

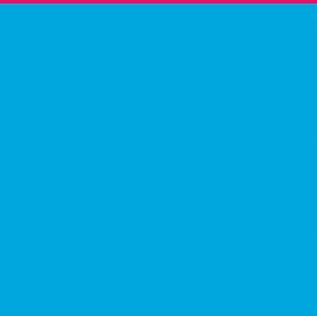
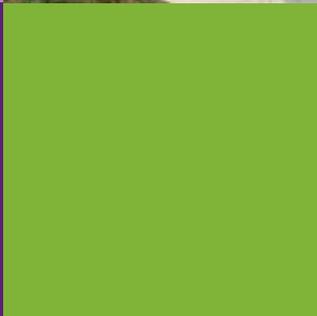


Bath and North East Somerset
Supplementary Planning Document

Planning Obligations



Adopted July 2009



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Executive Summary

The aim of this supplementary planning document (SPD) is to provide clear guidance on the Council's approach to Planning Obligations, otherwise known as Section 106 Agreements or simply Planning Agreements. The policy basis for this SPD is to be found in Government Guidance on Planning Obligations in Circular 05/2005, and the associated Good Practice Guide of June 2006, together with the Council's Policy IMP.1 in the adopted Local Plan 2007.

The SPD provides guidance on Planning Obligations in respect of 5 key policy areas:

- Affordable housing
- Children's services and life-long learning
- Sustainable transport
- Green Space and Play Services
- Sport and Leisure

The SPD sets out the procedure which the Council intends to follow, including pre-application discussions about planning obligations, and describes how the Council will examine the viability of projects if a developer considers that the level of obligations required would render their proposal unviable.

The SPD also explains that the drafting of Section 106 Agreements will usually be undertaken by the Council's legal services team, or by solicitors contracted by the Council to represent them, and in addition to meeting these costs, the Council will also charge an administration fee which varies with the size of the contributions.

The SPD explains how the Council propose to monitor compliance of Section 106 Agreements, and publish an annual monitoring report.

The SPD then deals with each of the 5 topics outlined above, explaining the policy background, and providing links to other Council strategies and documents, which are relevant to that particular topic.

Each section of the SPD then sets out the trigger for obligations in each case, and the Council's expectations in terms of developer provision or contribution. It explains the basis of contribution for each topic, how contributions are to be calculated for specific development proposals, and what exemptions or exceptions, (if any) will apply.

Finally, the SPD contains, by way of illustration, 3 case studies relating to circumstances typically likely to occur in the Bath & North East Somerset area. These comprise a mixed use urban site, a medium sized brownfield site for residential development, and a larger greenfield site for residential development.

1.1 Introduction

- 1.1.1 The aim of this Supplementary Planning Document (SPD) is to provide clear guidance on the Council's approach to Planning Obligations, "S.106 Agreements" or simply "Planning Agreements" as they alternatively are termed. Planning Obligations on developers are used to secure affordable housing and financial contributions to mitigate the impact of new development on social and other infrastructure such as roads and community facilities. The contributions provide finance to assist in the development of infrastructure and facilities where they are needed. The SPD will provide the general public, landowners, developers and other stakeholders with clarity about what planning obligations are, when they will be sought, and how they will be obtained.
- 1.1.2 The SPD is envisaged as a "living document". It will be updated to ensure that it remains relevant and responsive to change, and new topic areas where contributions will be sought will be added during this review process. This Planning Obligations SPD is supplementary to Bath & North East Somerset's Local Plan (adopted in 2007). The first revision of the SPD is now timetabled in the Council's Local Development Scheme, the review will commence in summer 2009 with anticipated adoption date of the revised SPD being 2010 following a period of public consultation.
- 1.1.3 It is important to bear in mind that contributions for items not listed in Part 2 of the SPD may be sought if warranted by the circumstances of a particular development proposal. It is not possible or practical to produce a document that sets out every conceivable situation. The SPD should not therefore be seen as an exhaustive inventory of the Council's requirements, but as a guide to the Council's approach to dealing with matters that normally and generally are the subject of planning obligations. The relevant topic areas in this inaugural version of the SPD are set out below and expanded upon in Part 2 of the document.
- 1.1.4 The SPD has been produced in accordance with National Planning Guidance, Regional Planning Guidance and Local Planning Policy. The document should be read in conjunction with the Bath & North East Somerset Local Plan 2007 having particular regard to Policy IMP.1. The adopted SPD will carry considerable weight as a material consideration in the determination of planning applications.
- 1.1.5 The Draft SPD has been subject to formal public consultation and has been the subject of a sustainability appraisal.

1.2 Planning Policy Context

Legislative Context and National Policy

- 1.2.1 The source of the Council's power to seek planning obligations is s.106 of the Town and Country Planning Act 1990 (as amended). This is where the term "Section 106 Agreement" is derived. It is synonymous with the phrase "Planning Obligations" in planning terms.
- 1.2.2 The government has issued guidance on Planning Obligations in Circular 05/2005 in which it provides detail on how planning obligations should work and when and how they can be sought by Councils. In accordance with Paras B2 and B51 of the Circular, where condition can secure the Council's objectives, they will be preferred to the use of planning obligations.
- 1.2.3 Planning Obligations are used in a series of different ways as set out in Circular 05/2005 at Para B11 to B16.
- To prescribe the nature of development (e.g. by requiring that a given proportion of housing on a site is affordable);
 - To secure a contribution from a developer to compensate for loss or damage created by a development (e.g. loss of open space); or
 - To mitigate the impact of a development (e.g. through increased public transport provision)
- 1.2.4 The use of Planning Obligations has to be appropriate, so knowing when to use them is important. The fundamental principle that has to be adhered to in dealing with planning obligations and their use is that planning permission cannot be bought or sold.
- 1.2.5 Para B5 of the Circular provides a list of 5 tests that a planning obligation should comply with. A Planning Obligation must be:
- i. relevant to planning;
 - ii. necessary to make the proposed development acceptable in planning terms;
 - iii. directly related to the proposed development
 - iv. fairly and reasonably related in scale and kind to the proposed development; and
 - v. reasonable in all other aspects

Part one

Planning Policy Context

- 1.2.6 Planning Obligations can be obtained in a series of ways as follows.
- Site by site basis
 - Use of standard formula/tariff
 - Provision of area based infrastructure, e.g. where developments occur within close proximity to each other and the cumulative effect will result in the requirement a new community facility, the Council may pool contributions from each of the developments to fund improvements in an equitable way, for example the provision of a new school
 - Strategic Infrastructure e.g. new bus link
- 1.2.7 The Circular advises that Planning Obligations can be used as follows:
- To restrict the development or use of the land in a specified way;
 - To require specified operations and activities to be carried out on the land;
 - To require the land to be used in a specified way;
 - To require that a sum or sums to be paid to the authority on a specified date or dates or periodically
- 1.2.8 The Circular also provides important advice on two topics, off-site provision, and pooled contributions.

Off Site Provision

- 1.2.9 On suitable sites provision of affordable housing, open space, Children's Services facilities, community facilities and transport infrastructure and other infrastructure may be provided on-site, subject to agreement by the Council and the developer, i.e. a S.106 Agreement or Planning Obligation. However, in some cases on-site provision may not be appropriate. In these instances the Council may enter into an agreement with the developer for off-site provision of the necessary facilities and/ or infrastructure or seek financial contribution towards off-site provision.

Pooled Contributions

- 1.2.10 For certain smaller scale developments the contributions raised through planning obligations may not be of a level that could contribute significantly towards improvements in an area. However, if considered cumulatively the contributions raised through smaller scale development may be pooled together to allow the Council to make a single improvement to an area. Similarly for larger infrastructure improvements, including strategic infrastructure projects, contributions may also be pooled so that they can be used more cost effectively. It is important to note that the financial contributions pooled will be ring-fenced to contribute towards the programmes and schemes that have been identified in the relevant planning agreements. In the unlikely event that financial contributions secured from developers cannot be spent within the timescale provided for in the agreement, the money will be refunded to the developer.

Part one

Planning Policy Context

Regional Policy

- 1.2.11 The current regional planning policy guidance is RPG 10 which shortly will be superseded by the Regional Spatial Strategy (RSS).

Local Policy

- 1.2.12 The Bath & North East Somerset Local Plan seeks the use of Planning Obligations under Policy IMP.1.

Policy IMP.1:

In determining planning applications, Planning Obligations under section 106 of the Town and Country Planning Act 1990 may be sought:

- i) where a particular form of development is required to comply with policy; or
- ii) to provide compensatory provision for what is lost or damaged as a result of the development; or
- iii) to mitigate an otherwise unacceptable impact of the development on local facilities and infrastructure; or
- iv) to overcome any other identified harm which would make the development otherwise unacceptable.

- 1.2.13 The Community strategy 2004 and Beyond for Bath & North East Somerset has set out improvement ambitions for the district which the SPD has taken into account.

1.3 Scope and Procedure

Scope of the SPD

- 1.3.1 The SPD provides guidance on planning obligations in respect of five key policy areas:
- Affordable Housing
 - Children's Services & Life-long Learning
 - Sustainable Transport
 - Green Space & Play
 - Sport & Leisure
- 1.3.2 The list identifies the areas that have commonly been the subject of planning obligations in relation to various planning permissions granted in Bath and North East Somerset in recent years, or for which adequate evidence now exists to support their inclusion in this SPD. As further work is undertaken to identify other needs arising from development in the Council's area, then the list may be expanded by means of a periodic review of this SPD (see para 1.1.2).
- 1.3.3 A detailed explanation of the approach to each of these five topic areas is provided in Part 2 of this SPD which will outline the circumstances and mechanics of how the planning contributions will be required and negotiated. Apart from affordable housing, where on-site provision is expected except in very exceptional cases, on-site provision of other facilities will be fully taken into account.

Procedure

- 1.3.4 It is essential that developers enter into early discussions with the Council's planning officers during the pre-application stage about planning obligations that may be required for their development by the Council. The nature of planning obligations that are likely to be required for a particular development will be made known to the developer as early as possible in the planning process including contributions based upon this SPD unless the circumstances are exceptional.
- 1.3.5 Officers, in conjunction with statutory consultee's will advise on the planning obligations based upon this SPD as set out in Part Two and where necessary on other matters which need to be the subject of the Section 106 Agreement.

These might include phasing of development, restrictions on use, or other requirements which cannot be covered by planning conditions and matters such as travel plans designed to maximize the use of sustainable transport modes of travel. In addition, where a larger development is to be phased, the Council will consider proposals to phase the contributions in line with the phasing.

Part one

Scope and Procedure

- 1.3.6 As shown in Diagram 1, the Council will expect draft Heads of Terms for a Section 106 Agreement to be submitted with planning applications where relevant. This will help to ensure that formal planning applications can be dealt with in a more informed and efficient manner, and assist interested parties in commenting on the application. It will also avoid unnecessary delays over complex negotiations following a Committee decision to approve the application subject to an obligation.

Case Studies

- 1.3.7 In order to illustrate the operations of this SPD, three case studies are attached in Part Three covering three types of development likely to occur in the district in the next few years.

Viability

- 1.3.8 If a developer considers that the level of obligations required would render their proposal unviable, then the developer will be expected to provide the full financial details of the proposal to the Council, in a financial appraisal submitted and signed by an appropriately qualified and independent financial professional. For the Council to consider an “unviable” argument, it will be essential that the developer shares information substantiating this on an open book basis. The following information will be required:

- Site or building acquisition cost and existing use value
- Construction costs and programme
- Fees and other on costs
- Projected sale prices of dwellings
- Gross and net margin
- Other costs and receipts

If there is any disagreement on the financial appraisal the Council will expect the developer to agree to an adjudication by an independent body usually a Fellow or Member of The Royal Institution of Chartered Surveyors and will expect the developer to agree to an adjudication by an independent person, usually a Fellow or Member of the Royal Institution of Chartered Surveyors, with the costs of the adjudication funded by the developer.

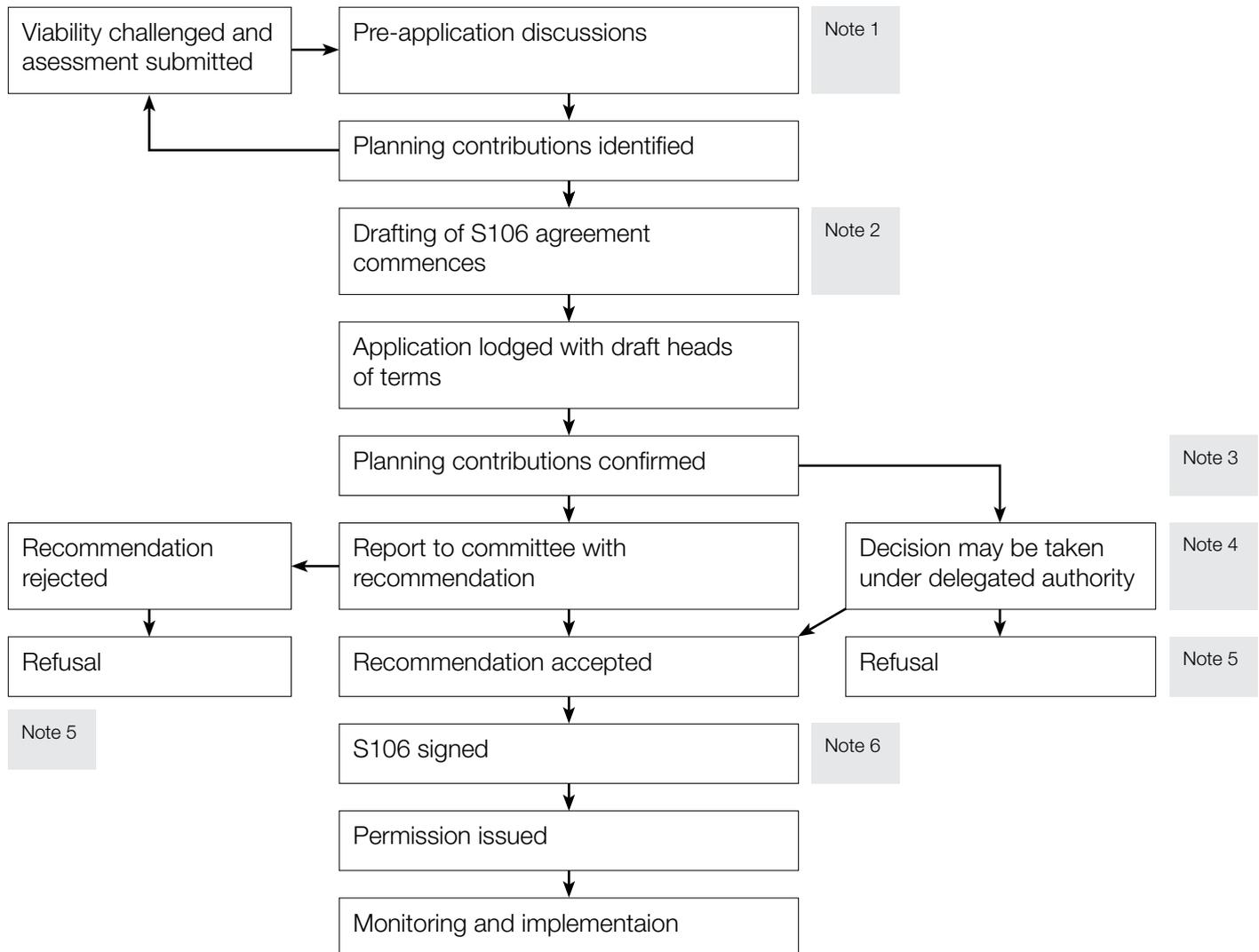
The Council will be able to commission an independent chartered surveyor (or suitably qualified and independent financial professional) to interrogate any economic viability assessment provided by a developer. The costs of this work are to be met by the developer.

- 1.3.9 A change in the Council’s standard obligations will be considered as an unusual exception. If this occurs the developer will be required to demonstrate what exceptional circumstances would give rise to the case made. If the Council agrees that a scheme cannot reasonably afford to meet all the normal requirements after going through the above process, then these requirements may be prioritised.

Part one

Scope and Procedure

Planning Contribution Process under the SPD



Note 1 – There will be a charge for pre-application discussions on major applications. This ensures that applicants are able to proceed with a clear understanding of what is required from them in order to obtain planning permission, assuming that the scheme is generally compliant with adopted policies and national advice. At this stage the likelihood of the scheme being acceptable in policy terms will be discussed.

Note 2 – Use of a Model Agreement is under consideration.

Note 3 – Or Unilateral Undertaking for small applications.

Note 4 – Where in accordance with the councils delegation scheme.

Note 5 – At this stage applications may be refused on other grounds.

Note 6 – Applicants failing to deliver the necessary agreement or obligation within the statutory time period can expect their application to be refused. Unless an alternative arrangement have been agreed.

Part one

Scope and Procedure

Drafting of Agreements

- 1.3.10 The drafting of Section 106 Agreements will be undertaken by the Council's Legal Services team or by solicitors contracted by the Council to represent them. The developer will be expected to meet the full cost of drawing up the Section 106 Agreement. Where the obligation relates to contributions totalling less than £20,000, or to a simple obligations of a non-monetary kind, the Council may be prepared to accept a Unilateral Undertaking. The Council will advise on this issue as part of pre-application discussions.

Administration Fee

- 1.3.11 In order to meet the costs of the Council in monitoring the agreement an additional fixed rate fee will be levied, dependant on the sum of the contribution to be paid. This additional administration fee will be set as follows:

Table 1.3.1

Contribution	Fixed Administration Fee
£20,000-£250,000	£1000
£251,000-£500,000	£2500
Over £500,000	£5000

Monitoring

- 1.3.12 Compliance with Section 106 Agreements will be monitored by the Council. The Council will normally expect payment on commencement of development, but on larger schemes may be prepared to consider a series of targets tied to milestones, each of which triggers an instalment of the agreed total payment. Monies that are not spent within the agreed timescale and budget provided for in the section 106 agreement will be refunded by the developer.
- 1.3.13 Planning Obligations will be monitored and an annual monitoring report will be prepared and made publicly available.



