

# Part L: Open Space

## Contents

- L1. Open Space and its role in sustainable development
- L2. Public Open Space Design (Quality)
- L3. Public Open Space Requirements (Amount)
- L4. Public Open Space: Timing of Delivery
- L5. Public Open Space: Transfer and Management
- L6. Public Open Space: Management and Maintenance Payments
- L7. Payments-in-lieu of provision of Public Open Space
- L8. Ecological Areas
- L9. Private Open Space
- L10. Pre-Application Advice
- L11. Planning Obligations and Conditions
- L12. Sources of further information

This part of the Development Requirements SPD provides further detailed guidance on the following Core Strategy policies:

- CS.6 Natural Environment
- CS.9 Design and Distinctiveness
- CS.25 Healthy Communities
- CS.26 Transport and Communications
- CS.27 Developer Contributions

The Council's Planning Policies are set out in the Core Strategy available at [www.stratford.gov.uk/corestrategy](http://www.stratford.gov.uk/corestrategy)

This section of the SPD provides information and advice on open space provision. It sets out guidance for the provision, enhancement, adoption, and future maintenance of new public open spaces required in conjunction with new residential development across Stratford-on-Avon District. Open space requirements for the new settlements of Gaydon/Lighthorne Heath and Long Marston are set out in Core Strategy Development Proposals GLH and LMA and their respective masterplan SPDs.

The SPD will be used by Stratford-on-Avon District Council to help reach decisions on whether to approve or refuse planning applications. Making sure that applications comply with the guidance contained within the SPD will make it easier for the Council to grant planning permission.

There are links to other parts of the SPD which must be considered in conjunction with any development proposal as appropriate, including Landscape Design and Trees (Part M), Biodiversity and Green Infrastructure (Part N) and Climate Change Adaptation and Mitigation (Part V).

Key words or terms which appear throughout the document are included in the [Glossary](#).

## **L1. Open Space and its role in sustainable development**

### **L1.1 What is Open Space?**

Open space, of public value, is wide ranging and includes street trees, formal sports pitches, play spaces and informal recreation, linear green corridors waterways, natural green areas, allotments and country parks. It also includes communal areas of land not necessarily used for recreation, but which can contain onsite infrastructure such as sustainable urban drainage systems (known as SUDS) and areas of planting and landscaping. Public Open Space provides a wide range of recreational and social functions, as well as giving urban dwellers their nearest opportunity for interacting with the natural environment beyond their own gardens. Private open spaces, such as gardens, are used by the occupiers of individual homes or communal establishments.

### **L1.2 Open space benefits**

There is growing evidence which demonstrates the significant benefits that access to high quality open spaces plays in improving both the physical and mental health and the general well-being of local communities<sup>1</sup>. Physical activity has been shown to improve outcomes in the reduction of mental illness and to improve wellbeing. Research has shown that it also has a significant role to play in the prevention of ill-health<sup>2</sup>. High quality green spaces are also shown to provide potential economic benefits for an area by reducing costs on the public health service and can aid urban regeneration. These spaces offer health and recreation benefits to people living and working nearby. In addition, landscaped spaces which offer ecological improvement play an important part in the landscape and setting of buildings.

### **L1.3 Stratford-on-Avon District's (SDC) vision for open space**

Ensuring access to high quality open space also contributes towards the delivery of wider strategic public health and corporate objectives of the Council. A key objective of the Council Plan 2023- 2027 is to increase and protect green spaces which positively affect nature recovery. The Council's Open Space, Sport and Recreation Assessment Update (2014) and the Council's emerging Playing Pitch Strategy and Sports Facilities Strategy 2016-2035 outline the Council's vision for open space in Stratford-on-Avon - this is set out below:

---

<sup>1</sup> World Health Organisation, 'Urban green spaces and health: A review of evidence' (2016)

[http://www.euro.who.int/data/assets/pdf\\_file/0005/321971/Urban-green-spaces-and-health-review-evidence.pdf?ua=1](http://www.euro.who.int/data/assets/pdf_file/0005/321971/Urban-green-spaces-and-health-review-evidence.pdf?ua=1)

<sup>2</sup> Houses of Parliament, 'Green Space and Health' (2016)

<http://researchbriefings.files.parliament.uk/documents/POST-PN-0538/POST-PN-0538.pdf>

## Vision

To encourage the development of a well-connected and integrated network of open spaces, sporting and recreational facilities that make the best possible contribution towards a broad range of policy objectives, including:

- Biodiversity and wildlife
- Culture and heritage
- The local economy, including tourism
- Community, health and wellbeing
- Climate change adaptation and mitigation

The Stratford-on-Avon District Active Communities Strategy (2019 – 2024) is a comprehensive and broad strategic document that links the corporate objectives of Stratford-on-Avon District Council with the current national and local health and wellbeing agenda. The strategy seeks to enable and provide activities for local communities with the purpose of improving health and wellbeing. The strategy advocates exercise opportunities by working with key partners to raise the profile of the available offering. The strategy has three main themes:

- Strategic Theme 1 – Encouraging Active Communities to Improve Health and Wellbeing
- Strategic Theme 2 – Enhancing and Sustaining Facility Provision
- Strategic Theme 3 – Raise the Profile of Sport and Physical Activity

### L1.4 New development and open space

Open space provision is essential to delivering sustainable development. Demand from occupiers of new development will increase demand for open space. It is important that open space provision is considered at an early stage of planning for development to ensure that there is not just sufficient provision to meet new demand, but that any open space delivered is of a high quality.

