

# Supplementary Planning Guidance

## Provision of Open Space



March 2005

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### PREFACE

This document provides Supplementary Planning Guidance (SPG) for developers, the public and others about the operation of Policies ENV1, REC3, REC4, REC5, REC6 and RECS4 of the adopted *Stratford-upon-Avon District Local Plan 2000*. It sets out the detailed mechanism for the provision of Open Space applicable to Stratford-upon-Avon and the Main Rural Settlements, identified as Category One Settlements, in the Local Plan. In doing so it takes account of the latest Government guidance, other standards, advice and best practice.

In addition regard should be had for Policies COM.4, COM.5 and DEV.3 in the Draft District Local Plan Review.

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# 1. Introduction

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- 1.1 Open Space is one of the District's most precious resources, and has a particular role in relation to the setting and function of Stratford-upon-Avon and the other larger settlements across the District.
- 1.2 Well designed open spaces:
- help to provide the wide variety of outdoor recreation facilities needed to meet the differing requirements across the community;
  - contribute to sustainable development objectives where appropriately located and accessible by means other than the private car; and
  - support valuable wildlife habitats that improve the character and visual amenity of a neighbourhood or urban area.
- 1.3 The provision and securing of development contributions towards Open Space is supported through national guidance contained in Planning Policy Guidance Note PPG3 *Housing* and PPG17<sup>1</sup> *Planning for Open Space, Sport and Recreation*, and supplemented by DoE Circular 1/97: *Planning Obligations (C1/97)*. Government commitment to creating quality open spaces is set out in the 2002 White Paper *Living Places: Cleaner, Safer, Greener*.
- 1.4 At the strategic level the *Warwickshire Structure Plan 1996-2011 (WASP)* supports the protection of open spaces, whilst local policy, definitions and other guidance is set out in the *adopted Stratford-on-Avon District Local Plan (the Local Plan)*, and the Local Plan Review.

# 2. Policy Background

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- 2.1 PPG3 states that:
- "... new housing developments should incorporate sufficient provision (of Open Space and playing fields) where such spaces are not already adequately provided within easy reach of the new housing"* (para 53).
- 2.2 PPG17 identifies planning obligations as a means of providing Open Space. These may be used to secure from new development accessible Open Space or sports and recreational facilities where a deficit has been identified, or to seek the enhancement of existing provision.
- 2.3 Circular 1/97 sets out the circumstances in which local authorities can legitimately seek development contributions. It is considered reasonable for developers to contribute towards the cost of providing, and in some circumstances maintaining community facilities such as Open Space. The District Council will only seek to secure Open Space that is:
- necessary;
  - relevant to planning;
  - directly related to the proposed development;
  - fairly and reasonably related in scale and kind to the proposed development; and,
  - reasonable in all other respects.

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<sup>1</sup> In addition to PPG17 reference has also been made to the supporting documentation *Assessing Needs and Opportunities: A Companion Guide to PPG17* (ODPM, 2003).

- 2.4 The National Playing Fields Association (NPFA) published revised guidance on the provision of Open Space in 2001. This updated the definitions set out in the long standing *Six Acre Standard* for the level of outdoor sport and children's playing space. This SPG draws on the revised NPFA guidance, subject to certain variations to meet local circumstances. This includes an enhanced standard of provision for Stratford-upon-Avon to reflect visitor pressures, and a figure for the Main Settlements.
- 2.5 The WASP contains Policies ER.6 and ER.7 that promote the protection of Open Space in local plans. The Local Plan seeks to ensure that development control decisions have regard to current levels of provision and deficiencies with respect to the community's need for recreational space. This is supported by a range of policies and proposals relating to the provision, protection and allocation of Open Space. Policies REC3, REC4, REC5 and RECS4 relate directly to the adopted standards and the provision of new Open Space. Policy REC6 provides the framework for ongoing maintenance arrangements. Policy ENV1 relates to general principles of acceptable development and should be applied to the provision of new open space and equipped children's play areas.
- 2.6 Regard should be had to the aim and objectives, and policies which relate to open space in the Local Plan Review (Policies COM.4, COM.5 and DEV.3). This document has now completed the public inquiry stage and significant weight is accorded to it in determining planning applications.
- 2.7 In operating these Policies, the District Council will take into account all other appropriate material considerations. The assessment of the proposed location of Open Space will take account of other policies in the Local Plan, as well as the District Council's adopted strategies for cultural development, and urban design.
- 2.8 The District Council adopted an audit of Open Space in Stratford-upon-Avon in December 2003. Similar audits for the Main Rural Settlements have been completed providing a comprehensive assessment of the existing Open Space provision across the District. The District Council's adopted definition of Open Space applied in the audit covers greenspace (as identified in PPG17 and the NPFA typologies) in both the public and private realms with a primary purpose of providing:
- "safely accessible Open Space for leisure and recreation that is either formal or passive and provides a social benefit".* Stratford-on-Avon DC (2003)
- The audit will be reviewed on a regular basis to ensure it provides a current picture of open space provision.
- 2.9 The District Council's *Corporate Strategy* adopted in 2002 sets out a number of objectives which have an impact on Open Space provision, in particular 'Key Priority 3' which seeks to improve and enhance the environment across the District. In addition, the provision of quality open spaces also contributes to meeting the aims and objectives of the *Community Plan* for the District.