Affordable Housing



2.1 Affordable Housing

Policy Background

- 2.1.1 The policy justification for requesting planning contributions for affordable housing flows from Planning Policy Statement 1 (PPS1) Delivering Sustainable Development, Planning Policy Statement 3 (PPS3) Delivering Affordable Housing, Bath & North East Somerset Local Plan policies IMP.1 and HG.8. The Council's Supplementary Planning Guidance (2003) on Affordable Housing will be superseded. Further guidance on Affordable Housing can be found in Appendix B.

Trigger for Obligation

- 2.1.2 The Council will seek to secure 35% affordable housing with about a 75/25 percent split between social rent and intermediate housing and without the need for public subsidy before determining applications for planning permission in the following circumstances:
- In Bath, Keynsham, Norton Radstock, Saltford, Peasedown St John and Paulton where permission is sought for 15 dwellings or more or the site has an area of 0.5ha or more; and
 - In settlements where the population is 3000 or below, where permission is sought for 10 dwellings or more or the site has an area of 0.5ha or more.
 - Where the calculations on affordable housing requirement which is not a whole number of units the figure will be rounded up when 0.5 or above and down below 0.5.

The Council will normally expect affordable housing to be provided on site, but in accordance with para B7.60 of the Local Plan, in very exceptional circumstances, the Council will consider provision in other ways (see paragraphs 2.1.5 and 2.1.6).

What will developers have to provide?

- 2.1.3 It is important that developers make early contact with the planning and housing development departments to discuss the affordable housing requirements for the proposed development.
- 2.1.4 The Council will require the developer to provide the following information prior to agreeing the planning contribution in terms of affordable housing to ensure that the proposals comply with current Affordable Housing Policies and Supporting Guidance including the Affordable Housing Companion that sits with this SPD:
- Details of the mix of housing, number of units, type of units (e.g. social rented/intermediate) size of units
 - Details of design layout and construction standards (e.g location of affordable units, phasing of development, compliance with lifetime homes standards)
 - Details on affordability of intermediate housing unit
 - How the affordable housing provision complies with either HG.8, or if relevant HG.9

**Required when not forthcoming under Local Plan policy HG.8*

Part two

Affordable Housing

- 2.1.5 In situations where on-site provision is not proposed the developer will need to provide the following:
- sound and detailed reasons why affordable housing cannot be provided on-site and/or
 - sound and detailed reasons why affordable housing cannot be provided off-site in the vicinity of the proposal, and
 - show how off-site provision or a commuted sum contribute to the creation of mixed communities in the local authority area

Off-site

- 2.1.6 Where the Council accepts that off-site provision is appropriate, the tables below show the basis of calculating the off-site elements of affordable housing contributions

Formula for calculating the number of affordable units where off-site provision is agreed:

For schemes where 35% affordable housing is expected the following formula can be used to calculate the number of off site affordable units expected:

Table 2.1.1

$$B = \frac{A \times 35}{65}$$

Where

B = No of affordable homes required off site

A = No of market homes provided on applicants site

For example, site for 100 units, all of which will be market housing

$$B = \frac{100 \times 35}{65} = 53.8$$

Therefore, in this example, the number of off-site dwellings needed are 54 (after rounding to nearest whole number) i.e. 35% of the combined total of 154 units

Commuted Sum Formula

In very exceptional cases where the Council accepts neither on-site or off-site can be provided following formula should be used:

Step 1

Calculate the number of off-site affordable housing units in line with table 1.[LE1]

Step 2

Take the supportable deficit, the amount payable by the Affordable Housing Provider (AHP), away from the full market value of the market houses as if provided on site

For example:

Step 1 100 unit residential application, all of which to be market housing – calculations from table 2.1.1 above prove that 54 affordable homes are justified as off site contribution.

Step 2 Total Notional Market value of 54 properties = £ 10,800,000

(assuming MV of £200,000 per unit)

Less notional price payable by AHP = £ 3,800,000

Therefore the commuted sum = £ 7m

To summarize the comparison of developer contributions between an off-site or commuted sum (CS) approach and on site provision (OS):

	CS	OS
MV of private units	£20M	£13M
No. affordable units	54	35
OMV of affordable	£10.8M	£7M
Price paid for AH	£3.8M	£2.5M
Developer contribution	£7M	£4.5M

assuming MV of £200,00 per unit

The formula for Step 2 is as follows:

Table 2.1.2

$$CS = MV - SD$$

Where,

CS = Commuted Sum

MV = Market Value of affordable housing with vacant possession/no restrictions

SD = Supportable Deficit (amount payable without the need for grant by a (RSL or AHP)

Guide to Supportable Deficit Figures

- 2.1.7 The Council does not prescribe what amount RSLs or AHPs should pay developers for affordable housing contributions, provided it is delivered on a grant free basis with all the outputs of Policy HG.8 and this SPD fully met. However to calculate commuted sum contributions the Council has given below supportable deficit figures that are to be used for the sole purpose of calculating these sums. They are:

Social Rent Units (to be updated annually)

Table 2.1.3

Unit	AH- social rent supportable deficit 2008/9
1 bed flat 46m2	£51,248
2 bed flat 61m2	£63,379
2 bed house 76m2	£68,832
3 bed house 86m2	£80,663
4 bed house 110m2	£90,342

Intermediate Housing Units:

- 2.1.8 In order to achieve affordability, an AHP could realistically pay the developer a maximum of 40% of the market value for the intermediate units. In higher value areas of the district, this figure may be as low as 30%. This figure would become the supportable deficit for intermediate housing in terms of commuted sum calculations. Developers are recommended to discuss this with the housing development team at as early a stage as possible.



Children's Services & Life-long Learning



2.2 Children's Service & Life-long Learning

Policy Background

- 2.2.1 The policy justification for requesting planning contributions for Children's Service flows down from the Schools White Paper: Higher Standards, Better Schools for all and 14-19 education and Skills White Paper at national/regional level and the Bath & North East Somerset Local Plan Policies IMP.1 and CF.3. The latter also applies to Life-long Learning.

Trigger for Obligation – Children's Service

- 2.2.2 The trigger for Children's Service can fall into two categories as follows:
- The extension or upgrading of existing off-site facilities where a housing development results in a single school or group of school's capacity being exceeded or in a shortfall in Early Years provision, Special Educational Needs (SEN) facilities and Youth Services provision.
 - The provision of new facilities where the impact of a new housing development requires this.
- 2.2.3 The type of provision required will range from:

Primary and Secondary School Provision

Where additional capacity is required in the school or schools that serve the area of the development. The determination of whether or not there is sufficient capacity in the school or schools in the area of the development will usually be done with reference to the Net Capacity Figures as reported to the Department for Children Schools and Families (DCSF) in the annual Surplus Places Return and to the school census, which records number of children on roll (NOR). Calculations will be based on published current and projected school population figures. These figures are available on the Bath and North East Somerset Council website via the following link: <http://www.bathnes.gov.uk/BathNES/educationandlearning/childrensservices/Births+and+Pupil+Projection+Data+htm>

Post 16 Provision

Where additional capacity is required in the school or schools that serve the area of the development. The determination of whether or not there is sufficient capacity in the school or schools in the area of the development will usually be done with reference to the Net Capacity Figures as reported to the Department for Children Schools and Families (DCSF) in the annual Surplus Places Return and to the annual school census, which records number of children on roll (NOR). The number of Post 16 pupils is based on the current 'staying on rate' – currently 60% of pupils who have completed their secondary school education stay on to access Post 16 education in Bath and North East Somerset schools.

Calculations will be based on published current and projected school population figures. These figures are available on the Bath and North East Somerset Council website via the following link: <http://www.bathnes.gov.uk/BathNES/educationandlearning/childrensservices/Births+and+Pupil+Projection+Data+htm>

Early Years Provision

Where additional provision is required in the area of the development. The determination of whether or not there is sufficient Early Years provision in the area of the development will be done via reference to the Bath and North East Somerset Childcare Sufficiency Report and an assessment of the impact of the development on existing capacity. The 2006 Childcare Act states that Local Authorities have a statutory obligation to ensure that they have a strategy in place for the provision of childcare sufficient to meet the needs of parents who require childcare in order to work or to undertake training to obtain work. If capacity is exceeded then the Council in its role of market facilitator and commissioner will require resources to stimulate the market and provide additional capacity. Calculations will be based on national take up rates for Early Years services - currently 20% of children aged 0 - 2 and 95% of children aged 3 -4 take up Early Years services.

SEN Provision

As existing special school provision in Bath and North East Somerset is sufficient to meet the needs of the current population only and as provision is widespread across B&NES and not specific to one location, this contribution applies to every new dwelling that generates primary, secondary or post 16 pupils.

Calculations will be based on the percentage of pupils in B&NES who have Special Educational Needs (SEN) - currently 2.12% - and the percentage of these pupils requiring special school provision - approximately 39%. The remaining 61% of pupils with SEN will be educated in mainstream schools. The percentage of SEN pupils will be reviewed annually.

Youth Services Provision

As existing provision in Bath and North East Somerset is sufficient to meet the needs of the current population only, this contribution applies to all new houses of 2 beds or more. This contribution covers the 13-19 age group and will support the work of the Youth Service via Youth Centre provision and activities, equipment, mobile provision and Detached Youth Workers in the area of the development.

What developers will have to provide

- 2.2.4 Where an existing off-site primary, secondary or post 16 (16+) school is to be extended or upgraded, the relevant DCSF cost per place multiplier and Location Factor will be used to calculate a contribution. Where the development creates a requirement for a new on-site school, the developer will be expected to pay the full cost of construction, including design fees and charges and provide the site free of charge, as the DCSF multiplier is based only on the average new build costs and extension costs and not the full cost of building new whole schools. This would also apply in the case of significant more substantial extensions to existing schools. The accommodation requirements will be calculated by reference to the maximum DCSF guidelines as outlined in Building Bulletin 98 and Building Bulletin 99. The specification will also need to meet the needs of the Government's Extended School and Services agenda, comply with current Council design, build and space requirements, meet best practice for the type of school and Government advice on design and environmental issues. This would also apply if it was agreed that the developer could provide the additional accommodation in kind rather than make a financial contribution.

- 2.2.5 Where an existing off-site Early Years facility is to be extended or upgraded, the Early Years cost per place multiplier will be used to calculate a contribution. Where the development creates a requirement for a new on-site Early Years facility the developer will be expected to pay the full cost of construction, including design fees and charges and provide the site free of charge. The accommodation requirements will be calculated by reference to Building Bulletin 99 and to the Sure Start Guidance. The specification will also need to comply with current Council design, build and space requirements, meet best practice for the type of facility and Government advice on design and environmental issues. This would also apply if it was agreed that the developer could provide the additional accommodation in kind rather than make a financial contribution.
- 2.2.6 Where an existing off-site special school is to be extended or upgraded, the SEN cost per place multiplier will be used to calculate a contribution.
- 2.2.7 Where Youth Services provision is to be extended or upgraded, the Youth Services cost per place multiplier will be used to calculate a contribution.
- 2.2.8 A formula is set out for the calculation and the following paragraphs and tables provide a breakdown of the expected planning obligations costs the developer will in most cases have to meet. The elements in the formulae below will be subject to annual review in line with government guidance and where new or updated information becomes available from relevant government or Council departments that update current use values or cost indicators, the Council will make amendments to levels of contribution on this basis.
- 2.2.9 The DCSF cost per place multiplier is the assessment made by the government of the cost of building a primary, secondary and post 16 school place. The DCSF also issue a Location Factor for each Local Authority which is derived from the Building Cost Information Service (BCIS) run by the Royal Institute of Chartered Surveyors (RICS). This Location Factor is applied to the primary, secondary and post 16 cost per place multipliers to arrive at the cost of providing a primary, secondary and post 16 school place in Bath and North East Somerset. The cost per place multiplier and Location Factor will be reviewed annually and may be updated at the start of each new financial year.
- The cost per place multiplier for Early Years provision is derived from the cost of actual recent projects delivered in support of the National Childcare Strategy in Bath and North East Somerset.
- 2.2.10 The cost per place multiplier for special school provision is based on per pupil space requirements and recent build costs in Bath and North East Somerset. Building Bulletin 77 issued by the DCSF, provides guidance on the provision of special schools and SEN space. This guidance identifies an average space requirement per SEN pupil as 34m². Recent average build costs in Bath and North East Somerset are in excess of £2,300 per m² giving an indicative build cost of £78,200 per place.
- 2.2.11 The cost per place multiplier for Youth Services is based on actual costs of current provision in Bath and North East Somerset.

Part two

Children's Services & Life-long Learning

Table 2.2.1

The 2008-2009 DCSF cost per place multipliers are those currently being used and are as follows:

Primary School per place	£12,257.00
Secondary School per place	£18,469.00
Post 16 per place	£20,030.00

The current 2009-2010 DCSF Location Factor for Bath and North East Somerset is as follows:

Location Factor	1.06
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Therefore the current DCSF cost per place multipliers (including Location Factor) that will be used when calculating contributions are as follows:

Primary School per place	£12,992.42
Secondary School per place	£19,577.14
Post 16 per place	£21,231.80

- 2.2.12 The other cost per place multipliers that will be used when calculating contributions are as follows:

Table 2.2.2

Early Years per place	£18,739.60
SEN per place	£78,200.00
Youth Services per place	£1,334.00

- 2.2.13 The Council will be notified of the proposed mix of dwellings in the development and the following formula based on type of dwellings and number of bedrooms will be used to calculate the contribution:

Part two
Children's Services & Life-long Learning

Table 2.2.3

	Number of Bedrooms					
	Flats		Houses			
	2	3+	2	3	4	5+
All Early Years children age 0-2 per 100 dwellings	7.2	10.8	14.4	21.6	23.4	19.2
Early Years Children age 0-2 per 100 dwellings 20% take up rate	1.44	2.16	2.88	4.32	4.68	3.84
All Early Years children age 3-4 per 100 dwellings	4.8	7.2	9.6	14.4	15.6	12.8
Early Years children age 3-4 per 100 dwellings 95% take up rate	4.56	6.84	9.12	13.68	14.82	12.16
All Primary pupils per 100 dwellings	4	30	9	30	46	65
Primary pupils per 100 dwellings minus Special School pupils	3.96	29.75	8.92	29.75	45.61	64.46
All Secondary pupils per 100 dwellings	0	0	3	14	27	46
Secondary pupils per 100 dwellings minus Special School pupils	0	0	2.97	13.88	26.77	45.61
All Post 16 pupils age 17-18 per 100 dwellings	0	0	1.66	5	16.66	13.33
All Post 16 pupils per 100 dwellings 60% stay on rate	0	0	1	3	10	8
Post 16 pupils per 100 dwellings 60% stay on rate minus Special School pupils	0	0	0.99	2.97	9.91	7.93

Part two

Children's Services & Life-long Learning

Table 2.2.3 (continued)

	Number of Bedrooms					
	Flats		Houses			
	2	3+	2	3	4	5+
Youth Services per 100 dwellings	0	0	15	15	15	15
Special School pupils Primary per 100 dwellings	0.0330	0.2480	0.0744	0.2480	0.3803	0.5374
Special School pupils Secondary per 100 dwellings	0	0	0.0248	0.1157	0.2232	0.3803
Special School pupils Post 16 per 100 dwellings	0	0	0.0082	0.0248	0.0826	0.0661

2.2.14 Where the precise housing mix is not known the following will apply:

- early years children age 0-2: 4 places per 100 dwellings of 2 bedrooms or more
- early years children age 3-4: 11 places per 100 dwellings of 2 bedrooms or more
- primary school pupils: 31 places per 100 dwellings of 2 bedrooms or more
- secondary school pupils: 15 places per 100 dwellings of 2 bedrooms or more
- post 16 pupils: 4 places per 100 dwellings of 2 bedrooms or more
- 13-19 year olds: 10 places per 100 dwellings of 2 bedrooms or more
- primary SEN pupils: 0.25 places per 100 dwellings of 2 bedrooms or more
- secondary SEN pupils: 0.13 places per 100 dwellings of 2 bedrooms or more
- post 16 SEN pupils: 0.03 places per 100 dwellings of 2 bedrooms or more.

Bed sits, temporary housing and any dwellings designated for restricted use such as student accommodation, sheltered housing for the elderly or adults with learning difficulties etc. would not be expected to contribute as the number of children generated would be marginal or nil. All other new dwellings of 2 bedrooms or more will be included in the calculations.

2.2.15 There is no threshold for contributions and contributions could be sought for any number of dwellings of 2 beds or more from 3 upwards.

2.2.16 When calculating a contribution, the impact of any proposed or previously approved housing developments not yet built will be taken into account.

Contribution Calculations

The following table shows the contribution per dwelling in £:

Table 2.2.4

	Number of Bedrooms					
	Flats		Houses			
	2	3+	2	3	4	5+
Early Years (age 0-2) per dwelling	269.85	404.77	539.70	809.55	877.01	719.60
Early Years (age 3-4) per dwelling	854.52	1,281.78	1,709.05	2,563.57	2,777.20	2,278.73
Primary per dwelling	514.50	3,865.24	1,158.92	3,865.24	5,925.84	8,374.91
Secondary per dwelling	0	0	581.44	2,717.31	5,240.80	8,929.13
Post 16 per dwelling	0	0	210.19	630.58	2,104.07	1,683.68
Youth per dwelling	0	0	200.10	200.10	200.10	200.10
Special School Primary per dwelling	25.86	193.97	58.19	193.97	297.42	420.26
Special School Secondary per dwelling	0	0	19.40	90.52	174.57	297.42
Special School Post 16 per dwelling	0	0	6.47	19.40	64.66	51.72

Payment of Contributions

- 2.2.18 As the Council is responsible for providing the additional Children's Service infrastructure at a rate which matches the increase in demand from the proposed housing development, any contribution will normally be paid in full on commencement of the development. Where it is reasonable for the developer to ask for a phased payment arrangement, the Council will require all outstanding sums of money to be bonded and the phased payments made at the completion of agreed percentages of properties. All capital sums will be indexed from signature of the Section 106 agreement up to the payment date using the RICS BCIS All-In Tender Price Index. Revenue sums will be indexed using the RPI.

