinity of their site to cater for increased vehicular movement, or increased size of vehicles needing to use nearby junctions. The extent of any facilities required to ensure the safe and efficient operation of the development and the local highway network will be determined by the Transport Assessment. Highway access improvements will normally be secured through a Section 278 Agreement. Highway mitigations measures on the wider network will normally be secured through a Planning Obligation Agreement. Highway improvements will only be required where they are essential for the operation of the development and the adjacent highway network.

23.1.4 Therefore, all works required under the Transport Assessment (TA) or Transport Statement (TS) will need to be secured under the Planning Obligations Agreement and carried out by the developer.

23.1.5 Local Plan policies

23.1.6 Policy T1 – Transport Implications of New Developments, seeks to ensure that any new developments will not increase traffic congestion, reduce road safety or have a negative impact on the local environment. It requires all new developments to submit a TA that highlights the problems caused by the new development and solutions to mitigate these problems.

23.1.7 Any development that causes an adverse impact on the road network will be required to provide measures to alleviate that impact.

23.1.8 Level of contribution

23.1.9 The type and level of contribution required for off-site highways works can only be determined on a site by site basis through that developments TA. If there is an existing use on the development site, the traffic generation from that use will be taken into account when determining the impact of the new proposal. The developer will only be expected to mitigate the impact of the additional traffic caused by their new use.

23.1.10 The full cost of the mitigation measures will need to be met by the developer. The presumption will be that the developer will carry out the work themselves to a specification and timetable agreed with the Council. In the vast majority of cases the works will need to be carried out before the legal completion of the first unit within the development.

23.1.11 There will be circumstances where a financial contribution for the Council to carry out the works will be acceptable. In these cases, the contribution will need to cover the Council's estimation of the full cost of the works, including any design fees.

23.1.12 Where a number of different developments will give rise to a need for off-site highways improvements, contributions will be required from each development towards those works. The level of contribution for each development will be determined by applying a pro-rata contribution based on the trip generation of each development.

23.2 Travel Plans

23.2.1 Travel plans can be secured through conditions on the planning permission, rather than through the Planning Obligations Agreement. However, there will be circumstances where the Travel Plan will be required through the Agreement. This will be on sites where there are particular concerns that the targets within the Travel Plan will not be met or where they are so important to the decision to grant planning permission that they must be adhered to. In these cases the Agreement will secure the submission of the Travel Plan and will also put in place measures to ensure the targets are met.

23.2.2 There will be a requirement placed on the developer to submit annual reports on whether, or to what extent, the Travel Plan targets have been met for that year. If the targets have not been met then the developer will be required to pay a financial contribution to the Council to cover measures to implement the Travel Plan to hit the targets or for other measures to mitigate the impact of missing the targets.

23.2.3 The Council will charge a maximum of £11,500 per year for missed targets. There will be a sliding scale incorporated into the agreement so that the degree to which the target has been missed is taken into account.

23.3 Transport Corridor contributions

23.3.1 Introduction

23.3.2 The provision of a reliable, safe, secure and environmentally sustainable transport system that responds efficiently to the needs of individuals and business is fundamental to the future vitality of Derby.

23.3.3 In order to sustain the economic and residential land use growth that is planned for Derby over the next decade, significant investment will need to be made to transport infrastructure and services.

23.3.4 National, regional and local transport policy recognises the need for sustainable transport solutions, and that current trends in increased car ownership and usage cannot be supported in the longer term. As such, future transport investment needs to focus on measures that encourage modal shift away from the car and increase travel choice by improving conditions for pedestrians, cyclists and public transport users.

23.3.5 The Second Joint Local Transport Plan (2006-2011) is expected to receive around £130 million of Government money to support investment in the transport system. However, this does not provide improvements to resolve the cumulative impacts of new development or the wider long term challenges.

23.3.6 Contributions to transportation improvements will therefore be sought to support improvements that would encourage a modal shift away from car travel by promoting choice through public transport, cycling and pedestrian improvements and would be of benefit to the development.

23.3.7 Local Plan policies

23.3.8 In addition to Policy T1 there are other CDLPR policies that are relevant. Policy T6 – Provision for Pedestrians states that the Council will seek to negotiate measures to improve the pedestrian environment. Policy T7 – Provision for Cyclists secures similar contributions for cycle facilities. Finally Policy T8 – Provision for Public Transport secures contributions towards improvements for public transport to reduce the reliance on the car.

23.3.9 Local Transport Plan

23.3.10 The Local Transport Plan 2006-2011 (LTP2) identifies that there is a need for developer contributions within Derby to support new or upgraded transport infrastructure to service them. This is not only as a result of the direct implications that development will have on local areas but also the wider cumulative impacts that new trips will have on the City's transport system.

23.3.11 To ensure that all new developments contribute towards providing suitable and sustainable transport solutions to and from them, LTP2 identifies that a formulae or standard charge will be developed. This approach will provide prospective developers with a definite guidance as to the planning obligations likely to be required from a developer before commencement of the formal planning process.

23.3.12 Level of Contribution

23.3.13 A standard value for transport corridor contributions has been calculated by proportioning the projected integrated transport capital and certain revenue elements of the LTP2 spend over the next five years to the 92,403 households in Derby. From this a standard value per residential trip has been derived and transposed to non-residential land uses using average trip rates. These values have been adjusted to reflect differences in transport corridors and land use trip types.

23.3.14 The principle of calculating the transport rates is that the cost of providing transport infrastructure and services to existing residents and businesses in each corridor is projected onto new households and non-residential development. If Derby's transport system is to be sustained and developed to meet the needs of individuals and business then it is assumed that each additional new housing and non-residential development unit will need to contribute the same level of expenditure to support the additional demand.

23.3.15 Please refer to the Financial Contributions Matrix in Appendix A for the transport contribution land use rates. The following paragraphs provide a summary to the assumptions used to derive the rates.

23.3.16 Table 4: Transportation Land Use Rates.

Corridor	Housing	Flats	Food Retail	Non-Food Retail	Office B1	Industrial B2	Warehouse B8
A61 Sir Frank Whittle Road	£960	£360	£9,000	£1,200	£1,000	£580	£230
A6 London Road	£1,000	£390	£9,500	£1,300	£1,200	£620	£240
A514 Osmaston road	£1,100	£410	£10,000	£1,400	£1,200	£650	£260
A6 Duffield Road & Kedleston Road	£1,100	£430	£11,000	£1,600	£1,200	£730	£290
A52 Nottingham Road	£1,200	£460	£11,000	£1,600	£1,200	£730	£290
A516 Uttoxeter Road/Burton Road	£1,300	£480	£12,000	£1,600	£1,200	£760	£300
A52 Ashbourne Road	£1,300	£500	£12,000	£1,700	£1,200	£800	£320

Stenson Road	£1,400	£550	£13,000	£1,900	£1,500	£870	£340
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23.3.17 All development in the City Centre will be treated on an individual basis. However, the Land Use Contributions will not exceed those listed in the above table.

23.3.18 Local Transport Plan (2006-2011) Programme

23.3.19 The transport contribution rates are based on the cost of providing transport infrastructure and services to existing residents and businesses over the next LTP period. The total cost includes the estimated Integrated Transport Budget, Connecting Derby and elements of revenue funding that are directly spent on transport services and the management of the transport network. Table 5 provides a break down of these programme elements.