The design of external space (predominantly landscape and streetscape in the public realm, but also private and semi-private garden space) involving trees and other vegetation, sustainable drainage systems and hard materials, is an essential component of achieving successful development. High quality external spaces offer economic, social and environmental benefits. The landscape scheme must be addressed during the early stages, ideally at the pre-application stage, of developments and be integral to the design of the whole of the proposal.

### L1.5 Landscape design principles

The success of a landscape design scheme will depend on the way in which it integrates the development proposals with its wider surroundings and the quality of works and their maintenance. Schemes should therefore seek to incorporate as many existing site features as possible, both to retain a sense of continuity in the appearance of the site and the contribution they make to the surrounding townscape and to re-use any existing valuable resources. Existing features may include trees, hedgerows, boundary walls or fences, water features, paving or other details particular to the site.

More information and guidance on landscape design can be found in [Part M: Landscape Design and Street Trees](#).

## L1.6 Space Function

Open spaces should be spaces that people wish to linger in and enjoy. Ensuring that all areas of land have a clear function to be used for contributes to the positive experience of an open space. Spaces should be clearly demarcated into private areas, or public realm. Where a lack of thought is given to this aspect of a development, awkward shapes of land can result, often on the periphery of the site and anonymously landscaped. Such spaces have no clear sense of ownership and quickly become neglected, poorly maintained and used for fly tipping.

## L1.7 Site Survey Analysis

The site survey (identifying ground level spot heights, contours and existing features) together with an analysis of the implications of these for open space provision, should inform the landscape design proposals. Features, including trees, hedges, water bodies, and site services to be retained or removed and important views to or from the site should be indicated on plans. The plans should also identify all site constraints and opportunities.

## L2. Public Open Space Design (Quality)

### L2.1 Designing Public Open Spaces

Public Open Space provides a wide range of recreational and social functions, as well as giving urban dwellers their nearest opportunity for interacting with the natural environment beyond their own gardens. Core Strategy Policy CS.25 'Healthy Communities' details different types of public open space typologies (see Table L1).

**Table L1: Core Strategy Open space typologies**

	<b>Open Space typology</b>	<b>Type of Public Open Space</b>
Type 1	Parks & Gardens and Amenity Greenspace	Non-strategic Local Parks, local public gardens, amenity greenspace for informal recreation spaces, communal green spaces in and around housing, and village greens
Type 2	Unrestricted Natural Accessible Greenspace	Publicly accessible places where human control and activities are not so intensive so that natural processes of habitat creation and plant growth are allowed to predominate. It should be noted that this category of space is not the same as an ecological area.
Type 3	Children and Young People's Equipped Play Facilities	Areas for play and social interaction involving children and young people, including Local Areas of Play (LAP), Local Equipped Areas of Play (LEAP), Neighbourhood Equipped Areas of Play (NEAP), Multi-use Games Areas (MUGAs), ball courts, skateboard areas, BMX tracks & teenage shelters
Type 4	Allotments and Community Gardens	Allotments and Community Gardens/Orchards
Type 5	Outdoor Sport	Areas for outdoor sport and physical recreation primarily through formal sports pitches

Public open space must be designed to address the following requirements:

- Enable physical activity for all users, including the vulnerable groups such as elderly and young people and people living with disabilities.
- Be in an easily accessible location with high quality priority links for pedestrians and cyclists.
- Be located sufficiently far from existing and proposed dwellings and include buffer zones to reduce the likelihood of noise and disturbance.
- The Public Open Space must be located within an appropriate walking distance for the type of function it provides.
- Appropriate boundary treatments should be used.
- Designs for the space and selection equipment should consider the need for sustainability both in respect of the materials and the design.
- New litter bins, recycling bins and signage may be required along with other infrastructure such as roads or parking with recreational space maximized.
- New areas of soft landscaping, which will support planting, should use good quality topsoil in line with the appropriate BS standards, with a good structure, that has not been degraded through use as a roadway or builder's compound during the construction period.

New developments must incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (as set out in Core Strategy Policy CS4). These will range in scale depending upon the development proposed. A well-designed SuDS system will enhance the attractiveness and value of new development by integrating water management with habitat for wildlife and opportunities for amenity and recreation. Details may include a Water body, Vegetation, Headwalls, Culverts, Underground Pipework and Storage Crates, Fencing, gates, access track, Lifebuoy, Signage.



Figure. L1 - High quality open space, Bancroft Gardens, Stratford-upon-Avon.



