

Supplementary Planning Guidance: Residential development and open spaces of recreational value



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Policy and Performance Unit, Environmental
Service, Regulatory Department
(Planning, Transportation and Public Protection),
Gwynedd Council



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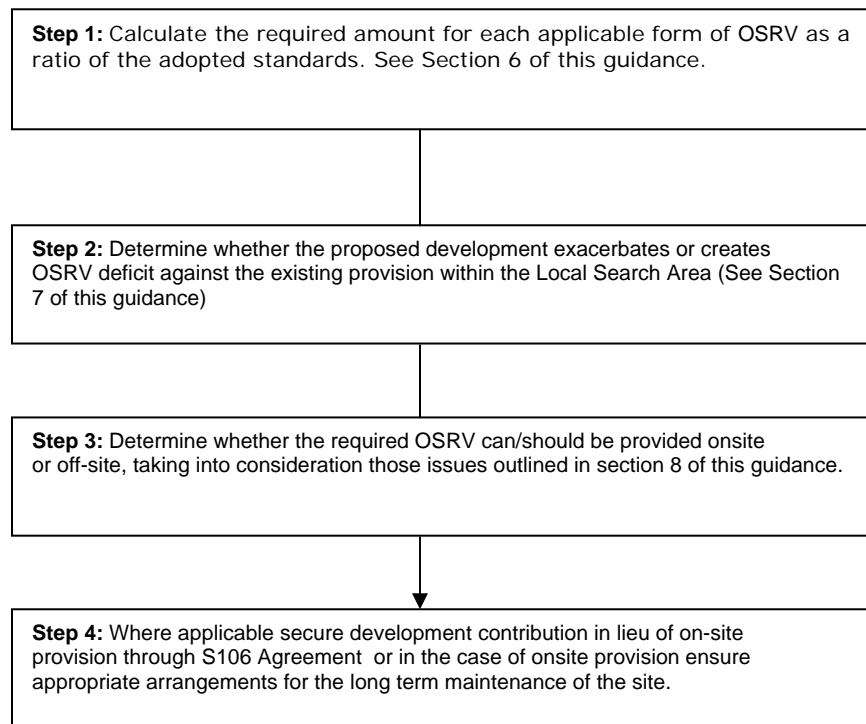
STATEMENT REGARDING CONSULTATION

- 1 The draft version of this Supplementary Planning Guidance (SPG) was subject to public consultation between 19 March 2009 and 24 April 2009. A public notice was published in the Caernarfon and Denbigh Herald and the Cambrian News on 19 March 2009 in order to raise awareness about the public consultation. Copies of the SPG were available to view in the main Council offices, in the public libraries and on the Council's website during the consultation period. Comments were invited from numerous individuals and organisations, which included community councils and local builders and their representatives. A summary of the representations that were received and the response to them can be seen in a document entitled "Consultation statement - December 2009".
- 2 The representations and the response to them were scrutinised by the Environment Committee on 11 June 2009. The SPG was adopted in the Council Board meeting on 24 November 2009.

THE PURPOSE OF SUPPLEMENTARY PLANNING GUIDANCES

- 3 This SPG is one of a series of guidance notes which support the policies of the adopted Gwynedd Unitary Development Plan (UDP). The UDP was adopted on 16 July 2009. Although decisions on planning applications will be based on the UDP's policies (as indicated in part 38(6) of the Planning and Compulsory Purchase Act 2004), the content of the SPG is a material planning consideration.
- 4 This guidance aims to put in place the relevant planning mechanisms that will facilitate the provision and maintenance of an appropriate level of open space of recreational value (OSRV) in respect of new housing developments of ten or more residential units. It sets out the approach to negotiating financial contributions arising from new residential development that can be specifically directed to the provision, improvement and maintenance of play and open space. The guidance contains information on best practice in relation to the provision of OSRV and gives details of the types of equipment and planting that are considered to be acceptable to the Council.

Flow chart of key stages in determining need for Open Spaces of Recreational Value



- 5 The following sections provide information about the following issues:
- S2 Open space of recreational value – policy framework
 - S3 Exceptions
 - S4 Open space of recreational value categories
 - S5 Breakdown of adopted standard for open space of recreational value
 - S6 Establishing recreational needs
 - S7 An assessment of the existing provision of open space of existing recreational value within the development's local search area
 - S8 Methods of provision
 - S9 Commuted payments
 - S10 Scale of financial contributions
- 6 The guidance provided in sections S2-S6 of this guidance should enable developers/applicants to calculate the required amount of each applicable form of OSRV before entering into negotiations with development control officers.