23.3.20 Table 5: Elements of LTP (2006-2011) Programme Costs Included in the Transport Contribution Calculation

Programme Element	Allocation
Integrated Transport Allocation	£17,968,000 (£20,617,000 if 125% of Planning Guideline is achieved)
Connecting Derby	£33,282,000
Strategic Transport Improvements	£56,300,000
Revenue Funding (2006-11) (includes Concessionary Fares, Public Transport Unit, CCTV, Car Parks and staff costs)	£10,302,035
Total	£117,852,035

23.3.21 Land Use Rates

23.3.22 Different types of land use have different levels of trip generation and attraction. The most intensive in terms of trip generation is generally Food Retail and the least is B8 Distribution Storage. Trip rates used in the calculation of contribution rates were derived from the TRICS

(2007a) database. The rates are based on the AM and PM weekday peak traffic periods when demand on the transport network is greatest.

23.3.23 Residential Land Use

23.3.24 Residential land use for the purpose of calculating transport contributions is separated into houses and flats. For houses the contribution rate has been calculated as a direct relationship between the total LTP programme costs and the total number of dwellings in Derby.

23.3.25 A separate rate for flats has been calculated to reflect the lower number of occupants and therefore the lower level of trips that they generally generate. The rate has been derived by calculating a general cost value for individual household trips, and then applying this to the average trips generated by flats to provide the contribution rate.

23.3.26 Employment Land Use

23.3.27 The rates for employment land uses have been calculated using the same methodology as for flats. However, the rates for employment have been adjusted to avoid double counting residential development trips on the transport network.

23.3.28 The 2001 Census Journey to Work data provides information on the workforce population of Derby and their home origins. Work undertaken on accessibility for the LTP identified that 40% of the work force travels in from outside the City. As such, the trip rates used to calculate the transport contribution rates for employment were reduced by 60% to take account of existing Derby City residential trips on the network.

23.3.29 A2 Retail

23.3.30 The non food retail transport contribution rate has been calculated using the method adopted for flats and employment. Similar to employment the rate has been adjusted to reflect that certain levels of trips are already on the transport network. The Institute of Highways and Transportation (IHT) guidance on Traffic Impact Assessment suggests that with retail land uses there are a certain percentage of bypass trips/diverted trips associated with the journey home from work. As such, the non food retail trip rates used to calculate the contribution rate were reduced by 30% to account for the bypass trip effect.

23.3.31 The calculation of food retail has been based on a similar calculation to non-food retail. However, the level of bypass trips is likely to significantly vary depending on the scale and location of the development. For example, large supermarkets that sell auxiliary non food goods within the store will attract trips from a much wider catchment area than a smaller food only supermarket. Therefore, there

will be a major difference in the distribution of traffic in the local area and level of new and bypass trips. The maximum contribution rate in table 4 is based on a 30% bypass adjustment. The authority will however, consider food retail applications on an individual basis.

23.3.32 Other A2, D1, C2 and C3 Land Uses

23.3.33 All other development, including commercial leisure, tourism, health and education should contribute where there is a material impact on transport. However, no specific guidance figures are given in Table 4, and each development proposal will be treated on a case by case basis.

23.3.34 Corridor Split

23.3.35 The land use rates summarised in Table 4 are separated into strategic transport corridors based on the areas defined in the LTP. The rates have been adjusted across the corridors to take account of the varying residential catchments and demand on the transport network. These factors have been calculated using population density. Appendix E illustrates the transport corridors.

23.4 Local Circumstances

23.4.1 The transport contribution rates are provided to developers as a guide to the financial maximum that they will be expected to pay. There will be cases where local circumstances may provide opportunity to negotiate an alteration in the contribution rates. For example, where there is an existing use or where other development costs are exceptionally high. If there is an issue with viability, this will need to be proved through the submission and verification of a financial appraisal.

23.4.2 The Central City Core includes that area with the Inner Ring Road and residential and business areas that surround it. Developments in the Central Core will be assessed on an individual basis. This is because of different land use policies, regeneration initiatives and master plans that influence development objectives and the transport system.

23.5 How We Will Deal With Contributions

23.5.1 Contributions will be used to provide transportation improvements normally within the strategic transport corridor that the development is located. These would normally be pedestrian and cycling improvements near to the site or specific public transport improvements within the corridor that directly benefit the development. However, in certain circumstances contributions may be used to contribute towards major enhancements or wider transport schemes that provide benefits for the whole City and indirectly provide benefits to the development. This may include revenue funding to support bus

services or Council staff time to support design and implementation of schemes.

24.0 Public Realm

24.1 Introduction

24.1.1 The quality of the public realm is an important factor in the perception of the quality of life. The focus on the public realm has risen up the agenda in Derby as the City competes for business investment, tourism and population growth with other cities in the East Midlands. The Public Realm Strategy commissioned by Derby Cityscape sets out a strategy for the design and delivery of a high quality coordinated city centre public realm.

24.1.2 The strategy identifies six city pathway priority routes and seven key sites in the city centre where the greatest impact could be achieved. These key sites are:

- The Market Place
- The Memorial Gardens
- Cathedral Green
- Osnabruck Square
- East Street
- The Spot
- Castleward Boulevard and Square.

24.2 Local Plan Policies

24.2.1 Local Plan Policy CC15 – Improvements within the Central Area states that the Council will seek to implement environmental improvements in the City Centre. Contributions towards this will be sought from new development.

24.3 Threshold

24.3.1 Contributions will be sought towards improvement to the public realm within the City Centre from residential development of 10 units or more, and from major non-residential developments.

24.3.2 This will be applied to residential developments in all areas of the City, not just within the City Centre, and will be spent on public realm improvement projects.

24.4 Level of Contribution

24.4.1 City Centre sites will require our traditional open space requirements, however the contributions will be spent on public realm. See paragraph 22.10 Working Examples, for further details.

24.4.2 All other qualifying sites will be required to pay the amounts specified in the Financial Contribution Matrix in Appendix A.

24.4.3 To calculate the level of contribution for public realm improvements the total cost of the public realm strategy has been used. This equates to around £58million. Funding for public realm projects will be available from sources other than planning obligations. It is impossible to predict what those sources might be and how much will be available over the next 10 years. As a guide, to work out the gap funding needed, the spending on public realm projects by the City Council and external sources in 06/07 and 07/08 has been calculated. This figure is £6.1million. If this rate of funding continues in the period to 2017, then over the whole public realm strategy period, £33,550,000 could be expected from these sources. This leaves a gap of £24,450,000, to be funded from elsewhere.

24.4.4 There are some large scale residential developments expected within the City Centre during this period, therefore open space contributions for public realm will be secured from these. It is estimated that the open space contributions will be £2,880,976 therefore the gap funding required is reduced to £21,569,024. Developer contributions will be used to fund part of this gap.

24.4.5 When applied to the number of households projected to be built in the period 2007-2017 the contribution per property would be £1,671. Given the long list of other contributions required through this SPD, this figure is seen as being unrealistic and unachievable. As a result, the contribution per property type has been reduced and is shown in the Financial Contributions Matrix in Appendix A.

24.4.6 Major non-residential developments in the City Centre will also be expected to contribute towards public realm works. The level of contribution from these sites will be determined on a site by site basis.

24.5 Working Example

FINANCIAL CONTRIBUTION:

Development of 82 apartments and 8 townhouses (54 x 1-bed & 28 x 2-bed)

$82 \times £75 = £6,150$

$8 \times £100 = £800$

$£6,150 + £800 = £6,950$

Therefore the total sum due for Public Realm Improvements in the example above would be £6,950

25.0 Public Art

25.1 Introduction

25.1.1 Public Art is an important cultural asset that can enhance and enliven the local environment whilst providing opportunities for social interaction. It includes any art, temporary or permanent, located or visible from a publicly accessible space, which has been created to promote and enhance a sense of identity and reference. It can take a range of forms in public locations such as murals, memorials, sculptures, street furniture and paintings. It can be a stand alone feature on or off site or be an integral part of the fabric of the buildings within the development.

