

Supplementary Planning Guidance Note 11 Outdoor Play Space

Appendix 1 – Justification for Guidance

1. Introduction

1.1 Government advice emphasises the importance of providing adequate outdoor play space, particularly with regard to new residential developments. This Supplementary Planning Guidance (SPG) is intended to supplement policies RAT5 and RAT6, Appendix 14 and supporting text in the Bromsgrove District Local Plan (BDLP) by providing more detailed guidance about outdoor play space.

2 Purpose of Guidance

2.1 In particular the advice seeks to: -

- Clarify what is meant by play space;
- Explain how the amount of play space is calculated;
- Establish how commuted payments, including maintenance costs, are calculated.

2.2 The SPG is intended to principally assist developers and case officers who require guidance about play space when looking at residential applications by: -

- Ensuring that a more consistent approach is taken towards the provision of play space;
- Ensuring that new residential development which creates a need for play space provides its equitable and proper share;
- Ensuring that the standard for the provision of play space is based on appropriation provision for the level of incoming population.

2.3 The SPG also seeks to ensure that areas of play space, which are provided, are adequately maintained over a more realistic time-period than at present.

2.4 To establish the above, research has been undertaken in the form of: -

- Analysis of current government policy and Structure Plan policy;
- A review of policy operation at Bromsgrove District Council;
- Analysis of SPGs produced by other local planning authorities (LPAs);
- Examining National Playing Fields Association 6 Acre Standard;
- Joint working with the Council's Leisure Services section.

3 National Policy Guidance

3.1 PPG3 Housing (March 2000) advises that LPAs should have clear policies for the protection and creation of open space and playing fields, and new housing developments should incorporate sufficient provision where such spaces are not already adequately provided within easy access of the new housing (Para. 53).

3.2 PPG13 Transport (March 2001) requires LPAs to...”make provision for attractive local play areas, public open space and other recreational facilities in locations likely to be accessible without use of a car (Para. 20)”.

3.3 Revised Planning Policy Guidance (PPG) 17: Planning for Open Space, Sport and Recreation (24 July 2002) and the Companion Guide to PPG17 (September 2002) recognises that local authorities should undertake robust assessments of the existing and future needs of their communities for open space, sports and recreational facilities (PPG 17, Para. 1) and that audits should consider both the quantitative elements of open space, sports and recreational facilities (Para. 3). These assessments and audits will allow local authorities to identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in their areas (Para. 4). Planning obligations may be used where improvements are required to meet identified needs (Para. 18).

3.4 Circular 1/97 Planning Obligations advises that planning applications can include arrangements to: -

- Meet the full cost of essential community facilities required as a direct result of a proposed development (e.g. the provision of open spaces) (Annex B7);
- Provide community facilities, e.g. reasonable amounts of small areas of open space, recreational or sporting facilities, may be acceptable, provided that such facilities are directly related to the development proposal and the need for them arises from its implementation and they are related in scale and kind (Annex B10).

3.5 The recent Green Paper on the future of planning and one of the subsequent 'daughter' documents

strongly hints for obligations to be used to achieve a wider range of objectives than permitted under current policy (Circular 1/97). Notwithstanding these proposals and any possible subsequent changes, this SPG will provide detailed guidance on the provision of outdoor playing space.

Structure Plan Policies

- 3.6 The District Council's approach of providing appropriate provision of recreational and sports provision is also in accordance with policies in the Worcestershire County Structure Plan (WCSP) (Adopted June 2001).
- 3.7 Policy RST.1 Criteria for the Development of Recreation and Sports Facilities states that proposals to provide facilities for recreation and sport to serve the needs of local residents and visitors will be encouraged.
- 3.8 Policy RST.12 Recreational Provision in Settlements states that the creation and conservation of informal and formal open spaces (or networks of open spaces) in settlements, will be encouraged to meet regional and local recreation needs. The supporting text makes it clear that the purpose of this policy is to try to secure adequate provision of informal and formal open spaces in settlements. It is also intended to ensure that where open spaces and playing fields already exist that they are not lost to other forms of development such that an adequate level of provision in the settlement cannot be maintained.

Local Plan Policies

- 3.9 Policies RAT5 and RAT6, and also Appendix 14 of the BDLP deal with the provision of outdoor playing space. Appendix 14 sets out the actual provision of play space and percentage of minimum target figures on a Ward basis. There are also various area-specific policies within the BDLP that allocate land for play areas and/or open space where there is a deficiency of open space and play areas.