S2 - OPEN SPACE OF RECREATIONAL VALUE (OSRV) – POLICY FRAMEWORK

- 7 Policy CH43 of the Gwynedd UDP¹ will be applied to all new housing development of 10 or more dwellings (apart from those listed under Section 3 Exceptions). Full wording of policy CH43 is provided in Appendix 1. Discussions between developers and the Council's development control officers should take place prior to the submission of a planning application to establish the scale of provision of open space and responsibility for future maintenance. Any pre-application discussions will be wholly without prejudice to any formal decision of the Council.
- 8 The location and detailed form of the provision will be assessed on a case by case basis. Where OSRV is provided on-site, negotiations between the developer and officers will establish the amount of land required and maintenance sums needed. In exceptional circumstances it may be appropriate to provide OSRV off-site by means of a development contribution to the Council. The provision and maintenance of OSRV off-site will be secured through a development contribution secured by legal agreement. A Section 106 Agreement (S106) template will be made available to the applicant. Appropriate arrangements will also have to be agreed between the developer and the Council for the long term maintenance OSRV provided on site.
- 9 Where numbers and type of dwellings are unknown (e.g. outline applications), the requirement for OSRV provision would have to be reserved through a planning condition or legal agreement to enable the matter to be resolved when a detailed application is made. Applications to amend previously approved development will normally require the submission of a new planning application which in turn will require a reassessment of OSRV.

S3 - EXCEPTIONS

- 10 All new residential development of ten or more units will be expected to provide for the appropriate level of OSRV that is necessary and reasonable to meet the needs of its residents. Exceptions to the requirements of policy CH41 will be made where:
- sheltered housing is provided specifically for the elderly
 - housing forms residential and care homes,
- 11 For one bedroom flats, bedsits, and accommodation restricted to occupation by students, only the requirements for outdoor sport play space for the aforementioned types of development will apply. Whilst it is not expected for developers to provide children's play space for the above mentioned types of development, there is a need to consider the sporting and recreation needs of residents of such facilities e.g. communal gardens, amenity areas etc.

¹ Please note that the policy and the SPG refer to the National Playing Fields Association (NPFA). This organisation is now known as 'Fields in Trust' and in Wales is known as FIT Cymru. The '6 Acre Standard' has been replaced by the 'Planning and Design for Outdoor Sport and Play (PAD)'. This new document upholds the recommendation of 6 acres of recreational space per 1000 of the population.

S4 - OPEN SPACE OF RECREATIONAL VALUE (OSRV) CATEGORIES

- 12 The Council aims to facilitate the provision of different types of OSRV for a range of age groups appropriate to their needs. For the purpose of policy CH43 and this guidance OSRV falls into one of the following categories:

- Children's Play Space
- Outdoor Sport

Children's Play Space – This covers

- 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.

Most frequently needed, and therefore closest to home, are small areas for younger children. Less frequent, and more likely to be further away, are larger areas for older children. All new houses should be within the safe prescribed walking time of each type of play space as outlined by FIT Cymru (formerly the NPFA) (See Appendix 2)

Casual playing space² is included within the requirement for children's playing space.

The FIT Cymru (formerly the NPFA) defines three categories of children's playing space. These are:

1. Local Area for Playing (LAP): A small area of unsupervised open space specifically designated for young children for play activities close to where they live.
2. Local Equipped Area for Playing (LEAP): An unsupervised play area equipped for children of early school age.
3. Neighborhood Equipped Area for Playing (NEAP): An unsupervised site servicing a substantial residential area, equipped mainly for unaccompanied older children between 8 and 14, but with opportunities for play for younger children, older children and those with special needs.

Each category varies in terms of its size, locational requirements, equipment and target users and is described in detail in Appendix 2. Appendix 3 outlines the design requirements associated with such play provision. Detailed information relating to quality and accessibility is also provided by FIT Cymru (formerly the NPFA) 'Planning and Design for Outdoor Sport and Play'.

² Casual space is open space in a safe location that is capable of providing opportunities for informal play. Open space provided within a housing area may be included, but land that is designated for car parking, roadside verges and other small, or narrow, incidental areas of open land are excluded from this definition

Outdoor Sport – This covers:

- Facilities such as pitches, greens, courts, athletic 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 educational sector which are available for public use by written agreement. The informal or unauthorized use of such facilities by the public does not qualify.
- Facilities described above within the voluntary, private, commercial sectors, that serve the leisure needs for outdoor sport and recreation of their members, or the public.