## L2.2 Design Standards for Play Spaces

Open Space provision for play is central to children’s physical, mental, social and emotional health and wellbeing. Through play children develop resilience and flexibility, contributing to physical and emotional wellbeing.<sup>3</sup> Play Spaces should be provided where children can play, where they can feel completely free, where they can safely push at the boundaries, learning and experimenting and where different generations can meet, binding the community together. The provision of opportunities to play as part of new housing development benefits future residents, in terms of providing an attractive environment for all, whilst providing a valuable play resource.

Within Stratford-on-Avon District, we want play spaces to be truly innovative and set new standards for play provision. To achieve this, play areas should be designed using the key design principles set out in Play England’s ‘Design for Play’ (2008) and CABE’s Inclusion by Design (2008) and any revision or successor documents. This will ensure that our play areas are innovative and inclusive from inception to completion.

The design of play areas must be an integral part of the design process from the outset. Proposals for playspace must show how they have addressed the following matters. In locating playspace:

- This should be in easy walking distance from new dwellings while allowing appropriate separation from these (indicative distances are shown in Table L2)
- The route between the dwellings and the play space is as safe as possible.
- Playspace should be in an open and welcoming site located away from main roads to prevent health risk of traffic pollution and traffic accidents.
- Natural surveillance, ideally from nearby dwellings or local roads where safe, should be provided.
- The site must be on land suited for the type of play opportunity intended.

**Table L2: Locating Playspace**

	<b>Walking Distances from new dwellings</b>	<b>Minimum separation distance from existing and proposed dwellings</b>
LAPs	100m	5m
LEAPs	400m	20m
NEAPs	1,000m	30m
MUGAs, ball courts, skateboard areas, BMX tracks and teenage shelters	700m	30m
Playing Pitches	1,200m	30m

Playspaces should meet community needs, taking account of the local demography, and complementing nearby play spaces and should:

- Allow children of different ages and abilities to play together and reflecting local needs provide playing spaces should be provided for different age groups, including teenagers.
- Building in opportunities to experience risk and challenge.
- Supporting imaginative play and creativity.
- Provide seating for parents and carers.

<sup>3</sup> Mackett, R. et al (2007) ‘Children’s independent movement in the local environment’, Built Environment, 33,4, 454-88.

The design of playspaces should also:

- Incorporate equipped play areas and areas for casual play and informal activities.
- Be integrated as far as possible with other local open spaces and amenity areas.
- Make use of natural elements
- Provide adequate lighting for play which provides a safer environment for the users of the open space, and which is appropriate for the area, including considering impact on adjacent residential occupiers
- Where appropriate, the site could include an interesting eye-catching design or feature.

Play equipment needs to be high quality – and multifunctional where appropriate, safe, accessible and inclusive to children with disabilities. It should address the following building standard (or successor standard)

- Playground Equipment Standard BS EN 1176
- BS EN Standards 1176 and 1177 (Impact Area and Critical Fall Height) for impact absorbing surfaces beneath and around play equipment.

### **L2.3 Sustainable Drainage Systems (SuDS)**

New developments must incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. This has an important role in managing climate impacts (see Part V (Climate Change Adaptation and Mitigation) of this SPD)

A well-designed SuDS system will enhance the attractiveness and value of new development by integrating water management with habitat for wildlife and opportunities for amenity and recreation. Details may include a water body, vegetation, headwalls, culverts, underground pipework and storage crates, fencing, gates, access track, lifebuoy, signage. The proposed design of SUDS should be included in the initial design of the open and the Council will ensure SUDS secured by condition are well designed and integrated with the open space. It is important to ensure they are well integrated into open spaces and do not dominate the open space provision nor unduly constrain the space for recreation. It is important that the vegetation surrounding the SUDS and within the SUDS feature is designed as part of the open space. Section L10 provides further sources of guidance on the provision of SUDS.

### **L3. Public Open Space Requirements (Amount)**

Core Strategy Policy CS.25 'Healthy Communities' identifies the standards of open space in different open space typologies. It states that contributions will be required where it is justified by the scale of development. This will include residential development proposals for major developments of 10 or more dwellings of any tenure.

It is expected that open space will be provided on site and the location and form of the provision will be assessed on a case-by-case basis. The process for determining the amount of public open space required is shown in Table L3 and L4 below.

**Table L3: Calculating the number of additional residents**

The additional number of residents will be calculated based on:

The average occupancy (column A) multiplied by the standard of open per person additional resident (column B).

Dwelling Type	Average Occupancy (A)*	No. of units (B)
1 bed flat	1.29	1
2 bed flat	1.97	1
2 bed houses	1.79	1
3 bed houses	2.31	1
4+ bed house	2.80	1
		<b>Total additional number of residents (D)</b>

Note: Source Census Data 2021

For Outline Applications where the size and mix of dwellings are not yet agreed and able to be conditioned. The additional residents can be calculated using the following formula:

Total additional number of residents= Average Occupancy (column A) x largest mix allowable in the recommended mix in CS.19 Housing Mix and Type.

