



**COLCHESTER BOROUGH COUNCIL
SUPPLEMENTARY PLANNING DOCUMENT
PROVISION OF COMMUNITY FACILITIES**



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PROVISION OF COMMUNITY FACILITIES SPD

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1. Introduction

S106 Agreements

1.1 What are Section 106 agreements? Section 106 (S106) Agreements are legal agreements between Local Authorities and developers which are linked to a planning permission. These are also known as planning gain, planning benefits, community benefits or planning obligations. S106 legal agreements are associated with a particular development and as they are a legal charge on the land, they transfer automatically with any change in ownership.

The purpose of this Supplementary Planning Document (SPD) is to:

- highlight the importance of community facilities to the well-being of residents and as a mechanism for building community cohesion;
- ensure adequate provision of community facilities to satisfy the needs of local communities and the borough as a whole;
- inform developers and other interested parties about what the Council will expect regarding contributions to community facilities within the Borough of Colchester.

1.2 This SPD expands upon the Council's existing and emerging planning policy on the provision of appropriate infrastructure requirements contained within saved Local Plan policies and the Local Development Framework.

2. Status of the Document

2.1 This SPD will be a material consideration in the determination of all planning applications for residential developments including applications for renewal of consents. The requirements of the original SPD came into effect in September 2008 when the document was adopted and planning applications received by the Council after 28th September 2009 were subject to its provisions.

2.2 The Council consulted on the draft document between 1 – 29 May 2009, in accordance with Government guidance in the Town and Country Planning (Local Development) (England) Regulations 2004, Regulation 18, and the Council's Statement of Community Involvement. This final adopted version reflected consultation responses and also the conclusions of the Sustainability Appraisal which accompanied it and set out the framework for testing the document's effect upon social, environmental and economic factors. A Statement of Consultation was produced alongside the adopted version of the SPD which summarised all the comments received.

The Provision of Community Facilities SPD has now been revised to highlight changes introduced by the new National Planning Policy Framework and to bring SPD charges up to date as shown in section 5 and paragraph 9.2.1 respectively.



Oak Tree Community Hall St Anne's Colchester in 2011.

3. What is a community facility?

3.1 For the purposes of this SPD a community facility is defined as a building or space where community led activities for community benefit are the primary use and the facility is managed, occupied or used primarily by the voluntary and community sector. Community facilities can be located in a wide range of venues. These can include purpose-built structures such as community centres and village halls, as well as adapted venues, including: historic listed buildings, converted houses, flats, shops, scout huts and rooms or halls attached to faith buildings.

3.2 An enormous diversity of activities can take place within community facilities including parent and toddler groups, IT training, bingo and dance, to name only a few. The benefits that accrue from these activities come in promoting health and welfare, education and training and helping to reduce anti social behaviour. Some community buildings provide only one type of activity while others provide as diverse a range as possible in response to the needs of the communities they serve. Some community facilities will serve the local area in which they are located and others are of borough wide importance. These include facilities such as the SOS / Community Bus, the Colchester Community Voluntary Services and the Activity Centres (see Appendix 1 for more examples).

3.3 Community facilities should be easily accessible, both by those with impaired mobility and also by a range of transport.

4. Why are community facilities important?

4.1 Community facilities are a key factor in the development of sustainable communities, as set out in the Core Strategy. Two of the fundamental components of a sustainable community are:

- ensuring a community is well served with public, private, community and voluntary services that are appropriate to people's needs and accessible to all;
- fair, tolerant and cohesive with a strong local culture and other shared community activities;¹

4.2 They are important for the communities they serve because they enable volunteering, the establishment of community groups and are the means by which local residents can be genuinely empowered. For example a community centre can host: residents meetings, pre-school groups, toddler groups, adult education classes, social gatherings and services that address a range of social needs. Providing these facilities at a local level, in convenient locations, increases their accessibility for users and reduces the need to travel. These facilities further raise quality of life through creating community cohesion, reducing isolation, reducing fear of crime and creating opportunities for information sharing and participation in community activity.

4.3 It is in the community's interest that we protect, improve and upgrade the existing community facilities and provide additional facilities in areas where there are not enough. This will ensure there is a range of community facilities available across the Borough. In the interests of sustainability and cost efficiency, it may be appropriate to re-use unoccupied existing buildings or increase usage out-of-hours of buildings used only during certain times.

4.4 When new residential development occurs consideration needs to be given to the capacity of existing facilities and any impact this development will have on existing provision.