### **3. Open Space Standards**

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- 3.1 The Open Space standards set out in Policies REC3, REC4, REC5 and RECS4 of the Local Plan were arrived at using the NPFA benchmark, as well as guidance in PPG17. The policy sets out the following levels of provision:
- in Stratford-upon-Avon, Open Space to a minimum standard of 3.0ha per 1000 population;
  - in the Main Rural Settlements, Open Space to a minimum standard of 2.7ha per 1000 population;
  - both the above to include children's play areas to a minimum standard of 0.8ha per 1000 population.

- 3.2 In order to ensure that Open Space is safe and fit for the intended purpose and level of use, the District Council will require its provision to meet various standards (Appendix 1), which are recognised by the NPFA as a minimum. Therefore, subject to the requirements of C1/97, nothing in the Local Plan policies or this SPG should be taken to exclude the possibility of higher levels and/or standards of Open Space being secured in appropriate circumstances.
- 3.3 It should be noted that appropriate amenity space should be provided within any development, in addition to that which is for recreational purposes. Such provision makes an important contribution to the creation of attractive development.

## **4. Operating the Open Space Policies**

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- 4.1 Policies REC3, REC4, and RECS4 will be applied to all proposals involving residential development, with development contributions sought on schemes above 5 or more dwellings (net). Discussions between developers and officers in Environmental Services and Operational Services of the District Council should take place as early as possible in the planning process, preferably prior to the submission of a planning application, to establish the scale of provision of open space and responsibility for future maintenance.
- 4.2 Applicants should ensure that enough information is included in the application to enable its proper assessment. This should include the number, size and type of all dwellings proposed and those to be demolished. Where demand generated by the new development cannot be met by the existing supply of Open Space, the District Council will seek to secure additional provision via the proposed development.
- 4.3 The location and detailed form of the provision will be assessed on a case by case basis. Where Open Space is provided on-site, negotiations between the applicant and officers will establish the amount and maintenance sums needed. The methodology set out in Appendix 2 should be used to establish the level of Open Space required. Separate negotiations with officers from Operational Services will identify the appropriate levels of maintenance contributions. It may be appropriate to provide Open Space off-site by means of a development contribution to the District Council. The provision and maintenance of Open Space off-site provided through a development contribution secured by legal agreement. A Section 106 Agreement (S106) template will be made available to the applicant.
- 4.4 An assumption will be made for outline planning applications, where dwelling numbers are not included, based on the likely densities in relation to the site size. The S106 Agreement will include a clause whereby any difference in dwelling numbers at the reserved matters stage will form the basis of a recalculation of Open Space requirement. Applications to amend previously approved development will also be subject to a reassessment of Open Space, except where the revisions are considered to comprise minor amendments.
- 4.5 If it is shown that a deficit of provision does not exist, it may still be appropriate (in line with PPG17) to secure a contribution to improve the quality of existing provision through planning obligations. This might include improving drainage to sports pitches, the upgrading of play equipment, or implementing enhancement schemes.