**Table L4: Calculating the public open space requirement**

The public open space requirement will be calculated based on:

The number of additional residents in column D (Total of column B above) multiplied by the standard of open per person additional resident (column E).

	Open Space Typology (C)	Additional number of residents (D)	Standard per person (square metres) for each additional resident * (E)
1	Parks & Gardens and Amenity Space (all areas)	1	11.5sqm
2	Unrestricted Natural Accessible Greenspace (Stratford-upon-Avon)	1	52.4sqm
	Unrestricted Natural Accessible Greenspace (all other areas)	1	7.5sqm
3	Children and Young People's Equipped Play Facilities (all areas)	1	2.5sqm
4	Allotments and Community Gardens (all areas)	1	4.0sqm

**Note:** The amount of Public Open Space required for the various typologies is reflects the standards in from Core Strategy Policy CS.25 'Healthy Communities' which are in turn derived from The Open Space, Sport and Recreation Assessment: Update to the PPG17 2011 Study (Arup, September 2014).

The typologies are the most commonly secured associated with development in the district and are reflected in Core Strategy Policy CS.25. Core Strategy Policy CS.25 'Healthy



Communities' identifies another typology - additional outdoor sports facilities. While there will be instances where requirements for this typology arise, this is omitted from the standard calculation. This is because demand for this type of facility, and provision to address need, is assessed at a strategic level based on the methodology defined by Sport England. The latter takes account of a range of factors including the need for outdoor sports provision at the strategic level as part of playing pitch strategy and in infrastructure delivery plans to support the implementation of the Core Strategy (and future local plan).

#### **L4. Public Open Space: Timing of Delivery**

The Council will secure the provision of open space through appropriate conditions and planning obligations (secured by a section 106), along with measures related to the longer-term management and maintenance. Developers are encouraged to engage with Parish/Town Councils and the Council earlier in the development process to make management and maintenance arrangements as early in the development process as a possible to avoid delay at application stage.

Where public open space is being provided on-site in a residential development (market and affordable housing), it must be laid out and transferred to the final management and maintenance provider prior to 60% occupation of the dwellings on the site. The District Council will need to be satisfied that a Certificate of Practical Completion of the laying out and planting of the Public Open Space can be issued, and the Public Open Space will then need to be maintained for a minimum of 12 months. At the end of this 12-month period and subject to the rectification of any identified defects in the Public Open Space, the District Council will need to be satisfied that a Final Completion Certificate can be issued in respect of the Public Open Space, prior to any land being transferred to the management organisation, with any necessary health and safety reports and transferable guarantees and warranties being provided as part of the transfer documentation.

For Custom and Self Build residential developments it must be laid out and transferred to the final management and maintenance provider prior to 40% occupation of the dwellings on the site. The build out timeframe will likely be much longer than on general housing sites as plots may be built out individually. This lower trigger point for delivery will help minimise the risk of Public Open Space remaining unfinished for a prolonged period which would adversely impact the amenity of early occupants of the site.

#### **L5. Public Open Space: Transfer and Management**

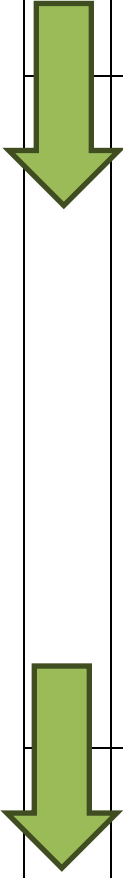
There is an expectation that public open space will be, normally be transferred to the Parish/Town Council. This includes:

- Type 1 Parks & Gardens and Amenity Greenspace
- Type 2 Unrestricted Natural Accessible Greenspace
- Type 3 Children and Young People's Equipped Play Facilities
- Type 4 Allotments and Community Gardens

Where the Parish/Town Council do not accept the transfer, the District Council will consider the management of Types 1 to 3 only. Transfer to the District Council is subject to ensuring the open space can be effectively maintained under the current management programme in operation. Where any of these types of spaces cannot be managed by the Town/Parish Council or District Council and are to be retained by the developers or transferred to a management company, the quality of management and maintenance must be maintained

at a high standard. The Council will also ensure that costs to residents where they arise remain reasonable. This process is explained further in Table L5.