Life-long Learning

Trigger for Obligation

2.2.19 The trigger for life-long learning contributions will be new housing which will carry a minimum standard cost of £90 per person for a contribution towards libraries.

2.2.20 The type of provision required will range from:

- 216 additional books per 1000 population
- 10,000 population - work stations must exceed or equal 6
- static library requirement to households - 100% within 2 miles or 88% within one mile
- 128 annual hours the aggregate opening hours per 1000populations

What will developers have to provide?

2.2.21 The MLA (Museums, Libraries and Archives) Council have been consulting on a National Public Library Tariff, so that library authorities can be consistent in their approach to developers.

This National Tariff recommends that local planning and library authorities adopt a minimum tariff of £90 per person in new housing, for negotiation with developers. This is made up as follows;

- a minimum standard of 30 sq meters of new library space per 1,000 population
- a construction and initial equipment cost of £2,987 per sq meter.

This gives a cost of $(30 \times £2,987) = £89,610$ per 1,000 people or £89.61 per person (rounded to £90). For a new household with an average size of 2.4 persons, the tariff would therefore be £216.

Table 2.2.5

Type of Dwelling	Occupancy
1 bedroom	2 persons
2 bedroom	2 persons
3 bedroom	3 persons
4 bedroom	3 persons
5 or more bedrooms	4 persons

Contribution Calculations

- in the case of libraries the tariff should Apply to all new housing sites from one new unit upwards
- apply to sites for affordable or local needs housing, student halls of residence, and residential homes and sheltered housing, the residents of which will also make use of public libraries
- allow for pooled contributions, so that contributions from a number of small sites can be assembled together for meaningful enhancements to library provision in the appropriate catchment.
- be updated annually to reflect building and equipment cost inflation
- form part of any Supplementary Planning Document, produced as part of the local development framework, by the authority.



Transport



2.3 Transport

Policy Background

- 2.3.1 The policy justification for requesting planning contributions in respect of Transport flows from PPG13 on Transport and the Bath & North Somerset Local Plan policies IMP.1, T.24 and the Bath & North East Somerset Joint Local Transport Plan (JLTP).
- 2.3.2 The district suffers from traffic congestion and there is a need to ensure that further development does not result in further congestion and an overloading of the highway and transport network. Therefore contributions are anticipated to feed into the objectives of the JLTP which includes the Greater Bristol Bus Network, Bath Public Transport Package, CIVITAS project and the A36 Rossiter Road traffic management and environmental scheme. The aim is to reduce reliance on the vehicular car and promoting other forms of transport to provide sustainable transport.

Trigger for Obligation

- 2.3.3 The Council will seek planning contributions to any improvements to the transport system necessary due to any impact created by the proposed development.

Three categories have been identified;

1. Access and local works.
2. On-site works, services or incentives.
3. Strategic highway and transport works

Each of these are considered in detail below.

Access and Local Works

- 2.3.4 All development, irrespective of size, must be capable of being accessed safely by vehicles, including public transport, pedestrians, cyclists and people with disabilities. To achieve this, the developer may need to carry out and/or fund on and off site works. The type of works secured under this heading may include:
- new junction/site access works for all modes;
 - works for cycle, pedestrian and disabled facilities close to the site that provide a route for cyclists, pedestrians and the disabled into the site;
 - traffic calming close to the site if there is a risk of the development generating unsuitable traffic on residential roads close by;
 - improvements to bus services and/or bus/rail infrastructure; (see table 2.3.2 for further details)
 - parking controls in nearby streets where there is a risk of overspill parking from the development.

- individualised marketing projects to promote sustainable travel
- commuted sums for maintenance of structures, drainage systems, traffic signals and enhanced paving materials.
- environmental improvements for the benefit of pedestrians

Mitigation measures for developments which would result in a material impact on the capacity of the Strategic Road Network would need to be fully funded by the developer.

Onsite works, services or incentives

- 2.3.4 Onsite works, services and incentives required to encourage occupants of residential development to use more sustainable modes of travel to access local services may also be sought by planning condition and/or as part of a Section 106 Agreement. Measures to encourage visitors, employees and customers of non residential development to travel by a means other than private car may also be sought as part of Section 106.
- 2.3.5 The type of works secured under this heading may include, on site cycle, pedestrian, disabled and public transport facilities travel plans (for employment/retail/educational developments, which may include things such as car sharing, free bus passes, interest free loans for cycle/bus pass purchase. Lockers showers, provision of travel information, car park charging amongst other things) provision of travel information, cycles and free bus passes (in residential development)

Strategic Highway and Transport Works

- 2.3.6 As more development occurs within Bath & North East Somerset, there is increased pressure for travel. To meet JLTP targets this increased demand for travel must be accommodated whilst the increase in vehicles traveling around the highway network in Bath and North East Somerset must be limited. This will only be achieved by ensuring there is a shift from car use to more sustainable modes of travel. This will only happen if the alternatives are available, safe, comfortable, convenient and affordable when compared to the car and have journey times comparable with or quicker than the car.
- 2.3.7 For development to be accommodated without prejudicing these targets, it should minimise any increase in vehicular traffic by ensuring that those travelling to and from it can do so using more sustainable transport modes than the private car. Development should also contribute towards removing vehicular traffic already on the network to compensate for increases resulting from the development eg by contributing towards Park and Ride facilities.

- 2.3.8 Contributions will therefore be sought in relation to development which adds 20 trips per day or more to the highway and transport network towards works and/or services to:
- ensure that visitors to and occupiers of a site have available to them and are encouraged to use sustainable modes of travel.
 - encourage a modal shift to more sustainable modes of travel along transport corridors into town and city centre's to ensure that the additional motorised vehicular traffic from the development can be accommodated without an unacceptable increase in congestion, delays to public transport or reduced safety to any road user.
 - improve access by walking and cycling to local primary and secondary schools.
 - improve access by public transport to local hospitals and other amenities
 - improve the pedestrian environment in city and town centre's
 - promote walking and cycling by providing a network of pedestrian and cycle routes, including recreational routes.
- 2.3.9 The works which a contribution is to fund will be specified for each development to ensure that they pass the tests of Circular 05/2005. The works will be schemes required to achieve the objectives of the JLTP by improving the quality, safety provision and reliability and ease of use of sustainable modes of travel along that corridor and the safety of all modes of transport.
- 2.3.10 The works will be based on strategies and action plans included in the JLTP, but not anticipated to be fully funded through the Capital Programme and works to achieve these strategies may include:
- bus facilities including bus priority measures, junction improvements, improvements to bus stops, the provision of real time information.
 - funding of bus services
 - improvements to rail stations
 - park and ride (facilities and/or services)
 - cycle facilities
 - pedestrian facilities
 - disabled facilities
 - traffic management (eg provision of variable message or other signing, traffic calming and speed management, traffic regulation orders)
 - on street parking controls
 - car clubs
 - off street public car parks in urban centre's
 - improvements to the pedestrian environment in town and city centres.

What developers will be expected to provide?

- 2.3.11 The developer will be expected to provide a contribution in instances where the threshold for transport contributions is triggered as outlined above. The Council will expect this matter to be dealt with in the developer's Transport Assessment carried out in accordance with DfT *Guidance on Transport Assessment* March 2007.
- 2.3.12 The contribution that would be required from the developer would be calculated by multiplying the contribution rate per trip by the maximum number of trips per day and then applying a discount depending on the location of the site and the existing level of accessibility by public transport or by walking as represented by the following formula.
- Contribution = t x n x d
 - Where t = contribution per trip
 - n = number of trips per day
 - [LE3]d = discount, to be assessed on the basis of the applicants transport assessment

Calculation of Developer Contribution

- 3.2.13 The calculation of developer contribution will be as follows:
- i. Estimated Funding Gap at 31st July 2008 (see Table 2.3.1 below). The funding gap represents the difference between the estimated cost of the projects listed and the public funds already secured or anticipated.
£6,297,000
 - ii. Forecast at 31st July 2008 of development not previously subject to legal agreements but expected to be implemented between 2008 and 2011.

1032 units	Dwellings
9400 sqm	B1
21150 sqm	B2
0 sqm	B8
2000 sqm	Food Retail
0 sqm	Non-Food Retail
 - iii. Approximate multi-modal daily trip rates by development type

7.0	per unit dwellings
18.7	per 100 sqm gfaB1
7.5	per 100 sqm gfaB2
9.4	per 100 sqm gfaB8
96*	per 100sqm gfa Food Retail
51*	per 100sqm gfa Non-Food Retail

*variable, to be negotiated on site by site basis

iv. Estimate at 31st July 2008 of the total number of daily trips generated by forecast development:

= 12488

Developer contribution towards funding gap required per trip at 31st July 2008

£504-24

Table 2.3.1

List of Transport Schemes	Total Funding Gap @ 31/07/08 Received @ 31/07/08	Private Sector Contribution Gap @ 31/07/08	Resultant Funding	Stage of Implementation
GREATER BRISTOL BUS NETWORK	£479k	£221k	£258k	DfT Programme Entry
A4 Bristol to Bath Corridor 4				Design Stage
A37 Bristol – Norton Radstock Corridor 6				
A367 Bath – Norton Radstock Corridor 10				
BATH PACKAGE	£6828k	£1989k	£4839k	DfT Programme Entry
BRT Routes				Design Stage
New & Expanded Park and Ride				
Showcase Bus Routes				
Pedestrian and Pedestrian Safety – High St and Grand Parade				
Lorry Management – Loading Restrictions Bath City Centre				
Information Systems – Driver Variable Message Signs				
– Real Time Passenger Information				
A 36 Rossiter Road/Claverton St including Bridge Widening	£1200k		£1200k	Design stage
Total Sum	£8507k	£2210k	£6297k	

Table 2.3.2 below gives further information regarding the Council's requirements for Public Transport and Infrastructure provision:

Table 2.3.2

Criteria for Public Transport Bus Service and Infrastructure Provision

4 buses per hour 0700-1900 Mondays to Saturdays to the main locally accepted centres of employment, shopping, medical and leisure purposes.

Appropriate services to any locally accepted subsidiary employment, shopping, medical or leisure centres.

A feeder service to the appropriate local rail station.

Services providing a direct and convenient link between all parts of the development and any local shops, schools, medical centres and leisure facilities.

Bus stop within 400m maximum walking distance of entrance to furthest building for occupation within development.

Bus stop, with lay-bys where appropriate, shall be provided with high quality bus stop furniture including shelters, stop posts with plates and timetable information displays.

Footpaths shall provide a direct, convenient and safe pedestrianised route to any bus stops. Direct routes shall be provided between neighbourhood areas for buses, with bus gates where required.

Minimum bus requirement = Optare Solo, or equivalent and Euro IV compliance.

Public transport service levels shall be provided by either:

- A free-standing service
- A diversion of an existing service
- Reinforcement of the frequency
- A combination of the above

Highways on the development shall be of sufficient width to accommodate buses without undue difficulty and turning circles shall be provided for buses where appropriate.



Green Space & Play Services



2.4 Green Space & Play Services

Policy Background

- 2.4.1 The policy justification for requesting planning contributions in respect of Green Space and play services flows from PPS1 Sustainable Development, Planning Policy Guidance (PPG) 17 Planning for Open Space, Sport and Recreation down to the Bath and North East Somerset Adopted Local Plan Policies IMP.1 and CF.3 and SR.3 and the Council's Green Space Strategy (2007).
- 2.4.2 The Council's Green Space Strategy identifies the types of provision where existing facilities are inadequate to meet increased demand created by new development.

Trigger for the Obligation

- 2.4.3 The Council will seek planning contributions where development would create a demand for additional green space and/or places additional pressure on existing facilities. The trigger will in general be activated by residential development. However, it is recognised that other proposals such as commercial development (for example, offices, retail or tourism proposals) could trigger the need for planning contributions towards the provision of Green Space. Contributions will be reviewed on a case by case basis for non-residential development and will take account of provision of open space or improvements to the public realm that form part of any development proposal.

What developers will be expected to provide?

- 2.4.4 There are three categories of Green Space for which contributions may be sought as follows:-
- Formal Green Space (including Doorstep Green Spaces, Local Green Spaces, Neighbourhood Formal Green Spaces, District Formal Green Spaces)
 - Natural Green Spaces (including Neighbourhood Natural Green Spaces, District Natural Spaces)
 - Allotments
- 2.4.5 All development attracting green space planning obligations will create additional potential demand for use of green space set out above. Where the council is taking financial contributions towards green space provision to meet the local standards, the commuted sums will be directed towards providing the full range of facilities in the hierarchy. However, in the case of the provision on site by developers, there will be very few circumstances where the full range of facilities can be achieved within the application site given the size and scale of Neighbourhood and District Green Spaces. The council will, therefore, in cases where only doorstep or local green spaces are provided on site, require an additional contribution from the developer to enhance the facilities of the neighborhood and district formal green spaces. This contribution will be equal to 50% of the normal off site contribution for enhancement as shown in Table 2.4.4.

Part two

Green Space & Play Services

2.4.6 The calculation is based on local standards of provision as follows:

Table 2.4.1

Quantity Standards for the Provision of Green Space

Type	Quantity
Formal Green Space	a minimum of 15 sq. m per person
Natural Green Space	a minimum of 15 sq. m per person
Allotments	a minimum of 3 sq. m per person with a minimum site size of 1,500 sq. m / 10 plots*

*Refers to minimum allotment sites to be adopted by the Council. Other management arrangements may apply for smaller sites.

2.4.7 Generally, on site provision will be required where the size, topography and other characteristics of the application site makes this feasible. On site green space should be an integral part of the development's design concept and should fully take account of, for example, considerations relating to access, orientation, topography, biodiversity and the character of the locality.

2.4.8 Where green space is provided by the developer, it must be maintained to the satisfaction of the Council for a period of no less than 12 months. In some cases this period may be extended (e.g. if remedial works required prior to transfer are not completed within an agreed timescale). Developers will then be required to demonstrate to the Council's satisfaction that the green space will be permanently maintained and managed (e.g. through a management company) or dedicate the green space and any associated facilities (e.g. changing facilities, play equipment, landscaping) to either the District or Parish Council and to make a capital commuted contribution to cover their maintenance over a 10 year period.

2.4.9 The commuted sums used by the Council represent the cost of maintaining the different types of open space per annum and will be revised annually. The current rates (2008/09[GB4]) are as follows.

Table 2.4.2

Annual Maintenance Costs (on & off site)

Type	(£/sq.m)
Formal Green Space	58.33
Natural Green Space	16.48
Allotments	13.75

Part two

Green Space & Play Services

- 2.4.10 In cases where a proportion of the required green space is to be provided on site with the rest off-site, there will be a need for a similar level of financial contribution towards annual maintenance, but also a contribution to pay for the capital costs of construction. The current rates for the construction costs (2008/09) are as follows:

Table 2.4.3

Off-site Green Space – Construction costs

Type	Cost of Provision (£/sq.m)
Formal Green Space	36.23
Natural Green Space	6.65
Allotments	7.99

- 2.4.11 NB -these rates do not include land purchase which would be an additional cost to be added. These rates include a 6% supervision fee.

Alternatively it may be that offsite provision can be made (at least in part) through enhancement of existing facilities rather than new construction. The current rates (2008/09) for off-site enhancement are as follows.

Table 2.4.4

Off-site Green Space – Cost of enhancement of existing facilities

Type	Cost (£/sq.m)
Formal Green Space	47.29
Natural Green Space	11.56
Allotments	10.84

- 2.4.12 This is a combined cost which includes both capital and maintenance elements. The capital element includes a 6% supervision fee to cover the costs to the Council of supervising/ inspecting/monitoring the laying-out, maintaining and transfer of the green spaces to the Council. If the quantity of land dedicated by the developer to the Council is greater than the minimum local standards, then the commuted sums to cover maintenance will relate to the total land area not just that required by the standards. In all cases the calculation is to be based on the anticipated net increase in population based on the following Local Plan occupancy rates.

Table 4.2.5

Residential Development

Type of Dwelling	Occupancy
1 bedroom	2 persons
2 bedroom	2 persons
3 bedroom	3 persons
4 bedroom	3 persons
5 or more bedrooms	4 persons

Commercial Development

10% total no. of occupiers

Play Services

Introduction

2.4.13 Bath & North East Somerset Council is a Play Pathfinder Authority and as such is testing a variety of innovative approaches to supporting and creating play spaces for their local communities.

Financial contribution are to be sought from developers towards Play Services which include:

- Community Play Rangers
- Holiday Play Schemes
- Community Play Projects

2.4.14 Contributions to play services is a key element of delivering quality of play for children (ages 5 – 16 years) will be sought from developers and/or landowners regardless of the size of the development due to the flexible nature of how play services can be delivered by Community Play Rangers, holiday play schemes and community play projects.

Policy Background

2.4.15 A key objective of PPG17 is to “promote better use of open spaces”, to this end, the Bath & North East Somerset Council recognises the key role of Play Services in enhancing the quality of the play experience and the use of existing and planned spaces.

