

CANNOCK CHASE COUNCIL

CABINET

19 APRIL, 2007

REPORT OF THE CHIEF EXECUTIVE

PORTFOLIO LEADER – ENVIRONMENT

DRAFT SUPPLEMENTARY PLANNING DOCUMENT ON OPEN SPACE, SPORT AND RECREATION

1. Purpose of Report

- 1.1 To give consideration to the Draft Supplementary Planning Document (SPD) on Open Space, Sport and Recreation.
- 1.2 To seek approval for the Draft Supplementary Planning Document on Open Space, Sport and Recreation to be placed out for consultation for a period of six weeks.

2. Recommendation

- 2.1 That the Draft Supplementary Planning Document on Open Space, Sport and Recreation be approved for consultation in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004.
- 2.2 That the Head of Planning & Regeneration in consultation with the Environment Leader be authorised to make any minor amendments to the draft in response to informal consultation with Sport England prior to the start of the formal consultation process.
- 2.3 That a report be submitted to a future meeting considering the consultation responses and proposals for finalisation and adoption of the above document as an SPD which will form part of the Cannock Chase Local Development Framework.

3. Key Issues

Local Development Framework

- 3.1 The Draft SPD on Open Space, Sport and Recreation is one of the documents that forms part of the Cannock Chase Local Development Framework which comprises a series of Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) required to form the appropriate planning policy framework to deal with all planning issues facing the District.

The Purpose of the SPD

- 3.2 The SPD will provide a policy framework for the provision of new and improvement of existing outdoor and indoor facilities to meet identified needs. This will be delivered by means of Planning Obligations (S106 Agreements and undertakings) negotiated with developers.
- 3.3 The key elements of the SPD are:-
- (i) It deals with the whole range of outdoor and indoor facilities ranging from small areas of informal open space, equipped play space, green links and nature conservation sites, parks, formal sports pitch and court provision together with indoor sporting and recreation activities.
 - (ii) It widens the range of types and scales of development which will require Planning Obligations to be negotiated including both housing and commercial development.
 - (iii) It addresses the issue of resolving existing deficiencies in provision.
 - (iv) It provides comprehensive formulae to calculate financial contributions relating to type and scale of development which can be updated annually in accordance with appropriate cost indices.

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Section 1

Background

The national planning policy context is set out in Planning Policy Guidance Note 17 Open Space, Sport and Recreation (July 2002). This requires authorities to undertake an audit of existing provision and an assessment of need in consultation with the community in order to set future standards of provision.

The Council responded to this by commissioning consultants in 2004 (Strategic Leisure Ltd.) to carry out the audit, consult with users, identify needs and recommend future standards of provision. Three reports were produced one dealing with Indoor Facilities one with Playing Pitches and the third with the whole range of other outdoor open space. The definitions are set out in Annex A.

The key conclusion of the studies are:-

1. Indoor Facilities

- There is a need for a new swimming pool in Rugeley
- Significant capital investment is needed at the Chase Leisure Centre
- Additional badminton provision needed
- Community should have access to school sports facilities when there is no other local provision

2. Playing Pitches

- Floodlit ATP needed in Cannock/Hednesford
- Half size Rugeley ATP needs to be increased to full size.
- There is excess provision of senior football pitches and a shortage of junior and mini-pitches
- The quality of pitches is average to poor
- Few schools hire pitches for community use so there are many pitches underused or unused on school sites
- Cricket is provided by the voluntary sector
- One local Rugby Club uses a County Council pitch
- There is no hockey provision in the District but a club near to the boundary has 3 pitches

3. Other Open Space Categories

Major and Local Parks – proposed standard – all dwellings to be within 0.53 miles. Quantitative and access deficiencies affect Hednesford Green Heath, Cannock Wood and Little Wyrley.

Ecological Sites – (excluding the Cannock Chase AONB Country Park and Forestry access land) – proposed standard – all dwellings to be within 0.53 miles. Quantitative deficiencies affect Cannock North, Cannock West, Rugeley, Brereton and Ravenhill.

Green Links – proposed standard – all dwellings to be within 0.53 miles.

Amenity Greenspace – proposed standard – all dwellings to be within 0.4 miles. Quantitative deficiencies affect Hednesford South, Prospect Village and Cannock Wood.