**Table L5: Process for determining the body that will manage the public open space**

	<b>Transfer process</b>	<b>Management and maintenance costs</b>
	<p><b>Step 1:</b> In the first instance, the developer will offer the public open space to the relevant Parish/Town Council for transfer for them to manage and maintain.</p>	<p>The developer will offer the Parish/Town Council, a commuted sum equivalent to 30 years of management and maintenance costs (Section L6.2 provides details of how this is sum will be calculated).</p>
	<p><b>Step 2:</b> Where the Parish/Town Council declines to take a transfer of all or any of the typologies and if the open space is in the typology of Parks &amp; Gardens and Amenity Greenspace (type 1), Unrestricted Natural Accessible Greenspace (type 2) and Play Areas (type 3), the District Council will consider the management and maintenance of these where the maintenance programme in operation will allow effective management overall and in respect of individual components planned as part of the space. This assessment will consider factors such as location and scale of provision as well as relevant matters related to the wider management regime in operation for the specific development.</p>	<p>The developer will offer the District Council, a commuted sum equivalent to 30 years of management and maintenance costs (Section L6.3 provides details of how this is sum will be calculated).</p>
	<p><b>Step 3:</b> Where the Parish/Town Council declines to take a transfer of all or any of the typologies and the District Council also declines management (of type 1 and 2 or 3), the section 106 will provide for the developer to retain the land or give the option of a transfer to a management company.</p>	<p>To ensure maintenance fees (and any subsequent increase to these) are proportionate and reasonable, the District Council will require the developer to:</p> <ul style="list-style-type: none"> <li>• Maintain the quality standards based on approved plans and specifications</li> <li>• Ensure no service charge will be payable for 30 years by occupants for the public open space (charges may still apply to site infrastructure not transferred) as a commuted sum or similar will have been provided.</li> <li>• At least 24 months before the expiry of the 30-year period, submit the publicity scheme to residents of any service charge along with the amount of the service charge and justification for this to the District Council for approval. In addition, any subsequent increases to this charge will be CPI index linked.</li> </ul>

## **L5.1 Management Organisations**

The maintenance and management strategy should be provided as part of the application clarifying the organisation(s) any public open space will be transferred to for maintenance. This highlights the importance of developers engaging early on with the Parish/Town Council and the Council.

Where a Parish/Town Council wishes to take on some, but not all, of the open space typologies, suitable long term management maintenance arrangements for the remaining types of open space will need to be established.

Some types of open space may need to be managed by specific bodies, meaning more than one organisation has responsibility for maintenance. For example, where SUDs form an element of the open space provision, these should be managed by management companies. Additionally, engagement with Warwickshire County Council (the Lead Local Flood Authority) will be required to determine their role, if any in maintenance and management. Changes to DEFRA policy and legislation have the potential to impact arrangements and should be monitored (this guidance will be updated as required to reflect these).

It is also anticipated that certain site infrastructure, not subject to transfer along with any associated Public Open Space, including visitor parking areas, communal driveways, communal bin stores, incidental open space, green infrastructure, footpaths, street trees not in the adoptable highway, and landscape buffers, will normally be managed by a Management Company.

It may not always be practical to split up the open space typologies between different organisations – such as when it adds undue cost complexity to all parties and prejudices the maintenance of the space. A comprehensive maintenance plan covering all typologies will need to be submitted as early as possible and no later than prior to transfer to enable the Council to assess the appropriateness and effectiveness of this.

## **L6. Public Open Space: Management and Maintenance Payments**

### **L6.1 Payments to the managing organisation**

A Commuted Sum for Management and Maintenance is payable where the land is to be transferred to a Parish/Town Council or the District Council. This payment should provide for 30-years of management and maintenance of the public open space. A 30-year period is used as this is already established period for maintenance payments in connection with securing biodiversity net gain and it is within the benchmarked range of costs used by other local authorities in England. The rates agreed will be index linked from the date of the permission to the date the land is transferred. Where the Commuted Sum for Management and Maintenance (Table L6) is used, the date of the adoption of this SPD will be used as the base date. The Consumer Price Index (CPI) will be used.

A Commuted Sum for Management and Maintenance will need to account for the various components that make up the open space, plus a management fee for managing the maintenance, typically at least 10 %. These components may include items such as:

- Pathways
- Planted areas
- Grass
- Trees
- Shrubs
- Hedging
- Fencing
- Signage
- Seating
- Litter bins
- Bird and bat boxes
- Gates
- Water Supply

The level of a Commuted Sum for Management and Maintenance can be discussed any time after public Open Space specification and Management and maintenance scheme are agreed.

For outline applications, where the exact quantity and components of the public open space are unknown, provision will be made in the S106 Obligation to enable the exact commuted maintenance sum to be calculated at Reserved Matters Stage based on the approved layout.

## **L6.2 Calculating the commuted sum for management and maintenance (Parish/Town Councils)**

The figure must confirm the cost for each typology, as each typology may be subject to different transfer arrangements. The final commuted sum figure needs to be agreed prior to offer of transfer to Parish/Town Council.

Where the number of additional residents, public open space specification and management and maintenance scheme details are agreed prior to determination, the management and maintenance commuted sum can be calculated in one of two ways:

1. Calculations based on an average of three quotes for 30-years management and maintenance or
2. Calculations using the standard management and maintenance rates for each typology identified in Table L6

Where the number of additional residents, public open space specification and management and maintenance scheme details are not known at the time of determination and the finalisation of the S106, option 2 will normally be appropriate. This could be for outline applications, which may only have an indicative layout, or where specification and management and maintenance scheme are to be secured by condition.

