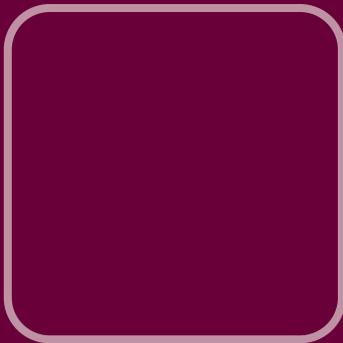
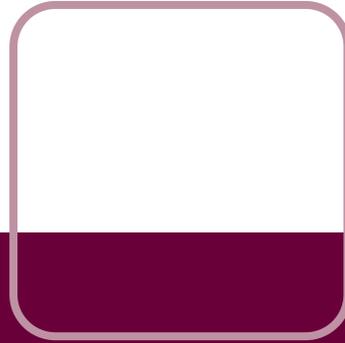


Hambleton Local Development Framework



Open Space, Sport and Recreation Supplementary Planning Document



Adopted 22 February 2011





Contents

| | | | |
|--|----|--|----|
| 1. Introduction | 1 | 5. Payment of Contributions | 18 |
| Purpose of this Guidance | 1 | | |
| What is Meant By Open Space? ... | 1 | 6. Assessing the Viability of Development | 19 |
| Objectives of the Guidance | 2 | | |
| 2. The Policy Context | 4 | 7. Monitoring | 21 |
| 3. The Evidence Base | 8 | | |
| 4. The Approach to Open Space Delivery | 9 | Appendix 1: Policy DP37 | 22 |
| 5. Delivery of Open Space | 9 | | |
| The Delivery Stages | 9 | | |
| Stage 1: Is open space provision required? | 9 | | |
| Stage 2: How much open space is required? | 11 | | |
| Stage 3: How much space can be provided on site and what should be funded by financial contributions? .. | 12 | | |
| Stage 4: Financial Contributions ... | 16 | | |
| Stage 5: Maintenance | 17 | | |

1. Introduction

1 Purpose of this Guidance

1.1 *The Hambleton Local Development Framework (LDF) Core Strategy – April 2007* provides the basis for requiring all development to:

- Provide or contribute towards provision of open space
- Provide a high quality of landscape design, respect and enhance landscape and secure improvements to public spaces
- Ensure the impact on natural resources is minimised and any necessary mitigating or compensatory measures provided.¹

1.2 Development Policies DP32 General Design, DP33 Landscaping and DP37 Open Space, Sport and Recreation provide further detailed policies to assist the delivery of the Core Strategy.²

1.3 *This Open Space Supplementary Planning Document (SPD)* sets out guidance on the Council's approach to implementing Development Policy DP37: Open Space, Sport and Recreation in conjunction with all new housing development from single dwellings and conversions to flats, to new estates. It is primarily concerned with open space for sport, play and recreation.

1.4 This SPD does not introduce new policies, but gives guidance on how existing policy should be interpreted. It gives developers and the public up to date information on the financial contributions which the Council will seek for the provision of open space for sport and recreation and which are directly related in scale and kind to development proposals and which will be secured through an agreement under S.106 of the Town and Country Planning Act 1990 or a Unilateral Undertaking. The rate of contributions will be reviewed regularly.

1.5 This SPD will be considered alongside the Hambleton LDF Development Policies and Allocations Documents and other relevant policy and material considerations in the determination of planning applications for development; including Hambleton District Council Open Space and Recreation Study 2006, Hambleton District Council's Audit of Children's Play/Amenity Green Space 2010, the Hambleton Open Space, Sport and Recreation Action Plans 2011, Audit of Allotments 2010 and Evidence of Derivation of Needs and Costs, January 2011. All available at www.hambleton.gov.uk.

What is Meant By Open Space?

1.6 Open space means all open space of public value. That includes not just land for formal sport or active recreational use (with ancillary spaces) such as play areas, sports pitches, tennis courts, bowling greens, and golf courses, but land used as open space, both formally – parks and allotments – and informally, as general green space which provides for public amenity use.

