

Supplementary Planning Guidance



Public Open Space



SUPPLEMENTARY PLANNING GUIDANCE

PUBLIC OPEN SPACE

NOVEMBER 2004

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1. Introduction

- 1.1 This Supplementary Planning Guidance (SPG) was adopted by Staffordshire Moorlands District Council on the 27th November 2004. It supplements Policies R1 & R2 in the Staffordshire Moorlands Local Plan adopted in 1998 and sets out how the public open space policies will operate.
- 1.2 It is anticipated that this document will eventually be modified to form part of the Local Development Framework (LDF) once legislation is in place. In the interim it does not include revised policies and standards approved by this Council in December 2003. ('The Council's Revised Policies & Proposals document published in July 2003, is a set of policies saved from the Local Plan Review for inclusion in the Local Development Framework in due course. They constitute a material planning consideration when determining planning applications.') These will be incorporated into the updated document.
- 1.3 The public sector is no longer able to provide and maintain public open space in association with the development of private sector housing. The Government encourages the use of the planning system to achieve contributions towards public open space from developers, the need for which is generated directly by their developments. The Council's role is not to provide, but to ensure the provision of, properly co-ordinated open spaces, with housing developers being responsible.
- 1.4 The Council's public open space policies seek to achieve a minimum standard of open space in the District. These policies have operated in the Staffordshire Moorlands since 1996. Minor amendments are proposed to the policy which reflect this Council's working experience of the policy, changing local circumstances and current government guidance.

2. Open Space in the Staffordshire Moorlands

2.1 None of the towns and villages in the Staffordshire Moorlands are very large, therefore the open countryside, with its network of footpaths and other accessible areas, is never far away. Nevertheless it is important that there should be some provision of open space within towns and villages. Open space in settlements performs a number of functions, it helps to provide a landscaped break between built up areas and provides formal areas for sport and informal areas for people to enjoy leisure activities without the necessity of travelling into the countryside. Major open space is an important facility for parts of each of the towns, while play areas are most significant in the immediate neighbourhood. Wherever possible different types of open space should integrate to form a network. Together with its integral planting and land shaping this would form a comprehensive pattern complementary to its setting.

2.2 There are four types of public open space which are required within the District:

- playing fields
- children's play areas
- major open space
- incidental open space

Playing Fields

2.3 Playing fields include outdoor pitches, tennis courts, bowling greens, etc. that are in public ownership and use, or which are in private ownership but available for use by the general public for free, by payment, or by club membership. They are often relatively large facilities serving whole or several communities, including one or more parishes and may require pavilion/changing facilities, storage facilities for equipment, and/or parking facilities. The open space should be as well located as possible to residents in line with the guidance in paragraph 20 of PPG17, and designed to a good standard. School playing fields can provide a valuable open space facility where public use is allowed but a dual use can only be achieved by negotiation with the school. Unless a formal accessibility and joint user agreement exists, school playing fields cannot be considered as genuine public open spaces and are not therefore included in this survey. Staffordshire Moorlands District Council will encourage such dual use agreements where feasible and justified by neighbourhood benefits.

Children's Play Areas

2.4 On sites capable of accommodating 20 or more dwellings provision of a children's play area is normally required within the development. It may consist of a grassed amenity or kickabout area and/or an equipped play area which should include an appropriate 'buffer zone'. The play area and open space landscaping provision should be incorporated in close proximity to housing development. The facility, however, should be

located so as not to cause unacceptable noise conflict, and should avoid users having to cross busy roads. Larger, more comprehensive facilities should be provided on the larger residential development sites. However, on-site provision may not always be practicable and so a payment into the District Council's Central Fund for Open Space may sometimes be more appropriate.

Major Open Space

- 2.5 Major open space is defined as town parks, country parks, 'green corridors' commons with access, and many other smaller open spaces, such as village greens cemeteries and church yards and other green spaces which are capable of supporting recreational uses. Such range of size of open spaces within this category means that one major open space may serve a wide area while another may just serve the immediate local area. Country parks differ from the wider countryside principally due to much wider public access rights, and the provision of car parking and picnic facilities.