## 1. Calculations based on an average of three quotes for 30-years management and maintenance

Where the commuted sum is based on quotes, the costs specified should be based on approved plans and specifications, and the management regime in the approved Management and maintenance scheme. Three independent quotations for 30-years of management and maintenance of each typology, will need to be provided by the developer. These should be prepared by a suitably qualified independent professional (Landscape Institute, Chartered Institute of Horticulture or grounds maintenance), to be agreed between the developer and the District Council. The 30-year maintenance cost will be based on the average of these three estimates.

## 2. Calculations using the standard management and maintenance rates for each typology identified in Table L6

The calculation of the commuted sum for 30-years of management and maintenance, for each typology shall be calculated in accordance with the following formula:

Number of new residents (Table L3) multiplied by 30-Year Commuted Sum Cost per additional resident (including management fee) (Table L6, column G)

**Table L6: 30-year Commuted Sum for Management and Maintenance by Typology**

	<b>Open Space Typology (C)</b>	<b>Amount of POS (square metres) for each additional resident (E)</b>	<b>30-Year Commuted Sum Cost per sqm (including management fee) (F)</b>	<b>30-Year Commuted Sum Cost per additional resident (including management fee) (G)</b>
Type 1	Parks & Gardens and Amenity Space (all areas)	11.5sqm	£87.84	£1,010.18
Type 2	Unrestricted Natural Accessible Greenspace (Stratford-upon-Avon)	52.4sqm	£50.92	£2,668.46
	Unrestricted Natural Accessible Greenspace (all other areas)	7.5sqm	£50.92	£381.93
Type 3	Children and Young People's Equipped Play Facilities (all areas)	2.5sqm	£44.76	£111.90
Type 4	Allotments and Community Gardens (all areas)	4.0sqm	£8.68	£34.73
Note: Values based on the prices in Spon's External Works and Landscape Price Book 2024				

The costs identified in Table L6 have been calculated for the maintenance of quantities of hard and soft landscaping, fencing, gates, bins, seating, bird boxes, water supplies, access roads, and replacements appropriate for each typology and includes a 10% management fee.

### L6.3 Calculating the commuted sum for management and maintenance (District Council)

Where transfer may be to the District Council, the rates in Table L6 can be used to establish indicative costs. The costs will be agreed prior to determination on a case-by-case basis taking into account of the site-specific provision of components and the management requirements and costs associated taking into account current maintenance arrangements.

### L7. Payments-in-lieu of provision of Public Open Space

It is recognised that there may be circumstances where site constraints do not allow for provision of some, or all, of the Public Open Space typologies either on site or by direct provision near it. In exceptional circumstances, the Council may accept a payment-in-lieu to pay for provision of new Public Open Space within a reasonable distance of the development site on land not included within the planning application red line boundary.

Any payment-in-lieu figure will need to be agreed prior to determination and paid prior to commencement of development unless viability evidence justifies a later payment. The payment-in-lieu figure will be index linked from the date of the outline or full permission to the date the payment is transferred. The Consumer Price Index (CPI) will be used.

Table L7 provides payment-in-lieu rates equivalent to the provision, and 30-years management and maintenance of each of new local Public Open Space typology.

#### Table L7: Payment-in-lieu Cost per additional resident

The payment in lieu figure will be calculated using the following formula:

Number of new residents (Table L3) multiplied by Cost of Provision and 30-years management and maintenance per additional resident (Table L7, column I)

	Open Space Typology (C)	Amount of POS (square metres) for each additional resident (E)	Cost of Provision and 30-years management and maintenance per metre (H)	Cost of Provision and 30-years management and maintenance per additional resident (I)
Type 1	Parks & Gardens and Amenity Space (all areas)	11.5	£124.53	£1432.12
Type 2	Unrestricted Natural Accessible Greenspace (Stratford-upon-Avon)	52.4	£75.51	£3956.73
	Unrestricted Natural Accessible Greenspace (all other areas)	7.5	£75.51	£566.33
Type 3	Children and Young People's Equipped Play Facilities (all areas)	2.5	£131.60	£329.00
Type 4	Allotments and Community Gardens (all areas)	4.0	£48.83	£195.33

Note: Column B is derived from prices in Spon's External Works and Landscape Price Book, 2024 and column C is based on the quantum established in policy CS.25



The calculation of the payment-in-lieu figure includes the cost of site acquisition, including a local land value of £21,000 per hectare, professional fees including landscape architect, legal and planning fees, preliminaries, an adjustment factor for the West Midlands and includes a 5% contingency cost. It includes a 30-years management and maintenance of quantities of hard and soft landscaping, as well as maintenance of fencing, gates, bins, seating, bird boxes, water supplies, access roads, and replacements appropriate for each typology.

## **L8. Ecological Areas**

The provision of Ecological Areas to comply with national biodiversity net gain requirements are calculated separately to the requirements for the provision of Public and Private Open Space as set out in this guidance. It is expected that the ongoing management and maintenance associated with these ecological spaces will be funded by the developer for a minimum of 30-years in line with national requirements.

## **L9. Private Open Space**

### **L9.1 Residential Space**

Private space for houses must be located to the rear, wherever possible, and ideally backing on to similar private garden space with no public access. This arrangement provides property security and allows for relatively tranquil and sheltered spaces.