25.2 Local Plan Policies

25.2.1 Policy E27 of the CDLPR (2006) states that the Council will seek contributions towards public art on major development schemes. It encourages the provision to be in line with the 'Percent for Art' scheme, whereby 1% of the development cost is provided for public art.

25.3 Threshold

25.3.1 The threshold for provision of a scheme of public art for residential development is 100 units. For commercial development the threshold is development that provides 1,000 sqm or more floor space.

25.4 Requirement

25.4.1 For development that meets or exceeds the threshold for public art, the developer will be required to implement a Scheme of Public Art to the value of 1% of the development cost. The Council supports the early involvement of artists in the design process which gives a more integrated, creative, cohesive and consequently successful outcome. Therefore the Scheme for Public Art should ideally be integrated into the overall design of the proposed development. The presumption is that the public art will be provided by the developer on-site. In certain circumstances however it may be acceptable to locate the scheme for art close to the development site.

25.4.2 Where the developer has not undertaken a Scheme for Public Art in advance of making their planning application, it will be a requirement that a Scheme for Public Art must be agreed with the Council before development starts. The scheme shall be devised and designed in accordance with a Public Art Statement or such bodies or artists as may be nominated by the Council. The scheme for art must include a programme for implementation of the final artwork(s). In most cases the scheme must be completed before the legal completion of 75% of the residential units or the before first occupation for non-residential developments.

25.5 Public Art Statement

25.5.1 As outlined in our Public Art Strategy, the Council aims to provide public art in accordance with the best practice principles. The Public Art Statement is a document which is prepared by the developer for inclusion within either outline of full planning applications, appended to the Design and Access Statement. The Public Art Statement will primarily contain descriptions of artwork and/or conceptual and material details of artwork that will be realised through collaboration between the appointed artist and the design team. Other information required within the Public Art Statement is detailed in our guidance document.

25.6 Financial contributions

25.6.1 In exceptional circumstances the Council may agree to a financial contribution in lieu of the provision of public art by the developer. In these cases the contribution will be no less than 1% of the development cost. Please refer to the Financial Contributions Matrix in Appendix A for the level of financial contribution required.

25.7 Maintenance

25.7.1 Where public art within development forms part of the open space to be adopted by the Council an additional commuted sum for its maintenance will be required. This commuted sum will need to cover 15 years maintenance of the artwork.

26.0 Community Facilities

26.1 Introduction

26.1.1 Community facilities such as schools, community centres, libraries, sports facilities and health care facilities are vital to ensure communities are prosperous, sustainable, healthy, vibrant and safe.

26.1.2 To create sustainable and successful communities it is essential that all the appropriate community facilities are provided. This is particularly important on large sites where whole new communities are being created. It is also important however, to ensure that the scale of existing facilities keep up with expanding populations through smaller incremental developments.

26.1.3 Thresholds for Community Facility contributions will be linked to catchment areas relating to the specified facility.

26.2 Education

26.2.1 Introduction

26.2.2 Education infrastructure is an integral part of new residential development and is essential in order to achieve sustainable communities.

26.2.3 Derby City Council is the local education authority responsible for education provision in the City of Derby. Developments that are likely to generate an increased demand for school places will need to contribute towards education facilities where they are not sufficient to support the development. This will include contributions and/or the allocation of land to enable schools to be built or extended.

26.2.4 Threshold

26.2.5 The threshold for contributions to education for residential development is 25 dwellings. Contributions will only be sought for these developments where there is no spare capacity in existing local schools. When looking at spare capacity the Council will also take into account other developments where Heads of Terms have been agreed and, for larger sites, information on projected future pupil numbers. Where there is spare capacity to school some of the children generated by a development a pro-rata contribution would be sought.

26.2.6 Primary Schools

26.2.7 On-site Provision

26.2.8 For developments of 750 dwellings or more a primary school will normally be required on-site, subject to spare capacity in local schools. In cases where a school is to be provided on site, the developer will normally be expected to set aside sufficient land and to construct educational facilities to the Council's design and specification and at the developer's own costs.

26.2.9 In certain circumstances the Council may be willing to accept a parcel of land on site which would be used to construct new education facilities together with a financial contribution to assist with construction costs.

26.2.10 Off-site Provision

26.2.11 In cases where a school is to be provided off site, the developer will normally be expected to construct educational facilities to the Council's design and specification and at the developer's own costs. If the land is not in either party's ownership, the developer will be expected to acquire the site for the construction of educational facilities.

26.2.12 Financial contributions

26.2.13 Please refer to the Financial Contributions Matrix in Appendix A for the level of financial contribution required.

26.2.14 The Council will apply the following assumptions for primary pupil numbers generated by development:

- 28 children per 100 houses
- 7 children per 100 flats

26.2.15 The Department for Education and Skills (DfES) publishes localised costs for the provision of school places. For the current primary school child place costs for Derby please refer to the Financial Contributions Matrix in Appendix A.

26.2.16 This formula will be applied where a contribution is required from a site. The figure is updated by the DfES annually in October, therefore the relevant annual figure will be applied.

26.2.17 Where possible, the standard formula will be used to fund school expansions to accommodate pupils from housing developments. However, each individual school site has its own set of circumstances and therefore funding received through the standard formula may not be sufficient to cover expansion costs in all cases. Each site will need to be considered on an individual basis having regard to factors such as site constraints, site abnormalities and scale of the expansion work required to accommodate pupils from the development. In some cases it may be necessary for the Council to indicate that no expansion work can take place on a particular school site or to carry out a feasibility study to establish if necessary expansions are possible and the actual costs of the work.

26.2.18 Secondary schools

26.2.19 On-site provision

26.2.20 The provision of a secondary school on-site would only be required in exceptional circumstances. A more likely requirement could be pooled contributions due to a number of developments planned in an area where a new secondary school would be required. In this case a site might need to be reserved within a development, together with a pro-rata contribution from each development towards its provision. In this case the contribution would be based on the cost of the provision of the new school, rather than the formula outlined below. Each development would pay pro-rata dependant on the number of children it would be generating. For the development that would be providing the land, the value of that land would be taken into account when determining their financial contribution.

26.2.21 Financial contributions

26.2.22 Please refer to the Financial Contributions Matrix in Appendix A for the level of financial contribution required.

The Council will apply the following assumptions for pupil numbers generated by development:

- 20 children per 100 houses
- 0 children per 100 flats

26.2.23 The Department for Education and Skills (DfES) publishes localised costs for the provision of school places. For the current secondary school child place costs for Derby please refer to the Financial Contributions Matrix in Appendix A.

26.2.24 This formula will be applied where a contribution is required from a site. The figure is updated by the DfES annually in October, therefore the relevant annual figure will be applied.

26.2.25 Contributions will be spent on extensions to existing local schools to provide pupil places.

26.2.26 There are some secondary schools within Derby that have difficult site circumstances that mean the formula outlined above would not be sufficient to provide the necessary extensions to school the new children. These sites will be dealt with on a case-by-case basis.

26.2.27 In these cases the cost of the actual extension will be determined and applied pro-rata to the number of children being generated by the development. So, for example if a development was generating 150 secondary school children and the extension would cost £4million, but would house 200 children, the development would pay £3million.

26.2.28 Working Example

FINANCIAL CONTRIBUTION:

Development of 150 houses and 75 flats in an area with no spare capacity.

Primary children generated from houses – $28/100 \times 150 = 42$

Primary children generated from flats – $7/100 \times 75 = 6$ (rounded up from 5.25)

Secondary children generated by houses – $20/100 \times 150 = 30$

Primary contribution – $48 \times £9,646 = £463,008$

Secondary contribution – $30 \times £14,739 = £442,170$

The total sum required for education in the example shown above would be £905,178.

