

<b>REPORT TO:</b>	<b>HOUSING &amp; COMMUNITY SERVICES COMMITTEE</b>	<b>AGENDA ITEM:</b>
<b>DATE OF MEETING:</b>	<b>20<sup>th</sup> JULY 2006</b>	<b>CATEGORY: RECOMMENDATION</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY SERVICES &amp; DEPUTY CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>CHRIS MASON 5794 GILL HAGUE 5742</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>PLANNING POLICY GUIDANCE 17 (PPG17): PLANNING FOR OPEN SPACE, SPORT AND RECREATION.</b>	<b>REF:</b>
<b>WARD (S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: EDS03 (HCS07, 8 &amp; 10)</b>

## **1.0 Recommendations**

That in the interim pending production and adoption of new planning policy documents to comprise the Local Development Framework and the updating of existing and/or production of new leisure strategies, Members recommend that Council at its meeting on 17<sup>th</sup> August 2006:

- 1.1 Adopt the standards set out in Appendix A as the Council's current standards for open space and out door sports pitches in relation to Recreation & Tourism Policy 4 of the adopted Local Plan; and
- 1.2 Agree the formulas set out in Appendix A as the basis for negotiating financial contributions where appropriate via Section 106 towards built facilities, open space and outdoor pitch provision with regard to new developments and where appropriate the making up of any deficit in existing provision.

## **2.0 Purpose of Report**

- 2.1 To outline the background to the production of the report, the subject areas covered by the consultant's study and the main implications for implementing the findings and recommendations.
- 2.2 To seek Member's approval of a methodology for establishing the provision of open space, outdoor sports pitches and built facilities that will form the basis for negotiations with developers when determining planning applications.
- 2.3 This report has also been presented to the meeting of the Environmental & Development Services Committee at its meeting on 13<sup>th</sup> July 2006 as the planning

policy issues e.g. in terms of the formulas are a matter for that committee. The views expressed by Members at either committee will be reported to the meeting of Full Council.

### **3.0 Executive Summary**

- 3.1 The study was undertaken based on current national guidance set out in Planning Policy Guidance Note 17 (PPG17) and includes an assessment of the three main leisure provision areas; built facilities, outdoor sports pitches & open space provision. It audited what already exists, identifies shortfalls and offers guidance on how these shortfalls can be addressed, particularly in dealing with new developments. It is intended as an objective basis for negotiation and a reference point for challenges. Government guidance states negotiations with developers should be based upon a sound and up to date survey.
- 3.2 The complete study contains many recommendations the bulk of which are service related and, as such, they require consideration by Housing and Community Services Committee.
- 3.3 Officers have sought to interpret the findings and recommendations of the study to provide a reasonable and appropriate methodology for use particularly when determining planning applications and, in particular, negotiating Section 106 contributions and it is that element that forms the basis for this report to Committee. In order to do so however, it is necessary to establish what is expected i.e. in terms of standards, and that falls to be determined by Housing & Community Services Committee.

### **4.0 Detail**

#### **Background**

- 4.1 At Full Council on 3<sup>rd</sup> November 2005 Members received a presentation from Knight Kavanagh & Page (KKP), who were commissioned by the Council to undertake the study. The presentation identified the rationale behind the study, the method of undertaking the review and the main findings and recommendations of the study.
- 4.2 PPG17 is essentially about setting local standards that ensure effective provision for open space and sport and recreation is made on new developments. It also enables for the first time, contributions to be sought towards making up existing shortfalls. The standards should be based on robust assessments of existing and future needs and informed by both qualitative and quantitative research. The completed study should be used to inform the preparation of planning policy documents that will provide an objective and consistent basis for negotiations with developers.
- 4.3 Specifically, KKP undertook detailed assessments of three areas:
  - Built Facilities
  - Outdoor Sports Facilities
  - Open Space

Action strategies were then produced for each of the three assessment areas

## Built Facilities

- 4.4 This assessment explored local authority, school and private provision and looked specifically at sports hall, swimming pool, fitness facility, squash courts and indoor bowls provision. The strategy that emerges from the assessment identifies strategic and management objectives for the service and specific targets for these objectives to be delivered. These need to be considered and adopted by the relevant service committee.
- 4.5 The strategy also identifies site-specific actions that basically follow on from the shortfalls identified in the Derbyshire & South Derbyshire Facility Strategies. From this viewpoint members of Housing and Community Services are already aware of the main identified shortfalls and it is not intended to discuss these further in this report. The consultant's report does not recommend a formula for securing contributions towards the provision of built facilities but officers consider it appropriate that a minimum basis is established from which a more sophisticated model can be developed in future. Such an approach is set out in Appendix A and is based upon the rough cost of building/refurbishing facilities at Etwall, Melbourne and Green Bank, Swadlincote.