S5 - BREAKDOWN OF ADOPTED STANDARD FOR OPEN SPACE OF RECREATIONAL (OSRV)

- 13 Gwynedd Council has decided to adopt the FIT Cymru's (formerly the NPFA) ³ standard for OSRV of 2.4 ha per 1000 population, which can be translated into the requirement of OSRV per person as follows:

MINIMUM STANDARD Total Open Space of Recreational Value 2.4 ha per 1000 population	
<p>Outdoor sport</p> <p>1.6 ha per 1000 population/16m² per person</p> <p>NOTE: Specific allocation of 1.2 per 1000 people for pitch sports</p>	<p>Children's playing space</p> <p>0.8 ha per 1000 population/8m² per person</p>

Table 1: Minimum standard of open OSRV

³ FIT Cymru's (formerly the NPFA) play space standards are considered as a minimum requirement and where material circumstances indicate otherwise this requirement may be increased to reflect specific local need and shortfall of play space.

- 14 FIT Cymru (formerly the NPFA) recommends that the 0.8 hectares (2 acres) of outdoor children's playing space should be achieved by:
1. Providing LAPs, LEAPs and NEAPs in locations based upon walking time, and
 2. Providing the balance as casual playing space within areas of amenity space.

S6 - ESTABLISHING RECREATIONAL NEEDS

- 15 This is divided into two parts:

- a) Occupancy Assumptions;
- b) Recreational Needs

Occupancy assumptions will establish the number of people per dwelling type which will then be multiplied with the OSRV Standard for each type of facility established in section 4 of this guidance to establish 'recreational needs'.

a) Occupancy Assumptions

- 16 Since FIT Cymru's (formerly the NPFA) standard is based on population it is necessary to estimate the average level of occupancy of different types of housing units in order to calculate the OSRV requirement. Using one occupancy rate (i.e. the Council's average occupancy rate of 2.3 persons per dwelling (2001 Census)) for all developments would fail to distinguish between sizes of dwellings. It is assumed that as dwelling sizes increase then the occupancy levels will also increase although it is expected that in large properties a greater proportion of rooms⁴ are used as "spare".
- 17 The Council considers that the following occupancy rates are reasonable within the LPA area:
- | | | |
|-----------------------------|---|------------|
| 1 bedroom dwellings | = | 1.5 people |
| 2 bedroom dwellings | = | 2 people |
| 3 bedroom dwellings | = | 2.5 people |
| 4 or more bedroom dwellings | = | 3 |
- 18 The assumptions will tend to result in a higher 'population' for new residential developments than the Council wide occupancy level which is 2.3 persons per dwelling. This is justified for three reasons :-
1. Variations in occupancy levels of dwellings is not static and will change over time. However the provision of open space is a long term measure, so it is important to make sufficient provision for each proposed dwelling.

⁴ For the purpose of assessing likely occupancy rates this refers to all rooms within dwellings which are capable of being used as bedrooms, allowing for the normal amount of living accommodation.

2. OSRV provision should be provided at a level that is adequate to meet the 'worst case' in terms of maximum occupancy levels.
 3. FIT Cymru's (formerly the NPFA) standard is a minimum standard.
- 19 Where numbers and type of dwellings are unknown (e.g. outline applications), the requirement for open space provision would have to be reserved through a planning condition or legal agreement to enable the matter to be resolved when a detailed application is made.

b) Recreational Needs

- 20 OSRV Need(s) for each Dwelling

	Nos of bedrooms	Nos of people	OSRV provision (See Table 1)		1	2	3
			Outdoor Sport m ² / person	Children's m ² / person	Sports Ground Need(s) (youth and adult use) m ²	Children's Playing Area Need(s) (LAP's, LEAP's, NEAP's, Casual/Informal) m ²	Total OSRV Need(s) m ²
A	1	1.5	16	8	24	None	24
B	2	2	16	8	32	16	48
C	3	2.5	16	8	40	20	60
D	4 or more	3	16	8	48	24	72

Example:

Proposed development of 50 houses (25 three bed & 25 four bed):-

Youth and adult use

25 (three bed dwellings x 40m ² (Row 'C' Column '1'))	=	1000 m ²
25 (four bed dwellings x 48m ² (Row 'D' Column '1'))	=	1200 m ²
Total	=	2200 m ²