26.3 Community Centres

26.3.1 Introduction

26.3.2 Community centres provide an important focus for local people and contribute to the economic, social and cultural life of neighbourhoods by providing leisure, recreation, education and job training opportunities for a range of groups. Community centres can help to create sustainable neighbourhood centres that contribute to the local economy through provision of affordable space for meetings, training and functions together with workspace for local businesses, organisations and community enterprises. They provide a vital resource for building a cohesive community and as such are important in residential developments.

26.3.3 Local Plan Policies

26.3.4 Local Plan Policy L11 New Community Facilities states:

“Planning permission will be granted for new, extended or multiple use of community facilities, including community halls, places of worship or health care facilities provided that the proposal:

- a. Is well related to the population it is intended to serve;*
- b. Takes proper account in design terms of the character of its location;*
- c. Allows for adequate access and servicing facilities.”*

26.3.5 The Local Plan reinforces the belief that community facilities are very important resources for local people. The Council, therefore, welcomes in principle proposals for such facilities within or near to the community that they are intended to serve.

26.3.6 New community buildings should be designed to be as flexible as possible in order to accommodate a variety of different needs.

26.3.7 Threshold

26.3.8 The threshold for contributions to community centres is 50 dwellings.

26.3.9 Level of Contribution

26.3.10 Contributions will be sought on a cost per dwelling basis for new or improved community centres. This contribution has been calculated based on recent City Council costs for building new community facilities.

26.3.11 For the level of contribution required for qualifying development please see the Financial Contributions Matrix in Appendix A.

26.3.12 On-site Provision

26.3.13 On large residential sites, where a new community centre is required on-site, or where an existing centre is to be extended, there may be the option for the developer to build the facilities themselves, to a design agreed by the Council.

26.3.14 Where a community centre is being built as part of a new development a small contribution will also be required to help promote use of the centre and encourage community cohesion within the new population. This pot will be held by the Council and can be applied for by members of the new community to set up and promote community activities within the community centre. The contribution will be £5,000 per 500 dwellings.

26.3.15 Maintenance

26.3.16 In situations where the developer has provided a new community centre facility, the Council will seek a commuted sum to provide for the maintenance of the facility for an agreed period. In most circumstances this will be 15 years, however there may be situations where a different maintenance period is required.

26.3.17 Financial Contributions

26.3.18 The City Council shall seek financial contributions towards the provision/maintenance/extension of community centre facilities reasonably capable of serving the application site.
Please refer to the Financial Contributions Matrix in Appendix A for the level of financial contribution required.

26.3.19 In certain exceptional circumstances the Council may accept a parcel of land, to enable the extension or construction of community centre facilities, in lieu of a financial contribution.

26.3.20 Working Examples

FINANCIAL CONTRIBUTION:

Development of 80 houses (60 x 3-bed and 20 x 2-bed)

$80 \times 2.5 = 200$

Total assumed population number = 200 people

$200 \times £250 = £50,000$

Therefore the total sum required for Community Centre contributions in the example above would be £50,000

FINANCIAL CONTRIBUTION:

Development of 950 houses and 125 apartments

Community Cohesion Pot levied at £5,000 per 500 dwellings

Total number of dwellings 1,075

$£5,000 \times 2 = £10,000$

Therefore the total sum required for the Community Cohesion Pot would be £10,000

26.4 Libraries

26.4.1 Introduction

26.4.2 Libraries play an important role in local communities, they act as resource points to back up education provision for school children, students and lifelong learners. In addition they help to promote social inclusion by providing access to information to all sections of the community.

26.4.3 Local Plan Policies

26.4.4 Derby City Council as a public library authority has a statutory duty under the Libraries and Museums Act 1964 to provide a comprehensive, efficient and modern library service to those who live, work or study in Derby.

26.4.5 As the library authority, Derby City Council is obliged to meet the Department for Culture Media and Sport (DCMS) public library service standards, which address issues including distance to library facilities, provision of ICT and replenishment of book stock.

26.4.6 Threshold

26.4.7 The threshold for contributions to library facilities is 50 dwellings.

26.4.8 Level of Contribution and Formula

26.4.9 The formula for developer contributions from residential development is based on the South East Public Library Tariff of providing 30sqm per 1,000 population, i.e. 0.030 sqm per person. This figure is due to be adopted as a National Public Library Tariff in July 2007 and is endorsed by DCMS and the International Federation of Libraries.

26.4.10 Contributions will be sought on a cost per person basis for new or improved facilities, the contribution required per person can be found in the Financial Contributions Matrix in Appendix A.

26.4.11 Working with the figure of 30 sqm per 1,000 population a

shortfall in library facility provision has been identified and is outlined in table 6 below.

26.4.12 Table 6: Current Neighbourhood Library Facilities Shortfall

Ward	Population within 1 mile of library	Space required	Current public space
Allestree	17,358	526 sqm	240 sqm
Alvaston	25,881	776 sqm	347 sqm
Blagreaves	26,480	794 sqm	298 sqm
Chaddesden	25,865	776 sqm	103 sqm
Derwent	25,865	776 sqm	60 sqm
Mickleover	17,147	514 sqm	240 sqm
Peartree	47,846	1435 sqm	290 sqm
Sinfin	14,968	449 sqm	406 sqm
Spondon	16,247	487 sqm	120 sqm

26.4.13 Developments within the City Centre will be required to contribute towards the Central Library.

26.4.14 Currently Mackworth, Allenton, Chellaston and Littleover do not have any neighbourhood library facilities. Therefore developments in these areas will be required to make contributions towards new facilities in line with the Financial Contributions Matrix in Appendix A.

26.4.15 Financial Contributions

26.4.16 The City Council shall seek financial contributions towards the provision of new libraries or the extension of existing library facilities where the development is in an area where there is a shortfall in library facilities.

26.4.17 Please refer to the Financial Contributions Matrix in Appendix A for the level of financial contribution required. This contribution has been calculated based on recent City Council costs for building new library facilities.

26.4.18 In certain exceptional circumstances the Council may accept a parcel of land, to enable the extension or construction of library facilities, in lieu of a financial contribution.

26.4.19 Working Example

FINANCIAL CONTRIBUTION:

Development of 50 houses and 12 apartments (10 x 1-bed and 2 x 2-bed)

50 x 2.5 = 125 people

10 x 1-bed = 15 people

2 x 2-bed = 4 people

Total assumed population: 144 people

$144 \times £69 = £9,936$

Therefore the sum required for library contributions in the example shown above would be £9,936.

26.5 Sports Facilities

26.5.1 Introduction

26.5.2 The provision of local sports facilities is essential to the health and well being of the population. Where new development occurs it is vital that sufficient sports provision is made to ensure that new communities are successful and sustainable. Sport England's document 'Active Design' offers guidance on how developments can offer opportunities for communities to be naturally active as part of their daily life, as well as offering information on design of play spaces.

26.5.3 Derbyshire has a lack of facilities suitable for the higher levels of performance sport, and facilities and programming of facilities are considered to be inadequate to support the needs of talented athletes. Current facilities are not capable of staging or supporting major sporting events with much of the supply of local sports provision of a low quality with an urgent need for investment to modernise, improve and expand facilities.