## **5. Methodology for calculating Open Space provision and level of Development Contributions**

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### **Step 1: Calculating the Open Space Requirement**

- 5.1.1 This section should be read in conjunction with the flow diagram set out in Fig.1. The step-by-step method for calculating the requirement for each category of Open Space generated by a proposed residential development is set out in Appendix 2. Clearly, each new development will display differing age profiles and consideration of the Open Space needs for each scheme must be considered on an individual basis. In all cases the requirement will be based upon the net increase in dwellings proposed, with the loss of any existing dwellings resulting from the development being taken into consideration.

- 5.1.2 Having calculated the total number of persons generated by a new development it is then necessary to apply them to the standards, as a ratio of each of the Open Space categories in Policies REC3, REC4 and RECS4. This provides a pro-rata figure of measurable Open Space for the new development. Where the site allows for more Open Space to be secured within a particular category, this should not result in an equivalent reduction in any of the other Open Space categories.
- 5.1.3 It is expected that the developer will provide the required types of Open Space on-site at the design and implementation stage of a scheme. Appendix 3 contains figures on commuted sums for Open Space that, based upon the adopted methodology, enables the calculation of the off-site Open Space development contribution. These figures will be reviewed annually to take account of inflation and increases in equipment costs etc. Once the Open Space requirement of a development has been calculated, it is necessary to undertake Step 2.

## **Step 2: Determining whether developments exacerbate or create Open Space deficits**

- 5.2.1 The District Council will normally only seek to secure the provision of any category of Open Space, either on-site or via development contributions for off-site provision, where it can be demonstrated that the proposed development will exacerbate or create a deficit. The assessment of any shortfall will be measured against the Open Space Audit for Stratford-upon-Avon and the Main Rural Settlements. With respect to NPFA categories it is important to undertake a breakdown of provision, i.e. publicly accessible playing fields, Equipped Children's Playspace etc, in order to fully assess the underlying provision of open space types. For an individual case, each element of Open Space should be assessed against the relevant standard.
- 5.2.2 Given the different use and users of each of the categories of Open Space, and the nature of surplus or deficiency, the types and location of provision sought will vary accordingly. Since Equipped Children's Playspace and Informal Playspace serve a localised area, the assessment in Stratford-upon-Avon will be Ward based. In a Main Rural Settlement, which may comprise a single Ward, the location of provision will be based on safety and accessibility<sup>2</sup>. In contrast, users of Youth and Adult Open Space categories are able to travel further; therefore the assessment is based upon catchments covering the settlement as a whole.
- 5.2.3 If, having consulted the Open Space audit, it is concluded that the proposals exacerbate or create a deficit in any category of Open Space, then Step 3 should be undertaken.