2.4.16 Circular 05/2005 also provides justification for contributions to be sought for Play Services. This approach supports the objectives of the Play Strategy published in December 2008 by the Department of Children, Schools and Families.

Part two

Green Space & Play Services

- 2.4.17 The contribution to play services is sought on the basis of the mitigation of impact on the Play Service which contributes to quality of use of the open spaces and is fairly and reasonably related to the scale of development.

Trigger for Obligation

- 2.4.18 A contribution to play provision should be sought from developers of residential schemes who like to accommodate children and young people, regardless of the size of development due to the flexible nature of how play services can be delivered.
- 2.4.19 Where families and children do not find adequate places to play near their homes they will travel, frequently by car, to neighbouring areas that offer opportunities for play. A primary objective of sustainable communities must be to encourage people to access services within walking distance of their homes. Barriers to movement such as busy roads and rail lines can limit the catchment area of play provision and mean that children and young people do not have access to facilities within reasonable distance from their homes.

What developers will be expected to provide

- 2.4.20 Developers will be expected to contribute to Play Services in respect of children of primary and secondary school age.
- 2.4.21 Where there contributions towards play are too small to develop play services that stand alone and cater for the specific area of the development they will be used to enhance play services nearby. For example additional time for Community Play Rangers working in the vicinity to develop play sessions in an open space that is accessible on foot to families and children from the new development.

In calculating how much planning contribution is made available for play, the likely child yield in the primary and secondary age groups will be assessed using the methodology explained in the Education chapter of this SPD.

Cost of Community Play Ranger Scheme

Cost per annum of Community Play Ranger Scheme	£30,000
Number of Children served	£ 382
Cost Per Child	£78.53
Example calculation:	
Child yield from dwelling of 2 bedrooms or more	0.54
Cost per unit	£42.41
Commuted sum at factor of 10 years = £424 per unit.	



Sport & Recreation



2.5 Sport & Recreation

Policy Background

- 2.5.1 The policy justification for requesting planning contributions in respect of Sport & Leisure flows from PPS17 Planning for Open Space, Sport and Recreation down to the Bath and North East Somerset Local Plan IMP.1 and SR.3. In addition, the Council has had regard to a Built Facilities report by Knight, Kavanagh and Page (2009) which has identified the types of facility where there are existing short falls in provision (see Appendix A).

Trigger for Obligation

- 2.5.2 All new residential developments (including single dwellings) place additional burdens on sport and recreation facilities and therefore contributions will be sought towards their provision and maintenance

What developer will be expected to provide?

- 2.5.3 Sport and recreational facilities can be provided on or off site. Where possible the requirement should be provided on site, as it is usually the most practical way to serve the recreational needs of residents of the new housing development unless the provision can be more cost effectively meet if combined with an identified shortfall off site.

On Site Provision

- 2.5.4 On site provision is an option where:
- there is a deficiency in the local area for provision.
 - developments are large enough to create their own demand for facilities and the sum of contributions is large enough to create a site of appropriate size.

Off Site Provision

- 2.5.5 Off site provision is an option where:
- there is a local deficiency in the quantity of provision.
 - there is a local deficiency in the quality of provision.
 - the development is not large enough to create demand for on site provision.

Part two

Sport & Recreation

2.5.6 Off site provision can be delivered through:

- the creation of new sites within the same analysis area as the development by the housing builder.
- the enhancement of facilities within the appropriate analysis area by the developer.
- the provision of a contribution to be used to create/upgrade provision within the District.

Thresholds

2.5.7 In all cases the calculation is to be based on the anticipated net increase in population. Therefore, the theoretical occupancy rate of any existing dwellings to be lost in the proposed development is deducted from the demand generated. The Local Plan occupancy rates are as follows:

Table 2.5.1

Type of Dwelling	Occupancy
1 bedroom	2 persons
2 bedroom	2 persons
3 bedroom	3 persons
4 bedroom	3 persons
5 or more bedrooms	4 persons

In the case of non-residential forms of development attracting planning obligations (i.e. office and retail) the following occupancy and contribution rates will apply:

Table 2.5.2

Type of Development	Occupancy Rate
Contribution rate	Business development (e.g. office and retail)
Total number of employees	10% total number of employees x local quantity standards

Employees of such development will only be likely generate demand for the use of facilities in the locality of the development for a smaller proportion of the time than local residents or hotel guests. This is reflected in the contribution rate.

Part two

Sport & Recreation

2.5.8 The minimum provision standards for sport and recreational provision are summarised in Appendix A, and used to set up Table 8.3. The steps are as follows:

- A. calculating current provision in square meters.
- B. calculating identified shortfalls in square meters.
- C. adding A to B to calculate total future requirements.
- D. dividing C by projected future population (i.e., 181,700).
- E. multiplying D by 1,000.

(Note: the Assessment does not identify any 'over provision'. They are not included in this calculation).

Table 2.5.3

Type of facility	Spatial 1 requirement for a single facility (square metres)	A Current provision (square metres)	B Future additional requirements (square metres)	C Total future requirements square (metres)	D Total future requirements divided by future population	E Quantity standard per 1,000 people (square metres)
Swimming pools (i.e., 25m swimming pool)	230	3,541.56	115	3,656.56	0.02	20.12
Synthetic turf pitches (STPs)	6,095	73,140	6,095	79,235	0.43	436.08
Multi-use (or small) halls (i.e., 1-badminton court hall)	207	13,455	None	13,455	0.07	74.05
Multi-use games areas	787.2	23,616	7,872	31,488	0.17	173.29

2.5.9 For residential development the calculation of financial contributions will be based on the following information:

- potential number of persons per dwelling in new development.
- the future spatial requirement for the provision of the required type of facility.
- the cost per sq. m of provision and maintenance of the required facility or enhancement of existing facilities.

2.5.10 When a financial contribution is secured in lieu of new development, it will be used to improve existing facilities or purchase new land for recreation. Financial contributions will be required where it is clear that the new development would create additional demands for such facilities. Generally financial contributions will be directed towards local facilities.

Part two

Sport & Recreation

- 2.5.11 Circumstances where 'off site provision' or a payment of a financial contribution to improve existing provision may be acceptable are:
- where the development site is too small or of an inappropriate shape to reasonably accommodate sport and recreation facilities.
 - high density schemes in the urban areas where on site provision would not optimise the use of land or meet sustainability objectives.
 - where topography or other site constraints would not allow for acceptable provision. Examples include sites which flood, or with steep gradients or other site features, such as pools, streams, vegetation or man-made structures which would prevent effective use as a sport / recreation area.
- 2.5.12 Where new off site provision is proposed, an area should be identified by the developer in consultation with the Local Planning Authority. The area identified should be within easy walking distance of the new development and should be consistent with the layout and sitting principles referred to elsewhere in this guide.
- 2.5.13 Where a financial contribution is required, the form of the proposed improvements should be in consultation with the community.
- The level of commuted payment is calculated from the number of houses.

Provision for Maintenance

- 2.5.14 Where facilities are provided by the developer, they/it must be maintained to the satisfaction of the Council for a period of no less than 12 months. In some cases this period may be extended (e.g. if remedial works required prior to transfer are not completed within an agreed timescale). Developers will then be required to dedicate the facilities, including ancillary facilities to either the District or Parish Council and to make a capital commuted contribution to cover their maintenance over a 10 year period following adoption by the Council.

Capital Costs of Provision

- 2.5.15 The table below outlines the costs of various components of sport and recreation provision. The costings are for the development of community sports facilities and are based on data provided by Sport England for the costs of providing good quality sports facility for the 2nd Quarter 2008. These rounded costs are based on schemes most recently funded through the Lottery, updated to reflect current forecast price indices for 2nd Quarter 2008 provided by the Building Cost Information Service (BCIS). They will be updated annually.

Table 2.5.4

Facility Type	Facility Details	Costs
Sports Hall	1-badminton court (i.e. a small hall,)	£695,000
	4-badminton court	£2,765,000
Swimming pools	25m pool (5 lane)	£2,670,000
Synthetic Turf Pitches	Sand based 100 x 64m fenced and floodlit	£600,000
	Rubber crumb 100 x 64m fenced and floodlit	£740,000
	Water based 100 x64m fenced and floodlit	£925,000
Multi-use games areas	40 x 18m fenced and floodlit	£80,000

The costs above include allowances for the following:

- external works (car parks, roads, paths, services connections etc) are included at an average rate of 15% addition to the cost of the works.
- fees are included at 15% for Sports Halls, and swimming pools,
- fees are included at 5% for Synthetic Turf Pitches and multi-use games areas

The costings above exclude the following:

- inflation beyond current 4th Quarter 2007 prices.
- site abnormalities such as poor ground conditions, difficult access, long service connections.
- VAT.
- land acquisition costs.
- regional cost variations in materials and labour.

Commuted Sums for Future Maintenance

- 8.20 All schemes that necessitate sport and recreation facility provision will require the developer to maintain the facility or pay for the maintenance costs incurred by the scheme. The contributions will be in the form of a commuted sum payment, which relates to the size and content of the facility. The table below shows the commuted sum calculation for a new facility comprising a 25 metre swimming pool, fitness suite, small hall, reception and two changing rooms (i.e., a total of 494.5 square metres) – criteria used should be appropriate to the facility. Costing for specific developments should be carried out in conjunction with the facility's 'operator' or 'manager'.
- 8.21 In the table it is assumed that the machinery for maintenance is leased over a five year period and written off over the same period. The cost of consumables and maintenance should be included but finance costs for the machinery should not. The frequency of operations should be in line with current maintenance schedules but may be adjusted according to site.

Example Calculation of Financial Contribution for Future Maintenance

8.22 The table below provides a format of the calculation of a financial contribution. It is based on a facility comprising a 25 metre swimming pool, small hall and MUGA. The table provides indicative costs for maintaining this type of sport and recreation facility.

Table 2.5.5

Item	Description	Annual total
Weekly checks (including preventive maintenance)	General: 15 hours per week @ £9 per hour	£7,020
	Specialist plant @ £1,250 per month	£15,000
Annual risk assessment	9 hours @ £15 per hour	£135
Hard surface cleaning	2.5 hours per day (equivalent) @ £6.50	£5,850
Building maintenance (external)	Contingency	£5,500
Building maintenance (internal)	Repair and maintenance	£15,000
Maintenance of equipment	Contingency	£10,000
Health & safety	Compliance with policy	£3,000
Bins emptying/Litter picking	Refuse contract, including recycling	£2,500
	Cost per annum	£64,005
	Annual cost per m2	£8.77

Example Calculation of Financial Contribution in Lieu of on Site Provision

Part two

Sport & Recreation

2.5.21 The table below provides a format of the calculation of financial contribution. It is based on a facility comprising a 25 metre swimming pool, small hall and a MUGA.

Table 2.5.6

Size of development	40 dwellings				
No. of people generated by development	100				
Type of facility	Swimming pool	Small hall	MUGA	STP (sand based)	Total
Quantitative standard (m ² per 1,000) – from table 8.3	20.12	74.05	182.28	526.58	–
Space requirement generated by development (m ²)	2.01	7.405	18.23	52.658	–
Capital cost per m ² of provision – using table 8.4	£11,304	£3,260	£90	£79	–
Capital costs of space requirement	£22,744	£24,140	£1,641	£4,160	£52,685
Maintenance costs of provision per m ² – using table 8.5	£8.77	£8.77	£8.77	£8.77	–
Maintenance costs (over 10 years) of space requirement	£1760	£650	£1520	£3820	£7750
Total contribution (based on one year's maintenance)	£24,504	£24,790	£3,161	£7,980	£60,435

Notes:

- number of people generated by development is calculated using the occupancy rates set out in Table 8.1
- space requirement generated by development equates to the number of people divided by 1,000, multiplied by the quantitative standard identified in table 8.3.
- capital costs of provision are derived from Table 8.4.
- capital costs required equals the capital cost of provision divided by the space requirement.
- maintenance costs of provision per m² are derived from table 8.5 (i.e., £8.77 per annum).
- maintenance costs (per annum) equal the space requirements multiplied by maintenance cost of provision per m².
- the value of the total maintenance cost should equate to 10 years maintenance.
- total contribution is the capital costs and the maintenance costs of space required added together.

3.0 Case Studies

Case Study 1

Urban Brownfield Site in Bath

1000 sq m retail (non-food)

500 sq m offices

30 residential flats, 20 x 2 bed, 10 x 1 bed

Affordable housing

Section 2.1	On site: (Para 2.1.2)	Affordable 35% = (10.5) 11 units 75% Rented = 8 25% Intermediate = 3
	Off site: (Para 2.1.6)	Affordable = 30 x 35/65 = 16 75% Rented = 12 25% Intermediate = 4

Children's services and lifelong learning

Assumes 100% demand in every area of Childrens Services.

Section 2.2	Children's Services Total per Unit (Table 2.2.4)	2 bed units only 20	£1,664.73	£33,294.60	
	Lifelong Learning (Para 2.2.19) 30 x 2 pers.	60	£90	£5,400.00	£38,694.60

Strategic transport

Section 2.3	Area sq m	Trips/100 sq m or unit	Total trips	Contrib/ trip	
Retail	1000	51	510		
Office	500	18.7	93.5		
Resid	30	7	2.1		
			605.6	£349.30	£211,536.08

Green space & play services

Section 2.4		Green Space		Assume no on-site provision – enhancement of existing only			
Occupation		Resid 30x2	60				
		Comm 150x10%	15				
			75				
		Standard (Table 2.4.1)	Provision Required	Capital Cost (Table 2.4.4)	Maint. Cost (Table 2.4.2)	Total Cost /sq m	Total
	Formal Green Space	15	1125	47.29	58.33	£105.62	£118,822.50
	Natural Green Space	15	1125	11.56	16.48	£28.04	£31,545.00
	Allotments	3	225	10.84	13.75	£24.59	£5,532.75
							£155,900.25
Play Services (Para 2.4.21)							
	Child Yield		9				
	Cost per child pa	£78.53					
	Commuted Sum 10 yrs		10				£7,067.70

Sport & leisure

Section 2.5		Occupation – Resid only					
		60					
		Provision reqd/1000 occup	Provision sq m	Capital cost	Maint. over 10yrs	Total Cost /sq m	Total
	Sports Hall	74.05	4.443	£3,260.00	£87.70	£3,347.70	£14,873.83
	Swimming	20.12	1.2072	£11,304.00	£87.70	£11,391.70	£13,752.06
	Synthetic Turf Pitches	436.08	26.1648	£79.00	£87.70	£166.70	£4,361.67
	Multi Use Games Area	173.29	10.3974	£90.00	£87.70	£177.70	£1,847.62
							£34,835.18

Total contribution

£447,197.61

Case Study 2

Brownfield Site c.1ha

40 residential units, 10 x 2 bed flats, 20 x 3 bed & 10 x 4 bed houses

Affordable housing

Section 2.1	On site: (Para 2.1.2)	Affordable 35% = 14 units 75% Rented = 11 25% Intermediate = 3
	Off site: (Para 2.1.6)	Affordable = 40 x 35 /65 = 22 75% Rented = 16 25% Intermediate = 6

Children's services and lifelong learning

Assumes 100% demand in every area of Childrens Services.

Section 2.2	Children's Services	(Table 2.2.4)			
		2 bed flats	3 bed hses	4 bed hses	
	Total per unit	£1,664.73	£11,090.24	£17,661.67	
	No. of units	10	20	10	
	Total Contribution	£16,647.30	£221,804.80	£176,616.70	£415,068.80
	Life-long Learning	(Para 2.2.19)			
	Occup	2	3	3	
	Units	10	20	10	
	Total	20	60	30	110
	Cost/person				£90.00
	Total				£9,900.00

Strategic transport

Section 2.3		Units	Trips/unit	Total trips	Contribution/ trip	
	Resid	40	7	280		
				280	£349.30	£97,804.00

Green space and play services

Section 2.4

Green Space

Assume on-site provision 50% Formal Green Space – remaining provision by enhancement of existing

Occup: Resid as above 110

Total 110

	Standard (Table 2.4.1)	Provision Required	Capital Cost (Table 2.4.4)	Maint. Cost (Table 2.4.2)	Cost/ sq m	Total
Formal Green Space	7.5	825	47.29	58.33	105.62	£87,136.50
Natural Geen Space	15	1650	11.56	16.48	28.04	£46,266.00
Allotments	3	330	10.84	13.75	24.59	£8,114.70
						£141,517.20

Play Services (Para 7.16)

Child Yield 18.4

Cost per child (£) pa 78.53

Commuted Sum 10 yrs 10

14449.52

Sport & leisure

Section 2.5

Occup as for Green Space 110

	Provision reqd/1000 occup	Provision sq m	Capital cost	Maint. over 10yrs	Total Cost /sq m	Total
Sports Hall	74.05	8.1455	3260	87.7	3347.7	£27,268.69
Swimming	20.12	2.2132	11304	87.7	11391.7	£25,212.11
Synth Turf Pitches	436.08	47.9688	79	87.7	166.7	£7,996.40
Multi Use Games Area	173.29	19.0619	90	87.7	177.7	£3,387.30
						£63,864.50

Total contribution

£717,686.12

Case Study 3

Greenfield Site c.3ha

100 residential units: 20 x 2 bed, 60 x 3 bed, 20 x 4 bed houses
Formal Green Space
Multi Use Games Area

Affordable housing

Section 2.1	On site: (Para 2.1.2)	Affordable 35% = 35 units 75% Rented = 26 25% Intermediate = 9
	Off site: (Para 2.1.6)	Not acceptable

Children's services and lifelong learning

Assumes 100% demand in every area of Childrens Services.