The street elevation must have windows to habitable rooms and doors, allowing for natural surveillance of the street and the 'defensible space' between the dwelling and street.

An important component of good quality residential design is the provision of useable outside private space where residents can take advantage of fresh air and direct access to the natural environment. This is different from semi-private communal space (which is shared by residents).

Private outdoor space must be easily accessible for all physical abilities, but accessible only to those residents for which it is designed to be used.

The size of the private outdoor space may need to be increased:

- To reflect the local character.
- Where excessive shading renders significant areas of the garden unusable due to neighbouring buildings or other structures, trees, orientation.
- Where significant mature trees are to be retained within the garden space.
- To ensure areas of privacy.
- Where gardens are unusable due to their size, levels or configuration.
- Where parts of gardens are unusable due to excessive traffic or other noise (noise attenuation in the form of acoustic fencing may also be necessary).

The Council welcomes innovative proposals for the provision of private and communal outdoor space such as roof gardens, balconies, gardens integrated within the fabric of individual houses or flats and high-quality landscaped grounds, so long as they do not unacceptably harm the amenity of neighbouring occupiers or the character of the area.

## L9.2 Residential Front Gardens

Front gardens are an important contributor to the landscape design of the street and green infrastructure, as well as providing opportunities for social interaction and providing 'defensible space' between the dwelling and street thus aiding security.

In some situations, it may be appropriate for front gardens to not be provided, such as where there is a local tradition of houses fronting directly onto the footway or in a 'home zone' or mews street. In such circumstances where there is a lack of 'defensible space' the design of streets and dwellings must achieve security by other means.

As a general guideline, a front garden must have a minimum depth of 2m.

## L9.3 Residential Rear (or Side) Gardens

Proposals must give careful consideration to the size of the proposed rear or side gardens taking into account the local context.

As a general guideline, a rear garden length of 10m, depth of 5m and 40/50/62sqm usable space as noted in Table L8 below would provide a reasonably functional area of private outdoor space. However, for other site specific and design reasons (e.g. privacy requirements or overshadowing) gardens may need to be larger.

## L9.4 Space standard for Private Gardens

Table L8 provides the minimum sizes of private gardens serving different sizes of dwellings. It should be considered as a starting point for discussion with planning officers when designing private gardens for residential development.

The design of garden areas also needs to take into account separation distances between properties and further information on this can be found in [Part F \(Residential Amenity\) of the Development Requirements SPD](#).

**Table L8: Indicative minimum garden areas by dwelling type**

House Size	Minimum Garden Area
2-bedroom dwellings	40 sqm of useable space per dwelling
3-bedroom dwellings	50 sqm of useable space per dwelling
4+ bedroom dwellings	62 sqm of useable space per dwelling
Apartment blocks	25 sqm of useable space per unit of accommodation
Elderly communal accommodation.	20 sqm per bedroom
Minimum depth of rear gardens	10m
Minimum width of rear gardens	5m
Minimum separation between dwellings (not including terraces).	3m

## L9.5 Open Space for Apartment Blocks

For flats, the provision of individual private gardens may not be possible, so private communal open space will be required to provide an appropriate area of shared semi-private space. This can also provide an attractive setting for the building within the local context.

Apartment blocks and non-residential buildings also need to concentrate the main entrance or entrances on the street frontage and sides. The Private communal open space must be away from street views. Service areas must be hidden from the street or its visual impact (of car and cycle parking or a delivery zone, bin storage) be mitigated by good design.

High quality communal open space will provide:

- 25 square metres of useable space per conventional residential dwelling, and 20 square metres for elderly communal accommodation, although local context may exceptionally justify departure from this norm.
- open space that is comfortable and not over-dominated by the mass of a building. It must be located and configured appropriately.
- communal space for flats with some form of enclosure and privacy, while including a degree of overlooking by residents. In some instances, a robust boundary treatment may be needed, cases where there is no alternative but to locate it close to traffic or other noise.
- private communal spaces that are suitable for normal domestic activities, such as relaxation, drying washing, BBQs etc. and not merely act as a grassed setting for the building.
- In the case of ground floor flats, private outdoor sitting space linked directly to that flat wherever possible.
- Where direct access to private communal space is provided for ground floor flats, some defensible space must be provided which may include planting, to safeguard the privacy of residents from other users of communal space.
- appropriate planting for the space to be provided and the arrangements for the management and maintenance of the space must be fully set out.
- useable amenity space, which must exclude narrow strips of land and excessively shady and noisy areas, along with land that is used for associated infrastructure such as SuDS and parking areas.
- property boundaries to public spaces, that includes roads, open space or parking courts, must be masonry (brick or stone), whilst boundaries between private space, such as adjoining gardens, can normally be fences or more natural features such as hedgerows.
- In developments where accommodation for the elderly (including sheltered accommodation) is proposed, consideration must be given to means of access, levels, hard standing, the type of planting (such as green space which has been designed to appeal to as many of the senses as possible use of raised beds to aid wheelchair users), shelter and seating areas.