1.7 The District Council defines open space of public value as that which provides genuine 'Open Access' to all.

1.8 Open Access means the club must have open membership, that is, access to the club's facilities must be genuinely available to anyone who wishes to take advantage of them. A club that operates restrictions in its membership provisions (other than reasonable restrictions that are necessary to enable the club to operate effectively) could not claim to be encouraging community participation. It is accepted that the facilities of some clubs are quite limited and that it is not always possible to accommodate everyone who wishes to become a member, on practical or health and safety grounds for example. In those circumstances, it is reasonable for a club to establish a waiting list for membership when oversubscribed, provided that the next available membership is offered to the person at the top of the waiting list (on a first come, first served basis) and not offered to someone lower down the list on the basis that they are a better player.

¹ *The Hambleton LDF Core Policies CP17, CP18 and CP19*

² *The Hambleton LDF Development Policies – February 2008*



1.9 In this SPD the categories of open space are as set out in the LDF Development Policy DP37:

- **Amenity green space** – parks and gardens, village greens and amenity open space including green corridors
- **Play areas for children** – equipped play areas for children
- **Facilities for young people and teenagers** – ranging from youth shelters to skate parks and multi-use games areas
- **Outdoor sports facilities** – includes grass pitches, tennis, bowls and golf courses
- **Allotment Gardens**

1.10 Open spaces have a number of environmental and social benefits including:

- improving people's quality of life by enhancing the environment in which people live, providing opportunities for outdoor sport, recreation and education
- making a valuable contribution to townscape character and sense of place. In the public realm, open spaces provide opportunities to secure public art
- playing an important role in flood alleviation, and being integral to sustainable drainage solutions for new development
- being important for landscape, ecological and biodiversity concerns – land may need to be protected and managed specifically for these reasons. The main river valleys and disused railways provide fresh air and exercise, and are accessible from the main towns in the District. A number of byways, bridleways and footpaths provide access to and travel within the countryside. Where appropriate, existing landscape features such as hedges and ditches form a basis for a network of green corridors linking more significant open spaces.

Objectives of the Guidance

1.11 The value of open spaces for sport and recreation facilities, irrespective of who owns them, depends on the extent to which they meet clearly identified local needs and the wider benefits they generate for people, wildlife, biodiversity and the wider environment. The delivery of a network of sites and facilities providing open access to high quality, sustainable open spaces and sport and recreation facilities depends not only on good planning, but also on creative urban and landscape design and effective management.³ Genuine unhindered accessibility is fundamental to the functionality, usefulness and quality of any space or facility.

1.12 The main objectives of this guidance are to:

- Retain, protect and enhance open access to all for open space, sport and recreation
- Secure delivery of additional open spaces throughout the District to meet the quantitative (amount or quantity of space and facilities) and qualitative standards (the quality of the space and/or facilities)
- Secure improvement of existing open spaces throughout the District to meet the qualitative standards
- Ensure safe unobstructed and unhindered accessibility to open spaces.

1.13 And to ensure that:

- Adequate commuted sums are secured for the provision of off-site open space provision
- Where open space is to be taken into public/community ownership, adequate commuted sums are paid to cover the costs of maintenance for a reasonable period of time
- Developers and the community are aware at an early stage in the development process of what the Council's open space expectations are

³ PPG17 paragraph 2.1.

- Developers understand the financial contributions likely to be sought
- Developers take the requirements into account when formulating development proposals and costings to determine viability
- Contribution requirements are borne in the land value in line with Government guidance.⁴

1.14 The basic premise of Policy DP37 and this SPD is that all housing generates a demand for open space and, regardless of whether it is for a single infill plot or a new estate of houses, will make a financial contribution to a range of open space provision and/or improvements and enhancements. The way in which the contribution will be spent will depend on the needs of the sub area in which the development is taking place.

1.15 The Council's website contains a page on the SPD which links to additional information including the evidence base documents www.hambleton.gov.uk/openspace. The first point of contact on the implementation of this SPD for further information is the Planning Policy Team. Their contact details are:

Planning Policy
Hambleton District Council
Civic Centre
Stone Cross
Northallerton
DL6 2UU

Tel: 0845 1211 555
Fax: 01609 767248

Email: planning.policy@hambleton.gov.uk
www.hambleton.gov.uk



⁴ Circular 05/2005: Planning Obligations- July 2005.