Incidental Open Space

- 2.6 Incidental open space generally consists of naturally vegetated and/or landscaped areas situated outside residential curtilages, often close to the pavement and road. Incidental open space is provided to enhance the setting of development and it should normally be provided with a new development. Nevertheless, limited cases may exist where it is not appropriate to provide incidental open space e.g. for a town centre courtyard or for small-scale residential development in a predominantly rural setting.

3. Minimum Standards

- 3.1 Revised Planning Policy Guidance Note (PPG) 17 published in July 2002 recognises that circumstances differ greatly from one area to another and that Councils should draw up their own standards of provision based on their own assessment of need. Previously PPG17 recommended using the National Playing Field Association (NPFA) standards which advised 2.4 ha of outdoor playing space per 1000 population comprising 1.6 – 1.8 ha for youth and adult use and 0.6 – 0.8 ha for children's use, some of which is expected to be located within housing areas. This did not include provision for parks and informal open space and the Staffordshire Structure Plan recommended that the NPFA figure was used as a minimum standard.
- 3.2 The Council will use the following open space standards as a basis for determining the open space requirement for planning applications or, alternatively, the amount of contribution payable in lieu of that provision into the Council's Open Space Fund.

Playing Pitches	1.6ha / 1,000 population
Children's Play Areas	0.6ha / 1,000 population
Major Open Space	0.4ha / 1,000 population
Incidental Open Space	0.6ha / 1,000 population

- 3.3 In 2002, the District Council approved a playing pitch assessment which explores the shortfalls, the adequacy and future requirements for playing pitches throughout the District. The results of the survey include detailed figures for meeting current and future local playing pitch requirements. The new local standard will be incorporated into the LDF and used to determine the future provision of playing pitches in the Staffordshire Moorlands.

4. Open Spaces Survey

- 4.1 As the Council's public open space policies seek to achieve a minimum standard of open space in the District the open space survey is key to the overall strategy. The parish areas are considered as the most appropriate level for a comprehensive and detailed analysis and an audit of existing open spaces in each parish was carried out in 1994, and updated in 1996, 1999/2000 and 2003/2004. The minimum standards are measured against the amount of existing open space in each parish and town to assess the adequacy of provision across the District. The survey reveals the shortfalls and surpluses for each type of open space in each parish, relative to the parish populations and agreed standards. This detailed data is included as Appendix 1.
- 4.2 Incidental open spaces were not recorded within the survey since it is considered that incidental open space should normally be provided with new development, irrespective of a surplus or shortfall in the Parish.
- 4.3 Major open space is only recorded for the towns of Biddulph, Cheadle and Leek. It is not required in the rural villages because of their size and proximity to the open countryside. The three towns of Biddulph, Cheadle and Leek each have a surplus of major open space and therefore there is currently no requirement for contributions towards the provision of major open space.
- 4.4 The requirement for open space provision will be calculated proportionately with the scale of development and based upon the minimum standards. The types of new open space required will be determined by the specific needs of the parish within which the development occurs, as revealed by the District-wide survey. Each planning application and its associated open space requirements will also be judged relative to site conditions.
- 4.5 The amount of provision is calculated by taking the total number of bedrooms that will be provided on the site and multiplying this by the minimum standards. Where the developer is unable to make provision

on-site a calculation will be made for the capital sum in lieu of this provision. Appendix 4 includes the latest land and layout costs and Appendix 5 includes an example of how the contribution is calculated.

5. Public Open Space Policies

5.1 Where the Council's Open Spaces Survey and minimum standards indicate a shortage of sports grounds, play areas and/or major public open space, large new residential developments (including conversions) for 20 or more housing units will be expected to make open space provision where it can be shown to be necessary and reasonably related in form and scale to meet the requirements of the development. Residential developers may make this provision in several ways:

- on the development site;
- on other land in the vicinity owned by them;
- by making a payment to the Council's 'Central Fund for Open Space' so that the Council can make provision or enhancement in the vicinity when sufficient funds have accrued.

5.2 This will normally be implemented through a planning agreement made under S106 of the Town & Country Planning Act 1990 and in accordance with the provisions of Circular 1/97 'Planning Obligations'.