## **Step 3: Determining whether required Open Space should be provided on or off-site**

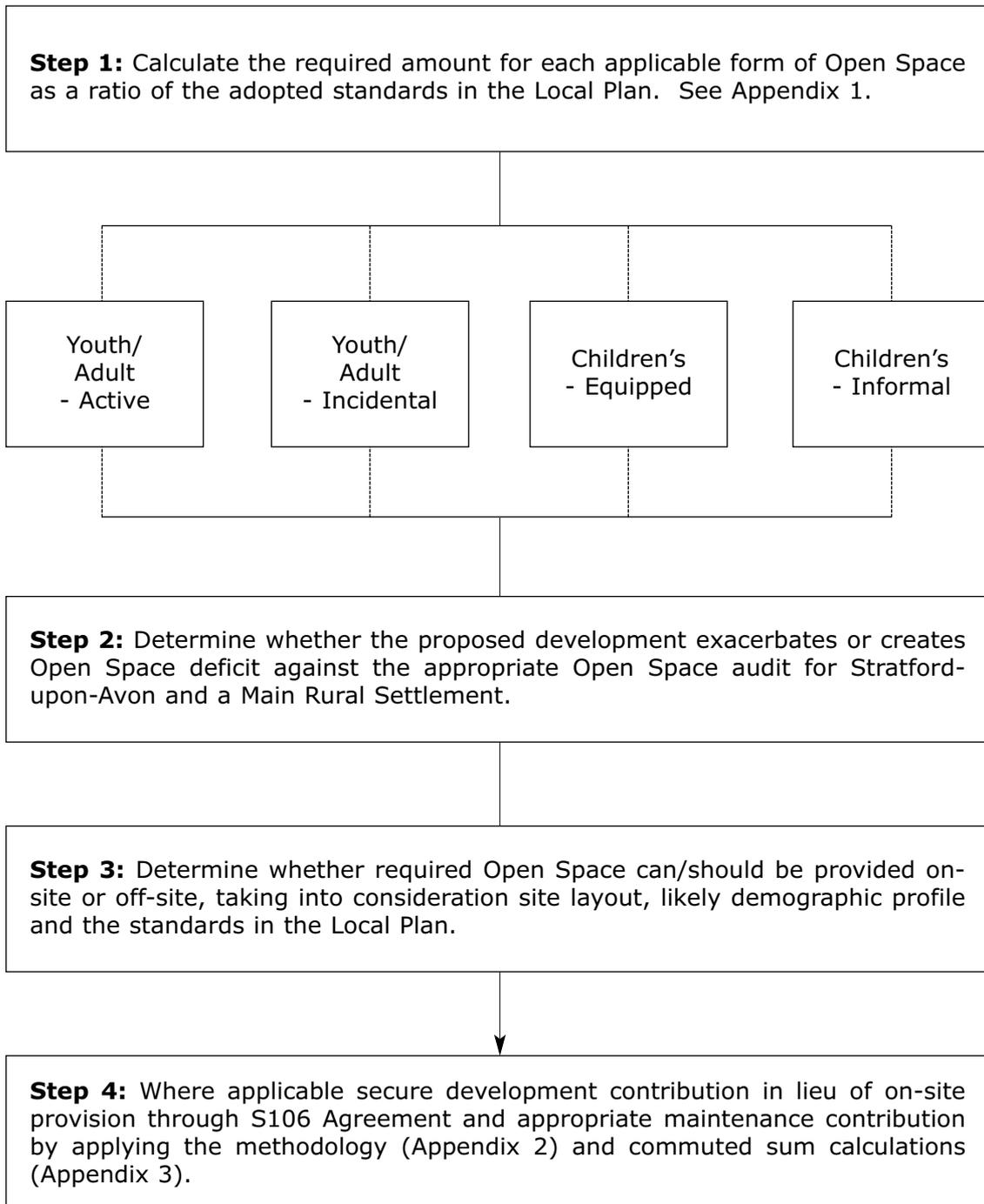
- 5.3.1 The Open Space requirement for any given development may be provided by any of the following means depending on the circumstances of the individual proposal:
- full provision on-site;
  - part on-site and part off-site provision; the latter either on land controlled by the developer or through a development contribution;
  - full off-site provision either on land controlled by the developer or via a development contribution;
  - enhancement/upgrading of existing facilities and equipment.

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<sup>2</sup> The NPFA *Six Acre Standard* (2001) provides clear guidance on the design, layout and walking times of children's equipped play areas and informal play space (Appendix1).

- 5.3.2 Wherever possible, the Open Space requirement should be provided on-site, and form an integral and integrated part of the development. In assessing whether on-site provision of each category of Open Space is appropriate, feasible and desirable, the District Council will take into account the following factors:
- whether the site can physically accommodate the Open Space;
  - whether the amount to be provided creates a viable Open Space in terms of its configuration, use and maintenance;
  - whether the development site is part of a larger scheme to be comprehensively developed, in which case it may be appropriate for the Open Space to be concentrated into one or more larger areas which may not be within the site;
  - the requirements of any relevant development brief concerning size and location of Open Space; and
  - whether the site is located sufficiently close to an existing, safely accessible Open Space or other land which could more beneficially be extended, improved or converted to provide the required Open Space.
- 5.3.3 The location and accessibility of open space is important to ensure that the area is attractive and safe to users and does not cause disturbance to neighbouring residents. The following matters will also be considered:
- the areas of open space should be of functional and maintainable sizes and dimensions;
  - existing features on site, such as trees, hedges and changes in level, should be utilised and retained;
  - it should be easily and safely accessible by foot, and should be sited to minimise the risk of any road accidents;
  - it should be overlooked by nearby housing and/or well-used pedestrian routes, and must be in an open location, to provide a safe and secure environment for users;
  - the proximity of dangerous features such as canals, railways, ditches, reservoirs and electricity substations/cables.
- 5.3.4 The provision of Informal Playspace in association with Children's Equipped Playspace reduces the need for young children to travel for play, and helps separate housing from equipped playspace, minimising disturbance to neighbours. Therefore, the Open Space requirement for both categories, i.e. informal and equipped, should be assessed together, before determining whether on-site provision should be made.
- 5.3.5 Smaller developments will only require limited amounts of Open Space. In such cases, on-site provision is unlikely to be practical or viable. In these circumstances, the District Council will require the developer to make provision in an agreed, appropriate alternative location or by means of a development contribution to be spent by the District Council in accordance with this guidance. For larger developments, unless there are significant public benefits in doing so, the District Council will not normally accept alternatively located provision or a development contribution where it is considered that viable, practical provision can and should be made on-site.
- 5.3.6 In accordance with Policy REC5 in the adopted District Local Plan, it is expected that Incidental Open Space for Youth and Adult Use and Informal Children's Play Space should be provided on-site for all schemes comprising 50 or more dwellings to meet the standards specified.

