



AGENDA ITEM: 5(b)

**PLANNING COMMITTEE:
13 March 2014**

**CABINET:
18 March 2014**

Report of: Assistant Director Planning

Relevant Managing Director: Managing Director (Transformation)

Relevant Portfolio Holder: Councillor M Forshaw

Contact for further information: Mr S Benge (Extn. 5274)
(Email: stephen.benge@westlancs.gov.uk)

SUBJECT: OPEN SPACE AND RECREATION PROVISION IN NEW RESIDENTIAL DEVELOPMENTS SUPPLEMENTARY PLANNING DOCUMENT

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To recommend the draft Open Space and Recreation Provision in New Residential Developments Supplementary Planning Document ('the Open Space SPD') for public consultation in April / May 2014.

2.0 RECOMMENDATION TO CABINET

- 2.1 That the draft Open Space SPD (Appendix A to this report) be approved for public consultation from Thursday 3 April to Friday 16 May 2014, having regard to the agreed comments of Planning Committee (provided at Appendix C to this report).

3.0 RECOMMENDATION TO PLANNING COMMITTEE

- 3.1 That the content of this report be considered and that agreed comments be referred to Cabinet for consideration.
-
-

4.0 BACKGROUND

- 4.1 In April 2009, the Council adopted a Supplementary Planning Document (SPD) on open space and recreation provision in new residential developments. This SPD covered both on-site open space, and wider, 'strategic' open space, both of which required financial contributions from developers of residential schemes above a certain number of dwellings. The size of the financial contributions depended on the size, location and nature of the residential development in question.
- 4.2 Subject to the introduction of the Community Infrastructure Levy (CIL), it is intended to change from the current system whereby developer contributions towards public open space are all secured through Planning Obligations (Section 106 Agreements). Instead, following the adoption of the CIL Charging Schedule in the Borough, housing developers will simply pay a levy per square metre of floorspace developed to contribute towards necessary infrastructure improvements (including "strategic" public open space) across the Borough, and so the use and the scope of Section 106 Agreements will be significantly curtailed.
- 4.3 Specifically, in terms of public open space, the implementation of CIL will mean that more strategic, off-site public open space will be funded through CIL contributions. However, there would still be a need to have "local" public open space on-site within developments of a certain size. This would be secured either through a planning condition or through a Section 106 Agreement.
- 4.4 As a result, a new Open Space SPD is required to deal solely with the provision of on-site public open space within new residential developments. This SPD needs to address:
- When on-site provision would be required;
 - The amount of public open space that would be required;
 - What type of public open space should be provided; and
 - How the public open space should be maintained.
- 4.5 Policy EN3: Provision of Green Infrastructure and Open Recreation Space of the West Lancashire Local Plan 2012-2027 sets the framework for open space provision in the Borough. As such, Policy EN3 is the 'parent' policy for the Open Space SPD. Part (d) of Policy EN3 states that:

Where deficiencies in existing open space provision exist, as demonstrated in the Council's Open Space, Sports and Recreation Study, new residential development will either be expected to provide public open space on site (where appropriate) or a financial contribution towards the provision of off-site public open space to meet the demand created by the new development or enhancement to existing areas of public open space which could be upgraded to meet the demand created by the new development

5.0 CURRENT POSITION

- 5.1 A draft Open Space SPD has been prepared, addressing the above questions. The document has been drawn up in consultation with officers in Leisure, Grounds Maintenance and in the Development Management team of Planning, and has drawn upon the 2009 Open Space Study and other relevant more up-to-date information. This draft SPD is appended to this report (Appendix A).
- 5.2 The SPD proposes the following with regard to on-site open space:
- No specific area of on-site public open space will be required by the Open Space SPD for residential developments of 1-39 dwellings (although a small amount may be required in order to ensure good design and adequate residential amenity under WLLP Policy GN3 (Criteria for Sustainable Development) or under the Design Guide SPD) – this is consistent with the existing 2009 Open Space SPD.
 - For developments of 40-289 dwellings, 13.5 square metres of open space will be required per bedroom developed. The public open space will take the form of “informal amenity green space”, i.e. undeveloped publicly accessible areas providing an informal recreation function.
 - For developments of 290 dwellings and above, 15 square metres of open space will be required per bedroom developed. This public open space will comprise informal amenity green space (approximately 13.5 square metres) and formal public open space including play equipment for children and young people (approximately 1.5 square metres).
- 5.3 While the threshold of 40 dwellings remains the same as the existing SPD, the introduction of a second, higher threshold where the level of on-site provision increases slightly is a measure to ensure that on the larger sites (accommodating approximately 1000 new residents) formal public open space with play facilities is included on-site. In terms of the quantity of public open space required per bedroom, this is now a flat rate requirement across the Borough (the existing SPD provides variable rates in different parts of the Borough) and requires a significantly larger amount of open space on-site than previously, to reflect the up-to-date open space standards in the 2009 Open Space Study.
- 5.4 The SPD will not allow for financial contributions to be made in lieu of on-site public open space provision, as this would not be permissible with the reduced ability to pool planning obligations under the CIL Regulations. A reduction in the amount of on-site public open space, compared with the above requirements, would only be allowed where the developer provides a clear and robust justification as to why it would be appropriate to reduce the amount of on-site public open space for their specific development.