## L9.6 Balconies

The installation of balconies on new buildings can offer a positive contribution, by providing outdoor sitting areas, where outward views will not unacceptably affect the neighbouring amenities or character of the area. To ensure that balconies are properly integrated into buildings and their surroundings, they must be considered early in the design process. The appropriate size of a balcony will depend on the circumstances of a particular development.

## **L9.7 Roof Terraces /Green Roofs**

As an alternative to the provision of front or rear gardens at ground level, and in the interests of making best use of urban land, roof terraces can increase opportunities for private residential, and 'private' communal open space subject to there being no overriding design, functional or privacy concerns affecting the amenity of neighbouring residents and character of the area. Further information about green roofs is available in [Part E: Architectural Style, Construction and Materials](#). Proposals will be considered on a case-by-case basis. Any roof-space provided as an alternative to private garden space must offer an equivalent or enhanced level of amenity to future residents.

## **L9.8 Management and maintenance on smaller sites and non-residential sites**

Residential schemes with less than 10 dwellings and non-residential developments, may include areas of hard and soft landscaping including trees, hedges, and shrubs in areas of incidental open space, boundary treatment, green infrastructure, footpaths not adopted, street trees not in adoptable Highway, car parking/visitor parking spaces or landscape buffers.

Appropriate management and maintenance will have to be agreed with the District Council for the hard and soft landscaping elements of the proposals. This will include the completion of the building works and replacement or replanting of any tree, hedge or shrubs that are felled, removed, uprooted, destroyed, becomes, seriously damaged, diseased or defective or dies.

## **L10. Pre-Application Advice**

Discussions between developers and officers of the District Council should take place as early as possible in the planning process, preferably at the pre-application stage. This is to establish the scale of provision required and the responsibility for future maintenance. For more information see: <https://www.stratford.gov.uk/planning-regeneration/pre-application-advice.cfm>

## **L11. Planning Obligations and Conditions**

It is expected that most new open space will be secured by planning obligations (Section 106) or planning conditions. However, there may be instances where an offsite provision is made by developer nearby. The District Council will work proactively with developers to implement requirements for open space and may, in exceptional cases where there are demonstrable and evidenced viability challenges, apply requirements more flexibly.

### **L11.1 S106 Fees**

Where a S106 Obligations is required to secure either on-site or off-site open space then the Council will charge a fee, calculated on a case-by-case basis, to cover the costs of preparing and executing the Agreement and associated monitoring. This will be based on the complexity of the S106, and the costs associated with the negotiation, preparation and execution of the S106 Agreement and its registration as a local land charge.

A fee will also be charged for the approval of any details required by the Legal Agreement.

## L11.2 Standard approach to open space provision on larger residential sites

Planning Conditions will cover the following matters:

- Hard and Soft Landscaping Specification for Public Open Space that may be subject to adoption by Parish/ Town Councils or the Council
- Hard and Soft Landscaping Management and Maintenance Scheme for Public Open Space that may be subject to adoption by Parish/ Town Councils or the Council
- Hard and Soft Landscaping Implementation for Public Open Space that may be subject to adoption by Parish/ Town Councils or the Council, Practical Completion Certificate, Maintenance Period of not less than 12 months, Final Completion Certificate
- Hard and Soft Site Landscaping Infrastructure Specification (including Incidental Open Space, SuDs landscaping, bin collection points, landscape buffer and visitor parking spaces, etc.)
- Hard and Soft Site Landscaping Site Infrastructure Management and Maintenance Scheme
- Hard and Soft Site Landscaping Site Infrastructure Implementation
- SuDS Specification and Drainage Details as requested by the Lead Local Flood Authority.
- SuDS Management and Maintenance as requested by the Lead Local Flood Authority
- Appropriately worded conditions will ensure that construction compounds are not sited on areas intended for use as Public Open Space or other areas of planting.

S106 Agreements will cover the following matters:

- In relation to the transfer of POS, the requirements for the transfer arrangements.
- Where the land is to be managed by the Developer or a Management Company, the arrangements in respect of service charges; and
- The sum and timing of any financial payments such as commuted sums for management and maintenance or payments-in-lieu of provision of open space.

### Find out more

[CABE, The Value of Public Open Space: How high- quality parks and public spaces create economic, social and environmental value.](#)

[Fields in Trust Fields in Trust 'Guidance for Outdoor Sport and Play – Beyond the Six Acre Standard'](#)

[Sport England, 'Active Design'](#)

[Design for Play – Play England](#)

[Stratford-on-Avon District Active Community Strategy](#)

[Design Council, Inclusion by Design](#)

[Safer Parks for Women and Girls Guidance](#)

[Historic England, Looking After Parks, Gardens and Landscapes](#)

[Warwickshire County Council Flood Risk Guidance for Development -](#)

[SuDS Manual \(CIRIA C753\)](#)

[Guidance on the Construction of SuDS \(CIRIA C768\)](#)

[Sewerage Sector Guidance - Approved documents](#)