**Fig. 1**      **Flow chart of key stages in determining need for Open Space**



- 5.3.7 Land that by virtue of its location, small size, contrived shape, condition, proposed use or for any other reason, will not enable the creation of viable, safe Open Space will not count towards the requirement. Appendix 1 contains full details regarding the District Council's minimum standards, including forms of land excluded from the Open Space standards.

#### **Step 4: Securing Development Contributions.**

- 5.4.1 On completion of the assessment, and any negotiations with the developer, a decision will be made as to whether the Open Space requirement should be made on-site or off-site or by means of a development contribution, or a combination of the two.

## **6. Securing Provision**

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- 6.1 A S106 Agreement will identify all contributions by developers to deliver the provision and retention of the Open Space. This will set out the rights and responsibilities of each party. The developer will be liable for the reasonable legal costs incurred by the District Council as part of this process irrespective of whether the S106 Agreement is completed or not. Nothing in the S106 Agreement will commit the District Council to adopt open spaces provided by the developer. Should the District Council be minded to do so, this will be secured through a separate 'adoption agreement'.
- 6.2 In accordance with C1/97, developers will be required to make provision for the maintenance of Open Space they provide on or off-site. Subject to obtaining the District Council's written agreement, developers may make their own arrangements for maintenance. However, given the costs and other issues associated with private maintenance, developers may prefer to transfer ownership and future maintenance to other responsible bodies by agreement. It should be stressed, however, that the District Council is not willing to take on such responsibilities for new facilities.
- 6.3 Financial contributions will only be sought for off-site provision through application of the provision rates in Appendix 3. The calculation for the commuted sum is based on the initial costs of providing and laying out, and of maintaining a variety of open spaces and equipped areas for play. The maintenance sums cover the ongoing costs of upkeep over a 20 year period.

## **7. Spending Development Contributions**

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- 7.1 The District Council will spend development contributions, and any interest, in accordance with the provisions of the relevant planning obligation. Priorities for spending may vary but in general this can include:
- the purchase of facilities and/or equipment;
  - a contribution towards the acquisition of land, for the purpose of providing Open Space
  - the laying out of land, facilities and/or equipment for sport, recreation and/or play use;
  - the maintenance of land, facilities and/or equipment used for sport, recreation or play;
  - the upgrading of land, facilities and/or equipment for sport, recreation and/or play to meet new or revised standards in Appendix 1 or new rules of the national governing bodies of the relevant sport;
  - the acquisition of land that can be used for informal recreation, including open areas that are readily accessible from within the settlement.

- 7.2 For the avoidance of doubt, development contributions may be spent on the following specific items:
- artificial pitches and ancillary facilities;
  - improvements to pavilions/changing facilities where they are necessary to meet new health and safety standards and/or the unmet demand generated by the facilities they serve;
  - car/cycle parking and access routes where no satisfactory alternative provision exists and they are necessary to meet adopted highway safety and/or parking standards for the facilities and avoid any unacceptable impacts on nearby residents and businesses;
  - seating, lighting and other similar facilities that enable the safe, practical and reasonable use of the Open Space they serve;
  - ground drainage, fencing or safety surfacing necessary to enable the facility to meet any relevant adopted standards and at an acceptable level and frequency of use.
- 7.3 For the avoidance of doubt, development contributions may not be spent on the following specific items:
- indoor sport facilities;
  - landscaping for aesthetic purposes (except in ornamental parks);
  - routine grounds maintenance of existing Open Space (unless specified in the legal agreement or subject to enhancement etc.).
- 7.4 The process will be carefully monitored by the District Council. If a contribution is not used for the specified purpose within 7 years of the date of payment, it will be repaid (together with the interest earned) to the contributor.