5.3 Policy R2 of the adopted Staffordshire Moorlands Local Plan states that:

R2 *Where there is a proven deficiency, qualifying new residential development will be expected to make provision for public open space which is necessary and reasonably related in form and scale in accordance with the standards in Policy R1.*

5.4 Policy R1 of the adopted Local Plan sets out the minimum standards of public open space for the Staffordshire Moorlands as follows:

R1 *The District Council will seek to achieve a minimum standard of 3.2 ha of public open space per 1000 population as follows:-*

- | | | |
|---|------------------------------|---------------|
| • | sports grounds | 1.6 ha |
| • | children's play areas | 0.6 ha |
| • | major open space | 0.4 ha |
| • | incidental open space | 0.6 ha |

Qualifying Developments

5.5 New residential development for 20 dwellings or more will be expected to make provision for public open space within the development itself in accordance with the standard in Policy R1.

- 5.6 The standards apply to new residential development and the conversion of buildings to residential use. Housing schemes for the elderly or dwellings with one bedroom will not need to provide for the full range of open space. Appendix 2 lists the types of development that will require the provision of open space together with any exemptions.

Sub-Division of Sites

- 5.7 To avoid this policy being circumvented by the site being sub-divided so that each part would fall below the 20 dwelling threshold, the following requirement is made. Where an application for housing development is submitted for part of an allocation or for an area which appears in the opinion of the Local Planning Authority to be large enough to accommodate more than 20 houses, Policies R1 and R2 shall be applied.

6. New Off Site Provision or Improvement of existing Facilities

- 6.1 If public open space cannot be provided within the development site, provision needs to be made either by securing a new site in the vicinity or by improving an existing site. The improvement of existing facilities on a site effectively increases the capacity of the site by accommodating latent and future demand. The Council's Leisure Services Section is consulted when a qualifying application for residential development is submitted and will assess the provision in the local area and consider whether it is most appropriate to provide a new site or make improvements to an existing area of public open space.

Play Areas

- 6.2 The provision of new play areas or improvements to existing play areas should normally be made within the parish in which the shortfall occurs. The starting point should be that provision is made on the development site itself, if this is not practicable the Council's Leisure Services Section will advise as to where provision or improvements can be made.
- 6.3 If the developer is making a payment into the Council's 'Open Space Fund' for a new play area the Council will make the provision in the vicinity when sufficient funds have accrued. Where a developer is making a contribution to site improvements rather than providing a new site, the element of the contribution for the land acquisition will not be required.

Playing Pitches

- 6.4 The Playing Pitch Strategy includes a site specific action plan which identifies where new facilities or improvements to facilities are needed and the advice given will be based on the results of this document. This list is attached as Appendix 3, however, it should be noted that it is not exclusive but will form the basis for the consideration of sites that can be improved.

- 6.5 Generally it is unlikely that a development will be large enough to provide a viable pitch. Part playing fields are meaningless and therefore a contribution towards the provision of a full pitch will generally be appropriate. In identifying new areas for playing pitches the Council has to take account not only of existing shortfalls in terms of population but also the geographical distribution and accessibility to facilities. A search sequence should be adopted where provision should be made wherever possible in the parish, then in adjacent parishes or alternatively within the catchment area identified by the playing pitch strategy if it can still be seen to provide for the development in question.
- 6.6 If the developer is making a payment into the Council's 'Open Space Fund' for a new playing pitch the Council will make the provision in the vicinity when sufficient funds have accrued. Where a developer is making a contribution to site improvements rather than providing a new site, the element of the contribution for the land acquisition will not be required.

7. Section 106 Agreement

- 7.1 The most appropriate way of achieving the provision or improvement of open space facilities is to suggest the developer enters into a Planning Obligation under Section 106 of the Town and Country Planning Act 1990. A Section 106 Agreement will normally be negotiated at the same time as a planning application for residential development is being processed, and will be signed by the person(s) with a legal interest in the land, prior to the granting of planning permission. In the event that the land is subsequently resold the legal agreement will be binding to the land.
- 7.2 The provision of new open space for public use requires the following;
- Land;
 - A lay out scheme, including equipment where appropriate;
 - Regular maintenance.

