

Supplementary Planning Document

**Open Space Provision on New
Housing Developments**

Adopted May 2019



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1. About this guidance

- 1.1** The National Planning Policy Framework (NPPF) indicates that Local Development Documents form the framework for making decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. NPPF advises that a local planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its Local Plan. Supplementary Planning Documents are a 'material' consideration when planning applications are decided.
- 1.2** As required by the Planning and Compulsory Purchase Act 2004 we have prepared a Statement of Community Involvement (SCI) which sets out how we will involve the community in preparing our Local Plan and consulting on planning applications. In accordance with the SCI we have involved people who may be interested in this Supplementary Planning Document and asked them for their comments. We have produced a consultation statement which summarises all the comments people made to us and our response. This is available on request.

2. Introduction

- 2.1** This SPD offers guidance to developers considering submitting a planning application for residential development and what will be expected in terms of open space provision.
- 2.2** This advice note supplements Policy GS1 of the Local Plan, which states that: 'In order to improve the quantity, quality and value of green space provision we will require qualifying new residential developments to provide or contribute towards green space in line with the standards set out in the green space strategy and in accordance with the requirements of Policy I1 Infrastructure and Planning Obligations'.
- 2.3** The National Planning Policy Framework (NPPF) paragraphs 96-98 and associated Planning Practice Guidance (PPG) 'Open space, sports and recreation facilities, public rights of way and local green space' recognises the importance of providing open spaces for leisure, sport and recreation and the contribution they make to people's quality of life. It requires that plan policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities (including deficits or surpluses in quantity or quality) and opportunities for new provision.
- 2.4** The Council attaches great importance to the provision of good quality green space in connection with new housing developments. Green space can provide a valuable formal and informal recreation facility for children and adults. It can also add character and interest to a housing development thus considerably enhancing its quality.
- 2.5** This advice note replaces the Supplementary Planning Document: Open Space Provision on New Housing Development dated March 2012.

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3. Policy

Policy GS1 Green Space

We will work with partners to improve existing green space to meet the standards in our Green Space Strategy.

Green Spaces are green open areas which are valuable for amenity, recreation, wildlife or biodiversity and include types such as village greens, local open spaces, country parks, formal gardens, cemeteries, allotments, woodlands, recreation grounds, sports pitches and parks.

Proposals that result in the loss of green space, or land that was last used as green space, will not normally be allowed unless:

- An assessment shows that there is too much of that particular type of green space in the area which it serves and its loss would not affect the existing and potential green space needs of the borough; or
- The proposal is for small scale facilities needed to support or improve the proper function of the green space; or
- An appropriate replacement green space of equivalent or improved quality, quantity and accessibility is provided which would outweigh the loss.

In order to improve the quantity, quality and value of green space provision we will require qualifying new residential developments to provide or contribute towards green space in line with the standards set out in the Green Space Strategy and in accordance with the requirements of the Infrastructure and Planning Obligations Policy. The Supplementary Planning Document 'Open Space Provision on New Housing Developments' offers guidance to developers on what will be expected in terms of open space provision in order to achieve those standards.

Where there is a requirement to provide new green space an assessment will be carried out to determine the most appropriate provision, taking into account site characteristics and constraints. In cases where it is deemed unsuitable to make provision for open space within or adjacent to a development site, suitable off-site open space facilities may be acceptable either as new facilities or improvements to those existing. Where appropriate new green space should secure access to adjacent areas of countryside.

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Policy I1 Infrastructure and Planning Obligations

Development must be supported by appropriate physical, social, economic and communications infrastructure, including provision for broadband.

Development must contribute as necessary to meet all on and off site infrastructure requirements to enable development to take place satisfactorily.

Where the necessary provision is not made directly by the developer, contributions will be secured through planning obligations.

Where appropriate, pooled contributions will be used to facilitate delivery of the necessary infrastructure.