## **Adopted Standards and Definitions**

Policies REC3, REC4, and RECS4 in the Local Plan sets out adopted standards and definitions of Open Space reflecting the NPFA 'Standard'.

### **A1.1 Standards**

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Stratford-upon-Avon, Open Space to a minimum standard of 3.0ha per 1000 population.

Main Rural Settlements, Open Space to a minimum standard of 2.7ha per 1000 population.

Both the above include children's play areas to a minimum standard of 0.8ha per 1000 population (of which 0.3ha should be equipped play space).

In Stratford-upon-Avon, the standard is divided into the following categories:

- 1.7ha – Youth and Adult Use (of which 0.2ha is for equipped play facilities)
- 0.8ha – Children's Play Areas
- 0.2ha – Incidental
- 0.3ha – General Use

The higher standard of provision sought in Stratford-upon-Avon is due to the special needs and pressures, which arise from the large numbers of visitors that the town attracts.

In the Main Rural Settlements, the standard is divided into the following categories:

- 1.7ha – Youth and Adult Use
- 0.8ha – Children's Play Area
- 0.2ha – Incidental

### **A1.2 Definitions**

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#### **i) Youth and Adult Use**

This represents outdoor recreational space for active pursuits.

- Facilities such as pitches, greens, courts, athletics tracks, and miscellaneous sites such as croquet lawns and training areas in the ownership of local government, at all tiers.
- Facilities as described above within the education sector which are available for public use by written agreement. The informal or unauthorised use of such facilities by the public does not qualify.
- Facilities as described above within the voluntary, private, industrial and commercial sectors that serve the leisure time needs for outdoor sport and recreation of their members or the public.

## ii) Children's Play Area

- Designated areas for children containing a range of facilities and an environment that has been designed to provide focused opportunities for outdoor play.
- Casual or informal playing space within housing areas (but not incidental/amenity Open Space).

### **Local Area for Play (LAP) land requirement = 100 sq.m**

Small area of Open Space for 4-6 year olds for low key games of play. Should include appropriate play features and seating for accompanying adults. 1 minute walk from home (100m).

### **Local Equipped Area for Play (LEAP) land requirement = 400 sq.m**

Play area for children of early school age (4-8 years). Should include at least five types of play equipment and seating for accompanying adults. 5 minutes walk from home (400m).

### **Neighbourhood Equipped Area for Play (NEAP) land requirement = 1000 sq.m**

Play area for 8-14 year olds serving a substantial residential area. Should include at least eight types of play equipment, kickabout and wheeled play areas and seating for adults and teenagers. 15 minutes walk from home (1,000m).

The provision of equipped children's playspace should conform with the specifications in the NPFA Standard relating to design and layout to the satisfaction of the District Council. In particular it is important to incorporate an appropriate buffer area around the activity zone to limit neighbour disturbance. It may also be appropriate to include existing landscape feature or areas of nature conservation within schemes. The open space provided must be well located to the rest of the development and be of a useable size and layout.

Playing space that is excluded from category i) and ii) in accordance with the NPFA:

- Outdoor sports facilities that are not as a matter of policy and practice available for public use, such as professional sports stadia.
- Grounds of HM Services, unless as a matter of policy and practice and by formal agreement they are made available for public use.
- Verges, woodlands, commons, nature conservation areas, and allotments, ornamental gardens and parks (except for clearly defined areas within them for sports, games, practice and play).
- Golf facilities.
- Water used for recreation, except where it forms an interactive feature of an outdoor play area.
- Sports halls or leisure centres.
- Commercial entertainment complexes and theme parks.
- Car parks for non-recreational use.

## iii) Incidental Use

This form of open space refers to communal areas which are integral to development and do not comprise open space left over after the layout has been designed and development completed. Landscape areas within this category should be suitable for sitting out and other quiet relaxation. They do not include private gardens, verges or children's play areas.