Land

- 7.3 The developer must provide the required land either on or adjacent to the development, or in another reasonably close and accessible location. If a suitable site for new open space cannot be found, the equivalent cost of buying and laying out the land may be paid into a reserve fund held by the Local Authority specifically for open space provision. The Leisure Services Section will hold financial records for these contributions which will be held for each parish to ensure that when appropriate and feasible accumulated funds are spent in or close to the parishes where the open space demand has been generated. In some circumstances such as

more specialised or larger scale provision, funds may be pooled to support provision at the District-Wide scale.

- 7.4 Some developments may generate an open space requirement that equates to a piece of land that is too small to be of practicable value. In such circumstances, it will also be sensible to pay the agreed sum for the land and site layout into the reserve fund so a better/larger facility can be provided when sufficient funds have accumulated for the relevant area. Alternatively, contributions can be used to improve and upgrade an existing local facility.
- 7.5 Unless a particular land purchase can be used which provides a specific land value, the cost of future land acquisition for playing pitch provision will normally be based upon an amenity-enhanced agricultural land value, and play areas will normally be based upon the value of residential land.
- 7.6 The table in Appendix 4 shows the costs developers will be required to pay for provision of playing fields and children's play areas off the development site. These figures are based on the total number of bedrooms in the development and reviewed on an annual basis.

Layout - on site or off site on land owned by the developer

- 7.7 Open Space schemes to be provided must have prior approval from the Local Authority, who will welcome an early opportunity to give guidance to developers. Work on these schemes should have been completed prior to the completion of the residential properties in order that they are in a semi mature state on the sites completion.

Layout - off site

- 7.8 Should a developer be unable to provide the required open space on site or on other land in his ownership then costs for off site open space provision shall be based upon figures to be calculated by the Council's Leisure Services Section.

Improvements or upgrading of existing facilities

- 7.9 If the developer is making a contribution towards site improvements or upgrading of existing facilities then the financial implications will be calculated by the Leisure Services Section. The body owning the facility to be improved will then advise on how the finances are to be spent.

Maintenance

- 7.10 It is the developer's responsibility to maintain public open space, generated by the development, whether within the site or on other land in the developer's ownership. The developer should make clear at the planning application stage if they intend to maintain it themselves or invite the Council or other body such as the Parish Council to adopt and maintain the open space. This is important so that discussions can be held with the relevant body to ensure that the open space can be adopted

and that the site is of an appropriate standard. The developer will pay a commuted sum, just prior to conveyance, to the Authority or other adopting body for the maintenance of adopted open space.

- 7.11 Should the District Council be requested to adopt the open space then the Leisure Services Section would commence the adoption procedure and obtain approval for ultimate adoption of the open space in accordance with Council procedure. The commuted sum calculation is based upon the approved landscape drawing and the current grounds maintenance contract and management rates. The sum is recalculated annually in line with annual increments in ground_maintenance contract and management costs.
- 7.12 It should be noted that equipped play areas throughout the District are maintained by the Parish or Town Councils with the exception of sites in Leek and Biddulph which the District maintains on the relevant Town Councils behalf.
- 7.13 Circular 1/97 advises that generally developers should not be expected to make contributions towards ongoing maintenance of an open space unless the facility is principally of benefit to the development itself rather than the wider public. Therefore maintenance will not normally be required for off-site provision.
- 7.14 In summary, the Section 106 Agreement will include the following requirements:
- i) the amount, location and type of open space provision will be indicated;
 - ii) the developer to provide the Local Authority with a capital sum for future land acquisition, where relevant, and for laying out the new site, and/or
 - iii) the developer to provide the Local Authority with a capital sum for site improvements on an existing site;
 - iv) the developer will pay all legal costs associated with the preparation of the Section 106 Agreement and the transfer of ownership of land;
 - v) on-site open space facilities and planting must be completed prior to completion of the overall site development. On large residential developments, the developer and Local Authority shall agree upon a phased provision of open space facilities.
 - vi) Developer to maintain any POS on the development site or if the open space is adopted by the District Council or another body, a commuted sum will be required for maintenance.
- 7.15 Funds collected will be kept in the Open Space Fund managed by the Council and will only be used for public open space provision. If the funds are not used within 7 years from the date the capital sum is received the contribution will be returned to the developer with accumulated interest.