4. How we will assess planning applications that propose redevelopment of green space for alternative uses

- 4.1** Green spaces are 'green' open areas which are valuable for amenity, recreation, wildlife or biodiversity and include types such as village greens, local open spaces, country parks, formal gardens, cemeteries, allotments woodlands wildlife areas, recreation grounds, sports pitches, play areas and parks. We will seek to protect green space from development, particularly where an assessment indicates that there are current deficiencies within an area.
- 4.2** When we receive a planning application to redevelop green space for an alternative use we will undertake a green space assessment to determine the level of provision within the area. In some instances, material considerations may indicate approval for development on green space, in which case we will seek compensation in order to secure community benefit to outweigh the loss of the green space. As set out in Policy GS1, compensation could include on-site retention and enhancement, off-site replacement or financial contribution. In instances where the Council deem it appropriate to seek a financial contribution towards improvements of an existing facility nearby, the contribution will be calculated at £125,640 per hectare of green space that will be lost to development.
- 4.3** The contribution has been calculated using the Council's current land valuation for amenity land which equates to £29,640 per hectare, and the cost of providing 1 hectare of informal open space including 15 years maintenance which equates £96,000. These figures will be reviewed periodically if the land value and/or costs change.

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5. General open space requirements

- 5.1** A minimum of 15% of the gross site area of new housing development must be open space of a type appropriate to the character of the site, its location and the layout and nature of the new housing and adjoining land uses.
- 5.2** Where it is impossible to make such provision on land either within or immediately adjacent to the site in a satisfactory and acceptable manner, or where the Council deem it appropriate, suitable off-site open space facilities, remote from the development land, may be acceptable either as new facilities or improvements to those existing.
- 5.3** A greenspace assessment will be carried out to determine what the most appropriate greenspace requirement is in line with identified local need.

6. When will we require open space?

The policy will be applied in the following circumstances:

- All new housing developments of 20 or more dwellings including flats.
- All conversions of existing buildings providing 20 or more dwellings.
- Individual proposals of less than 20 dwellings where the application site forms part of a larger site which when fully developed would exceed 20 dwellings or 0.8 hectares in size.
- Where sites are developed incrementally or by separate developers the policy requirement will be applied to the total site area to be developed or that which is available for housing development.
- Where significant amendments are made to developments with planning permission, the open space requirements for the site will be reviewed.

7. How will 15% of the site area be calculated?

- 7.1** A minimum of 15% of the gross site area is required to be laid out as open space. However, on occasions substantial landscaped strips may be required to protect the living conditions of residents or soften the boundary with countryside. The land used for landscaped strips is not available for development and will not usually make any significant contribution to recreational open space requirements. In these cases the 15% requirement will be calculated on the basis of the developable site area rather than the gross site area.

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8. Types of green space

- 8.1** The type and quantity of green space which will normally be required as a result of new housing developments is set out below. However, it is important to stress that nothing contained in the guidance is a fixed standard which will be rigidly applied in each case. Each proposal will be considered on its own merits taking into account all material considerations.

(A) Equipped children's play areas

20-100 houses: Financial contribution required to enhance an existing equipped play area where one is accessible from the site or to provide a new play area off site where one is not accessible.

Over 100 houses: Provision generally required on site. In some circumstances a financial contribution for off site facilities may be acceptable if a suitable site is located nearby.

(B) Informal play space and informal landscaped areas (including natural and semi-natural areas, allotments and green ways)

20-40 houses: Financial contribution required to enhance existing informal open space and where accessible from the site or to provide new informal open space where none exists nearby.

Over 40 houses: Provision should be made on site. In some circumstances a financial contribution to enhance informal space off site may be acceptable if any is located nearby.

(C) Formal recreation (sports pitches, courts, greens etc.)

20-200 houses: Financial contribution required to enhance existing facilities or to provide additional provision if there is a shortfall in quantity or quality in the locality.

More than 200 houses: Provision will be required on site. Where this is not possible, a financial contribution to provide or enhance facilities off site will be required.