26.5.4 A vision has been established for the county to *"Create a network of high quality community and specialist sports facilities within Derbyshire that will enhance the quality of life of people within existing new communities and visitors."*

26.5.5 In addition there is an Indoor Sports Facility Strategy and Physical Activity Strategy for the city where the vision is for *"The development of a strategically located network of quality, accessible and affordable indoor facilities, providing for local participation needs and aspirations, in a range of sports and physical activity."*

26.5.6 Local Plan Policies

26.5.7 Policy L6 Sports Pitches and Playing fields, states:

"Planning permission will not be granted for development which would involve the loss of land previously or currently used for sports or recreational purposes, including playing fields associated with educational establishments unless:

- a. The facilities now provided can be fully retained or enhanced through the development of only a small part of the site; or*
- b. The alternative provision of another site of the same or better facilities in terms of community benefit is implemented before the commencement of development; or*

- c. *It is demonstrated to the satisfaction of the City Council that the site is not required to be retained for sports or recreational purposes and there is an excess of suitable sports pitch and open space provision in the area."*

26.5.8 Threshold

26.5.9 Contributions towards sports facilities will be required for developments of 50 dwellings or more. They will only be sought where the existing local facilities do not have any spare capacity for the new population.

26.5.10 Level of Contribution

26.5.11 The contributions sought for sports facilities will vary depending on the type of sports provision that is needed. There are three types of sports facilities that will be sought:

- Fitness suites
- Swimming pools
- Sports courts

26.5.12 The Derby Sports Facilities Strategy was commissioned by the Council and carried out by Strategic Leisure in 2005. It looked at all the sports facilities in Derby together with the demand for those facilities. Sport England has produced a tool called the 'Sports Facilities Calculator' that can be used to determine the number of facilities that are needed to meet a populations sport facilities needs.

26.5.13 These two tools used together can pinpoint exact requirements from new developments. Therefore for all residential developments of 50 dwellings or more the Council will be able to calculate whether the existing facilities within the local area can cope with the demand generated by the new development.

26.5.14 The costs of the different types of sports facilities are also shown within Sport England's tool. Therefore using this information, together with assumptions about usage from Sport England, appropriate contribution levels have been calculated and can be found in the Financial Contribution Matrix in Appendix A.

26.5.15 Contributions will be used to extend existing sports facilities or will be pooled to build new facilities.

26.5.16 On-site Provision

26.5.17 In exceptional circumstances the Council may wish to see a parcel of land provided for new sports facilities. This may be in addition to a contribution towards building those facilities.

26.5.18 Working Example

FINANCIAL CONTRIBUTION:

Development of 80 Houses and 24 Apartments (18 x 2-bed and 6 x 1-bed) In an area which is deficient in Fitness Suites and Sports Courts

Total number of dwellings 104

144 dwellings x £169 (Fitness Suites) = £24,336

144 dwellings x £427.53 (Sports Courts) = £35,644.32

£24,336 + £35,644.32 = £59,980.32

Therefore the total sum required for Fitness Suites and Spots Courts in the example show above would be £59,980.32

26.6 Health

26.6.1 Introduction

26.6.2 Derby City Primary Care Trust (PCT) is located within the Southern Derbyshire area, and covers the whole of the Derby City Council and part of the South Derbyshire District Council area. The largest concentrations of population are found within the inner City. Across the Trust there are 35 GP practices with a total of around 280,000 registered patients. All areas within Southern Derbyshire are expected to undergo continued population growth, with the population expected to expand by 10% over the next 20 years

26.6.3 The PCT Strategic Service Development Plan (SSDP), has been developed to support an approach to promoting and maintaining the good health of local neighbourhoods and individuals in line with the Government White Paper "Choosing Health". This plan is intended to address the future needs of local populations including demand for services arising from population growth, the increasing proportion of older people and the need to improve access to services, especially in the more deprived neighbourhoods and communities. The SSDP aims to support choice and plurality by instigating a drive to ensure that services are accessible and equitable, more integrated, provide care closer to patients, are of uniform and higher quality, provide value for money and empower individuals to make choices about their own treatment and care.

26.6.4 New residential developments in the City will place increasing pressure on local health facilities. The health and well being of Derby residents is linked to achieving sustainable communities. This includes access to a wide range of services and facilities across the whole city. It is therefore reasonable for residential developments to contribute to the provision of new health facilities proportionate to the likely increase in population caused by the scheme.

26.6.5 Local Plan Policies

26.6.6 The health and well being of Derby residents is important to achieving sustainable communities. This includes equal access to a wide range of services and facilities across the whole City.

26.6.7 Whilst there is no specific policy for the provision of Healthcare outside of policies LE6 and LE7, concerning Derbyshire Royal Infirmary and City Hospital, Mickleover respectively, this CDLPR chapter expresses support for the development of facilities that improve the health and well being of the City's residents. This objective forms part of the Derby City Partnership's strategy to tackle social exclusion in key neighbourhoods and for key groups in the community.

26.6.8 Threshold

26.6.9 The threshold for contributions to health facilities is 75 dwellings or more. It is anticipated that developments of 74 dwellings and below could be absorbed into existing services.

26.6.10 The requirement for contributions will be linked to spare capacity whereby the City Council will consult the PCT whenever there is qualifying development. If there is sufficient spare capacity in the catchment area then a contribution will not be required.

26.6.11 Level of Contribution and Formula

26.6.12 The following formula shall be used to determine the level for contribution for health facilities:

- The cost per patient for provision of new GP buildings is outlined in the Financial Contributions Matrix in Appendix A.
- The formula for qualifying development will be the assumed population arising from the scheme multiplied by the cost per patient figure in Appendix A.

26.6.13 Contributions will be used to extend existing facilities or pooled to match fund the construction of new facilities

26.6.14 On-site Provision

26.6.15 In certain exceptional circumstances the City Council may, in partnership with the PCT, accept the provision of on site Healthcare facilities in lieu of a financial contribution.

26.6.16 Maintenance

26.6.17 In certain exceptional circumstances when the developer has

provided on site Healthcare facilities, a commuted sum will be payable to cover the costs of building maintenance for an agreed period of time.

26.6.18 Financial Contributions

26.6.19 The City Council shall seek financial contributions towards the provision/maintenance/extension of health facilities reasonably capable of serving the application site. Please refer to the Financial Contributions Matrix in Appendix A for the level of financial contribution required.

26.6.20 In certain exceptional circumstances the Council may accept a parcel of land, to enable the extension or construction of health facilities, in lieu of a financial contribution.

26.6.21 Financial contributions will be ring-fenced to ensure that they are spent within the GP catchment area of the development from which they have been received.

26.6.22 Financial contributions will be held in an account by the City Council for a period of 10 years. The PCT will be able to call upon the funds to be spent on an agreed project at any point in this 10 year period. The PCT will have to contact the City Council to check if there are any Planning Obligation funds available in the catchment area for specific projects. Any funds that remain unspent at the end of this period may be repaid at the developers express request.

26.6.23 Working Example

FINANCIAL CONTRIBUTION:

Development of 50 houses and 12 apartments (10 x 1-bed and 2 x 2-bed)

50 x 2.5 = 125 people

10 x 1-bed = 15 people

2 x 2-bed = 4 people

Total assumed population: 144 people

144 people x £222.85 = £32,090.40

The total sum required for Healthcare in the example shown above would be £32,090.40

27.0 Lifetime Homes

27.1 Introduction

27.1.1 In 1991 the Lifetime Homes concept was developed by a group of housing experts who came together as the Joseph Rowntree Foundation Lifetime Homes Group. Lifetime Homes have sixteen

design features that ensure a new house or flat will meet the needs of most households. This does not mean that every family is surrounded by things that they do not need. The accent is on accessibility and design features that make the home flexible enough to meet whatever comes along in life: a teenager with a broken leg, a family member with serious illness, or parents carrying in heavy shopping and dealing with a pushchair.

27.1.2 Because Lifetime Homes will be suitable for older people (whose numbers are increasing rapidly) and for the vast majority of disabled people, as well as the non-disabled person, they will have a wider market of potential buyers and residents, potentially increasing their value and the ease with which they can be re-sold.