8. Conclusions

- 8.1 The success of an open space provision system relies on developers knowing exactly what will be required of them as early in the planning process as possible. Ideally, the open space requirements should be made clear during pre-application discussions and at the development brief stage, where relevant. It is important that open space facilities are regarded as essential and primary elements of the residential environment and, therefore, when full planning applications are submitted they should include full details of these aspects.

- 8.2 The new standards and policies will be incorporated within a revised version of this guidance as soon as legislation allows.

APPENDIX 1

2003/2004 SURVEY OF OPEN SPACES (this survey will be updated from time to time)

Parish	Play Areas	Playing Pitches	Major Open Space
Alton	Shortfall	Shortfall	n/a
Bagnall	Shortfall	Surplus	n/a
Biddulph	Shortfall	Shortfall	Surplus
Blore with Swinscoe*	Shortfall	Shortfall	n/a
Bradnop	Shortfall	Shortfall	n/a
Brown Edge	Shortfall	Shortfall	n/a
Caverswall	Shortfall	Surplus	n/a
Cheadle	Shortfall	Shortfall	Surplus
Checkley	Shortfall	Shortfall	n/a
Cheddleton	Shortfall	Shortfall	n/a
Consall	Shortfall	Shortfall	n/a
Cotton	Surplus	Shortfall	n/a
Dilhorne	Shortfall	Shortfall	n/a
Draycott	Shortfall	Surplus	n/a
Endon and Stanley	Shortfall	Shortfall	n/a
Farley	Shortfall	Shortfall	n/a
Forsbrook	Shortfall	Shortfall	n/a
Heaton*	Shortfall	Shortfall	n/a
Horton	Shortfall	Requirement Met	n/a
Ipstones	Shortfall	Shortfall	n/a
Kingsley	Shortfall	Shortfall	n/a
Leek	Shortfall	Shortfall	Surplus
Leekfrith*	Surplus	Shortfall	n/a
Longsdon	Shortfall	Shortfall	n/a
Oakamoor	Surplus	Surplus	n/a
Onecote*	Shortfall	Shortfall	n/a
Rushton	Shortfall	Shortfall	n/a
Tittesworth	Shortfall	Shortfall	n/a
Waterhouses*	Surplus	Surplus	n/a
Werrington	Shortfall	Shortfall	n/a

* Part Peak Park

APPENDIX 2

DEVELOPMENT REQUIRING OPEN SPACE PROVISION AND EXCEPTIONS TO THE POLICY

Residential development of 20 or more dwellings requiring open space provision;

- a) previously undeveloped sites
- b) previously developed sites formerly in non-residential use
- c) conversions of buildings
- d) renewal of extant outline and full permissions
- e) new applications associated with lapsed outline and full permissions
- f) outline permissions which are followed by changes which require a new outline or new full application to be submitted - the full open space requirement will be applied to the new application

Residential development of 20 or more dwellings that will not be required to provide the full range amount of open space facilities;

- a) applications for single bedroom dwellings / apartments / flats will not be required to provide Children's Play Areas.
- b) applications for elderly person dwellings / apartments / flats will not be required to provide Children's Play Areas or Playing Pitches.
- c) an amended or new full application which increases the open space requirement from the extant full approval, due to, for example, changed house types and/or numbers of dwellings, will only be required to make open space provision for the changed house types or numbers of dwellings.

APPENDIX 3

SITE SPECIFIC ACTION PLAN (EXTRACT FROM PLAYING PITCH STRATEGY)

Ø The following table sets out a summary list of the priorities for action, and the criteria used for determining the priorities. Further details on the type of action, proposed timescale, and who should be involved in these actions are set out in the full Playing Pitch Strategy, available from Leisure Services at the Council.