2. The Policy Context

Nationally

2.1 The Government recognises that open space and opportunities for sport and recreation are fundamental in delivering its wider objectives for urban renaissance, social inclusion, healthy living and sustainable development. *Planning Policy Guidance 17 (PPG17) Planning for Open Space, Sport and Recreation (2002)* and its Companion Guide emphasise the importance of setting local standards of provision based on quantitative and qualitative considerations. Planning obligations are identified as an appropriate means of remedying local deficiencies in the quantity or quality of recreational facilities:⁵

2.2 Circular 05/2005 “Planning Obligations” (as amended by the Planning Act 2008) and Community Infrastructure Levy (CIL) Regulations (2010) outlines the guidance from Government on the operation of planning obligations policy. The revised Circular contains 3 statutory tests for the scope and appropriateness of seeking developer contributions:

- Necessary to make the proposed development acceptable in planning terms;
- Directly related to the proposed development; and
- Fairly and reasonably related in scale and kind to the development.

2.3 In addition to the legislation and supporting Circular, several Planning Policy Statements and Guidance Notes (PPS/PPG) issued by Government also contain guidance on when developer contributions could be relevant to the subjects covered by individual PPS and PPG. Recent case law has also helped to shape the parameters of pooled contributions from developers.



⁵ Paragraph 33 of PPG 17



- 2.4 The Government is seeking to implement the fundamental changes to the system of developer contributions through the CIL Regulations. There is a transitional period of four years, until April 2014, for developing the CIL charging mechanism and phasing out of the general developer contributions policies covered by this SPD. In the meantime, this SPD provides clarity to developers who submit development proposals in the interim.
- 2.5 *Circular 05/2005 - Planning Obligations* is the current national policy advice relating specifically to planning obligations. It makes clear that it is appropriate to seek financial or other contributions to compensate for loss or damage caused by a development, or to mitigate the impact of a development. As part of the objective to make planning obligations more streamlined, predictable and transparent, Circular 05/2005 especially encourages the use of formulae and standard charges where appropriate.

Local Policy

- 2.7 The current open space standards are given in Hambleton LDF Development Policy DP37 Open Space, Sport and Recreation. New housing proposals will be considered against the standards set out in Table 1 below.
- 2.8 Policy DP37 requires new housing development to contribute towards the achievement of these standards by reducing or preventing both qualitative and quantitative deficiencies.
- 2.4 New housing development needs to provide for a range of public open space needs and uses. The categories of provision and the quality standards sought for each type are explained in Table 2 overleaf.

Table 1: Adopted Public Open Space Standards set out in Policy DP37

| For every | There should be | Service Centres | Villages |
|--------------|---|-----------------------|-----------------------|
| 1,000 people | a minimum of 1.38 ha of amenity green space | 15 minutes walk time | 10 minutes walk time |
| 1,350 people | 1 equipped play area for children (0.36ha) ⁶ | 10 minutes walk time | 10 minutes walk time |
| 4,000 people | a facility for young people and teenagers (0.85ha) ⁷ | 15 minutes walk time | 15 minutes walk time |
| 1,000 people | a minimum of 2.1 ha of outdoor sports facilities | 15 minutes drive time | 15 minutes drive time |
| 1,000 people | a minimum of 0.2 ha of allotment gardens | 15 minutes walk time | 15 minutes walk time |

⁶ National Playing Fields Association's (NPFA) Minimum Children's Playing Space Standard (based on "The Six Acre Standard" 2002) .

⁷ NPFA's Minimum Space Standard.



Table 2: Categories of Open Space and Quality Standards

| Type | Definition and Quality Standard Sought |
|---------------------------------------|--|
| <p>Amenity green space</p> | <p>Parks and gardens</p> <ul style="list-style-type: none"> ● Welcoming clean, well maintained area with hard/soft landscaping ● A one stop community facility, accessible to all with a range of leisure, recreational and play opportunities ● Safe to visit, pleasant to walk and sit in ● Include paved and planted areas, paths, grassed areas, seating, clear pathways, appropriate lighting and signage to, and within, the site ● May provide opportunities for public realm art ● Should link to surrounding green space. <p>Village greens</p> <ul style="list-style-type: none"> ● Clean and well maintained green space, with appropriate ancillary furniture pathways, and natural landscaping ● Safe site with spacious outlook ● Enhance the local environment and could become a community focus ● Large spaces may afford opportunities for informal play. <p>Amenity open space</p> <ul style="list-style-type: none"> ● Smaller landscaped areas in and around housing areas ● Informal recreation ● Provide connections for wildlife and people movement ● Include, and often connect to, green lungs ● Contribute to biodiversity ● Planted using native species ● Areas to be maintained clear of dog fouling and litter ● Provision of seating and bins ● May provide opportunities for public realm art ● May include woodland. |
| <p>Play areas for children</p> | <p>Door Step play areas, particularly for younger children</p> <ul style="list-style-type: none"> ● A range of provision for young people of both equipped and natural play areas ● Spaces should be well sited, accessible, convenient, visible, safe and secure, with seating for adults, litter bins and cycle racks ● Equipment should suit the needs of all ages and abilities and be well maintained ● Zones to prevent conflict and spaces and seating for supervision ● Should be clearly bounded, well maintained, free of dog fouling, have clear pathways, appropriate lighting and signage <p>The Council does not encourage the provision of unequipped Local Areas for Play.</p> |