27.1.3 Further information on accessible homes can be found in the Government publication 'Planning and Access for Disabled People – a good practice guide'.

27.2 Local Plan Policies

27.2.1 Policy H12 – Lifetime Homes states that the Council can require 10% of the dwellings in a development to be built to Lifetime Homes standards.

27.3 Threshold

27.3.1 The threshold that the Council will apply for provision of lifetime homes is 10 residential units.

27.3.2 The Council encourages all applications under this threshold to also include lifetime homes.

27.4 Level of Contribution

27.4.1 The level of lifetime homes sought on qualifying development will be 10% of the total number of units.

27.4.2 The units provided must be built to our Lifetime Home Standard, which are based on the Joseph Rowntree Foundations Standards. For further information please see Appendix F.

27.5 On-site Provision

27.5.1 Lifetime Homes are to be provided within the development. If the development consists of apartments and there is no lift provided in the scheme then the lifetime homes must be provided on the ground floor.

27.5.2 The Lifetime Homes units must be evenly distributed across the site, and not placed in one area or adjacent to one another.

27.6 Financial Contributions

27.6.1 Derby City Council will not accept a financial contribution in lieu of onsite provision of lifetime homes.

27.7 Working Example

NON-FINANCIAL CONTRIBUTION:

Development of 50 houses and 12 apartments (10 x 1-bed and 2 x 2-bed)

This development provides 62 residential units of which 10% must be built to Lifetime Homes Standard.

This equates to 6 units.

These can be provided as either 6 apartments on the ground floor of the apartment block or 6 houses.

28.0 Employment Facilities

28.1 Introduction

28.1.1 Development will create a need for skilled employees who may not be available in the local area, contributions are therefore needed for training and employing local people.

28.1.2 Workstation is a Derby City Partnership project, which is led by the Council, in conjunction with Jobcentre Plus and Derbyshire Learning & Skills Council. It was originally set up in 2006 through a Planning Obligations Agreement with Westfield. Its aim is to identify development opportunities across the City and work with key agencies to ensure appropriate training is in place so that there is a pool of skilled labour available when these developments advertise their vacancies.

28.1.3 Businesses will benefit from this service as it helps to ease recruitment difficulties that are often experienced by local businesses.

28.1.4 Contributions will be sought from non-residential or mixed-use developments that will benefit from this service.

28.2 Local Plan Policies

28.2.1 The key planning objectives within the Local Plan Review highlight the importance of promoting the economic and social regeneration of the urban area, as well as social inclusion. Targeted recruitment can help to achieve this. The Learning and Health policies state that developing a quality, skilled and productive workforce in the City is a high priority.

28.3 Threshold

28.3.1 For commercial, retail and leisure development the threshold for financial contributions towards Workstation is any development which provides 25 or more new employees.

28.3.2 Where a company has in excess of 25 employees and the company is relocating from within Derby and retaining its workforce no contribution will be required. If however more than 25 new staff are required as a result of the move then contributions will be sought.

28.4 Level of Contribution

28.4.1 For the commercial, retail and leisure schemes that cross the threshold a formula has been designed. A standard cost per square metre has been calculated based on the costs incurred by Westfield for Workstation.

28.4.2 The cost for every person employed through Workstation is £680.26. Based on the number of Westfield employees found through Workstation and the size of the development, the cost for Workstation is £4.00 per sqm.

28.5 Working Example

FINANCIAL CONTRIBUTION:

Development of 3,000 sqm of office, employing 120 people

$3,000\text{sqm} \times £4.00 = £12,000$

Therefore the total sum required for employment in the example shown above would be £12,000.

29.0 Natural and Built Environment

29.1 Natural Environment

29.1.1 In certain circumstances the Council may seek contributions towards the conservation of the natural environment and natural habitats. These may involve costs of mitigation for damage done or enhancement, including management of schemes which are outside the application site. These contributions will be negotiated on a case-by-case basis.

29.2 Resource Efficiency Climate Change and Environmental Sustainability including drainage and flood protection.

- 29.2.1 As part of its commitments to mitigating climate change and the prudent use of natural resources, the Council promotes the development of energy and resource efficient buildings. It is important not only to minimise their running costs to the occupier but also to create sustainable buildings and reduce emissions.
- 29.2.2 Planning obligations may be negotiated to cover matters such as decentralised energy supply systems based on renewable or low carbon energy or matters internal to the dwelling such as types of heating or other appliances, fittings or systems which minimise energy and water use and which allow for their ongoing maintenance.
- 29.2.3 Planning obligations may also be sought, where appropriate, for the provision of, and maintenance of, suitable surface water drainage systems, especially those using sustainable drainage principles which may have off site implications.
- 29.2.4 Flood protection works, especially those required to ensure a development is not at risk from flooding or to protect other areas from flooding as a result of the development, may be required on appropriate sites.
- 29.2.5 All these matters would all have to be negotiated on an individual, site by site basis.

29.3 Built Heritage

- 29.3.1 In the majority of cases, requirements associated with built heritage matters can be dealt with by negotiation or condition. However on rare occasions it may be necessary to include these issues within the S106 Agreement. This will be in situations where new development is allowed only, or largely, to fund works to a heritage building, feature or area or to fund archaeological works. In such cases a planning obligation may be negotiated to tie the development to the funding of the heritage works.

29.4 Waste Management and recycling

- 29.4.1 In line with Government targets and the Derby and Derbyshire Waste Management Strategy, the City Council are committed to minimising waste so that more is reused and recycled. In certain circumstances this may mean that facilities have to be provided away from the application site to further these aims.
- 29.4.2 These are most likely to be in the form of recycling facilities, where these are required. Therefore, if existing recycling facilities are not available within 400 m of proposals for superstores, large scale leisure or residential developments, the City Council will seek suitable provision on-site or negotiate a financial contribution for suitable provision off-site.

29.5 Community Safety

29.5.1 In most cases, matters associated with community safety can be dealt with in negotiations or by condition. In some circumstances, requirements to ensure area safety, for instance for CCTV provision, may have to be provided outside the application site. In such circumstances, planning obligations will be sought to cover capital and maintenance matters on a case by case basis.

Appendices

Appendix A

Financial Contribution Matrix

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Table 7: Residential Development Contributions

	10 Units	15 Units	25 Units	50 Units	75 Units	100 Units
Highways & Transportation	✓	✓	✓	✓	✓	✓
Affordable Housing	X	✓	✓	✓	✓	✓
Lifetime Homes	✓	✓	✓	✓	✓	✓
Incidental Public Open Space	✓	✓	✓	✓	✓	✓
Major Public Open Space	X	✓	✓	✓	✓	✓
Public Realm	✓	✓	✓	✓	✓	✓
Public Art	X	X	X	X	X	✓
Education	X	X	✓	✓	✓	✓
Community Centres	X	X	X	✓	✓	✓

Libraries	X	X	X	✓	✓	✓
Sports Facilities	X	X	X	✓	✓	✓
Health	X	X	X	✓	✓	✓

Highways and Transportation

- Any works that are required by the Transport Assessment will need to be secured.
- Reference should be made to the Local Transport Plan Corridors Location Plan in Appendix E, and the transport corridor table below:

Corridor	Housing	Flats	Food Retail	Non-Food Retail	Office B1	Industrial B2	Warehouse B8
A61 Sir Frank Whittle Road	£960	£360	£9,000	£1,200	£1,000	£580	£230
A6 London Road	£1,000	£390	£9,500	£1,300	£1,200	£620	£240
A514 Osmaston road	£1,100	£410	£10,000	£1,400	£1,200	£650	£260
A6 Duffield Road & Kedleston Road	£1,100	£430	£11,000	£1,600	£1,200	£730	£290
A52 Nottingham Road	£1,200	£460	£11,000	£1,600	£1,200	£730	£290
A516 Uttoxeter Road/Burton Road	£1,300	£480	£12,000	£1,600	£1,200	£760	£300
A52 Ashbourne Road	£1,300	£500	£12,000	£1,700	£1,200	£800	£320
Stenson Road	£1,400	£550	£13,000	£1,900	£1,500	£870	£340