PRIORITIES FOR ACTION

The criteria used to identify short-term priorities are as follows:

- ❑ Overall capital costs
- ❑ Overall/ongoing revenue costs
- ❑ Strategic impact based on SMDC/Leisure Services existing objectives
- ❑ Strategic impact based on ability to address more than one stated policy objectives
- ❑ Active Sport priorities – girls and women's football
- ❑ Strategic impact based on contribution to quality of participation across the area (e.g. mini soccer)
- ❑ Local impact based on meeting current need at local/community/ward level
- ❑ Joint use impact based on ability to meet education as well as community need
- ❑ Cost effectiveness based on ability to make a significant impact through relatively little or short term expenditure
- ❑ Sustainability based on the involvement of community group(s) in ongoing management and defensibility of the site
- ❑ Timescale based on extent of impact through short term/immediate action (three to 12 months)
- ❑ Extent of need based on the degree of shortfall/existing standard of facilities

Using the above criteria it is recommended that SMDC pursue the actions as listed in the Site Specific Action Plan in the short term:

Biddulph	Cheadle	Leek	Rural Area
<ul style="list-style-type: none"> θ Mill Hayes θ Halls Road θ Biddulph High School 	<ul style="list-style-type: none"> θ Longton RUFC θ South Moorlands Leisure Centre θ Churchill Road Recreation Ground θ Blythe Bridge, Cheadle and Painsley High Schools 	<ul style="list-style-type: none"> θ Birchall Sports Ground θ Horton Playing Fields θ Leek Hockey Club and Leek High School θ Leek RUFC θ Endon and Westwood High School θ Fowlchurch Road 	<ul style="list-style-type: none"> θ Schools - Waterhouses CE Primary School

APPENDIX 4

LAND / LAYOUT COSTS (2003/2004)

	PLAYING FIELD		PLAY AREA	
	*LAND / BEDROOM ¹	*LAYOUT / BEDROOM	*LAND / BEDROOM ²	*LAYOUT / BEDROOM ³
Leek	£64	£385.12	£270	£85.56
Cheadle	£64	£385.12	£270	£85.56
Biddulph	£64	£385.12	£270	£85.56
Rural	£64	£385.12	£300	£85.56
1 Bedroom = Playing Field 16m ² Play Area 6m ²				

N.B. Legal fees are not included in the figures above and will be calculated separately.

* These figures will be updated annually. Potential developers should contact the Head of Leisure Services for the latest annual costs.

¹ Figure of land cost for playing fields assumes that the land is agricultural with 'hope' value.

² Figure for land cost for children's play area assumes that land will be of residential value.

³ Figure for layout per bedroom includes an activity area (11.10% of play area) and a buffer zone (88.90% of play area).

APPENDIX 5

EXAMPLE OF CALCULATION

The Open Spaces Survey identifies a shortfall for both Playing Pitches and Children's Play Areas in ***Rural Parish A***.

The site layout indicates:

5 x 1 bed flat	= 5 bedrooms
5 x 2 bed flat	= 10 bedrooms
11 x 2 bed house	= 22 bedrooms
11 x 3 bed house	= 33 bedrooms
Total	= 70 bedrooms

Play Areas

1 bedroom properties are exempt from making a contribution towards play areas and therefore 5 of the above bedrooms are exempt from the play area calculation.

The area required for a play area is calculated as follows:

$$6\text{m}^2 \text{ (minimum standard)} \times 65 \text{ bedrooms} = 390\text{m}^2$$

If the play area cannot be provided on site:

$$*\text{£}300 \text{ (land cost)} + \text{£}85.56 \text{ (layout)} \times 65 \text{ bedrooms} = \underline{\text{£}25,061.40}$$

Playing Field

The area required for a playing field is calculated as follows:

$$16\text{m}^2 \text{ (minimum standard)} \times 70 \text{ bedrooms} = 1,120\text{m}^2$$

If the playing field cannot be provided on site:

$$*\text{£}64 \text{ (land cost)} + \text{£}385.12 \text{ (layout)} \times 70 \text{ bedrooms} = \underline{\text{£}31,438.40}$$

*Based on 2003/2004 figures (see Appendix 4)