## Method for Calculating the Open Space Requirement and Off-Site Development Contributions - a worked example

- A3.1** The basic method for calculating the amount of Open Space required by a proposed residential development is set out below. It should be applied as a starting point in each case to assess the amount, type and method of Open Space provision.
- A3.2** It should be appreciated that every scheme is different in context and circumstances. Consequently, the appropriate approach for an individual scheme regarding the balance between on-site and off-site provision for each type of open space will vary.
- A3.3** The methodology will be applied to all applications involving residential development comprising 5 or more dwellings in or on the edge of Stratford-upon-Avon or a Main Rural Settlement.

### Worked Example

**Proposed Scheme:** a high density development of 150 dwellings on 1.5 hectares within an urban area

#### 1. Composition of Proposed Scheme

Dwelling type	Average occupancy	No. of units =	No. of Residents
1 bed flat	1.00	30	30
2 bed flat	1.20	60	72
2 bed house	2.00	30	60
3 bed house	2.60	20	52
4 bed house	3.10	10	31
		<u>150</u>	<u>245</u>

#### 2. Amount of Open Space required by the Proposed Scheme (in accordance with standards specified in Local Plan)

	Square Metres/ 1000 pop	No. of Residents in scheme	Requirement (sq.m)
Youth and Adult Use			
- Active	17,000 ÷ 1000 x	245	= 4,165
- Incidental	2,000 ÷ 1000 x	245	= 490
Children's Play:			
- Informal	6,000 ÷ 1000 x	245	= 1,470
- Equipped	2,000 ÷ 1000 x	245	= 490

### 3. **Provision of on-site Open Space within the Proposed Scheme (sq.m)**

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Youth and Adult Use:

- Active	0
- Incidental	500

Children's Play:

- Informal	1,500
- Equipped	0

### 4. **Comparison of Proposed Scheme against Open Space Audit**

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For the purposes of this example, there is a deficit in Youth and Adult provision in the area, but the site is adjacent to a sizeable informal children's play area with no equipment.

### 5. **Comparison between Proposed Scheme and requirement**

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Youth and Adult Use:

- Active	-4,165 sq.m
- Incidental	+10 sq.m

Children's Play:

- Informal	+30 sq.m
- Equipped	-490 sq.m

### 6. **Outcome of Open Space provision agreed by developer and District Planning Authority**

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The provision of incidental open space and informal children's play space on site meets the specified standards. It is concluded that, due to the location and nature of the scheme, a contribution towards off-site provision should be made towards:

- i) the acquisition, laying out and maintenance of open space for active youth and adult purposes; and
- ii) the laying out and maintenance of an equipped children's play facility on the adjacent open space.

### 7. **Amount of financial development and maintenance contribution in lieu of on-site provision (see Appendix 3 for rates of payment)**

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	On site Deficit (sq.m)	Cost of Provision (£/sq.m)	Total Contribution (£)
Youth and Adult Use:			
- Active	4,165	25	104,125
- Incidental	0	0	0
Children's Play:			
- Informal	0	0	0
- Equipped	490	205	100,450
			<hr/>
			204,575

## Commuted sum rates for Open Space in lieu of On-Site Provision (£/sq.m)

### Youth & Adult Use

	Land Acquisition	Laying out or upgrading		Maintenance *	
		Active	Incidental	Active	Incidental
Provision rates (1.4.05 – 31.3.06)	10.00	7.00	3.50	8.00	4.00

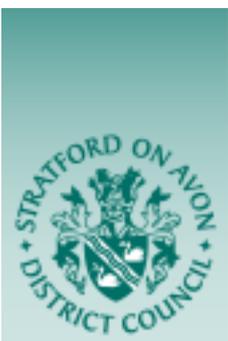
### Children's Use

	Land Acquisition	Laying out or upgrading		Maintenance *	
		Informal	Equipped	Informal	Equipped
Provision rates (1.4.05 – 31.3.06)	10.00	3.50	95.00	4.00	110.00

Provision rates are at 2005 prices and will be subject to review in line with inflation and cost increases in the provision of equipment etc.

\* Prices given include 20 year maintenance period

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