Equipped Play Areas (including fixed play, ball play, skate park and teen shelter) – proposed standard – all dwellings to be within 0.4 miles of a good quality equipped play area. Quantitative deficiencies affect access within most parts of the district.

Allotments – proposed standard – all dwellings to be within 2.2 miles. Quantitative deficiencies affect Hednesford Green Heath, Hednesford North and Rawsley.

Section 2

Details of Matters to be Considered

The outputs from the process of producing the SPD following consultation on the draft will be a set of policies aimed at delivering, as far as is practicable within the context of future development proposals submitted as planning applications, open space, sport and recreation facilities to meet clearly identified needs.

The current planning policy document is the Cannock Chase Local Plan 1997. The three key policies are set out in Annex B. In summary the first policy requires provision of and/or financial contribution towards open space at a standard of 7 acres (2.8 h.a.) per 1000 population from housing developments of 10 units or more. The basis for the financial contribution is contained in the current Supplementary Planning Guidance Planning Obligation adopted in 2000. This is not as comprehensive as it needs to be in identifying the full range of sports including indoor facilities. It is set out in Annex C.

The second policy identifies a 'Green Space Network' within the urban areas which is to be maintained and protected subject to certain provisions. Identifying a future 'Green Space Network' is a function of the Site Allocation Development Plan Document which will be the subject of consultation at Issues and Options Stage in May – June 2007.

The third policy aims to protect sports pitches from inappropriate development in circumstances where they are still needed.

The recommended policies and formulae are contained in sectionof the draft SPD.

In summary the policies cover:-

- (i) Provision of open space across all of the 'typologies' identified apart from cemeteries, churchyards, urban farms and country parks.
- (ii) Provision of formal outdoor sports facilities.
- (iii) Provision of indoor sport and recreation facilities excluding tennis courts and ice rinks.

- (iv) Planning obligations applied to all residential development of 5 or more units.
- (v) Planning obligations applied to all commercial development of 1000m² or more.
- (vi) An assessment of provision/contributions based upon a combination of District wide and local needs, including dealing with existing deficiencies.

Section 3

Contribution to CHASE

The preparation of the Open Space, Sport and Recreation SPD is essential as it forms part of the Statutory Cannock Chase Local Development Framework. The draft SPD has been prepared taking into account the CHASE objectives and through its policies aims to meet these objectives. The improved delivery of open space, sport and recreation facilities is a key element of the Council's corporate policy objectives.

Section 4

Section 17 Implications

Provision of appropriately designed outdoor and indoor facilities can help to reduce crime and anti-social behaviour.

Section 5

Human Rights Act Implications

The process of preparing Supplementary Planning Documents is set out in Government Planning Regulations and Planning Policy Statement 12. It provides the opportunity for third parties to be consulted in the development of draft policies, proposals and guidance and to make representations on submitted documents. In the case of SPD's, those representations are considered by Officers and the Council.

The process of formulating and adopting policies of Development Plan Documents is likely to have implications which affect individual's rights and possessions and due account must be taken of the need to adopt procedures which take account of the right of individuals to make representations in respect of the policies which, as far as possible, enable action in the public interest to be balanced against individuals rights.

Section 6

Data Protection Act Implications

None identified.

Section 7

Risk Management Implications

A failure to produce Supplementary Planning Documents in accordance with the programme detailed in the revised Local Development Scheme puts at risk the reputation of the Council and the receipt of Planning Delivery Grant. Planning Delivery Grant is, in part, awarded in return for meeting milestones in the timetable of the Local Development Scheme.

A failure to have an up to date policy based on robust evidence puts at risk the Council's ability to require future developments to contribute to the provision and improvement of open space and recreation facilities to meet the needs of the District.

Both of these risks are mitigated by the proposed SPD.

Section 8

Legal Implications

The Council is required by Section 15 of the Planning and Compulsory Purchase Act 2004 to prepare and maintain a Local Development Scheme. The Open Spaces Sport & Recreation SPD timetable is set out in the Local Development Scheme.

The Local Planning Authority is required, before it can adopt a Supplementary Planning Document (SPD), to comply with the provisions of the Town and Country Planning (Local Development) (England) Regulations 2004 dealing with public participation, representations on SPDs and adoptions of SPDs.