- 8.2** An off-site financial contribution, based on the figures at Appendix 2, will be required in lieu of any of the above open space types that is not provided on site.
- 8.3** The types of open space required will be related to the type of development. For instance, a development of elderly persons housing would not be expected to make a contribution to children's play facilities. Similarly, a development of one bedroom dwellings will not be required to contribute to children's play facilities.
- 8.4** In some cases, it may be desirable for sites of 20-40 houses to have all or some of the 15% open space requirement on site. For example, where there are no local opportunities to use off site financial contributions for children's play facilities or informal play space, then all of the 15% open space requirement should be provided on site.
- 8.5** An equipped children's play area may occasionally be required on sites of less than 100 dwellings, where there are no opportunities to use off site contributions in locations which are accessible from the site.

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- 8.6** Only land which makes a positive open space contribution will count towards the required 15%. Highway verges; visibility splays; landscaped strips adjacent to roads; awkwardly shaped left over areas of land and private gardens will not be counted as contributing.
- 8.7** The definition of accessibility is set out in Appendix 1
- 8.8** The level of financial contributions for off site facilities is set out in Appendix 2.
- 8.9** The necessary legal procedures are set out in Appendix 5.

9. Safeguarding natural features

- 9.1** Opportunities should be taken regardless of the size of the site to retain and enhance features of ecological and visual importance. This might include, for example, providing landscaped paths next to watercourses and retaining groups of trees and natural vegetation with or without public access as appropriate. Where retained natural features would form a substantial proportion of the 15%, the normal requirement for recreational open space may be proportionately relaxed.
- 9.2** Greenspace serves an important role in providing habitat for wildlife as well as providing opportunity for people: open space should incorporate habitat for wildlife wherever possible and any landscaping should further enhance existing habitats with the use of appropriate native species.
- 9.3** There is potential for SuDS techniques to be incorporated into greenspace and form part of landscape features. Such features could be for example swales, filter strips, detention basins and retention ponds. Developments incorporating water features will need to be carefully designed.

10. Awkwardly shaped sites

- 10.1** Where a site is awkwardly shaped it may not always be desirable to provide open space on site. For instance, on a long narrow site it might be difficult to design open space that would be centrally located and overlooked by the fronts of houses. In such cases a contribution to off site facilities will be necessary.

11. Is it possible to have a combination of on and off site provision?

- 11.1** Yes. For example, on sites of over 40 houses, depending on individual circumstances, a combination of on and off site provision is a likely outcome, with informal open space being provided on site, and a financial contribution to enhance existing formal recreation facilities and equipped children's play facilities off site.
- 11.2** Contributions will be used for the following:
- Equipped children's play facilities: to provide or replace play equipment, safety surfacing and associated landscaping including fencing, planting and seating.

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- Informal open space: to provide new space or to improve existing planting, surfacing, access, car parking, seating, signage, public art and other infrastructure within existing open spaces, including cemeteries.
- Formal recreation space: to upgrade existing facilities including: better drainage for sports pitches; improvements to seating; changing facilities; car parking; paths; fencing and landscaping; or to provide new facilities.

11.3 Contributions for maintenance will be held in a separate protected account to ensure the open space is maintained to an agreed standard for the relevant period (normally 15 years).

12. At what stage of the development should open space be provided?

12.1 It is important that open space is provided before a significant proportion of the site is completed and occupied.

On site provision

12.2 Full details of the layout, landscaping (including any play equipment etc.) and phasing of all on-site open space provision will be secured by conditions attached to the planning permission.

12.3 If the land is to be dedicated to the Council this should take place within 1 year of the open space being laid out, landscaped and equipped. It is preferable for the plots adjoining open space to have been completed by this stage.

Off site provision

12.4 Contributions for off site facilities should be paid on or before the commencement of the development.

13. Maintenance

13.1 It is important that provision is made for the future maintenance of new open space otherwise its value will deteriorate. The future maintenance of open space, which is principally of benefit to the development, is the responsibility of the developer. Developers will need to demonstrate they have secured an acceptable means of ensuring future maintenance, preferably by way of a management company. The Council will require full details of any such arrangements before a planning application is determined.

13.2 The Council expects the maintenance arrangements to be sufficient to ensure that areas of open space remain high quality whilst ensuring that the costs imposed on residents are reasonable, and remain so for the lifetime of the development. To ensure this, the Council's preference will be for a Community Interest Company (CIC) to be formed with its members being the residents of the new development (and their successors in title).