- 5.5 In terms of maintenance, the SPD outlines how the preference of the Council will be that a developer retains the ownership of the on-site public open space and manages and maintains it themselves (or via a maintenance company or land trust). However, it is acknowledged that this will not always be appropriate and that in some instances ownership of the on-site public open space will need to transfer to the Council.
- 5.6 Where the public open space is to transfer to the ownership of the Council, the SPD requires a financial contribution from the developer to pay for the maintenance of the public open space provided for a period of at least ten years, after which the burden of maintenance would pass to the Council. A standard cost per hectare of open space would apply Borough-wide, rather than attempting to agree discrete costs for each development. The cost per hectare would be higher for sites above the 290 dwelling threshold, as there would be more types of open space to maintain.

6.0 NEXT STEPS

- 6.1 Assuming that Cabinet endorse the SPD for consultation, the consultation will take place for six weeks, from Thursday 3 April – Friday 16 May 2014.
- 6.2 Following the consultation period, all comments submitted to the Council will be processed and considered and any necessary amendments to the SPD will be made. It is anticipated that the final SPD will be brought to Council in July 2014, alongside the proposed CIL Charging Schedule, in order that CIL and the Open Space SPD can be implemented in tandem, once adopted by the Council.

7.0 SUSTAINABILITY IMPLICATIONS / COMMUNITY STRATEGY

- 7.1 The provision of adequate public open space for residents and visitors to West Lancashire is a key sustainability requirement and a significant factor in an individual's quality of life. This SPD will provide the Borough Council with greater control in ensuring that new development provides an acceptable level of on-site public open space.
- 7.2 As part of the preparatory work on the SPD, a screening exercise was carried out on the Council's behalf by consultants, to test whether the SPD needed a Sustainability Appraisal (SA). The consultants concluded that no SA of the SPD is required. This screening report is included as an appendix to the SPD.
- 7.3 Providing suitable public open space will, directly or indirectly, help to meet three of the key objectives of the Sustainable Community Strategy, namely "Improved health for all" (to improve health outcomes, promote social wellbeing for communities and improve health for everyone), "Young and older people" (to provide opportunities for young and older people to thrive), and "Better environment" (to protect and improve West Lancashire's environment including safeguarding our biodiversity).

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 8.1 The preparation of the Open Space SPD (and consultation on it) can be resourced through the Strategic Planning and Implementation Team's revenue budgets.
- 8.2 The adoption and implementation of the proposed policy set out in the SPD should result in the provision of additional public open space in the Borough. In time, depending on whether the new public open space passes into the Council's ownership or not, this may result in an ongoing financial cost to the Council for maintenance.

9.0 RISK ASSESSMENT

- 9.1 Not having an up-to-date, CIL-compliant SPD could lead to developers challenging any requirements from the Council for open space in new residential developments, possibly leading to inadequate standards of amenity for the occupiers of new developments and a greater strain on existing public open spaces in the Borough because of the additional demand on them created by the increased residential population. The speedy preparation and adoption of this SPD should ensure that the above scenario is avoided.

Background Documents

West Lancashire Borough Council Open Space, Sport and Recreation Study 2009
(http://www.westlancs.gov.uk/planning/planning_policy/the_local_plan/the_local_plan_2012-2027/evidence_and_research/open_space_study.aspx)

Equality Impact Assessment

There is a direct impact on members of the public, employees, elected Members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal Equality Impact Assessment is attached as Appendix B to this report, the results of which have been taken into account in the recommendations contained within this report.

Appendices

- A. Draft Open Space and Recreation Provision in New Residential Developments SPD
- B. Equality Impact Assessment
- C. Minute of Planning Committee held on 13 March 2014 (Cabinet only) (to follow)