Children's Playing Area Need(s) (LAP's, LEAP's, NEAP's, Casual/Informal)

25 (three bed dwellings x 20m ² (Row 'C' Column 2))	=	500 m ²
25 (four bed dwellings x 24m ² (Row 'D' Column 2))	=	600 m ²
Total	=	1100 m ²

Total Provision of Outdoor Space of Recreational Value	=	3330 m²
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S7 - AN ASSESSMENT OF THE EXISTING PROVISION OF OSRV WITHIN THE DEVELOPMENT'S LOCAL SEARCH AREA

21 Once the recreational needs of the development has been established the development control officer will consult with other Council officers from the Environment and Development Directorates to establish the existing level of OSRV within the development's Local Search Area. Because of the varying size and physical nature of some settlements and even built up areas within some of those settlements within the UDP area, it has been decided to use two separate definitions of Local Search Area. For the purpose of this exercise the following guidelines will be used:

22 For developments within the UDP's Sub Regional Centre (Bangor) and Urban Centres (Blaenau Ffestiniog, Caernarfon, Porthmadog, Pwllheli) the following search areas from the proposed development will be used:

LAPs – 60 metres;
LEAPs – 250 metres
NEAP's – 600 metres.
Youth and Adult – settlement wide.

For Local Centres and villages⁵:

LAPs – 60 metres
LEAPs – 250 metres
NEAP's – settlement wide
Youth and Adult – Dependency Catchment Area wide.

23 Once the quantity and standard of the existing provision with the defined Local Search Area has been assessed it will then be possible to quantify the likely need for additional provision and the most appropriate way of achieving this.

S8 - METHODS OF PROVISION

24 The OSRV requirement should be provided on-site, and form an integral and integrated part of the development. Where this is not possible it may be provided by any of the other following means depending on the circumstances of the individual proposal:

- 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.

25 In assessing whether on-site provision of each category of OSRV is appropriate, feasible and desirable, the Council will take into account the following factors:

⁵ See pages 114-115 of the GUDP.

- the physical characteristics of the site⁶;
 - whether the amount to be provided creates a viable OSRV 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 OSRV to be concentrated into one or more larger areas which may not be within the site;
 - the requirements of any relevant development brief and/or masterplan concerning size and location of OSRV; and
 - whether the site is located sufficiently close to an adequate existing, safe accessible OSRV or other land which could more beneficially be extended, improved or converted to provide the required OSRV.
- 26 The provision of casual or informal playspace in association with Children's Equipped Playspace (i.e. LAP's, LEAP's) reduces the need for young children to travel for play, and helps separate housing from equipped playspace, minimising disturbance to neighbours. Therefore, the OSRV requirement for both categories, i.e. informal and equipped, should be assessed together, before determining whether on-site provision should be made.
- 27 Smaller developments (i.e. less than 25 dwelling units) will only require limited amounts of OSRV. In such cases, on-site provision of formal playspace is unlikely to be practical or viable. In these circumstances, the 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 Council in accordance with this guidance. For larger developments (i.e. 25 or more dwelling units), unless there are significant public benefits in doing so, the 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.
- 28 Where a site is to be developed in phases an estimation will be made of the total likely occupancy of the whole site and the open space to be provided calculated on this basis. The OSRV provision should be laid out in a phased manner in conjunction with the construction phases of the development to ensure that it is provided in a planned manner and forms an integral part of the design of the development.
- 29 Where there exist designated children's play facilities that meet the Council's play space requirements; the Council will not require duplicate provision. This waiver is subject to existing play space being of an appropriate quality and having sufficient capacity to absorb the increased level of use which will be generated by the proposed development.

⁶ In all circumstances it is expected that LAP type facilities and casual/informal play space are provided on site.

S9 - COMMUTED PAYMENTS

- 30 The Council acknowledges that in some circumstances on site provision may not be feasible, particularly where development is required to provide for larger play areas. In such cases, the Council will seek to negotiate a planning obligation under Section 106 of the Town and Country Planning Act 1990⁷. This obligation enables developers to make a contribution towards the provision of suitable off site play space in lieu of direct provision within the development site where there are identifiable and appropriate opportunities for providing new play space. This contribution may include up-grading or replacement of existing facilities where this would meet the needs of the development and the interests of the wider community.
- 31 In calculating commuted sums, the Council will have regard to existing facilities that could serve the development. Money generated from commuted sums will be held in an account and will normally be used in the same Local Search Area as the development. Exceptions to this may occur where a development borders a neighbouring Community and the open space provided would be of greater or equal benefit to the residents of the new development and where there are no suitable sites within the Community Council area. As a general rule funds which have not been spent within 8 years from the date of payment or 5 years from completion of the development whichever is the later, will be returned to the applicant.