5. National Planning Guidance

5.1 National policy on planning obligations and standard charges continues to evolve. The general principle of planning obligations is set by Section 106 of the Town and Country Planning Act 1990 (as amended). This provides that legal agreements can be linked to planning permissions to secure various purposes such as restricting the use of land or requiring specific operations for which a contribution is paid to the local authority. The 1990 Act was supplemented by Circular 05/2005 which encouraged the use of formula and standard charges where appropriate to provide an efficient and accountable system. Circular 05/2005 became obsolete with the introduction of the National Planning Policy Framework which became effective on the 27 March 2012. Paragraph 204 of the NPPF states that planning obligations should only be sought where they meet all of the following tests:

¹ HM Government, Sustainable Communities: People, Places and Prosperity, Appendix 1, Jan 2005, Cm6425

- Necessary to make the development acceptable in planning terms
- Directly relate to the development; and
- Fairly and reasonably relate in scale and kind to the development.

5.2 Section 46 of the Planning and Compulsory Purchase Act 2004 provides for the levying of planning contributions. Additionally, The Planning Act 2008 (Part 11) provides the enabling powers for local authorities to apply a Community Infrastructure Levy (CIL) to support infrastructure delivery in an area. Draft regulations for a Community Infrastructure Levy were first published in June 2009 however these were subsequently altered by the Community Infrastructure Levy Regulations 2010 as amended by the Community Infrastructure Levy (Amendment) Regulations 2011.

5.3 Colchester Borough Council started work on their CIL in 2010 and released the Community Infrastructure Levy Preliminary Draft Charging Schedule for consultation during July – September in 2011. This was followed by a second public consultation during November – December 2011. National guidance on CIL is still evolving and the adoption of a CIL in Colchester is being kept under review in light of changes at the national level. Changes to CIL guidance may require further changes to Local Plan policies and revisions to this SPD and related guidance in the future once CIL is operational across the Borough.

5.4 If the Council introduce a CIL charging schedule, this will eventually replace Section 106 contributions to help fund strategic community infrastructure projects, however Section 106 will still be used for site specific measures that are required to make a development acceptable (such as open space) as well as for affordable housing provision.

6. Local Planning Guidance

6.1 Recent developments in Colchester have been guided by the Local Development Framework (now known as the Local Plan), beginning with the strategic policies contained in the Core Strategy. Policy SD2 of Colchester's Core Strategy provides that new development will be required to provide the necessary community facilities to meet the community needs arising from the proposal (in addition to other facilities that are necessary to deliver sustainable developments, such as public open space, transport infrastructure and affordable housing). Table SD3 in the Core Strategy outlines the strategic level community facilities that will be needed up to 2021, including the community facilities required for areas planned for growth. Local community facilities will also be required in accordance with Policy SD3 in the Core Strategy and Policy DP4 in the Development Policies DPD. These policies carried full weight until March 2013. In response to the introduction of the National Planning Policy Framework, since December 2012, the Council has been undertaking a Focused Review of Colchester's Local Plan. As part of this process minor changes to a number of Core Strategy and Development Policies are being proposed along with new policies to address inconsistencies with the NPPF where these have been identified. The Focused Review of the Local Plan is scheduled for examination in March 2014 and following adoption in July 2014, the Council will commence work on its new Local Plan.

6.2 The current approach to ensure that new development delivers appropriate sustainable communities is set out within a number of Supplementary Planning Documents (SPD) as illustrated in Table 1 below:

Table 1: Current adopted Policy Guidance on Planning Obligations

Topic:	Source of Guidance:	Website address:
Community Facilities	This SPD adopted Sept 2009	www.colchester.gov.uk/ldf
Public Open Space, Sports and Recreation	SPD adopted July 2006	www.colchester.gov.uk/ldf
Affordable Housing	SPG adopted March 2004 Revised SPD adopted August 2011	www.colchester.gov.uk/ldf

6.3 It is expected that consolidated guidance on planning obligations and charges will be provided in line with Policy DP3 in the Development Policies DPD, once national policy in this area is finalised. This may trigger a further revision of this SPD.

7. How is a community facility need identified?

7.1 There are a variety of ways with which the Council identifies community facility need. These include: needs assessments, regular consultation with key community groups in the area, community led/parish plans and audits of existing facilities.

7.2 Policy direction in the Local Development Framework is informed by the Council’s evidence base on community needs. For instance, we know what particular areas have high levels of deprivation and what kinds of facilities are required in order to deliver specific services locally to address them.

7.3 The Council has undertaken a [Community Facilities Audit \(2008\)](#) which provides a catalogue of community facilities in each ward and information on usage of those facilities. The Audit will be regularly updated with input from local community representatives including: local councillors, parish councillors, members of Neighbourhood Action Panels, local community and voluntary sector groups.

8. Contributions

8.1 When is a contribution required?

8.1 The Council’s approach is that all residential development that creates new units of accommodation should contribute towards the provision of community facilities. Unless the size of the development is large enough to warrant a new community facility on site, the Council will seek a financial contribution based upon the size of the development proposed.