Section 2.2	Children's Services	2 bed flats	3 bed hses	4 bed hses	
	Total per Unit (Table 2.2.4)	£1,664.73	£11,090.24	£17,661.67	
	No. of units	20	60	20	
	Total Contribution	£33,294.60	£665,414.40	£353,233.40	£1,051,942.40
	Life-long Learning (Para 2.2.19)				
	Occup	2	3	3	
	Units	20	60	20	
	Total	40	180	60	£280
	Cost/person				£90
	Total				£25,200.00

Strategic transport

Section 2.3		Units	Trips/100 m or unit	Total trips	Contribution/ trip	
	Res units	100	7	700	700	349.3
						£244,510.00

Green space and play services

Section 2.4

Green Space

Assume on-site provision of Formal Green Space only -other categories new provision off-site

Occup: Resid as above 280

Total 280

	Standard (Table 2.4.1)	Provision Required	Capital Cost (Table 2.4.4)	Maint. Cost (Table 2.4.2)	Cost/ sq m	Total
Natural Green Space	15	4200	6.65	16.48	23.13	£97,146.00
Allotments	3	840	7.99	13.75	21.74	£18,261.60
						£115,407.60
Play Services (Para 2.4.21)						
Child Yield	46					
Cost per child (£) pa	78.53					
Commuted Sum 10 yrs	10					36123.8

Sport & leisure

Section 2.5

Occup as for Green Space 280

	Provision reqd/1000 occup	Provision sq m	Capital cost	Maint. over 10yrs	Total Cost /sq m	Total
Sports Hall	74.05	20.734	3260	87.7	3347.7	£69,411.21
Swimming	20.12	5.6336	11304	87.7	11391.7	£64,176.28
Synth Turf Pitches	436.08	122.1024	79	87.7	166.7	£20,354.47
Multi Use Games Area	On site					nil
						£153,941.96

Total contribution

£1,616,904.96

Appendix A: Sport and recreation minimum provision standards

Introduction

This document provides supporting information to the sport and recreation facilities assessment to enable Bath and North East Somerset (B&NES) Council to develop supplementary planning documents seeking developer contributions. B&NES Council is committed to providing quality sport and recreational opportunities for its residents and visitors. An extensive research process has been undertaken to identify the needs of residents in terms of sport and recreational facilities.

This guidance sets out the Council's strategy (up to and including 2011) for securing sport and recreational facilities through new development. The guidance forms the basis for negotiation with developers for the provision of appropriate sport and recreational facilities.

This guide aims to help developers provide sport and recreation facilities of sufficient quality and quantity and to ensure that new developments do not result in future problems. A variety of sport and recreational opportunities will be encouraged to meet changing demands. The guide is primarily concerned with the provision built facilities such as leisure centres, sports halls or facilities for specific forms of recreation such as skate-boarding.

The role of the local planning authority

The Local Planning Authority aims to:

- Safeguard existing important sport and recreation facilities through its Local Development Framework.
- Ensure that new developments meet the needs of residents.

It is the latter function with which this guide is principally concerned.

The guide will address the quantity of sport and recreation facilities required and offer best practice for location, layout and design. It will also indicate where financial contributions to upgrade existing facilities, or provide new off site opportunities may provide more appropriate solutions to meeting the recreational requirements of local people.

The involvement of the local community is critical in developing sport and recreation facilities. It is the community who will use the facilities, and their views should be properly taken into consideration. This will occur primarily through the development control process. The Council is committed to involving the community in the siting and design sport and recreational facilities in all its schemes.

Aims of the guide

The guide has a number of key aims. These are to ensure that:

- Clear standards and criteria for the provision of sport and recreation within the District are provided.
- Sports and recreational facilities are of high quality.
- Sports and recreational facilities are provided in the most appropriate location.
- Sports and recreational facilities provided are those most appropriate to meet demand.
- Sports and recreational facilities are available for all members of the community.
- Informal facilities are designed and sited so as to maximise use and minimise negative effects such as noise and disturbance.
- Recreation provision should be responsive to changes in demand and the needs of different locations.
- Adequate provision is made for subsequent maintenance of facilities.
- Sport and recreation facilities are designed to be safe and secure for their users and to safeguard the privacy and security of adjoining development.
- Appropriate consultation is carried out with the community to ensure sport and recreation facilities meet local needs.

Sport and recreation facilities assessment

As part of the production of this guidance, a detailed assessment of sport and recreational provision in B&NES has been undertaken to assess the provision and accessibility of facilities.

Where a deficiency of a specific type of sport and recreational facility is identified through the assessment, it would be appropriate for investment arising from off site contributions to address this shortfall, provided it is commensurate with the scale of development proposed. Depending on the findings of the assessment, this may take the form of new provision (to address a quantitative shortfall) and/or investment in improving existing provision (to address a qualitative shortfall). Regular monitoring of sport and recreational provision will therefore occur through an annual monitoring report.

Current policy

In lieu of publication of a local development framework, the B&NES Local Plan helps to guide development in the area. Housing development will be concentrated within urban areas (i.e., Bath, Keynsham and Norton-Radstock). The overall vision for the Plan is achieve 'balanced communities'. The overall strategy is focused in four localities with the following objectives:

Table 1

Locality	Objectives
City of Bath	To maintain the character and setting of the City, consistent with its status as a World Heritage site and with the objectives of the Bristol/Bath Green Belt, by focusing development and change on the existing built up area.
Keynsham	To develop new housing and associated social infrastructure and employment opportunities will facilitate the town's increasing importance within the District.
Norton-Radstock	To create a sustainable pattern of development within Norton-Radstock, new residential development will be limited to that required to ensure the plan is able to provide an adequate supply of housing land within the plan period. Development will be mainly on brownfield sites, and will include mixed use schemes wherever appropriate in order to contribute to the provision of modern employment facilities.
Rural areas	To enable limited development to meet economic, social and environmental considerations by focusing development on those settlements/clusters of settlements which have at least a reasonable level of local services and sufficient public transport access both to the local service centres.

The adopted Bath City Local Plan and the Bath & North East Somerset Local Plan set out the local policy justification, which should be read in conjunction with this guidance.

Definition of sport and recreation facilities

The guide covers the following typologies as set out in ‘Assessing needs and opportunities: Planning Policy Guidance 17 companion guide.’

Table 2

Sport and recreation facilities	PPG17 typology	Primary purpose
	Outdoor sports facilities (pitch and non-pitch)	Participation in outdoor sports, such as tennis, bowls and athletics (but not formal green space).
	Indoor sports facilities (built facilities)	Participation in indoor sports, such as badminton, swimming and gymnastics.

Summary of assessment

Analysis (for the period to 2011) of the assessment of sport and recreation facilities is summarised as follows:

Table 3

Type of facility	Summary of key points
Sports halls	<p>There are 16 4-badminton court sports halls and one 5-badminton court sports hall and three that are significantly larger.</p> <p>The majority of sports hall sites are education facilities, although Wellsway and Oldfield schools don't have sports halls.</p> <p>There is no evidence to suggest that sports halls in neighbouring areas have a significant impact on local provision. The exception could be the new Longwell Green leisure facility, in South Gloucestershire.</p> <p>Community use of sports halls on secondary school sites is limited due to the poor condition of facilities, but this situation could change if facilities are enhanced as a result of the 'extended schools' initiative.</p> <p>Future shortfall is approximated as one 4-badminton court sports halls (i.e., six badminton courts).</p>
Multi-use (or small) halls	<p>There are over 60 multi-use halls (i.e., village, church, community and school halls, the majority of which have a hall the size of at least one badminton court and could accommodate a range of fitness activities.</p> <p>They are generally well spread throughout the District.</p> <p>The accessibility of halls is variable.</p> <p>Primary school halls could provide venues for regular use by sports clubs and organisations.</p>

Sport and recreation minimum provision standards

Type of facility	Summary of key points
Synthetic turf pitches (STPs)	<p>There are 12 STPs in B&NES. All STPs are 'sand based'.</p> <p>The distribution of STPs is reasonable.</p> <p>There are limited variety of surfaces.</p> <p>Existing STPs are well used and an additional STP is required for hockey.</p> <p>There are limited opportunities for day-time community use of existing STPs.</p> <p>Future shortfall is estimated as one full-size STP.</p>
Swimming pools	<p>There are 16 swimming pools in B&NES. One is a hydrotherapy pool, another is outdoors and one can accommodate international swimming (i.e., it is 50 metres long and has electronic timing). There is one learner pool (at South Wansdyke Sports Centre) and a leisure pool at Bath Sports and Leisure Centre. There are also two swimming pools of various descriptions and sizes in hotels.</p> <p>Swimming pools are clustered in the largest centres of population, which means that residents living in the 'rural parishes' will need to travel further than those living in the largest centres of population.</p> <p>Future shortfall is approximated as half a 25m swimming pool.</p>
Indoor tennis courts	<p>There are three bespoke, indoor tennis facilities.</p> <p>Covering existing outdoor courts at Writhlington Sports Centre with a 'dome' will significantly improve the distribution of indoor tennis facilities.</p>
Outdoor tennis courts	<p>There are 27 sites with outdoor tennis courts relatively evenly distributed throughout B&NES. Four are double court sites and four sites have four courts or more.</p> <p>There are few qualitative issues with outdoor tennis courts.</p> <p>All outdoor tennis courts assessed are at least 'good' quality.</p> <p>Thirteen sites (72%) are available for community use and there is a mix of voluntary (17%), publicly (39%), education (33%) and privately (11%) managed sites with between one and 12 courts.</p>
Indoor bowling facilities	<p>There are three dedicated indoor bowls facilities.</p> <p>Levels of demand vary seasonally.</p> <p>The quality of facilities is generally good.</p>
Outdoor bowling greens	<p>There are 17 outdoor bowling facilities.</p> <p>The majority of outdoor bowling facilities are in 'good' or 'excellent' condition.</p> <p>The facilities are generally well used, with no reported overuse.</p>
Multi-use games areas	<p>The distribution of MUGAs is generally good.</p> <p>The condition, use and accessibility of MUGAs is also good.</p> <p>Future shortfall is estimated as ten MUGAs.</p>

Sport and recreation minimum provision standards

Type of facility	Summary of key points
Fitness suites/gyms	<p>There are 30 fitness facilities spread across the District.</p> <p>There is significant clustering of fitness facilities in urban areas and poor provision in 'the Parishes'.</p> <p>The education and public sector is the largest provider of fitness facilities.</p> <p>There is no significant need for additional fitness facilities in B&NES.</p>
Squash courts	<p>There are 17 squash courts available, on six sites.</p> <p>There are no glass back courts.</p> <p>There is no reported decline in demand or over-use.</p> <p>Retention of existing squash courts is important.</p>
Golf courses	<p>There are eight golf courses, two of which are available for use by non-members.</p> <p>All golf courses are 'well used'.</p> <p>Most are in 'excellent' condition.</p>
Youth facilities	<p>There are 109 individual youth facilities, on nearly 40 sites.</p> <p>Provision is extremely variable with facilities being placed on sites largely in response to local demand.</p> <p>There is fairly good coverage in Whitchurch and the Keynsham and Norton Radstock analysis areas but only sparse provision within Bath.</p> <p>Provision and distribution in 'the parishes' tends to be based around the larger villages, where facilities are usually sited in the main areas of formal green space.</p> <p>Provision should be made on neighbourhood green spaces wherever possible.</p>
Athletics tracks	<p>There is one permanent, all-weather 400 metres athletics track.</p> <p>There is insufficient justification for development of comparable facilities elsewhere in the District.</p>
Recreation ground pavilions/ changing accommodation	<p>A significant proportion of recreation ground pavilions/changing accommodation is 'clean and well decorated', although there is a concentration of poor quality, small changing pavilions in the Norton Radstock area.</p> <p>However, changing accommodation on sites with more than one grass pitch and shared by two or more teams, particularly those owned by parish/town councils, are generally poorer quality and insufficient to cater for peak demand.</p>

The creation and use of standards

Quantity standards provide a guideline as to how much sport and recreation provision per 1,000 people is needed to strategically serve the District up to and including 2011. Standards for each type of facility have been created in relation to demand, access and future population growth. Quality and accessibility standards are also provided per type of provision, where appropriate.

Where a quality standard is provided, it is based on the audit and assessment of sites and provides a minimum level of quality (i.e., threshold), which sites should achieve. An accessibility standard is also provided based on catchment areas and how far people should be expected to travel to visit each type of provision.

KKP has applied a composite approach to the setting of sport and recreation facility provision standards in B&NES. It has taken account of the other possible options including the application of national standards and believes that this is the most appropriate way to produce locally derived standards for B&NES and conforms to the guidance set out by PPG17 and the Companion Guide 'Assessing Needs and Opportunities'.

The audit is a 'living document' and the recommendations contained within it will be reviewed on a regular basis as outlined in PPG17 and the Companion Guide 'Assessing Needs and Opportunities' and to take account of adopted local plan housing sites as and when required.

Methodology

The current level of provision

The current level of provision has been calculated using the information collected within the accompanying Assessment Report and analysed using the sport and recreation and 'pitch and non-pitch' database.

In order to be consistent with the future population figures, population figures used are based on the Census data (2001), which identifies that the population profile for B&NES is similar to those for the South West Region and England and equates to 169,040 people across the District in 2001.

Mapping deficiencies

Catchment mapping has been used to demonstrate which areas are deficient in sport and recreation provision. All sites are mapped with the appropriate catchment area (effective catchments have been identified and applied against a settlement backdrop). Deficiency is then calculated by identifying gaps/ areas not covered by the catchment areas for each type of sport and recreation facility covered in the Assessment. Regardless of its quality and value, where appropriate, if a site is identified as meeting a catchment gap, then it is recommended to increase its quality and value.

If a settlement is not covered by a catchment it is deemed deficient. Several larger settlements may be partly covered by catchment areas. Where this has occurred KKP has indicated that additional facilities are needed to provide comprehensive access to this type of provision.

Future population growth

Future population growth is incorporated into the provision standard calculations for sports halls, swimming pools and indoor bowls facilities by assessing the additional demand for provision using the Sport England Facilities Calculator. The projected population for B&NES in 2011 is 181,700 ('West of England revised 2004-based population projections', Office of National Statistics).

Appendix A

Sport and recreation minimum provision standards

According to the South West Regional Spatial Strategy (the RSS), the sub-region is continuing to grow. The RSS projects a total of 775 new dwellings, across the District, per year. This is based on an average of 300 dwellings per year as part of Bristol's south eastern urban extension, 75 dwellings per year in Bath's southern urban extension, 300 dwellings per year in Bath's urban area and 100 dwellings per year elsewhere in the District. Development of new dwellings will be focused in these areas.

Additional demand resulting from population growth is calculated for sport and recreation facilities based on current levels of provision, plus identified shortfalls. This guide identifies spatial requirements for additional facilities, to which developers will be expected to contribute. Spatial requirements are calculated using recommended minimum sizes, plus an allowance for circulation, reception, changing accommodation and run-off areas, as appropriate.

Occupancy rates

The District's average household size is getting smaller (reflecting the national trend) and is projected to reduce from 2.31 in 2006 to 2.24 by 2016. Population projections are calculated by multiplying the housing projections by the projected household size (i.e., occupancy rate). It is assumed that (for the purposes of calculating the number of people generated by a development) that an occupancy rate of 2.3 provides a reasonable average.

Quantity standards

The minimum provision standards for sport and recreational provision are summarised in the Appendix 2. Quantity standards for the period to 2011 are calculated by:

- A** Calculating current provision in square meters.
- B** Calculating future additional requirements in square meters.
- C** Adding A to B to calculate total future requirements.
- D** Dividing C by projected future population (i.e., 181,700).
- E** Multiplying D by 1,000.

(Note: the Assessment does not identify any 'over provision', which is not included in this calculation).

Table 4

Type of facility	Spatial ¹ requirement for a single facility (square metres)	A Current provision (square metres)	B Future additional requirements (square metres)	C Total future requirements (square metres)	D Total future requirements divided by future population	E Quantity standard per 1,000 people (square metres)
Sports halls (i.e., 4-badminton court halls)	683.1	16,906.72	683.1	17,589.82	0.09	96.81
25m swimming pools	230	3,541.56	115	3,656.56	0.02	20.12

Appendix A

Sport and recreation minimum provision standards

Type of facility	Spatial ¹ requirement for a single facility (square metres)	A Current provision (square metres)	B Future additional requirements (square metres)	C Total future requirements (square metres)	D Total future requirements divided by future population	E Quantity standard per 1,000 people (square metres)
Synthetic turf pitches (100m x 64m)	7,360	88,320	7,360	95,680	0.53	526.58
Multi-use (or small) halls (i.e., 1-badminton court hall)	207	13,455	None	13,455	0.07	74.05
Fitness suites/ gyms (i.e., 20 stations)	57.5	2,745.62	None	2,745.62	0.01	15.11
Indoor bowling facilities (six lane)	2,015	6,046	None	6,046	0.003	33.27
Multi-use games areas (40 x 18m)	828	24,840	8,280	33,120	0.18	182.28
Outdoor bowling greens	36.02	504.28	None	504.28	0.002	2.77
Indoor tennis courts (three courts)	1,943.3	31,093	None	31,093	0.17	171.12
Outdoor tennis courts (two courts)	1,101.6	88,128	None	88,128	0.48	485.02
Squash courts	71.76	121,992	None	121,992	0.67	671.39
Youth facilities	-	109	-	-	-	One facility per 1,000 residents
Recreation ground pavilions / changing accom. (two teams)	34.5	1,690.5	None	1,690.5	0.009	9.30

All new residential developments (including single dwellings) place additional burdens on sport and recreation facilities and therefore contributions will be sought towards their provision and maintenance.

¹ Spatial requirement includes the recommended minimum size for a single facility plus 15% for circulation, changing accommodation, reception, run-off (as required) etc.