13.3 Where it is not possible to create a Community Interest Company or secure other management and maintenance arrangements in accordance with the requirements set out

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above, open space may be adopted and maintained by the Council. Where this is the case, a similar arrangement will be expected whereby residents contribute an agreed, index linked annual fee to cover the Council's maintenance and management costs in perpetuity. These arrangements would begin 1 year following completion of the development with the developer being responsible for all management and maintenance costs prior to that.

14. Design principles

14.1 Where green space is to be provided on site it should be designed in accordance with the principles outlined in the South Yorkshire Residential Design Guide 2011 and particularly the principles listed below.

Open Space

14.2 Open space should:

- be an integral part of the development and should usually form a central feature;
- incorporate significant existing landscape features wherever possible, including mature trees and watercourses even if these are not located centrally;
- be designed and located to reduce opportunities for crime, for instance, wherever possible houses should not back onto open space;
- be designed to avoid risk of noise, disturbance and nuisance. In particular, equipped play areas should be sited at least 20 metres from the curtilage of the nearest residential property, although some child and youth facilities will require greater buffer zones;
- not be located in peripheral areas of the site or where access would be by narrow alleyways;
- be separate from areas of major vehicle movements and designed and located to allow easy pedestrian access;
- avoid awkwardly shaped and leftover areas of land which should not form part of the open space provision for the site and in any case would not be adopted by the Council. Such areas of land are usually best planted and incorporated into gardens; and
- be linked by green corridors to allow people and wildlife to move between areas.

14.3 It should be noted that the minimum viable size for informal open space is about 0.2 hectares. The Council is unlikely to adopt open space of less than this size.

Equipped Children's Play Facilities

14.4 Equipped children's play facilities should:

- be overlooked by the fronts of houses and from well used pedestrian routes;
- be specifically designed for younger children of early school age to meet the NPFA standard for Local Equipped Areas for Play (LEAP);
- have a minimum play zone of 400 sq. m;

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- be provided with at least 5 items of play equipment, one of which should include a multi-play item with a number of different play opportunities. Swings should be separate units and not attached to the multi-play item; and
- in some instances be required to be enclosed by robust dog proof fencing and provided with safety surfacing and approved signage.

14.5 You may wish to contact the Parks Supervisor on 01226 774356 for further information.

Facilities for older children and youth's

14.6 Neighbourhood Equipped Areas for Play (NEAP) serve a substantial residential area and have a minimum play zone of 1000 sq m. They should have no less than 8 items of play equipment with the relevant safety surfacing and should include either a space for free use games, multi use games area, BMX or Skate Park facility. NEAPs generally serve children aged 8-14 years of age and younger children if supervised.

14.7 Youth facilities may have some form of shelter and lighting. This will be negotiated dependent on the location and individual site requirements.

Informal play space and landscaped areas

14.8 Opportunities should be taken to design Local Areas of Play (LAP in the NPFA hierarchy) so that they provide informal opportunities for play for younger children (4-6 years of age). These areas which can be used for low-key games can include landscaped mounds and informal playspace, informal paved areas, low walls and tree trunks. These areas should be flat and level, normally with grass surfacing. Guardrails should be provided where there is any risk of road-related accidents. One or two simple items of static equipment may be included with appropriate safer surfacing.

14.9 It is important to bear in mind that any structures, including paving and low walls, will require future maintenance.

Further Guidance on children's play

14.10 Guidance on the types and design of facilities is available from the Parks Supervisor in Neighbourhood Services on 01226 774356.

14.11 Useful information is also provided in '*Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard England*', Fields in Trust (formerly National Playing Fields Association).

14.12 All fixed children's play equipment should be regularly inspected in accordance with BS EN1176 recommendations.

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Appendix 1. Explanation of accessibility

The Fields In Trust guidelines advise that children should not have to walk more than 5 minutes to an equipped children's play area and 1 minute to an informal play space, without crossing a main road. This equates to a pedestrian route of 400 metres for equipped play areas. Additionally the Greenspace Strategy sets local accessibility standards based on the typology of greenspace so for instance how far you can expect to travel to access a local neighbourhood greenspace or natural area; this can be found in Appendix 1 of the document. However, in considering where new facilities should be located it may not always be possible to achieve these standards given land availability and other factors.