Section 9

Financial Implications

The cost of producing consulting on and adopting the SPD can be met from existing approved budgets within the Planning Service.

The adoption of the SPD will give the Council greater potential for generating additional financial resources, in the form of Section 106 Agreements, thereby enabling the delivery of Capital Programmes and the provision of revenue support for open space, sport and recreation facilities.

The amounts cannot be quantified as they are dependent upon the number and scale of development proposals submitted in the form of future planning applications.

Any further financial implications, should they occur, will form part of the report that considers the consultation responses and proposals for finalisation and adoption of the SPD.

Section 10

Human Resource Implications

None identified.

Section 11

Conclusions

An SPD on Open Space, Sport and Recreation is needed in order to provide an appropriate planning policy context for the delivery of the future needs of the District. Undertaking consultation on the draft is the first step.

Section 12

Background Papers

Planning Policy Guidance Note 17 Open Space, Sport and Recreation ODPM 2002

PPG17 Green Space Strategy – Strategic Leisure Report March 2005

Playing Pitch Strategy CCDC (Draft)

PPG17 Indoor Facilities Strategy – Strategic Leisure Report March 2005

Cultural Strategy CCDC (Draft)

Definition of Open Space, Sport and Recreation Typologies (PPG 17)

- (i) Parks and gardens – including urban parks, country parks and formal gardens;
- (ii) Natural and semi-natural urban greenspaces – including woodlands, urban forestry, scrub, grasslands (e.g. downlands, commons and meadows) wetlands, open and running water, wastelands and derelict open land and rock areas (e.g. cliffs, quarries and pits);
- (iii) Green corridors – including river and canal banks, cycleways, and rights of way;
- (iv) Outdoor sports facilities (with natural or artificial surfaces and either publicly or privately owned) – including tennis courts, bowling greens, sports pitches, golf courses, athletics tracks, school and other institutional playing fields, and other outdoor sports areas;
- (v) Amenity greenspace (most commonly, but not exclusively in housing areas) – including informal recreation spaces, greenspaces in and around housing, domestic gardens and village greens;
- (vi) Provision for children and teenagers – including play areas, skateboard parks, outdoor basketball hoops, and other more informal areas (e.g. 'hanging out' areas, teenage shelters);
- (vii) Allotments, community gardens, and city (urban) farms;
- (viii) Cemeteries and churchyards;
- (ix) Accessible countryside in urban fringe areas; and
- (x) Civic spaces, including civic and market squares, and other hard surfaced areas designed for pedestrians.

Individual areas of open space may perform more than one of these functions.

Indoor facilities comprise swimming pools, sports halls and leisure centres, indoor bowls centres, indoor tennis centres, ice rinks, community centres and village halls.

Current Local Plan Policies Relating to Open Space

Policy H4

New Housing: Open Space

The need to make provision for open space for formal and/or informal use will be assessed in connection with all applications for residential development apart from infill development or redevelopment of existing dwellings where the net increase in residential units is less than 10.

Where such an assessment identifies a need for open space, developers will be requested to complete a planning agreement prior to the granting of planning permission to provide, either on the development site or in the locality, open space to the standard appropriate for the scale of development proposed.

Subject to variation to take account of local circumstances, the following open space standards shall be used for new developments:-

- (i) a minimum of 5 acres per 1,000 population of major open space to be laid out as formal or informal space;

additionally,

- (ii) a minimum of 2 acres per 1,000 population of children's play space including:-

informal kickabout areas at 1 acre per 1,000 population;

formal equipped play areas for older children serving groups of 100-150 dwellings and toddlers serving groups of 30-50 dwellings.

The requirement to provide open space to the above standard will be considered independently of any small open space areas incidental to the amenity of adjoining houses and any existing site features identified as important, fragile and in need of protection/retention, for example, an area of ecological interest.

Policy B6

Green Space Network

The network of green spaces throughout the built-up areas of the District, as defined on the Proposals Map, will be maintained and its amenity, recreational and ecological value protected. The District Council will seek to extend the network to improve linkages to the countryside, particularly as part of the creation of the Forest of Mercia.