Affordable Housing

- 30% of total number of dwellings of which 80% will be affordable housing for rent and 20% affordable housing for shared ownership

Lifetime Homes

- 10% of total number of units
- Built to the City Council's Lifetime Homes Standards

Incidental Public Open Space

- Where adequate provision cannot be met on site a financial contribution will be sought at £405,000 per hectare
- For on-site provision, annual maintenance costs for public open space will be sought at £1.57 per sqm
- For on-site provision, 30 year commuted maintenance sums for public open space will be sought at £22 per sqm

Major Public Open Space

- Financial contribution at £332,000 per hectare
- For on-site provision, annual maintenance costs for public open space will be sought at £0.73 per sqm
- For on-site provision, 30 year commuted maintenance sums for public open space will be sought at £22 per sqm

Maintenance of Play Areas

- £12.50 per sqm annual maintenance costs for a toddlers area (LEAP)
- £15 per sqm annual maintenance costs for a junior area
- Sums include all the routine inspection and repair costs

Public Realm

- £100 per house of any size
- £75 per flat of any size

Public Art

- Scheme of public art up to the value of 1% of the total development costs

Education

- £9,646 per primary school place generated by the development
- £14,739 per secondary school place generated by the development

Community Centres

- £250 per person, therefore;
 - 1-Bed flat = £375
 - 2-Bed flat = £500
 - 3-Bed flat or 1-4-Bed house = £625
 - 5-Bed house = £750

Community Cohesion Pot

- £5,000 per 500 dwellings.

Libraries

- £69 per person, therefore;
 - 1-Bed flat = £103.50
 - 2-Bed flat = £138
 - 3-Bed flat or 1-4-Bed house = £172.50
 - 5-Bed house = £207

Sports Facilities

- Fitness Suites - £169 per dwelling
- Swimming Pools - £224.04 per dwelling
- Sports Courts - £427.53 per dwelling

Health

- £222.85 per person, therefore;
 - 1-Bed flat = £334.28

- 2-Bed flat = £445.70
- 3-Bed flat or 1-4-Bed house = £557.13
- 5-Bed house = £668.55

Table 8: Commercial Development Contributions

	1,000 sqm	2,500 sqm	5,000 sqm	10,000 sqm	25,000 sqm	50,000 sqm
Highways & Transportation	✓	✓	✓	✓	✓	✓
Public Art	✓	✓	✓	✓	✓	✓
Employment Initiatives	25 or more new employees	25 or more new employees	25 or more new employees	25 or more new employees	25 or more new employees	25 or more new employees

Highways and Transportation

- Any works that are required by the Transport Assessment will need to be secured.
- The following thresholds for developments will be applied:
 - A1 - Food Retail/Non Food Retail - 1,000 sqm or more floor space
 - B1 – Including Offices – 2,500 sqm or more floor space
 - Cinemas and Conference facilities – 1,000 sqm or more floor space
 - D2 – Including Leisure – 1,000 sqm or more floor space
 - Hospitals – 2,500 sqm or more floorspace
 - Higher & Further Education 2,500 sqm or more floorspace
 - Stadia – 1,500 or more seats
 - This list should not be considered to be totally inclusive and there may be other types of development that will need to be considered on a case by case basis
- Reference should also be made to the transport corridor table below:

Corridor	Housing	Flats	Food Retail	Non-Food Retail	Office B1	Industrial B2	Warehouse B8
A61 Sir Frank Whittle Road	£960	£360	£9,000	£1,200	£1,000	£580	£230
A6 London Road	£1,000	£390	£9,500	£1,300	£1,200	£620	£240
A514 Osmaston road	£1,100	£410	£10,000	£1,400	£1,200	£650	£260
A6 Duffield Road & Kedleston Road	£1,100	£430	£11,000	£1,600	£1,200	£730	£290
A52 Nottingham Road	£1,200	£460	£11,000	£1,600	£1,200	£730	£290
A516 Uttoxeter	£1,300	£480	£12,000	£1,600	£1,200	£760	£300

Road/Burton Road							
A52 Ashbourne Road	£1,300	£500	£12,000	£1,700	£1,200	£800	£320
Stenson Road	£1,400	£550	£13,000	£1,900	£1,500	£870	£340

Public Art

- A scheme for art that will be to the value of 1% of the total development costs.

Employment Initiatives

- £4.00 per square metre on commercial development that generates 25 or more new employees



MAJOR PLANNING APPLICATIONS AND LEGAL AGREEMENTS

5 THE CHARTER

Major planning applications have a significant impact upon Derby's environment and prosperity. The Charter recognises that quick but good quality decisions demand a two-way process. If you provide all the necessary information you are entitled to expect a prompt, efficient and transparent response. That is the basis of the Charter. Both you and the Council can then ensure that appropriate resources are applied in order to speed up development proposals in line with our planning policies. It is a partnership that we hope you will commit to.

If you intend to submit such a major planning application then we will offer the following commitments to help bring forward your visions.

Our commitment

- we will give priority to your application
- nominate a Case Officer to act as a single point of contact for the case in progress
- we will aim to determine your application within 13 weeks of registration
- if we are likely to require a legal agreement to determine the application we will tell you
- if a legal agreement is required we will:
 1. Agree detailed Heads of Terms and then register the application.
 2. As quickly as possible issue a draft agreement, progress the agreement and complete it, all within 13 weeks of registration.
- we will aim to take the completed agreement with the planning application to Committee within 13 weeks of registration.

Developers Commitment

- you will submit all the necessary information with the planning application including a 'design statement'. It will assist the consultation process if your application were accompanied with all of its documents on a CD.
- if told a legal agreement is required, before the application is registered you will:
 1. Agree the detailed Heads of Terms with the Council.
 2. Provide evidence of title on the application site.
 3. Provide your Solicitors details.
- you will progress the agreement as quickly as possible and aim to complete it within 13 weeks. However, should you fail to meet this deadline, priority will be withdrawn and consideration will be given to refusal.

Definitions

Major Applications:	Residential - 10 or more dwellings or on a site area of 0.5 hectares or more. Other Proposals - 1,000 square metres floor space or a site area of one hectare or more.
Heads of Terms:	Broad principles of the context of the legal agreement.
When is a legal agreement needed:	Every major residential application - this may include public open space, education, affordable housing and highway contributions. Other major applications based on current need.