Where open space provision is to be provided off site the Council will seek to ensure it is in a location which is reasonably accessible from the development site, wherever possible avoiding the need to cross busy roads.

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Appendix 2. Contributions per dwelling for off site provision of green space

The figures set out below reflect the cost of providing new and or enhanced green space. The figures reflect the need for larger dwellings to make a proportionally greater contribution than smaller dwellings, as on average they are lived in by more people. The figures also include provision for 15 years maintenance.

The contribution figures will be reviewed periodically if the costs of providing green space change.

Type of open space	Dwellings			
	1 bedroom	2 bedroom	3 bedroom	4+ bedroom
Child and Youth facilities	None	£503.51	£604.48	£705.47
Informal open space	£132.79	£196.40	£235.14	£275.26
Formal recreation	£560.22	£824.41	£989.01	£1155.00
Total for all open space	£693.01	£1524.32	£1828.63	£2135.73

In most cases no land acquisition will be necessary as contributions will be used on existing recreation land. However, there may be occasions where land acquisition will be required to establish new green space. In these cases an additional contribution to that set out in the table above will be required.

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Appendix 3. Examples of calculation of financial contributions

- (a) Development of 60 three bed houses and 40 two bed houses, where informal open space and children's play facilities are to be provided on site and formal recreation facilities off site:

Off site formal recreation requirement:

$£989.01 \times 60$ three bed houses = £59,340.60

$£824.41 \times 40$ two bed houses = £32,976.40

Total financial contribution $£59,340.60 + £32,976.40 = £92,317.00$

- (b) Development of 50 three bedroom house where informal open space is to be provided on site and formal recreation space and children's play facilities off site:

Off site formal recreation requirement:

$£989.01 \times 50$ three bed houses = £49,450.50

Off site children's play facilities requirement:

$£604.48 \times 50$ three bed houses = £30,224.00

Total financial contribution $£49,450.50 + £30,224.00 = £79,674.50$

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Appendix 4. Contributions for maintenance of on site open space

Where the agreement reached entails the taking of a commuted contribution for the maintenance of on-site open space that contribution will be calculated for a period of 15 years and will generally fall within a range of £5.86 to £9.78 per square metre depending on the type of open space. The figures are set out below:

<u>Type of open space</u>	<u>Rate: (£ per Sq.m.)</u>
Low maintenance	£6.22
Normal maintenance	£8.29
Intensive maintenance	£10.38

Notes:

Low maintenance= mostly gang mowing and native trees and shrubs

Normal maintenance= grass and shrub planting

Intensive maintenance= grass and ornamental planting and/or play equipment

*The figures will be reviewed periodically if the costs of maintenance change.

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Appendix 5. Legal procedures

On site provision

The Council will require a planning obligation, the precise terms of which will depend on the particular development proposal, but may include financial contributions, restrictions on use, requirements as to works, phasing and, long term maintenance arrangements (including land transfer). Development won't be allowed to commence until the planning obligation has been entered into. The planning obligation will seek to limit the occupation of the development until the terms of the planning obligation have been complied with.

Where land is transferred to a management company the planning obligation should include provision for the future management, inspection and maintenance of the Open Space to be met by an arrangement through rent charge or other covenant under which each householder is obliged to make a reasonable and proportionate contribution to the cost of management and maintenance of the Open Space in perpetuity. Where land is dedicated to the Council the planning obligation should include provision for the cost of the future management and maintenance of the Open Space to be met either by the rent charge/covenant arrangement or by provision for a commuted sum to cover future maintenance and a bond in case of default of works.

The Council will require full details of any such arrangements before a planning application is determined.

Off site provision

Where open space provision is to be made off site a planning obligation will be required to secure a financial contribution.

Outline applications

Provision for open space provision must be secured at the outline planning application stage. However, the precise nature of the proposed development will not be known at this time and provision of open space will normally be secured by use of planning conditions.

A model planning obligation and examples of standard conditions are available on request.