Proposals which would lead to the loss of those existing areas of open space within the built-up areas which are identified as important to the Green Space Network will not be permitted unless:-

- (i) alternative green spaces can be provided in the immediate vicinity; or

- (ii) in the case of school sites, the development or redevelopment is required for education (school) purposes, such as school expansion or the provision of new facilities, or community facilities within the school site.

Proposals for the use of existing small areas of open space for other purposes will be considered on their merits with particular regard being given to the effect upon their value to the Green Space Network and the character and appearance of an area.

Policy TR7

Playing Fields and Sports Pitches

Development proposals which would result in the loss of playing fields and sports pitches, required for continued sports and recreational use, will normally be refused unless:-

- (i) a suitable replacement site of equivalent community benefit is provided; or
- (ii) redevelopment proposals would only involve the redevelopment of a small part of the site leaving its function unimpaired and would result in the enhancement of the sport or recreational facility concerned.

Current Scheme of Financial Contributions Towards Open Space Included in Planning Obligations (S106)

Amount Per Dwelling (2006 prices)

One Bedroom Flat	£520.86
Dwellings with 2 or more Bedrooms	£781.82
Retirement Properties	£378.07
Housing Association Properties	£236.75

EXTRACT FROM DRAFT SPD

Dealing with Deficiencies

Planning Policy Guidance Note 17, Planning for Open Space Sport and Recreation, advises that planning obligations should be used as a means of remedying local deficiencies in the quantity or quality of open space sport and recreation provision. A specific policy is proposed (Policy 4, Local Deficiencies) to cover this.

The scope for dealing with quantitative deficiencies by means of planning obligations is limited to cases where major new development is proposed in areas where quantitative deficiencies occur and additional land can be required to be devoted to helping to meet deficiencies. This process is likely to be associated with sites allocated for residential, commercial or mixed use development in the Local Development Framework Site Allocation Development Plan Document where individual site development briefs will set out the specific requirements.

In other parts of the District which are unlikely to include major development sites but may have proposals for relatively small infill residential development planning obligations will be directed towards making qualitative improvements to existing facilities.

Cannock Chase Country Park and Forestry Commission Land

The SPD is concerned with open space provision within the urban areas of the District. The fact that large areas of land which are rural in nature within the Cannock Chase AONB have open public access (the County Council Cannock Chase Country Park and Forestry Commission Woodlands) is not taken into account in the standards calculations.

Policies

1) **Overall Scope of Planning Obligations**

Planning obligations will be sought to enable the provision, improvement and future maintenance of open of open space sport and recreation facilities within the District in connection with the following types of planning application:-

- a) Residential development when the net increase in numbers of units, whether by built development or change of use is 5 or more.
- b) Commercial development when the new floorspace created is 1000m² or more.

2) **Development Types and Range of Facilities Included in Planning Obligations**

Planning obligations sought will relate to the likely demands on open space sport and recreation provision associated with the occupancy of different forms of development .

The extent of obligations will be based on the categories and contribution criteria/ratios in table 1 and the financial implications set out in table 2.

3) On Site and Off-Site Provision

a) Residential Development

When the development proposed is 50 units or less the obligation will relate to provision and /or improvement of facilities off-site.

When the development proposed is 51 units or more the obligation will relate to a combination of on and off-site provision and/or improvement.