Appendix C

Affordable Housing Maximum Transfer Price Guide

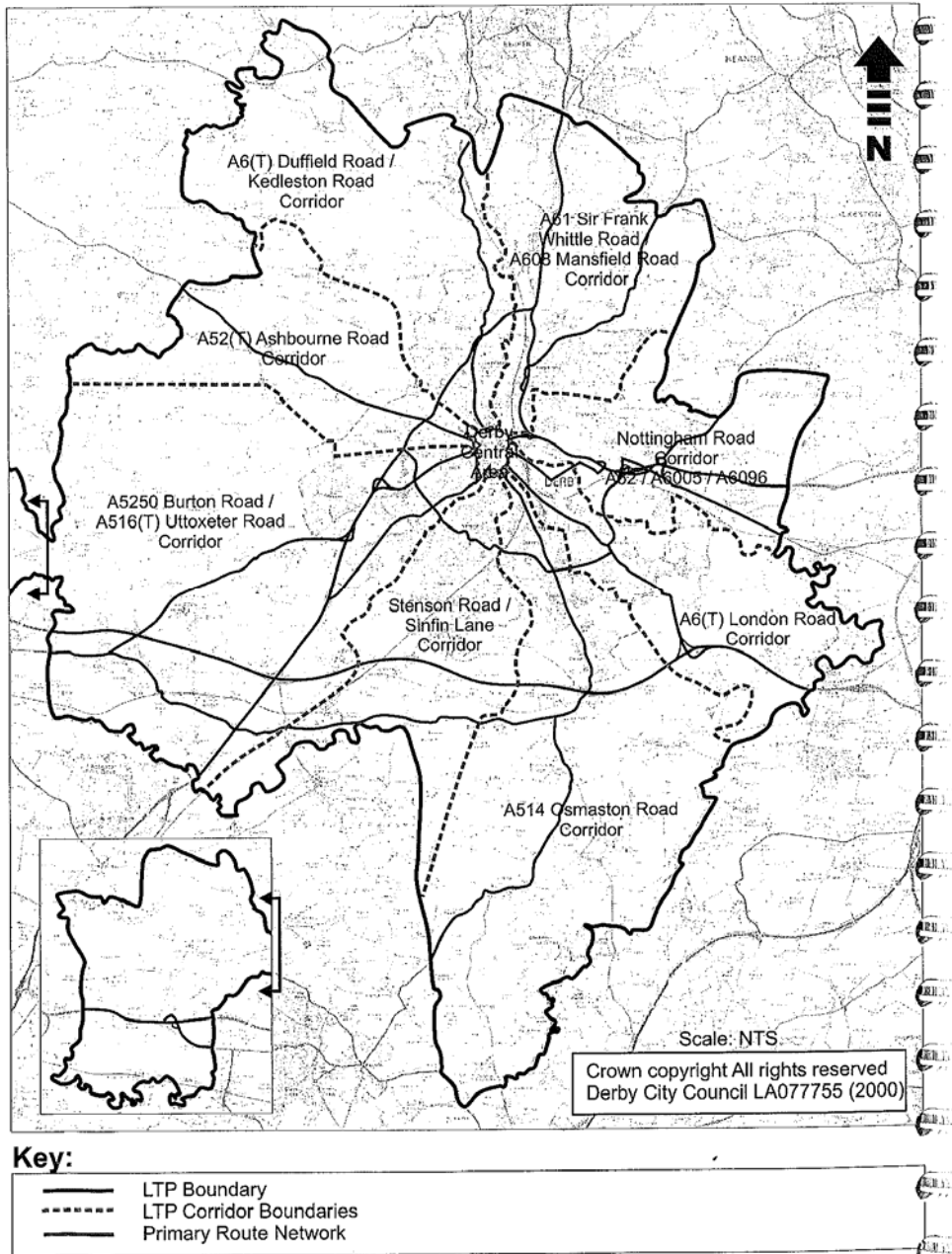
Table 9: Maximum Transfer Price Guide

Property Type	Minimum gross Internal floor Floor area (sqm)	Social rented	NBHB (New build Homebuy)
1-bed 2 person flat	46	£45,000	Max of 70% OMV
2-bed 3 person flat	56	£52,500	Max of 70% OMV
2-bed 3 person bungalow	56	£55,000	Max of 70% OMV
2-bed 4 person bungalow	66	£57,000	Max of 70% OMV
2-bed 4 person house	73	£57,000	Max of 70% OMV
3-bed 5 person house	86	£64,000	Max of 70% OMV
4-bed 7/8 person house	110	£73,000	Max of 70% OMV

Appendix D

Local Transport Plan Corridors

Figure 3.2: Local Transport Plan Corridors



Appendix E

Lifetime Homes Standards

Lifetime Homes Standards	Specifications and dimensions which meet Lifetime Homes Standards
1. Where there is car parking adjacent to the home, it should be capable of enlargement to attain 3300mm width.	The general provision for a car parking space is 2400mm width. If an additional 900mm width is not provided at the outset, there must be provision (e.g. a grass verge) for enlarging the overall width to 3300mm at a later date.
2. The distance from the car parking space to the home should be kept to a minimum and should be level or gently sloping.	It is preferable to have a level approach. However, where the topography prevents this, a maximum gradient of 1:12 is permissible on an individual slope of less than 5 metres or 1:15 if it is between 5 and 10m, and 1:20 where it is more than 10m. Paths should be a minimum of 900mm width.
3. The approach to all entrances should be level or gently sloping.	See standard 2 above for the definition of gently sloping.
4. All entrances should: a) Be illuminated b) Have level access over the threshold and; c) Have a covered main entrance.	The threshold upstand should not exceed 15mm.
5. a) Communal stairs should provide easy access and; b) where homes are reached by a lift, it should be fully wheelchair accessible.	<p><i>Minimum dimensions for communal stairs</i></p> <p>Uniform rise not more than 170mm Uniform going not less than 250mm Handrails extend 300mm beyond top and bottom step Handrail height 900mm from each nosing</p> <p><i>Minimum dimensions for lifts</i></p> <p>Clear landing entrances 1500x1500mm Min. internal dimensions 1100x1400mm Lift controls between 900 and 1200mm from the floor and 400mm from the lift's internal front wall.</p>
6. The width of the doorways and hallways should conform to the	Doorway clear Corridor/ Opening width passageway

specifications in the next column.	(mm)	width (mm)
	750 or wider	900 (when approach is head on)
	750	1200 (when approach is head on)
	775	1050 (when approach is head on)
	900	900 (when approach is head on)
	The clear opening width of the front door should be 800mm. There should be 300mm to the side of the leading edge of doors on the entrance level.	
7. There should be space for turning a wheelchair in dining areas and living rooms and adequate circulation space for wheelchair users elsewhere.	A turning circle of 1,500mm diameter or a 1700x1400mm ellipse is required.	
8. The living room should be at entrance level.		
9. In houses of two or more storeys, there should be space on the entrance level that could be used as a convenient bed-space.		
10. There should be: a) A wheelchair accessible entrance level WC with b) Drainage provision enabling a shower to be fitted in the future	<p>The drainage provision for a future shower should be provided in all dwellings.</p> <p><i>Dwellings of three or more bedrooms</i> For dwellings with three or more bedrooms, or on one level, the WC must be fully accessible. A wheelchair user should be able to close the door from the closet and achieve side transfer from a wheelchair to at least one side of the WC.</p> <p>There must be at least 1100mm clear space from the front of the WC bowl. The shower provision must be within</p>	

	<p>the closet or adjacent to the closet (the WC could be an integral part of the bathroom in a flat or bungalow)</p> <p><i>Dwellings of two or fewer bedrooms</i> In small two-bedroom dwellings where the design has failed to achieve this fully accessible WC, the Part M standard WC will meet this standard.</p>
11. Walls in bathrooms and toilets should be capable of taking adaptations such as handrails.	Wall reinforcements should be located between 300 and 1500mm from the floor.
12. The design should incorporate: a) Provision for a future stair lift b) A suitably identified space for a through-the-floor lift from the ground to the first floor, for example to a bedroom next to a bathroom.	There must be a minimum of 900mm clear distance between the stair wall (on which the lift would normally be located) and the edge of the opposite handrail/balustrade. Unobstructed 'landing' are needed at top and bottom of stairs.
13. The design should provide for a reasonable route for a potential hoist from a main bedroom to the bathroom.	Most timber trusses today are capable of taking a hoist and tracking. Technological advances in hoist design mean that a straight run is no longer a requirement.
14. The bathroom should be designed to incorporate ease of access to the bath, WC and washbasin.	Although there is not a requirement for a turning circle in bathrooms, sufficient space should be provided so that a wheelchair user could use the bathroom.