8.2 What contribution charge is expected?

8.2.1 The financial contribution expected will be based on the number of new dwellings proposed and the size of each dwelling expressed by the number of bedrooms. The Council has adopted a simple formulaic approach to the calculation of this contribution, which reflects the average build costs for new community centres currently is £1448 per square metre, (provided by BCIS technical indices).The standard community floorspace to be provided by each new dwelling (0.75 square metres), and household size (expressed as the number of bedrooms). The census 2011 indicated that the average number of persons per household in Colchester Borough was 2.33 persons. The financial contribution per dwelling is therefore £1448 x 0.75 = £1086, and the average contribution per person is therefore £1086 divided by 2.42 = £466.09. In order that the amount of contribution reflects the size of the dwelling, the contribution sought from each dwelling for the provision of community facilities will be £466.09 multiplied by the number of bedrooms, as shown below:

Studios & 1 bedroom dwelling	£466.09
2 bedroom dwelling	£932.18
3 bedroom dwelling	£1398.27
4 bedroom dwelling	£1864.36
5 bedroom dwelling	£2330.45
6 bedroom dwelling	£2796.54

Worked Example: For a 6 unit development consisting of 3 nos. 2-bedroom dwellings and 3 nos. 3-bedroom dwellings, the contribution payable would be:
3 x £932.18(2-bedroom unit contribution rate) = £2796.54 +
3 x £1398.27 (3-bedroom unit contribution rate) = £4194.81
Total Contribution toward Community Facilities = £6991.35

8.2.2 Further details of this approach are outlined in Appendix 2. The figures will be monitored and updated on an annual basis, at least. (Update Fordham research)

8.3 How will the contribution be used?

- 8.3.1 Decisions on community facilities allocations will be informed by the following:
- Information on existing facilities contained in the Community Facilities Audit.
 - Levels of need as established by Council research and statistics
 - Consultation with Borough ward councilors (representing their ward/parish interests) to agree priorities for the local area, including allocations for locally driven initiatives/projects.

8.3.2 Normally, expenditure of community facilities contributions will be in relation to identified projects within the vicinity of the new development. This is done to mitigate the impact of new residents from these developments on existing community facilities and support the integration of those new residents. However, if there is a deficit in facilities in neighbouring areas this will also be taken into account.

8.3.3 In some cases where the Community Facilities Audit has not established there is a clear need in the existing area, or it is agreed that there are no practical options

for enhancing local facilities, the contribution will be used for the improvement of facilities that are centrally located and /or which serve residents on a borough wide basis such as the SOS/Community Bus, and the Colchester Community Voluntary Service mentioned above. (Please see Appendix 1 for more examples). In rural areas it may be appropriate to contribute to the provision of a community facility that is shared between several villages. Funds for borough-wide projects will be prioritised and allocated using the existing grant round to voluntary welfare organisations. This process provides a transparent and accountable method of allocating funds.

8.3.4 This approach ensures that all residential developments contribute to providing for either new or improved community facilities locally or within the borough. This will also ensure that there is no deterioration in the overall quantity or quality of provision, which would otherwise have to be paid for through an increase in local taxation.

8.3.5 The proposed contribution will be either:

- a) a capital contribution to invest in and develop existing facilities in the local area
- b) a capital contribution towards developing a dedicated community space
- c) The provision of a purpose built and equipped centre together with a financial contribution towards the running and management costs for the first 3 years (usually 10% of build costs). This should enable the necessary community activity to take place to ensure the building can become self-sustaining. The internal layout of the building will need to be agreed with the Council (and where possible the community) prior to build to ensure it meets the needs of the development at the time
- d) The provision of a plot of land of appropriate size and location to enable a centre to be built
- e) a financial contribution towards a borough wide community facility.



William Loveless Hall, Wivenhoe - corridor and storage area refurbished in 2011.

In order to assist in making communities sustainable and cohesive, decent and appropriate community buildings and space are essential. It is not always necessary or desirable to develop a new building within a neighbourhood, very often all that is required is funding allocated to an existing building. This could range from small projects to increase storage or work to make the building safe and health and safety compliant.

8.4 Does the policy apply to conversions?

8.4.1 New dwellings may be created by the conversion of a building currently or last used as a non-residential unit; for example, an agricultural barn. In addition they may also be created where a change of use is made from any residential use with shared facilities (such as bed-sit accommodation, or a care home) to independent residential units with separate facilities. They may also be created when a private dwelling is converted into two or more flats. The policy will apply in these circumstances to any net increase in the number of units.

8.5 What about replacement dwellings or extensions (including annexes)?

8.5.1 Replacement dwellings will not need to make a contribution, unless additional dwelling units are being created. If additional units are being created, then the net gain of units will be expected to provide the relevant contribution.