4 How the SPG will operate compared with how policy currently operates

4.1

| Existing Operation | SPG |
|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Usually do not ask for any contribution on residential developments of less than 10 units or less than a minimum site area of 0.4 hectares | Policy will operate down to a minimum of 6 residential units or a minimum site area of 0.2 hectares |
| Amount of play space generated based on average occupancy levels for Ward but does not take account of differences in number of bedrooms | Amount of play space generated will take account of expected occupancy levels based on number of bedrooms |
| Youth/Adult component of play space provision usually provided off-site | All three components of play space should usually be provided on, or adjacent to, the development where the development generates a minimum requirement for play space of not less than 0.1 hectare (1000 sq. m). Where less than 0.1 hectare (1000 sq. m) of play space is generated, commuted sums will fully reflect the cost of off-site provision |
| Youth/Adult component of play space is always 70% and children's play space is always 30% | Youth/Adult component of play space will be maximum of 67% and children's play space will be minimum of 33% |
| Maintenance Costs for 5 years | Maintenance Costs for 20 years |
| Committed sums for off-site contribution do not fully reflect cost of provision | Costs will fully reflect cost of provision |

- 4.2 Local Plan policy RAT6 states "within small residential developments of about 10 - 50 units or a minimum site area of 0.4 hectares (1 acre), one Local Area for Play (LAP) will be required. **In addition whenever possible a LAP should be provided in ever smaller developments**" (my emphasis). Having regard to the amount of play space generated, it would be possible for a residential development of 6 or more dwellings to incorporate a Local Area of Play. On the basis that PPG3 Housing and WCSP policy advocates minimum densities of 30 dwellings per hectare, therefore this policy should operate down to 0.2 hectares.

- 4.3 One problem with using the average occupancy levels for the Ward is that it fails to distinguish between the number of bedrooms in different dwellings and the amount of play space required. For example, a 10 dwelling scheme of 2 bedroom apartments would require the same amount of play space as a 10 dwelling scheme of 6 bedroom houses. Therefore, it is more equitable to use a standard based on the number of people that could potentially occupy each dwelling. It is assumed

that in most dwellings the main bedroom would be occupied by two people and as the dwellings increase in size, the occupancy rate of bedrooms would fall. The occupancy rates have had regard to information in the 2001 Census.

- 4.4 Play space provision is broken down into three components: -
- Informal/Casual play space suitable for children's use;
 - Equipped children's play space/activity zone;
 - Youth/Adult play space

In many cases, the youth/adult component of play space required has not been provided on-site but instead a commuted sum has been obtained in lieu of on-site provision. The onus has then been on the Council to find suitable sites where this commuted sum can be spent. The future SPG will request that all three components of play space are requested within, or adjacent to, the development where appropriate. Where this is not appropriate then the SPG will ensure that all costs are built into any commuted sum including any costs of land acquisition, which will have regard to information in the Valuation Office Agency Property Market Report.

- 4.5 While the Youth/Adult component of play space is currently 70%, Appendix 14 of the BDLP shows there is clearly a deficiency in children's play space and specifically children's equipped play areas. As the Local Plan allows some flexibility with regard to the different components, greater emphasis has therefore been placed on addressing the shortfall in children's play space. Therefore, the Youth/Adult component of play space will be reduced to a maximum 67% with a corresponding increase in children's play space to a minimum of 33%.
- 4.6 Maintenance costs have only been obtained for a 5 year period. This does not reflect the fact that the Council is relieving the developer of an obligation that would otherwise continue in perpetuity. The future SPG will therefore require maintenance costs for a 20 year period to help to cover recurrent expenditure and to ensure undue burdens are not placed on Council resources. Such a time period is consistent with other local planning authorities. Commuted sums within any legal agreement will be index linked to the Retail Price Index from the date the agreement is signed.

5 Justification and Operation of Policy

- 5.1 The provision of play space can often be secured on site by means of a planning condition. Where new development creates the need for play space that cannot be secured in this way, there will be a need for a financial contribution. This will normally be achieved by means of a planning obligation.
- 5.2 Paragraph 18 of revised PPG 17 states that planning obligations may be used where improvements are required to meet identified needs. Paragraphs 23 and 33 of PPG17 make it clear that obligations can be used to reduce or prevent both quantitative and qualitative deficiencies in provision.
- 5.3 Bromsgrove District Council in conjunction with the five other Worcestershire authorities and also the County Council commissioned PMP Consultancy in 2003 to undertake a Playing Pitch Strategy. The Strategy amongst other issues identified within Bromsgrove District a shortfall of junior pitches for both football and rugby and a lack of changing facilities. Members of the Health and Leisure Scrutiny Committee at the meeting on 11 March 2003 agrees to seek contributions from new residential developments towards the provision of new and better pitches through s106 obligations.

6 Maintenance

- 6.1 Circular 1/97 advises that planning obligations can include arrangements to meet the cost of subsequent maintenance and other recurrent expenditure in the case of areas of open space, recreational facilities, children's play space, woodland or landscaping principally of benefit to the development itself rather than to the wider public (Annex B14).
- 6.2 To comply with current health and safety codes of practice, the maintenance costs will include: -
- Weekly visual and minor maintenance checks;
 - Monthly maintenance checks by Direct Services Organisation (DSO) Contractor;
 - Annual inspection by the Royal Society for the Prevention of Accidents (RoSPA)

7 Consultation

- 7.1 The SPG was prepared in consultation with the general public, businesses, and other interested parties and their views have been taken into account. The SPG was the subject of a Council resolution to adopt it for development control purpose as supplementary guidance. A statement of the consultation undertaken, the representations received and the local authorities response to those representations is set out in Appendix 2 of this SPG.