## Outdoor Sports Facilities

- 4.6 The assessment audited all significant provision for outdoor sport. For this and the open space analysis the District was split into three distinct areas, north, central and south. A breakdown of the parishes included in these sub areas is as follows:

North area	Central area	South area
North West Hatton Hilton Etwall Willington & Findern Repton Aston on Trent Hartshorne & Ticknall Melbourne Stenson	Newhall & Stanton Midway Swadlincote Woodville Church Gresley Linton	Seales

- 4.7 The assessment identifies the number of inadequate outdoor pitches and the expressed latent demand for pitches in each of the areas. The current Sport England qualitative standard for assessing playing pitch demand was also applied to the individual areas and shortfalls identified.
- 4.8 From the planning viewpoint the outdoor pitch strategy identifies an approach when dealing with developers for addressing identified shortfalls and making new provision under the broad headings of 'on' site and 'off' site provision.
- 4.9 Ideally outdoor sports requirements should be provided on site, as this is usually the most practical way to serve the new housing development. It is an option when:

- There is a deficiency in the type of outdoor sports provision within the analysis area and settlement.
- Developments are large enough to create their own demand for facilities and the sum of contributions will be large enough to create a site greater than the recommended minimum size of 0.4ha.

Thresholds for on site development are set at twenty dwellings due to the financial contributions needed to meet minimum site requirements.

#### 4.10 The creation of off site provision is an option when:

- There is demand in the analysis area and settlement for new provision or the enhancement of existing provision.
- The development is not of sufficient size to generate a financial contribution large enough to create outdoor sports provision of the minimum size.

Off site provision could be in the form of new or the upgrading of existing provision. If it is not practical to provide the various types of outdoor sports provision then developers may offer a commuted sum towards new provision or the upgrading of existing off site provision.

#### 4.11 Payment of commuted sums will only be appropriate if it can be targeted to sites with deficiencies within the same sub-area as the proposed development. These commuted sums would contribute towards making up identified deficiencies within a specific sub area as well as meeting the needs of new residents and be directed to a particular 'area leisure development pot'. Provision will be made when sufficient funds are available either via an aggregation of all monies provided by developers via a Section 106 Agreement or when combined with other funding e.g. a grant from a sporting organisation or from the Council itself. The study also recommends the possibility of community groups being able to bid to access funds from this pot.

#### 4.12 The creation of these 'area leisure development pots' is perhaps the most important recommendation in the study and would be applicable for all areas of provision.

### **Open Spaces**

#### 4.13 The assessment audited incidental open space, parks and gardens, amenity green space, provision for children and young people, allotments and cemeteries and churchyards. For analysis purposes this provision was grouped into three typologies, 'formal', 'informal' and 'play provision'. Similarly to the other service areas existing provision has been mapped and, where possible, qualitative standards have been applied and deficiencies identified on a typology and sub area basis i.e. North, Central & South.

#### 4.14 This strategy also continues the theme of either on site or off site provision and the concept of where this is not, practical contributions being made to sub area leisure development pots. Exemptions from making contributions would be allowed in the following circumstances:

- Developments of less than five dwellings
- Rest & Nursing homes, sheltered accommodation
- Replacement dwellings, extensions & residential annexes
- Barn Conversions where less than 5 units

4.15 Where development is to be made on site it is recommended that parties must ensure that:

- The site is of the minimum required size
- The site is in an appropriate location
- The site is suitably designed
- The site is practical to maintain
- Access to the site is considered with specific regard to people with disabilities
- Safety and security have been analysed

4.16 The strategy also recommends minimum site size requirements for the different typologies of open space. For provision for young children the National Playing Field Association (NPFA), Local Equipped Area for Play (LEAP) is recommended rather than the Local Area for Play (LAP) standard on the basis that LAP standard provides a poor quality play experience.

4.17 Again where 'on or off site' provision cannot be made a formula for calculating contributions to area leisure pots is recommended.

## **5.0 Financial Implications**

5.1 There are no immediate financial implications from this report. However, the study and its recommendations provide an approach towards negotiating contributions towards funding the identified leisure provision shortfalls we have across the District.

5.2 It is important to note that the full cost of built facilities will never materialise from developer contributions alone.

## **6.0 Corporate Implications**

6.1 The main recommendations of the PPG17 study provide an important basis for contributing towards a number of key corporate objectives.

## **7.0 Community Implications**

7.1 The development of the findings of the PPG17 study and their interpretation into planning policy guidance provides an objective method for delivering contributions towards the new community leisure facilities.

## **8.0 Human Resource Implications**

8.1 The full adoption of the recommendations of the PPG17 study will have staffing implications in that mapping data will have to be updated and formulas amended accordingly. There will also be a need, if Members approve the approach, to manage and administer the 'sub area' leisure pots. At this stage this is dependent on the views of this Committee to the policy recommendations.

## **9.0 Conclusions**

- 9.1 The PPG17 study covers the full range of leisure provision and many of the policy recommendations need to be considered and adopted by this Committee. However, within the study are key recommendations and approaches that would have a major impact on the guidance our Development Control Officers provide to developers.
- 9.2 Under the 2004 Planning & Compulsory Purchase Act it is not possible to merely update the existing Supplementary Planning Guidance associated with the adopted Local Plan. However, the Local Plan does contain a policy that refers to the Council's 'current standards' and the intention is that this report updates the standards in the interim until fuller planning policy is established in the Core Strategy document.
- 9.3 Contributions from developers can only ever provide a small proportion of the necessary funding for built leisure facilities. This is because contributions negotiated via Section 106 Agreements have to be reasonable and related in scale to the development proposed.

## **10.0 Background Papers**

- 10.1 PPG 17 Study comprising three assessment reports and three strategies.