8.5.2 Extensions to existing dwellings (including annexes) will not need to make a contribution, unless a separate unit of accommodation with its own facilities is being created and this is not for use by a dependent relative of the occupants of the main dwelling.

8.6 At what point in a development will the contribution be required?

8.6.1 Under the One App scheme, all applications for 1 to 9 new units, or for a change of use to residential for 1 to 9 units, will normally require an accompanying Council approved Section 106 Undertaking before validation.

8.6.2 The requirement for a contribution towards community facilities and when it is to be provided will be specified in a legal agreement. In most cases, the trigger point for the provision of infrastructure or the payment of contributions will be the commencement of development. However, in some cases, particularly large schemes, the phasing of payments or provision may be appropriate to match the phased infrastructure requirements of the scheme and this will be incorporated into relevant legal agreements. Contributions will be indexed linked in case time elapses between planning permission being granted and the facilities being provided.

8.7 Are standard agreements used?

8.7.1 The Council uses an online Unilateral Undertaking form for developer contributions on small development sites. The relevant templates will be available to download from the Council website, through the planning link. This online Unilateral Undertaking application is not suitable for the larger schemes, such as where provision is to be phased.

9. What if an outline application is submitted?

9.1 Where an application is received in outline, and the proposed size of the development in terms of numbers and / or size of dwelling is not known, the calculation is not possible. In such cases the community facilities requirement will be reserved through a planning obligation, so that it can be resolved when a detailed application is made, and the 'population' of the development can be determined.

10. Monitoring and Review

10.1 The Borough Council will keep under review the processes and procedures outlined within this SPD. The Annual Monitoring Report will assess the success of policies within the Local Development Framework, including SD2 (Delivering Facilities and Infrastructure) in the Core Strategy and subsequent Local Plan policies. In addition the SPD will need to be reviewed to take account of evolving Government policy and standard charges which, when finalised, will allow the Council to take a more comprehensive approach to planning contributions, including through the Community Infrastructure Levy.

10.2 The Council will also keep under review the average build costs of community centres, which is a key component in the formulaic calculation of the community facilities planning contribution for new residential development. This will be reviewed on an annual basis each April, so that if costs either go up or down these can be factored into the overall contribution charge.

Advice and further information can be obtained from Fay Mathers, Community Initiatives Officer in the Council's Community Services Team on 01206 282968.

Appendix 1

Facilities which serve residents on a borough wide basis

The following facilities can be accessed by all residents of Colchester Borough and support active citizenship, service take-up, and good quality of life:

Age UK Colchester
Colchester Citizen's Advice Bureau
Colchester YMCA Foyer
Colchester Community Voluntary Services
Colchester Carers Centre
Colchester Credit Union Ltd
Colchester Furniture Project
Colchester Nightshelter
Colchester Nightstop
Colchester & Tendring Women's Refuge
Colchester Youth Enquiry Service
Grassroots
Home-start Colchester
Open Road Visions Ltd
Signpost
SoS Bus
Tendring & Colchester Minority Ethnic Partnership

Please note the above is not an exhaustive list but will give you an idea of the sorts of projects that will qualify.

Appendix 2

Calculation of Contributions

The average build cost for community centres in the 1st quarter of 2013 was £1448 per sq.m. of floorspace as specified by the BCIS classification CI/SfB 532 (community centres general mean, Essex adjusted). This figure will be reviewed in April of each year to reflect changes in the capital costs of providing community buildings in line with the BCIS classification CI/SfB 532. The most up-to-date data will be used at the time of the application; the figures quoted in this SPD are therefore subject to change.

The space standard requirement for community buildings is based on a provision of 0.75 sq.m. floorspace per dwelling provided on the subject site. As a guide the Council uses a survey undertaken by Fordham Research Associates, into existing provision in Colchester (2000). A standard of 0.75 square metres per dwelling operates, up to the optimum size suitable and sustainable for the development.

The census 2011 indicated that the average number of persons per household in Colchester Borough was 2.33 persons.

The approach adopted by the Council toward the calculation of an appropriate community facility contribution reflects the average build costs of new community centres, a standard community floorspace provision for each new dwelling, and household size expressed as the number of bedrooms. The financial contribution per dwelling is therefore currently £1448 (average build cost for community centres) multiplied by 0.75 (square metres of community floorspace to be provided as standard by each new dwelling) = £1086. The average contribution per person is calculated by dividing £1086 by 2.33 (average number of persons per household) = £466.09 person. In order that the amount of contribution fairly reflects the size of the dwelling, the average contribution per person (£466.09) is multiplied by the number of bedrooms. This gives the overall contribution sought for each dwelling toward the provision of community facilities.