S10 - SCALE OF FINANCIAL CONTRIBUTIONS

- 32 Where an OSRV has been provided on or close to the development or a commuted sum paid, the Council will require developers to make appropriate arrangements for the future maintenance of this OSRV. Where it is decided that the Council will inherit responsibility for the maintenance of the OSRV provision secured through development, a commuted sum will be agreed.
- 33 The commuted sum will be a 'one off' payment and will be based on the estimated annual maintenance cost multiplied by an agreed period of time. The exact time period will be decided during the planning application stage taking into consideration all of the relevant factors, including development viability. Maintenance costs will be based on current schedule rate of costs⁸ and will be calculated over the agreed period of time taking into account inflation over that period of time. Periodic maintenance will be included where the anticipated life of features is less than the agreed period of time. The use of commuted sums and legal agreements for securing maintenance will be made in accordance with Welsh Office circular 13/97 'Planning Obligations'.

⁷ Please refer to the Council's Supplementary Planning Guidance: Planning Obligations

⁸This will be based on the normal maintenance costs of Cyngor Gwynedd using its own workforce

- 34 Where developers do not intend to enter into an agreement with the Council over the future maintenance of OSRV, then the Council will need to be satisfied that appropriate alternative arrangements have been made for long term maintenance; for example by the establishment of a sufficiently resourced management company, residents association or Community Council.

APPENDIX 1 - POLICY CH43 - PROVISION OF OPEN SPACE OF RECREATIONAL VALUE IN NEW HOUSING DEVELOPMENT

New housing developments of 10 or more dwellings, in areas where existing recreational open space cannot meet the needs of the proposed housing development, will be expected to provide suitable open spaces of recreational value in line with the National Playing Fields Association (NPFA) standards¹ as an integral part of the development.

In exceptional circumstances, where it is not possible to provide outdoor playing spaces as an integral part of the new housing development, the developer will be required to:

- a. provide suitable off site provision which is close to and accessible to the development, or, where this is not feasible/practical;
- b. contribute financially towards new or improved facilities including equipment elsewhere.

Appropriate arrangements (e.g. condition or obligation) will be required to be in place prior to the release of planning permission for the long term after-care and subsequent maintenance of open spaces and outdoor playing spaces (including equipment) provided in accordance with this policy.

5.6.6 Explanation - The provision of open space and outdoor playing spaces (i.e. facilities for outdoor sport or outdoor equipped playgrounds for children of whatever age) are an important part of creating an attractive and appealing neighbourhood where residents and children can have safe and convenient access to outdoor playing areas. This policy aims to ensure that well designed and suitably equipped play areas are normally provided in significant housing developments in future. This policy will only be relaxed where it can be demonstrated that there is adequate suitable open space provision and outdoor playing spaces (i.e. in accordance with NPFA standards) within close proximity to the development site. The need to provide an element of affordable housing as part of a development will not be sufficient reason for the relaxation of this policy.

5.6.7 Whilst the NPFA standards will be used as a guide the level of provision will vary according to the nature of the development, the physical characteristics of the site and the proximity to existing accessible outdoor playing space.

¹ *The National Playing Fields Association recommends a minimum standard for outdoor playing space of 2.4 hectares (6 acres) per 1000 population and that the minimum standard for children's playing space and outdoor sport should be met for all new developments.*

