

# CIL Compliance Statement

**4-6 Manor Road, Teddington, TW11 8BG**

**Council references: Appeal A (16/2352/FUL)**

 **Appeal B (18/4156/FUL)**

**Appeal references: Appeal A (APP/L5810/W/19/3242694)**

 **Appeal B (APP/L5810/W/19/3242696)**

Appeal by: PowerHaus Consultancy

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8. **Introduction**

1.1 This document relates to the CIL and Planning Obligations sought in relation to the proposed developments in the event of either/ both of the appeals being allowed. This statement is provided without prejudice to the Council’s case to have the appeals dismissed.

1. **Relevant Legislation and Policies**

2.1Regulation 122 of the Community Infrastructure Levy Regulations 2010, as amended, sets out the tests for the use of planning obligations. Obligations should only be sought when they meet the following tests and the obligations are:

a) Necessary to make the development acceptable in planning terms;

b) Directly related to the development, and;

c) Fairly and reasonably related in scale and kind to the development.

This is echoed by the revised NPPF.

2.2 Policy LP 36 of the Local Plan states that the Council will seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes. It further states that the developer will be required to underwrite the costs of a Council commissioned economic viability assessment. The Council will rigorously evaluate such appraisals and consider whether it is necessary to secure provision for re-appraising the viability of a scheme prior to implementation to secure contingent obligations.

2.3 Policy LP 45 of the Local Plan seeks for new development to make provision for the accommodation of vehicles in order to provide for the needs of the development while minimising the impact of car based travel including on the operation of the road network and local environment, and ensuring making the best use of land. In areas controlled by a Community Parking Zone, occupiers of new residential developments may not be eligible for resident or visitor on-street parking permits where existing levels of on-street parking are very high.

2.4 Policy LP 22 of the Local Plan requires that all new major residential developments (10 units or more) should achieve zero carbon standards in line with London Plan policy. A zero-carbon home is one where at least 35% of regulated CO2 emissions reductions are achieved on-site, with the remaining emissions (up to 100%) to be offset through a contribution into the Council's Carbon Offset Fund. The Council has adopted the London Plan price of carbon which is £95 per

tonne x 30 years equalling £2,850 per tonne of carbon.

2.5 Policy LP 21 of the Local Plan seeks to avoid, or minimise all sources of flooding, including fluvial, tidal, surface water, groundwater and flooding from sewers, taking account of climate change and without increasing flood risk elsewhere. Flood resilient and resistant measures should be incorporated into the design of development proposals in any area susceptible to flooding to minimise and manage the risk of flooding.

1. **CIL Requirements**

3.1 The below estimates are based on the assumption that this development is situated in the Residential (lower) band, outside Richmond Town Centre and lawful use has been given for both existing buildings.

These amounts are estimates. The actual amount of CIL can only be confirmed once all relevant details are approved and the chargeable development achieves the date that planning permission first permits the development to commence (as defined in Regulation 8 of the CIL Regulations 2010, as amended).

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| CIL Development Type | **16/2352/FUL (APP/L5810/W/19/3242694)** | **18/4156/FUL (APP/L5810/W/19/3242696)** |
| Borough CIL | £112,764.76 | £150,610.14 |
| Mayoral CIL | £376,511.63 | £502,874.03 |

3.2 Funding from CIL is considered as part of the overall capital programme agreed annually by the Council Cabinet and would be spent in line with Council priorities in compliance with the Planning Act 2008 and CIL Regulations 2010 (as amended).

3.3 The list published in paragraph 10, 11 and 12 of the MCIL 2 charging schedule comprises only the scheduled works within the Crossrail Act 2008.

**4.0 Affordable Housing Obligation**

4.1 In line with Policy LP 36, viability assessments were submitted for both schemes and were independently assessed. Appeal A was considered not viable and could not provide additional S. 106/ affordable housing contributions; Appeal B was considered marginally un-viable and at this time could not provide additional S. 106/affordable housing contributions.

4.2 In the event of either appeal being allowed there is a Local Plan policy requirement for affordable housing provision. In line with para. 2.2 above, the provision of such a sum may need to be subject to viability considerations and future review. It is therefore considered necessary for the appellant to enter into a legal agreement under S106 of the Town and Country Planning Act 1990 to undertake a viability review prior to substantial implementation.

**5.0 Transport Obligation**

5.1 In order to comply with the mitigation requirements referred to in policy LP 45 and mentioned in para 2.3 above, the Council considers that it will be necessary for the appellant to enter into a legal agreement under S106 of the Town and Country Planning Act 1990 which precludes any occupants of the site, with the exception of disabled motorists, from obtaining vehicular parking permits within any CPZ within the Borough, and any that might be implemented in the future in accordance with Para. 108C of the NPPF.

5.2 These are site specific mitigations relating the specific consequences of the proposed development of the type considered to be legitimate by para 56 of the NPPF.

**6.0 Sustainability Mitigation Obligation**

6.1 In order to comply with the sustainability requirements of policy LP 22 referred to in para 2.4 above, an appropriate contribution needs to be made to the offset fund. To reach the zero

carbon homes target the payment would be based on (Appeal A) 3.55 tonnes CO2 x £95 x 30

years = approx. £10,117.50; (Appeal B) 5.61 tonnes CO2 x £95 x 30 years = approx. £15,988.50. As Built calculations will be required to confirm the final payment amount required. This would need to be secured by a Section 106 agreement.

6.2 This is a site-specific mitigation relating to the consequences of the proposed development of the type considered to be legitimate by para 56 of the NPPF.

**7.0 Flood Mitigation Obligation**

7.1 In order to comply with the mitigation requirements of Policy LP 21 as referred to in para. 2.5 above, a Voids Risk Management Plan would need be secured by a Section 106 agreement to mitigate against the risk of flooding.