Methods of meeting sport and recreational facility provision

Location of provision

Sport and recreational facilities can be provided on or off site. Where possible the requirement should be provided on site, as it is usually the most practical way to serve the recreational needs of residents of the new housing development unless the provision can be more cost effectively meet if combined with an identified shortfall off site.

On site provision

On site provision is an option where:

- There is a deficiency in the local area for provision.
- Developments are large enough to create their own demand for facilities and the sum of contributions is large enough to create a site of appropriate size.

Off site provision

Off site provision is an option where:

- There is a local deficiency in the quantity of provision.
- There is a local deficiency in the quality of provision.
- The development is not large enough to create demand for on site provision.

Off site provision can be delivered through:

- The creation of new sites within the same analysis area as the development by the housing builder.
- The enhancement of facilities within the appropriate analysis area by the developer.
- The provision of a contribution to be used to create/upgrade provision within the District.

Thresholds

In all cases the calculation is to be based on the anticipated net increase in population. Therefore, the theoretical occupancy rate of any existing dwellings to be lost in the proposed development is deducted from the demand generated. The Local Plan occupancy rates are as follows:

Table 5

Type of Dwelling	Occupancy
1 bedroom	2 persons
2 bedroom	2 persons
3 bedroom	3 persons
4 bedroom	3 persons
5 or more bedrooms	4 persons

In the case of non-residential forms of development attracting planning obligations (i.e. office and retail) the following occupancy and contribution rates will apply:

Table 6

Type of Development	Occupancy Rate	Contribution rate
Business development (e.g. office and retail)	Total number of employees	10% total number of employees x local quantity standards

Employees of such development will only be likely generate demand for the use of facilities in the locality of the development for a smaller proportion of the time than local residents or hotel guests. This is reflected in the contribution rate.

Implementation

It is unrealistic to expect land to become available at all strategic locations for development of sport and recreation facilities over the next ten years. Where appropriate land cannot be acquired, contributions should be used to increase the quality of existing provision within the specific analysis area so that sites offer facilities for various groups within the community. In urban areas, this means that contributions will be used within the defined analysis area (see below). Although the rural analysis area covers a significant swathe of land in the District, this principle will be applied in this area, although priority will be given to utilising contributions as close as possible to the development generating the contribution.

Sport and recreation minimum provision standards

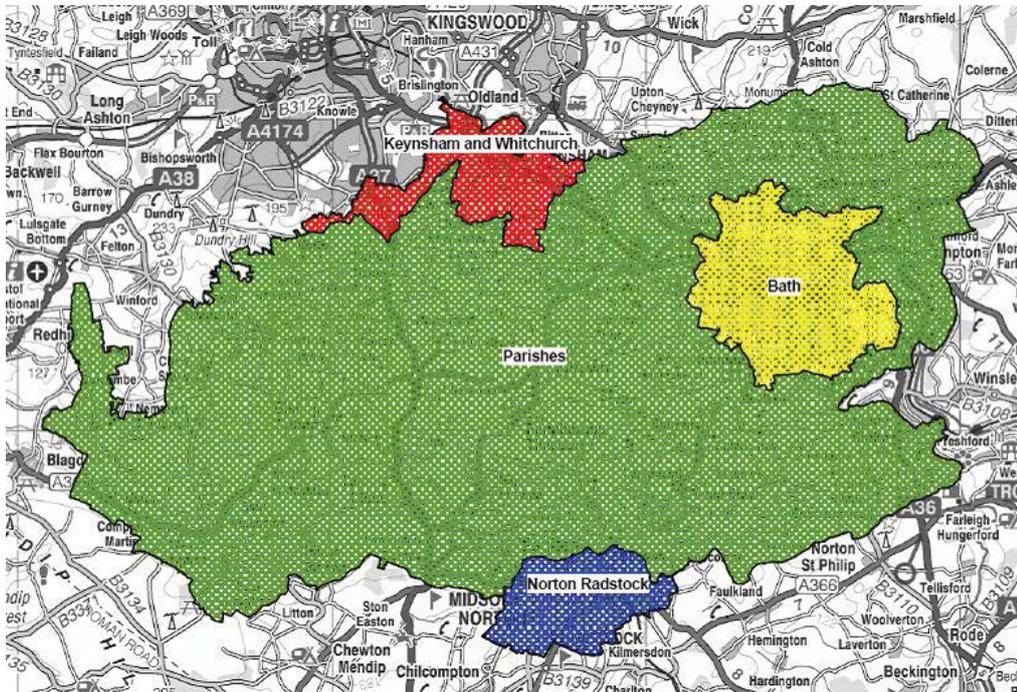


Figure: Bath & North East Somerset analysis areas

The analysis areas for the District are (based on ward boundaries):

Analysis Area	Map key/colour	Ward
Bath	Yellow	Abbey
		Bathwick
		Combe Down
		Kingsmead
		Lambridge
		Lansdown
		Lyncombe
		Newbridge
		Odd Down
Oldfield		
Southdown		
Twerton		
Walcot		
Westmoreland		
Weston		
Widcombe		
Keynsham & Whitchurch	Red	Keynsham East
		Keynsham South
Norton Radstock	Blue	Midsomer Norton North
		Midsomer Norton Redfield
Parishes	Green	Radstock
		Westfield
		Bathavon North
		Bathavon South
		Bathavon West
		Chew Valley North
		Chew Valley South
		Clutton
		Farmborough
High Littleton		
Mendip		
Paulton		
Peasedown		
Publow and Whitchurch		
Saltford		
Timsbury		

B&NES Council will pool off site contributions in an ‘area specific development pot’. This will allow deficiencies in quality and quantity to be dealt with strategically.

Financial contributions

For residential development the calculation of financial contributions will be based on the following information:

- Potential number of persons per dwelling in new development.
- The future spatial requirement for the provision of the required type of facility (see Tables 5 and 6 above).
- The cost per sq. m of provision and maintenance of the required facility or enhancement of existing facilities.

When a financial contribution is secured in lieu of new development, it will be used to improve existing facilities or purchase new land for recreation. Financial contributions will be required where it is clear that the new development would create additional demands for such facilities. Generally financial contributions will be directed towards local facilities.

Circumstances where 'off site provision' or a payment of a financial contribution to improve existing provision may be acceptable are:

- Where the development site is too small or of an inappropriate shape to reasonably accommodate sport and recreation facilities.
- High density schemes in the urban areas where on site provision would not optimise the use of land or meet sustainability objectives.
- Where topography or other site constraints would not allow for acceptable provision. Examples include sites which flood, or with steep gradients or other site features, such as pools, streams, vegetation or man-made structures which would prevent effective use as a sport / recreation area.

Where new off site provision is proposed, an area should be identified by the developer in consultation with the Local Planning Authority. The area identified should be within easy walking distance of the new development and should be consistent with the layout and siting principles referred to elsewhere in this guide.

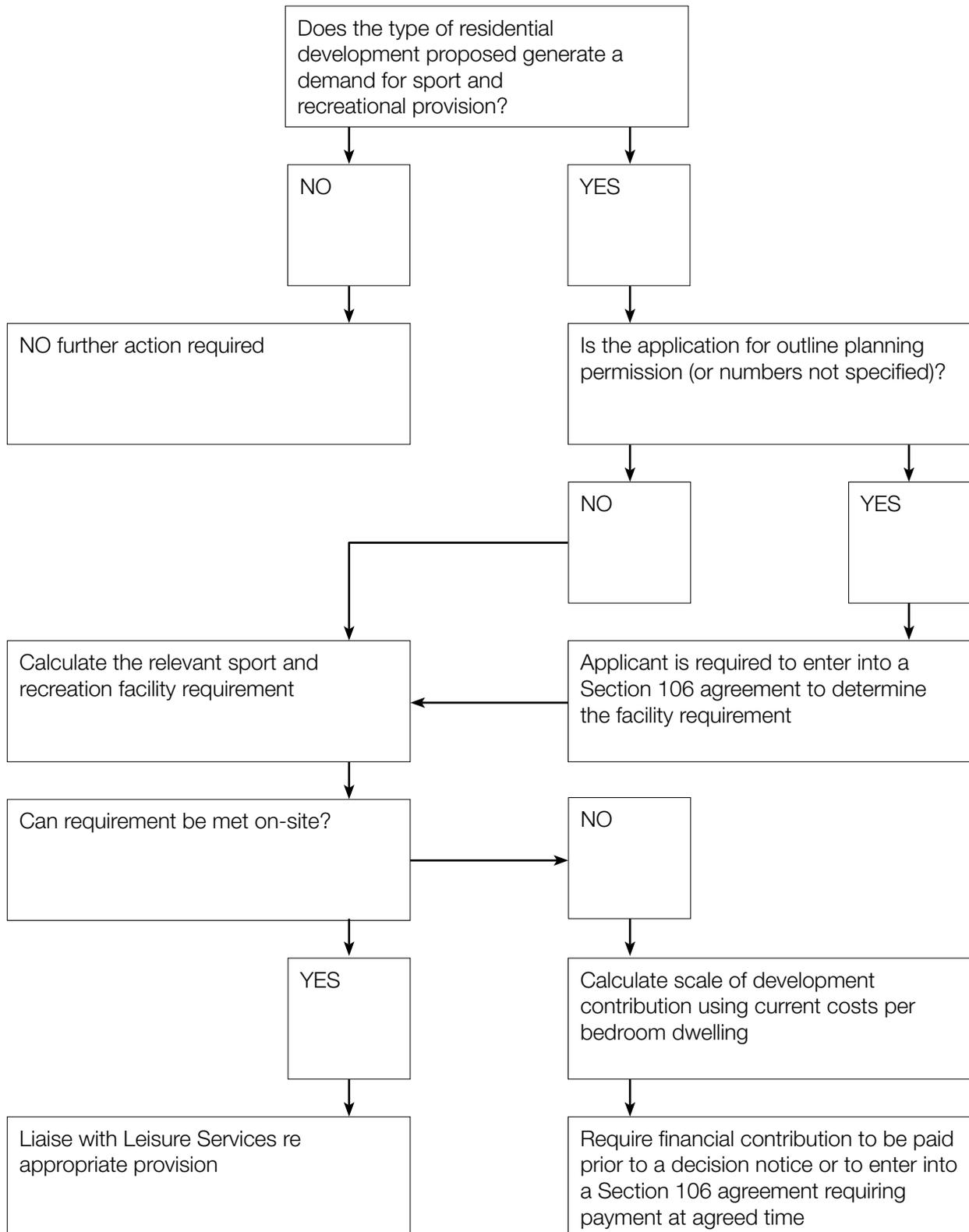
Where a financial contribution is required, the form of the proposed improvements should be in consultation with the community.

The level of commuted payment is calculated from the number of houses. The method of calculation is attached as information note 1 to this appendix.

Commuted Sums for Maintenance

Where facilities are provided by the developer, they/it must be maintained to the satisfaction of the Council for a period of no less than 12 months. In some cases this period may be extended (e.g. if remedial works required prior to transfer are not completed within an agreed timescale). Developers will then be required to dedicate the facilities, including ancillary facilities to either the District or Parish Council and to make a capital commuted contribution to cover their maintenance over a 15 year period following adoption by the Council.

Application of policy



Information note 1

Financial contributions

This section outlines where financial contributions will be required in lieu of on site provision and also for the subsequent maintenance where a developer chooses not to carry out these works.

Off site provision / payments in lieu of sport and recreation facility calculations

For the purpose of contributions towards off-site provision the formula outlined below will be used.

The calculation makes a number of assumptions:

- The average occupancy rate is based on an occupancy of 2.3 persons/dwelling.
- The spatial requirements for sport and recreational provision are as set out in the main body of this document.
- Financial contributions can be paid as a lump sum at a specified trigger point or through index-linked annual payments.

Capital costs of provision

The table below outlines the costs of developing various components of community sport and recreation facilities. Figures are based on data provided by Sport England for 4th Quarter 2007. They are rounded costs based on schemes most recently funded through the Lottery, updated to reflect current forecast price indices for 4th Quarter 2007 provided by the Building Cost Information Service (BCIS).

Table 7

Facility Type	Facility Details	Costs	Cost per m ²
Sports Hall	1-badminton court (i.e. a small hall,)	£675,000	£3,260
	4-badminton court	£2,700,000	£3,952
Swimming pools	25m pool	£2,600,000	£11,304
Changing Rooms	4 team changing pavilion	£550,000	£7,971
Indoor Bowls Centre	6 lane	£1,525,000	£757
	extra lane	£210,000	–
Indoor tennis Centre	3 court	£1,750,000	£900
	Extra court	£575,000	–
Outdoor Tennis Court	2 court, macadam, fenced and floodlit.	£130,000	£118
Skate park	40 x 18m fenced and floodlit	£110,000	£153
Synthetic Turf Pitches	Sand based 100 x 64m fenced and floodlit	£580,000	£79
	Rubber crumb 100 x 64m fenced & floodlit	£720,000	£98
	Water based 100 x64m fenced and floodlit	£890,000	£121
Multi use games areas	40 x 18m fenced and floodlit	£75,000	£90
Athletics Track	6 lane floodlit	£1,125,000	–

The costs above include allowances for the following:

- External works (car parks, roads, paths, services connections etc) are included at an average rate of 15% addition to the cost of the works.
- Fees are included at 15% for;
 - Sports Halls
 - Pools
 - Changing rooms
 - Indoor tennis centres
 - Indoor bowls centres
- Fees are included at 5% for:
 - Synthetic Turf Pitches
 - Multi-use games areas
 - Athletics Tracks
 - Outdoor tennis courts

The costings above exclude the following:

- Inflation beyond current 4th Quarter 2007 prices.
- Site abnormalities such as poor ground conditions, difficult access, long service connections.
- VAT.
- Land acquisition costs.
- Regional cost variations in materials and labour.

Sport and recreation minimum provision standards

Commuted sums for future maintenance

All schemes that necessitate sport and recreation facility provision will require the developer to maintain the facility or pay for the maintenance costs incurred by the scheme. The contributions will be in the form of a commuted sum payment, which relates to the size and content of the facility. The table below shows the commuted sum calculation for a new facility comprising a 25 metre swimming pool, fitness suite, small hall, STP, MUGA, reception and two changing rooms (i.e., a total of 7,299.2 square metres) – criteria used should be appropriate to the facility. Costing for specific developments should be carried out in conjunction with the facility's 'operator' or 'manager'.

In the table it is assumed that the machinery for maintenance is leased over a five year period and written off over the same period. The cost of consumables and maintenance should be included but finance costs for the machinery should not. The frequency of operations should be in line with current maintenance schedules but may be adjusted according to site.

Example calculation of financial contribution for future maintenance

The table below provides a format of the calculation of financial contribution. It is based on a facility comprising a 25 metre swimming pool, small hall, STP and MUGA. The table provides indicative costs for maintaining this type of sport and recreation facility.

Table 8

Item	Description	Annual total
Weekly checks (including preventive maintenance)	General: 15 hours per week @ £9 per hour	£7,020
	Specialist plant @ £1,250 per month	£15,000
Annual risk assessment	9 hours @ £15 per hour	£135
Hard surface cleaning	2.5 hours per day (equivalent) @ £6.50	£5,850
Building maintenance (external)	Contingency	£5,500
Building maintenance (internal)	Repair and maintenance	£15,000
Maintenance of equipment	Contingency	£10,000
Health & safety	Compliance with policy	£3,000
Bins emptying/Litter picking	Refuse contract, including recycling	£2,500
	Cost per annum	£64,005
	Annual cost per m ²	£8.77

Example calculation of financial contribution in lieu of on site provision

The table below provides a format of the calculation of financial contribution. It is based on a facility comprising a 25 metre swimming pool, small hall, STP and a MUGA.

Table 9

Size of development	40 dwellings				
No. of people generated by development	100				
Type of facility	Swimming pool	Small hall	MUGA	STP (sand based)	Total
Quantitative standard (m² per 1,000) from table 4	201.2	74.05	182.28	526.58	984.11
Space requirement generated by development (m²)	20.12	7.405	18.23	52.658	98.41
Capital cost per m² of provision using table 7	£11,304	£3,260	£90	£79	£14,733
Capital costs of space requirement	£227,436	£24,140	£1,641	£4,160	£257,377
Maintenance costs of provision per m² – using table 8	£8.77	£8.77	£8.77	£8.77	–
Maintenance costs (per annum) of space requirement	£176	£65	£152	£382	£775
Total contribution (based on one year's maintenance)	£227,612	£24,205	£1,793	£4,542	£258,152

Notes:

- Number of people generated by development equates to size of development (i.e., the number of dwellings) multiplied by 2.3 (i.e., the average number of persons per dwelling)
- Space requirement generated by development equates to the number of people divided by 1,000, multiplied by the quantitative standard identified in table 4.
- Capital costs per m² of provision are derived from table 7.
- Capital costs required equals the capital cost per m² of provision multiplied by the space requirement.
- Maintenance costs of provision per m² are derived from table 8 (i.e., £8.77).
- Maintenance costs (per annum) equal the space requirements multiplied by maintenance cost of provision per m².
- The value of the total maintenance cost should equate to the number of years maintenance. For example, £775 for one year's maintenance and £2,325 for three year's maintenance.
- Total contribution is the capital costs and the maintenance costs of space required (multiplied by the number of years required) added together.

Information note 2

Minimum provision standards

Type of facility	Component	Minimum provision standard
Sports halls	Quantity	All B&NES residents should live within a 15-minute travel time of a 4-badminton court sports hall.
	Quality	4-badminton court sports halls (and ancillary facilities) should be in at least 'adequate' condition ² .
	Accessibility	Adequate access, DDA compliance and 'adequate daytime community use' ³ .
	Minimum acceptable size	33m x 18m x 7.6m (based on Sport England guidance)
Multi-use (or small) halls	Quantity	All B&NES residents should live within a 10-minute travel time of a multi-use hall.
	Quality	Multi-use halls should be in at least 'adequate' condition ⁴ .
	Accessibility	Adequate access, DDA compliance and 'adequate' daytime community use ⁵ .