APPENDIX 2 - DETAILS OF THE FIT CYMRU's (FORMERLY THE NPFA) DIFFERENT TYPES OF PLAY SPACE

Criteria	Local Area for Play (LAP) see note 1	Local Equipped Areas for Play (LEAP)	Neighbourhood Areas for Play (NEAP)
Age group	4 – 6 accompanied	4 – 8 accompanied	14 unaccompanied
Walking time from home	1 minute 60 metres	5 minutes 250 metres	15 minutes 600 metres.
Equipment	Fencing, seating, sign posting, litter bins, 2 items of play equipment, which comply with relevant British standards.	Fencing, seating, sign posting, litter bins; cycle parking, 5 items of play equipment, which comply with relevant British standards. Small games area	Fencing, seating, sign posting, litter bins; cycle parking, 8 items of play equipment, which comply with relevant British standards. Kickabout area, wheeled play opportunities
Site characteristics	Grass and/or hard surface.	Reasonably flat and well drained Grass and/or hard surface.	Reasonably flat and well drained Grass and hard Surface.
Minimum activity zone ²	100m2	400m2	1000m2
Buffer zone ³	The activity zone should be a minimum of 5 metres from the boundaries of adjacent Properties.	The activity zone should be a minimum of 20 metres from the boundaries of adjacent properties. Buffer zone may include footpaths.	The activity zone should be a minimum of 30 metres from the boundaries of adjacent properties. Buffer zone may include footpaths
Total Activity Zone (inc Buffer)	400 m2 (0.04 ha)	3,600 m2 (0.36 ha)	8,500 m2 (0.85 ha)
Restrictions	Type of equipment and design of site should restrict opportunities for play by older children due to potential disturbance to residents	In some developments it may be appropriate for a LAP to be enlarged to a LEAP. In such cases clear separation should be maintained between the two types of play area. The buffer zone between the two may be reduced, or removed, but the perimeter buffer zone will be required.	In some developments it may be appropriate for a LEAP to be enlarged to a NEAP. In such cases clear separation should be maintained between the two types of play area. The buffer zone between the two may be reduced, or removed, but the perimeter buffer zone will be required.

Notes 1 - In addition to play areas defined by FIT Cymru's (formerly the NPFA), the Council recognises the opportunities for play in areas of open space, which are not formally designated for such use. Small parcels of green space, which are closely

integrated into the residential layout, may form amenity space, which is required to be provided in conjunction with residential development. Where such spaces meet the criteria for casual play space, then it will be included in the calculation of children's outdoor space provision.

Note 2 - Where casual play space is preferred to a more formal LAP, it should be an open space of a useful size, well related to the houses to which it serves and makes provision for the exclusion of dogs. Developers should carefully consider the suitability of areas of amenity space for the purposes of casual play; some areas may have greater amenity value in a different form.

³ The space surrounding an activity zone the purpose of which is to provide a reasonable degree of separation between play activity and nearby residential properties. It may not be needed on all sides of the activity zone, for example, where adjoining land is not in residential use. It may be wholly or partly made up of highways, cycleways, footways, footpaths and planting.

APPENDIX 3 - DESIGN REQUIREMENTS

The siting of play space should form an integral part of the design process of the housing layout, taking into account the needs and expectations of its users. The following factors will need to be considered:

- **Safety and security:** overlooking of site by adjacent properties and well-used pedestrian routes, fencing, and where appropriate lighting and CCTV. Regard should be given to hazards arising from roads, watercourses, electricity cables, railway lines, and dog fouling. A safety notice should be erected, clearly identifying the location of the nearest telephone, and contact details to which accidents and damage should be reported. Nuisance: site should be located and designed so as to minimise disturbance to nearby dwellings, on-site and off-site, by way of noise or play equipment (such as balls or frisbees).
- **Landscaping:** should be an integral aspect of the design of play areas, providing tree planting for shade, and low maintenance shrub and hedge planting of native species for noise attenuation, and amenity purposes. The planting scheme should have regard to children's safety, including planting of non-poisonous plant varieties and plants free of spikes and thorns. The planting scheme should consider the overall security of the site, allowing unobstructed views into the site and restricting potential hiding places. Opportunities should be sought to protect, enhance and create wildlife habitats, enhancing biodiversity and providing opportunities for education.
- **Play equipment, signage and furniture:** robust and vandal resistant. Play equipment should comply with British Standards. The choice of play equipment should encourage active and creative play.
- **Ownership:** play areas should, wherever possible be designed in partnership with members of the community who will use it, including the disabled to help foster community ownership.
- **Accessibility:** access gates and footpaths designed to allow access by all. Bicycle parking and, where appropriate, car-parking areas.

Routes and movement: the design of play areas should carefully consider the way in which children will access the site from the wider area, taking into account dangers such as highways and turning areas for vehicles. Sites should be separated from areas of high vehicles movements and be accessible directly from pedestrian routes. Where children will be required to cross a road within a residential development to access a play space, traffic calming measures, such as improved crossing facilities, should be employed to reduce traffic speeds and raise awareness of drivers to the activity of children. Measures may also include a change in the road surface, and/or signage.

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