b) Commercial Development

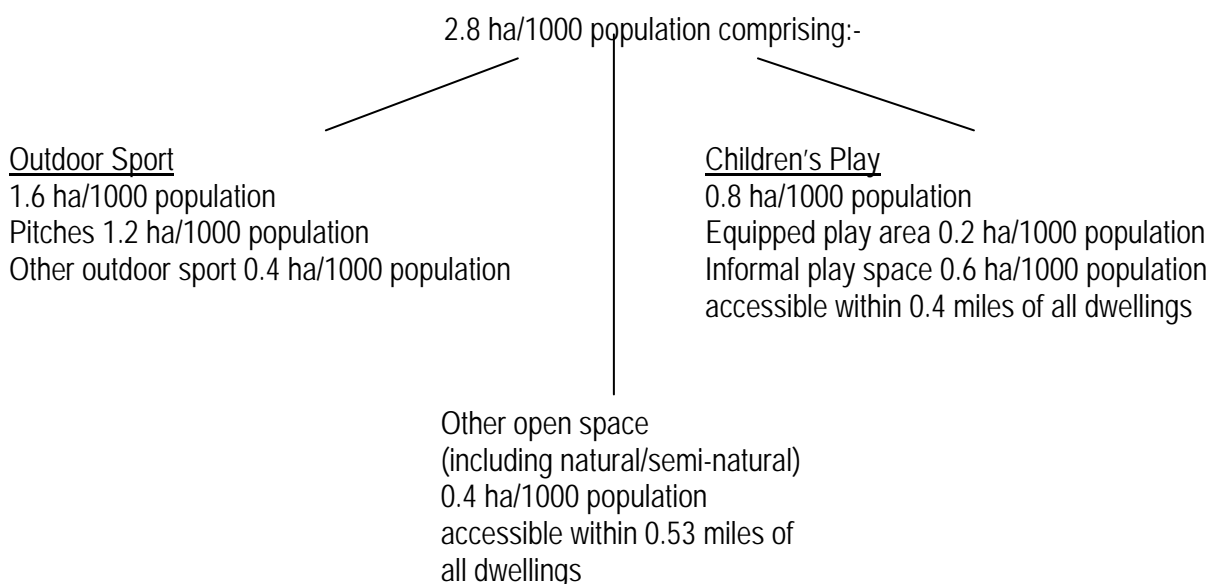
The obligation will normally relate to provision and/or improvement of facilities off-site.

4) Local Deficiencies

When local deficiencies in one or more categories of open space as defined in the list of typologies exist, large scale development proposals (normally there are 150 or more dwellings) will be required to provide additional land over and above that needed to meet the requirements generated by the development in accordance with proposals set out in site development briefs.

5) Standards of Provision – Open Space

The Local Planning Authority is aiming to deliver the following standards of provision of open space across the District:-



6) Protection of Existing Open Spaces

Existing open spaces (whether public or private) which fall within the definitions contained in Annex A will be protected from any form of development which would detract from their existing use or most recent use if currently vacant, unless one or more of the following criteria apply:-

- i) An up to date analysis of need in relation to the standards set out in Policy 5 indicates that it is no longer required for its existing use or most recent previous use or is not needed to meet a deficiency in some other category of open space use in the locality.
- ii) Replacement space which meets an identified quantitative, qualitative and locational need is made available.
- iii) It's development would make a major contribution to funding key elements of open space sport and recreation programmes which could not be delivered by any other means and the delivery of these programmes would be of significantly greater community benefit such as to clearly outweigh the loss of the open space in question.

7. Sites of Important Nature Conservation Value

Where a proposed development site includes land of nature conservation value because of the importance of the habitat and/or species present which requires protection/management in a way which precludes unrestricted public access the land will not count towards the other open space standard in Policy 5.

TABLE 1 – DEVELOPMENT CONTRIBUTION MATRIX

		Outdoor Sports Pitches and Facilities	Natural and Semi-Natural Green Space and Green Links	Equipped and Informal Children's/Teens' Play	Allotments	Amenity Green Space	Indoor Facilities	Overall Contribution Ratio
Market and Affordable Housing	1 Bed	√	√	X	√	√	√	0.6
	2 Bed or Larger	√	√	√	√	√	√	1
Housing for Active Elderly		X	√	X	√	√	√	0.5
Housing for Frail Elderly		X	√	X	X	√	X	0.3
Commercial Development		√	√	X	X	√	√	0.5

TABLE 2 – FINANCIAL CONTRIBUTIONS
PROPOSED FIGURES WHERE ALL PROVISION IS OFF-SITE(Per Dwelling or Per 1000m² Commercial Floorspace)

		Outdoor Sports Pitches and Facilities	Natural and Semi-Natural Green Space and Green Links	Equipped and Informal Children's/ Teens' Play	Allotments	Amenity Green Space	Indoor Facilities	Total
Market and Affordable Housing	1 Bed	£240	£180	-	£60	£120	£300	£900
	2 Bed or Larger	£400	£300	£500	£100	£200	£500	£2,000
Housing for Active Elderly		-	£150	-	£50	£100	£250	£550
Housing for Frail Elderly		-	£90	-	-	£60	-	£150
Commercial Development		£200	£150	-	-	£100	£250	£700

ENCLOSURE