² 'Adequate' condition is defined as:

- Adequately maintained, with no signs of neglect.
- Sufficient changing accommodation for facilities available.
- Well lit for sport and recreation activities, as appropriate.
- At least adequate appearance.
- Clean and adequately decorated.

³ 'Adequate daytime community use' is defined as, "some availability for non-programmed use between 9am and 5pm, plus dedicated parking for day-time users".

⁴ 'Adequate' condition is defined as:

- Adequately maintained, with no signs of neglect.
- Sufficient changing accommodation for facilities available.
- Well lit for sport and recreation activities, as appropriate.
- At least adequate appearance.
- Clean and adequately decorated.

⁵ 'Adequate daytime community use' is defined as, "some availability for non-programmed use between 9am and 5pm, plus dedicated parking for day-time users".

Sport and recreation minimum provision standards

Type of facility	Component	Minimum provision standard
Swimming pools	Quantity	All B&NES residents should live within a 15-minute travel time of a swimming pool.
	Quality	Swimming pools (and ancillary facilities) should be in at least 'adequate' condition ⁶ .
	Accessibility	Adequate access, DDA compliance and 'adequate daytime community use' ⁷ .
	Minimum acceptable size	25 metre swimming pool with 4 lanes and adequate accommodation for competitors and spectators to stage local galas and events. Teaching/learner swimming pool = dedicated area of shallow water for 'teaching' purposes.
Synthetic turf pitches (STPs)	Quantity	All B&NES residents should live within a 20-minute drive time of a STP.
	Quality	STPs (and ancillary facilities) should be in at least 'good' condition ⁸ .
	Accessibility	Good access, DDA compliance and 'adequate daytime community use' ⁹ .
	Acceptable size	Minimum: Length (i.e., direction of play): 100m Width: 53m Maximum: Length (i.e., direction of play): 130m Width: 98m

⁶ 'Adequate' condition is defined as:

- Adequately maintained, with no signs of neglect.
- Sufficient changing accommodation for facilities available.
- Well lit for sport and recreation activities, as appropriate.
- At least adequate appearance.
- Clean and adequately decorated.

⁷ 'Adequate daytime community use is defined as, "some availability for non-programmed use between 9am and 5pm, plus dedicated parking for day-time users".

⁸ 'Good condition' is defined as:

- Well decorated
- Well maintained, with no signs of neglect.
- Reasonable number of changing accommodation for available facilities.
- Well lit for sport and recreation activities, as appropriate.
- Well equipped, as appropriate.
- Effective storage space.
- Segregated changing and shower areas, as appropriate.
- Segregated, lockable changing areas, as appropriate.

⁹ 'Adequate day-time community use is defined as, "some availability for non-programmed use between 9am and 5pm, plus dedicated parking for day-time users".

Sport and recreation minimum provision standards

Type of facility	Component	Minimum provision standard
Indoor tennis courts	Quantity	All B&NES residents should live within a 20-minute travel time of indoor tennis courts.
	Quality	Tennis courts should be in at least 'good' condition ¹⁰ .
	Accessibility	Good access, DDA compliance and 'adequate daytime community use' ¹¹ .
	Minimum acceptable size	Indoor (air supported structures): One court – 20.97m x 37.77m Two courts – 36.21m x 37.77m Three courts – 51.45m x 37.77m Four courts – 66.69m x 37.77m Five courts – 81.93m x 37.77m Six courts – 97.17m x 37.77m (+ runback – 7.00m, side run – 5.00m, in between courts – 4.27m)
Outdoor tennis courts	Quantity	All B&NES residents should live within a ten-minute drive time of outdoor tennis courts.
	Quality	Tennis courts should be in at least 'good' condition ¹² .
	Accessibility	Good access, DDA compliance and 'adequate daytime community use' ¹³ .
	Minimum acceptable size	Outdoor: One court – 17.07m x 34.75m Two courts – 31.70m x 34.75m Three courts – 46.33m x 34.75m Four courts – 60.96 x 34.75m Five courts – 75.59m x 34.75m Six courts – 90.22m x 34.75m (+ runback – 5.49m, side run – 3.05m, in between courts – 3.66m)

¹⁰ 'Good condition' is defined as:

- Clear line markings
- Well maintained, with no signs of neglect.
- Reasonable changing/social accommodation for available facilities.
- Well lit for club and competition activities, as appropriate.

¹¹ 'Adequate day-time community use' is defined as, "some availability for non-programmed use between 9am and 5pm, plus dedicated parking for day-time users".

¹² 'Good condition' is defined as:

- Clear line markings
- Well maintained, with no signs of neglect.
- Reasonable changing/social accommodation for available facilities.
- Well lit for club and competition activities, as appropriate.

¹³ 'Adequate day-time community use' is defined as, "some availability for non-programmed use between 9am and 5pm, plus dedicated parking for day-time users".

Sport and recreation minimum provision standards

Type of facility	Component	Minimum provision standard
Indoor bowling	Quantity	All B&NES residents should live within a 20-minute travel time of an indoor bowls facility.
	Quality	Indoor bowls facilities should be in at least 'good' quality ¹⁴ .
	Accessibility	Good access, DDA compliance and 'adequate daytime community use' ¹⁵ .
	Minimum acceptable size	Indoor rink dimensions: Length = 36.5m Width = 4.6m
Outdoor bowling greens	Quantity	All B&NES residents should live within a 10-minute travel time of an outdoor bowls facility.
	Quality	Outdoor bowls facilities should be in at least 'good' quality ¹⁶ .
	Accessibility	Good access, DDA compliance and 'adequate daytime community use' ¹⁷ .
	Minimum acceptable size	Outdoor bowling greens: 6 rinks.

¹⁴ 'Good quality' is defined as:

- Well decorated
- Well maintained, with no signs of neglect.
- Reasonable number of changing accommodation for available facilities.
- Well lit for sport and recreation activities, as appropriate.
- Well equipped, as appropriate.
- Effective storage space.
- Segregated changing and shower areas, as appropriate.
- Segregated, lockable changing areas, as appropriate.

¹⁵ 'Adequate day-time community use is defined as, "some availability for non-programmed use between 9am and 5pm, plus dedicated parking for day-time users".

¹⁶ 'Good quality' is defined as:

- Well decorated
- Well maintained, with no signs of neglect.
- Reasonable number of changing accommodation for available facilities.
- Well lit for sport and recreation activities, as appropriate.
- Well equipped, as appropriate.
- Effective storage space.
- Segregated changing and shower areas, as appropriate.
- Segregated, lockable changing areas, as appropriate.

¹⁷ 'Adequate day-time community use is defined as, "some availability for non-programmed use between 9am and 5pm, plus dedicated parking for day-time users".

Appendix A

Sport and recreation minimum provision standards

Type of facility	Component	Minimum provision standard
Multi-use games areas	Quantity	All B&NES residents should live within a ten-minute travel time of a MUGA.
	Quality	MUGAs should be in at least 'good' condition ¹⁸ and meet relevant British Standards
	Accessibility	Unrestricted access to MUGAs on none-school sites and full DDA compliance.
	Minimum acceptable size	Length (i.e., direction of play): 37m Width: 18.5m
Fitness suites/gyms	Quantity	All B&NES residents should live within a 20-minute travel time of a fitness facility.
	Quality	Fitness facilities should be in at least 'good' condition ¹⁹ .
	Accessibility	Day-time availability and full DDA compliance.
	Minimum acceptable size	10 stations
Squash courts	Quantity	All B&NES residents should live within a 20-minute travel time of a squash court.
	Quality	Squash courts should be in at least 'good' condition.
	Accessibility	Good access, DDA compliance and 'adequate daytime community use' ²¹ .
	Minimum acceptable size (between plastered surfaces)	Length: 9.75m Width: 6.4m

¹⁸ 'Good condition' is defined as:

- Well maintained, with no signs of neglect.
- Floodlit for all-year round sport and recreation activities, as appropriate.
- Well equipped, as appropriate.

¹⁹ 'Good condition' is defined as:

- Well maintained, with no signs of neglect.
- Floodlit for all-year round sport and recreation activities, as appropriate.
- Well equipped, as appropriate.

²⁰ 'Good condition' is defined as:

- Well decorated
- Well maintained, with no signs of neglect.
- Reasonable number of changing accommodation for available facilities.
- Well lit in accordance with NGB standards, as appropriate.
- Well equipped, as appropriate.
- Effective storage space.
- Segregated changing and shower areas, as appropriate.
- Segregated, lockable changing areas, as appropriate.

²¹ 'Adequate day-time community use is defined as, "some availability for non-programmed use between 9am and 5pm, plus dedicated parking for day-time users".

Appendix A

Sport and recreation minimum provision standards

Type of facility	Component	Minimum provision standard
Youth facilities	One facility for every one thousand residents.	
Recreation ground pavillions/changing accommodation	Quantity	Sufficient, accessible changing accommodation for multi-pitch sites.
	Quality	Recreation ground pavilion changing accommodation should be in at least 'good' condition ²² .
	Accessibility	Good access, DDA compliance and adequate community use ²³ .
	Minimum acceptable size	<p>The changing accommodation should be big enough to accommodate the largest number of players likely to use the room, including substitutes, coaches and, where applicable, the physiotherapist.</p> <p>Generally the minimum area is calculated at 1m² per person. However, cricket requires 1.2m² minimum for players carrying kit bags, but kit boxes will justify more space.</p> <p>Minimum recommended areas for teams for the principal sports are: Association football 16m² Cricket 15m² Hockey 16m² Rugby league and union 20m² For tennis allow two changing spaces per court. For bowls at least 8+8 spaces and an officials' room.</p>

²² 'Good condition' is defined as:

- Well decorated
- Well maintained, with no signs of neglect.
- Reasonable number of changing accommodation for available facilities.
- Well lit for sport and recreation activities, as appropriate.
- Well equipped, as appropriate.
- Effective storage space.
- Segregated changing and shower areas, as appropriate.
- Segregated, lockable changing areas, as appropriate.

²³ 'Adequate community use is defined as, "available when pitches are available for competitive use".

Appendix B

Affordable Housing – Further Guidance

1 Introduction purpose and status

- 1.1 Bath and North East Somerset Council has prepared a Planning Obligations Supplementary Planning Document (SPD) to support Policy IMP.1 'Planning Contributions' of its Local Plan.
- 1.2 In relation to affordable housing, planning obligations can be used to prescribe the nature of a development by requiring the inclusion of a given proportion of affordable housing. The affordable housing element of the Planning Obligations SPD focuses on the delivery of the on site provision and in exceptional circumstances provides a methodology for calculating commuted payments or where off-site provision is considered acceptable. Further guidance on the application of the Councils affordable housing policies as they relate to on-site provision have been included in this companion guide to the Planning Obligations SPD.
- 1.3 The purpose of this companion guide provide supplementary information to enable applicants to understand how the affordable housing policies of the Local Plan have been formulated and how the Council intends to operate these policies in practice. The guide:
- Directs applicants to relevant local, regional and national policy documents
 - Provides definitions for affordable housing and affordability
 - Directs applicants to the evidence the Council has used to formulate its policies
 - Clarifies how Policies HG.8 and HG.9 will be implemented.
 - Confirms mix, size, design, layout and construction standards
 - Considers the availability of public subsidy
 - Sets out the information the Council requires from applicants in order consider financial viability arguments.
 - Discusses Management Standards and Perpetuity Arrangements
- 1.4 In every instance the Council advises early contact be made with the Housing Development Team to discuss the implications of its affordable housing policies on development proposals
- 1.5 The affordable housing companion guide is an integral part of the Planning Obligations SPD and has been subject to the same consultation procedures as its parent document. Once the adopted the Obligations SPD and affordable housing companion guide will form a material consideration in the determination planning applications.

2 Policy context

2.1 Applicants should be fully aware of national, regional and local policy guidance and other supporting documentation relating to the provision of affordable housing in Bath and North East Somerset.

National

- Planning Policy Statement 1: Delivering Sustainable Development
- Planning Policy Statement 3: Housing (CLG, 2006)¹
- Delivering Affordable Housing (CLG, 2007)
- Strategic Housing Market Assessment Practice Guidance (CLG, 2007)

Regional

- Regional Planning Guidance for the South West (2001) – Policy HO3
- Draft Regional Spatial Strategy for the South West (2006) – Policy H1
- Report of the EiP Panel on the DRSS (2008)
- Secretary of States proposed modification expected June 2008

Local

- Bath and North East Somerset Local Plan (2007) Policies HG.8 and HG.9
- Inspector's Report into the Bath and North East Somerset Local Plan (2006)
- Emerging Core Strategy of the Bath and North East Somerset Local Development Framework (preferred options consultation Autumn 2008)
- Bath and North East Somerset Housing Strategy (2002-2011)

3 Defining affordable housing and affordability

- 3.1 The terms ‘affordability’ and ‘affordable housing’ have different meanings. ‘Affordability’ is a measure of whether housing may be afforded by certain groups of households. ‘Affordable housing’ refers to particular products outside the main housing market.

Affordable Housing

- 3.2 The Government defines the following terms in Annex B of ‘Delivering Affordable Housing’ (CLG: 2007) as follows.

“Affordable housing is:

‘Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should:

- Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.*
- Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision’.*

Social rented housing is:

‘Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. The proposals set out in the Three Year Review of Rent Restructuring (July 2004) were implemented as policy in April 2006. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Housing Corporation as a condition of grant.’

Intermediate affordable housing is:

‘Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (eg HomeBuy), other low cost homes for sale and intermediate rent.’

These definitions replace guidance given in Planning Policy Guidance Note 3: Housing (PPG3) and DETR Circular 6/98 Planning and Affordable Housing.”

- 3.3 The Council also regards the following specialist housing types as affordable housing:

- Supported housing** – accommodation for households in need of affordable accommodation with support needs which may be specifically adapted for people with particular disabilities.
- Extra Care housing** – self contained accommodation which provides care and support arrangements for the elderly whilst allowing them to maintain a level of self dependence.

- 3.4 The following will not be regarded as affordable housing in the context of Policies HG.8 and HG.9, though their provision may be encouraged as part of the market housing element of a scheme where demand exists.
- **Low-cost market housing** – housing for sale at below market levels but that does not meet the affordability criteria outlined below and that does not benefit from an arrangements to be retained in perpetuity.
 - **Key worker housing** – The Council considers that the definition of intermediate housing should relate to affordability and not to employment status or function of an individual household member. Key worker income levels cover a wide range. They are likely to require both social rented and intermediate housing. The Council expects the affordable housing element of all qualifying proposal to be expressed as social rented and intermediate housing rather than in terms of accommodation for key workers.

Affordability

- 3.5 In order that the affordable housing provided under Policy HG8 is accessible to eligible households, providers will be required to demonstrate that it is available at a cost to the occupiers that they can afford, irrespective of the price paid by a registered social landlord (RSL) or other affordable housing provider (AHP) to the developer for the affordable housing units.

Social rented

- 3.6 Social rented housing must be let at no more than target rents as determined by the national rent regime, or equivalent, as agreed with the Council. The annual percentage increase in rent will be limited to RPI² plus 0.5%, as recommended by the Housing Corporation.
- 3.7 The Council may work in partnership with RSLs and the Housing Corporation to try and achieve social rents below target rents in locations where target rents may be very high and therefore unaffordable to local households in low paid employment without reliance on housing benefits.

Intermediate housing

- 3.8 In order to comply with PPS3, intermediate affordable housing must cost less than threshold market housing, either for sale or rent, in the local area. Currently the cost of market rents sets the threshold within the district.
- 3.9 The Strategic Housing Market Assessment Practice Guidance (CLG: 2007) considers that to be affordable to those in need of intermediate housing total housing costs should not exceed 25% of a household's gross income. The Council will therefore use this threshold to assess the affordability of all intermediate housing proposals.
- 3.10 In order to establish whether an intermediate housing product provided through is affordable, the Council will compare the cost of market renting an equivalent sized property in the locality to the cost of the intermediate housing product, both on the basis of spending no more than 25% of gross income.

Appendix B

Affordable Housing – Further Guidance

- 3.11 The cost of the market rent option will establish the upper threshold of affordability for the intermediate housing product. For example, if a two-bed flat with an open market value of £190,000 costs £650 fully inclusive per month to rent, the cost of buying the same property on a shared ownership basis (i.e. including mortgage, rent on the unsold equity and service charges) must cost less than £650 per month.
- 3.12 The Council considers that very few people in housing need would be able to afford intermediate affordable housing priced at or just below the cost of market renting, and that there should be a clear margin between the cost of private renting and intermediate affordable housing if it is to be genuinely affordable.
- 3.13 The Council will have regard to ‘Opening Doors Improving Access to Affordable Home Ownership’ (Ark Consultancy: April 2008). This examined the affordability of intermediate home ownership housing in four authorities within the West of England sub-region. The findings help to define appropriate levels of affordability for households in need of intermediate housing across the district. The Ark report considers that a household is unable to afford private sector housing if it would take up more than 25% of its gross household income.
- 3.14 An extract from the Ark report is reproduced at Annex 2. The district is divided into 6 zones with each zone attributed a lower and upper limit in terms of the intermediate housing market and the need to make the units affordable for households with a range of incomes between the lower and upper limits.
- 3.15 The Council will seek intermediate housing that is affordable to a range of people in housing need, not just those households which can raise and sustain a mortgage to access the upper end of the intermediate market. This approach will ensure that housing options are available for the full range of households that can afford intermediate affordable housing.
- 3.16 To achieve this, the Council will seek to negotiate a range of options to be offered to initial purchasers. These could include options to buy equity shares of 30-40%, all with rent on the unsold equity at a maximum of 1% or on larger sites may include some intermediate rented accommodation.
- 3.17 Service charges: The Council will expect service charges to be limited to a reasonable level that will maintain affordability for local households in need of affordable housing. Where service charges are higher than the norm for affordable housing of a similar size type and location the Council will expect affordability calculations to take account of the service charge.

4 Evidencing current and future need

- 4.1 The affordable housing policies of the B&NES Local Plan are based on the West of England Housing Need and Affordability Model (WENHAM). This study was undertaken in 2004/05 by Prof Glen Bramley and covers the combined areas of four local authorities Bath and North East Somerset, Bristol, North Somerset, and South Gloucestershire.
- 4.2 Paragraphs B7.70 – B7.75 of the B&NES Local Plan set out the main conclusions of the assessment and are contained in Annex 1. The full assessment (WENHAM) is available from the Council on request.
- 4.3 The Council has begun the process of reviewing its Local Plan. The Draft Regional Spatial Strategy for the South West defines a West of England Housing Market Area that includes the West of England Authorities together with Mendip and West Wiltshire District Councils. These authorities have jointly commissioned a 'Strategic Housing Market Assessment' (SHMA) as required by PPS3.
- 4.4 The SHMA will help the Council to develop an evidence base to inform the development of spatial housing policies to be included in the Core Strategy of its Local Development Framework (LDF). In addition it will help to inform decisions about the policies required in any review of the Council's Housing Strategy.
- 4.5 Once published the SHMA will have no status as a policy document and will not supersede the policies HG.8 and HG.9 of the Local Plan. Only when the policies of the Core Strategy have been consulted upon, examined and adopted will the policies of the Local Plan be replaced, which is anticipated to be in Spring 2010.

5 Implementing policy HG.8

- 5.1 Developers and Landowners are advised to take the implications of Policy HG.8, the detail of which is contained in Annex 1, into account when valuing potential housing sites. The Council will not be sympathetic to arguments that the price paid for a site precludes the provision of amount and mix of affordable housing required by Policy HG.8

Thresholds

- 5.2 The Council will have regard to the gross number of dwellings being proposed when considering whether Policy HG.8 is applicable to an application.
- 5.3 The Council will be mindful of applications that deliberately seek to circumvent the relevant threshold for affordable housing. Proposals for residential development just below the relevant threshold must be based on the assessed housing potential of a site and not an attempt to avoid the provision of affordable housing. Applications that do not make efficient use of land can be refused.

Appendix B

Affordable Housing – Further Guidance

Amount of Affordable Housing

- 5.3 Policy HG.8 allows the Council to seek a higher proportion of affordable housing or accept a lower proportion of affordable depending on the circumstances. Where applicants argue that the provision of 35% affordable housing will render a scheme unviable, the Council will expect the information set out in Section 6 to be made available.

Tenure of Affordable Housing

- 5.5 Paragraph B7.76A of the Local Plan details the tenure split that the Council will seek to achieve on qualifying sites.
- Social Rented 75%
 - Intermediate Housing³ 25%

Type of Affordable Housing

- 5.6 In determining the appropriate mix of affordable units in terms of size the Council will have regard to the WENHAM (2005)⁴. Paragraph B7.75 and Table 3B of the Local Plan reproduce the key findings of WENHAM, setting out the projected needs for various sizes affordable housing across the district and in its key settlements. The Council will also have regard to other sources of housing needs data, such as the Housing Needs Register. Applicant should be mindful that there may be occasions where the Council will seek to achieve a larger proportion of family units (3bed, 4bed, 5bed) in order to help create balanced sustainable communities.
- 5.7 There may be circumstances where the Council will seek to ensure that a development provides specialist affordable housing units e.g. supported housing, where a need has been identified (see 3.3).
- 5.8 Where applicants propose a housing mix that deviates from the needs set out in Table 3 of the Local Plan, the Council will require the submission of housing needs research and analysis to support alternatives to the Council's preferred mix.

Internal Design of Affordable Housing

- 5.9 Affordable housing units should achieve the minimum sizes and standards set out the Housing Corporations Design and Quality Standards. The current minimum sizes are reproduced in Annex 3.
- 5.10 The Council will expect at least 60% of affordable housing to meet the Lifetime Homes Standard (Annex 3) where possible. This target should be deliverable on all units except flats above the ground floor without lift access.

6 Availability of grant funding and viability assessments

Provision of Grant

- 6.1 The available of grant support is very limited in Bath and North East Somerset. The Council expects its affordable housing targets to be met without the need for public subsidy. The Council offers no further guidance to that given in Annex E of 'Delivering Affordable Housing' (CLG: 2007).
- 6.2 The Council will accept a lower provision and/or a different mix of affordable housing, or agree the need for public subsidy if the economics of provision are such that overall scheme viability is threatened.

Financial Viability Assessments

- 6.3 Where a developer considers that there are significant economic constraints affecting a development and that these are sufficient to jeopardise the developer meeting the Council's affordable housing policy expectations, then the developer will need to provide financial and other information to enable the Council to assess the nature, extent and impact of the economic constraints.
- 6.4 The Council does not prescribe the amount that RSLs or other Affordable Housing Providers (AHP) should pay developers for affordable housing units, provided they are delivered on a grant free basis with the requirements of Policy HG.8 and this companion met in full. The Council will be keep itself informed of the number of affordable units, tenure split, the type, size and quality of the product, and its affordability and details of S.106 agreements, whilst leaving negotiations between developers and RSLs or other AHPs to the relevant parties.
- 6.5 Should a viability assessment demonstrate that a scheme requires public subsidy in order to meet the Council's expectations, the price to be paid by the RSL or AHP to the developer for the affordable unit will be examined as part of the assessment of viability. The Council will, subject to viability, support a bid for funding by one of its approved partner RSLs. AHPs not on the Council's approved list will need to seek the Council's support for funding and must demonstrate their ability to deliver affordable housing in line with Council policy and management standards.
- 6.6 As a guide, the following schedule highlights the main economic factors the Council would expect to assess, the information which will be required from the developer and the action the Council will take to carry out the assessment. This list is not exhaustive and further information may be required. The Council may seek consultancy advice when assessing development costs. Arrangements will be made to ensure that all information remains confidential.

i. Site or building acquisition cost:

Information to be provided by the developer:

- How much the developer has paid or is proposing to pay for the land or building, net of any site abnormalities and including VAT if applicable.
- Where the site has an existing use value, an independent estimate of its market value for its current use must be made available.
- Whether the site or building has been fully acquired at this price and when exchange of contracts took place ('full acquisition' would not normally mean exchange of a conditional contract or entering an option agreement).

Action to be taken by the Council:

The Council will obtain an independent opinion from a qualified professional valuer with local market knowledge of:

- the value of the site or building in its existing use.
- the value of the site or building for the proposed residential use.
- the value of the site or building for any realistic alternative uses.

ii. Construction costs:

Information to be provided by the developer:

- How much the developer is estimating to pay for all aspects of the construction of the development including abnormalities, siteworks, houseworks and estate completions.
- Abnormalities should be itemised and costed individually and general construction costs should also be expressed as a price per m² or ft² of proposed built form.
- What allowances are made within the estimated figures for building cost inflation.

Action to be taken by the Council:

The Council will obtain independent advice from a qualified professional quantity surveyor with knowledge of the local construction sector on:

- the reasonableness of the estimates for general construction and items such as preliminaries and infra structure costs.
- the reasonableness of the estimated abnormal costs and the construction solutions which underlie them.

iii. Fees and Other On-Costs

Information to be provided by the developer:

- An itemised breakdown of the main development and sales related fees and other costs the developer expects to incur including fees for design, engineering, planning, building control, surveying, warranties and such like, legal fees, introduction fees, marketing and direct sales costs and interest charges where identified at a scheme level.
- A statement of which services are provided in-house and which are out sourced.

Action to be taken by the Council:

- The Council will obtain independent advice from a qualified professional quantity surveyor and/or development consultant on the reasonableness of the estimates.

iv. Projected Sale Prices for Dwellings

Information to be provided by the developer:

- How much the developer is proposing to sell the completed dwellings for broken down by dwelling type.
- What assumption has been made on sales rates for the market housing.
- What allowance has been made by the developer for inflation on values up to point of sale when compared to prices applicable at the time of compiling the information.
- How much the developer will sell any commercial property that forms part of a mixed use development.

Action to be taken by the Council:

- The Council will obtain an independent opinion from a qualified professional valuer with local market knowledge of both the proposed sale prices compared to reasonable market expectations and the assumptions on price inflation and rates of return for commercial property.

v. Gross and Net Margin

Information to be provided by the developer:

- As a percentage of the proposed gross sales value of the developments, what contribution the developer is assuming to achieve for overheads and profit, combined.
- Separate figures for overheads and net profit levels.

Action to be taken by the Council:

- The Council will obtain independent advice from a qualified professional quantity surveyor and/or development consultant on the reasonableness of the estimates and make comparisons with other residential developments of a similar scale and nature.

vi. Other Costs and Receipts

Information to be provided by the developer:

- How much the developer has allowed, by item, for any other contributions or costs associated with the development including planning gain contributions for education, transport, local facilities and such like.

These planning contributions and other costs to be broken down on a per unit basis.

- How much the developer has allowed in its assessment of viability for receipts attributable to providing affordable housing in accordance with the Council's policy expectations, broken down by dwelling numbers, types and tenure.

Action to be taken by the Council:

- The Council will compare the estimated figures with its own knowledge on levels of planning gain contributions sought and affordable housing required and prices attributable to this.
- Comparisons will be made with other similar schemes within BANES to ensure the level of planning contributions are reasonable.
- When appropriate, the Council will seek advice from suitability qualified external consultants to validate certain cost or receipt assumptions.

Notes on the schedule

- 6.8 Abnormal costs – these do not include demolition works, landscaping, noise bunds, archaeological or ecological surveys, drainage and flood prevention measures.
- 6.9 In flatted developments, the provision of lifts, communal areas or other costs specially associated with the construction of large multi story buildings will not be considered as abnormal site costs.
- 6.10 Fees associated with of the viability assessment – the Council will recover the costs of the appraisal process from applicants, where the applicant has sought to deviate from the Council's policy expectations based on the economic of provision. On occasion the Council will employ and pay for the consultancy advice to assess whether higher levels of affordable housing can be achieved.

7 Design, layout and construction standards

- 7.1 Affordable housing should not be distinguishable from market housing in terms of location, appearance, build quality and materials. Reductions in size, use of substandard materials, or poor finishing and detailing should not be perceived as an acceptable shortcut to achieving scheme viability.
- 7.2 On sites larger than 30 units the Council wishes to see at most a cluster of 8 affordable houses or 8 affordable flats in a block. On smaller sites, housing layouts should consist of clusters of no more than 4 affordable units
- 7.3 Planning layouts submitted as part of an application must clearly show the location of affordable housing units and identify their tenure and size.
- 7.4 Affordable Housing should aim to comply with The Housing Corporation's Design and Quality Standards. Meeting these standards will be a requirement where grant funding has been agreed. Further requirements are that:
- When assessed against the 20 Building for Life criteria the affordable units should:
- Achieve 10 out of 20 positive responses for rural or street-fronted infill schemes.
- Achieve 12 out of 20 positive responses for all other newbuild developments.
- At least 60% of affordable units should meet the Lifetime Homes recommendations of the Joseph Rowntree Foundation (applicable to all dwellings other than flats above ground floor without a lift).
 - A minimum of 10% of affordable units should be built to full wheelchair standards
 - Partner RSL Development Standards should be met
 - Code for Sustainable Homes, national or regional requirements – currently zone 3 for affordable housing.
 - Secure by Design

8 Management standards and perpetuity arrangements

- 8.1 The Council will require a mechanism to be in place to ensure that affordable housing remains affordable and available to those in housing need in perpetuity. The involvement of a RSL registered with the Housing Corporation is the most effective way of developing a successful, well managed scheme that will ensure that the benefits of affordable housing are secured in perpetuity.
- 8.2 The involvement of a RSL at the beginning of the design process is strongly recommended to ensure full compliance with development and management standards. Bath and North East Somerset Council has appointed 6 preferred RSL development partners (see Annex 4).
- 8.3 The Council's preference is for the involvement a partner RSLs but, will not prescribe which organisation the developer chooses to work with. However, the chosen provider must demonstrate that they can adhere to the Council's minimum housing management standards relating to; housing income management; estate management; tenancy management; void property management and lettings; resident involvement; and maintenance. These are available on request. The Council will reject any provider's on the basis that they cannot meet these standards.
- 8.4 Where a developer proposes to develop and manage the affordable homes without the involvement of a RSL, planning obligations and a legal agreement must be signed to ensure nomination rights, occupancy controls other arrangements are in place to guarantee initial and subsequent affordability.
- 8.5 The Council's intention is to provide affordable housing which is available for first and subsequent occupiers, i.e. in perpetuity.
- 8.6 Social rented housing which is delivered without public subsidy is exempt from the requirements of the Right to Acquire. Tenants in grant funded social rented housing may exercise their Right to Acquire. In this case the Council will require that any net capital receipt is recycled towards the provision of additional affordable housing in Bath and North East Somerset. The same rule applies to social homebuy.
- 8.7 Intermediate housing may be lost as affordable housing through staircasing to full ownership. In order to be able to replace it, the Council will require net capital receipts to be recycled for the provision of additional affordable housing in the district. There may be exceptional circumstances where the Council allows the staircasing receipts to be recycled into the existing scheme if it can be demonstrated that it will significantly improve affordability levels for purchasers in need of intermediate housing.

9 Special circumstances

Paragraphs 2.1.5 – 2.1.8 inclusive of the parent Obligations SPD give details of how to calculate off site provision and commuted sums in exceptional circumstances.

10 Implementing policy HG.9

10.1 Policy HG.9 is the Council's Rural Exception Site Policy

10.2 The following points clarify HG.9 and its supporting text.

- A **local needs assessment** should be carried out to demonstrate that there is a local need for the number and type of proposed dwellings for the given parish or group of parishes. The survey may be carried out by a RSL appointed by the Council or other qualified organisation. The housing development team can provide advice on the particular requirements of any settlement or scheme.
- A **land availability assessment** should be carried out in and adjoining the parish settlements to demonstrate that there are no reasonable alternatives.
- The scheme should be supported by the Parish Council or Parish Meeting.
- The affordable housing should not be able to be provided elsewhere on a site allocated for residential development, or on a site meeting the criteria set out in Local Plan Policy HG.8.
- Proposals will be subject to conditions or a **legal obligation** to ensure initial and all subsequent occupancy is restricted to members of the local community in need of affordable housing. Local connection for means residence in the parish in which the site is located; a connection due to family ties, support network, birth or formative years spent in the parish. Someone whose place of work is in the parish but is not resident in the parish also would be considered to have a local connection.
- Restrictions will be placed on the ability of residents to staircase out of intermediate housing completely, with a maximum share of 80% of equity available thus guaranteeing the affordable housing remains available for the benefit of future households.
- The Council in conjunction with the RSL or the long term manager of the affordable housing will be expected to be given the **right to nominate** future purchasers of intermediate housing.
- See also Para 74 of **Delivering Affordable Housing** (CLG: 2006)
- The proposal should comply with all **other policies** in the plan.

11 Protocol for delivering affordable housing obligations

- 11.1 Pre-application discussions are encouraged with the Housing Development Team (HDT) and Development Control officers. It is the HDTs responsibility to carry out negotiations on the amount and type of affordable housing to be delivered on a particular site. In addition the HDT will be responsible for liaison with other stakeholders such as the Housing Corporation or RSLs. The HDT will make comments on any planning application as an internal Council consultee. Development control officers will make recommendations to committee who have the authority to approve or refuse the planning application's affordable housing contribution based on other planning considerations.
- 11.2 Consultation responses prepared by the HDT will cover the following ground:
- Policy considerations
 - Proportion of affordable housing
 - Mix, size, and type of all housing, both private and affordable
 - Quality of construction
 - Location, clustering strategy
 - Affordability
 - Funding requirements, only exceptionally when necessary
 - Viability, if the affordable housing varies from Policy HG.8, i.e. 35% affordable housing, with a 75/25 rent/intermediate tenure split
 - Timing/trigger dates
 - Special circumstances/issues
 - Any other issues deemed to be material
- 11.3 Early negotiation, resolution and drafting of the legal agreement (usually a S.106 agreement) is also encouraged. The terms and obligations for the delivery of the affordable housing will be set out in a legal agreement made between the owner of the land and the Council.
- 11.4 In order to provide a responsive service to applicants and RSLs the Council will charge the Affordable Housing Provider or RSL a fee of £400 per dwelling to help pay for the time taken in carrying out discussions that enable a valuable asset to be acquired. This fee will be reviewed annually to ensure that the Council's costs are recovered.
- 11.5 Annex 8 provides a list of relevant contact details for the housing development team at Bath and North East Somerset. Section 11 of this sets out a process flow chart to illustrate the likely sequence of stages involved in handling planning applications that require an affordable housing contribution.

Appendix B

Affordable Housing – Further Guidance

References

- 1 Applicants are advised that the B&NES Local Plan was drafted and examined when Planning Policy Guidance Note 3: Housing and Circular 6/98 formed Government policy towards affordable housing and has since been superseded in terms of affordable housing definitions by the guidance provided in PPS3
- 2 General Index of Retail Prices CZBH all items percentage change over 12 months
- 3 Newbuild Homebuy (see affordable housing definitions in 3.2 of this report)
- 4 WENHAM will be superseded by the West of England SHMA in May 2008

**Bath & North East
Somerset Council**

This documents about community involvement in planning can be made available in a range of community languages, large print, Braille, on tape, electronic and accessible formats from the Planning Policy team.

Tel (01225 477548) fax (01225 477617), Minicom (01225 477535).