continued

| Type | Definition and Quality Standard Sought |
|--|---|
| Facilities for young people and teenagers | <ul style="list-style-type: none">● Robust yet imaginative play environments ranging from youth shelters to skate parks and multi-use games areas● Include kick about and games areas – skate parks and basket ball courts● If located within other areas of open space they should include buffer zones to prevent conflict● The location should promote a sense of ownership and be accessible to all and have clear pathways, appropriate lighting and signage● They should be visible and safe, well maintained and free of dog fouling. <p>The Council can advise Parish Councils and voluntary organisations on developing this type of facility.</p> |
| Outdoor sports facilities or recreational space | <ul style="list-style-type: none">● Includes open access traditional grass pitches, tennis, bowls and golf courses● Provision for playing pitches, including grass, artificial and synthetic surfaces for team sports at a junior and senior level with access, car parking, toilets and changing facilities, together with any necessary landscaping and floodlights● Also includes greens and courts, together with changing rooms and other ancillary facilities● Sites should be well located, accessible to all and well drained. <p>The Council can advise Parish Councils and voluntary organisations on developing this type of facility.</p> |
| Allotment Gardens | <ul style="list-style-type: none">● Secure area of land commonly within, or on the edge of, a developed area which can be rented by local people for the growing of vegetables, flowers or fruit not-for-profit● Provide opportunities for those who wish to do so to grow their own produce, and support health, sustainability and social inclusion● Sites should be well drained and accessible with paths, car access and parking, toilets, recycling facilities and inorganic waste disposal facilities. |



3. The Evidence Base

3.1 The evidence base of this SPD comprises:

- The Hambleton District Council Play and Amenity Space Play Audit 2010
- The Hambleton District Council GIS Open Space Map
- The Hambleton District Council Open Space, Sport and Recreation Study 2006
- Play England Tools for Evaluating Local Play Provision: A Technical Guide to Play England Local Play Indicators, October 2009
- http://www.sportengland.org/facilities_planning/planning_tools_and_guidance/planning_kitbag/facilities_cost
- The Hambleton Allotment Audit 2010
- The Hambleton Open Space, Sport and Recreation Action Plans 2011
- Hambleton LDF Open Space, Sport and Recreation Supplementary Planning, Evidence of Needs and Derivation of Cost Figures, January 2011, both available at www.hambleton.gov.uk/openspace

3.2 The standards for provision adopted (in relation to quantity, quality and accessibility) are in accordance with PPG17 and derived from the findings of the Hambleton District Council Open Space, Sport and Recreation Study 2006 which was produced as a background study as part of the evidence base for the LDF. It included both an Audit of Open Space and questionnaire surveys carried out in 2006. Deficiencies in the quantity and quality of open spaces were revealed throughout the District. The Hambleton Audits provide up to date evidence of quantitative and qualitative deficiencies. The Hambleton LDF Allocations DPD and the Open Space, Sport and Recreation Action Plans provide evidence of proposed schemes to provide new improved facilities throughout the District although these proposals are neither prescriptive nor exclusive.

3.3 The qualitative and quantitative deficiencies identified will be exacerbated by additional developments and the provision of new housing planned for in the Hambleton LDF Allocations DPD. The amount and type of open space provision required and the financial contributions sought will be used to make new provision and/or improvements to existing open spaces to overcome/address the otherwise inevitable deficiencies.



4. The Approach to Open Space Delivery

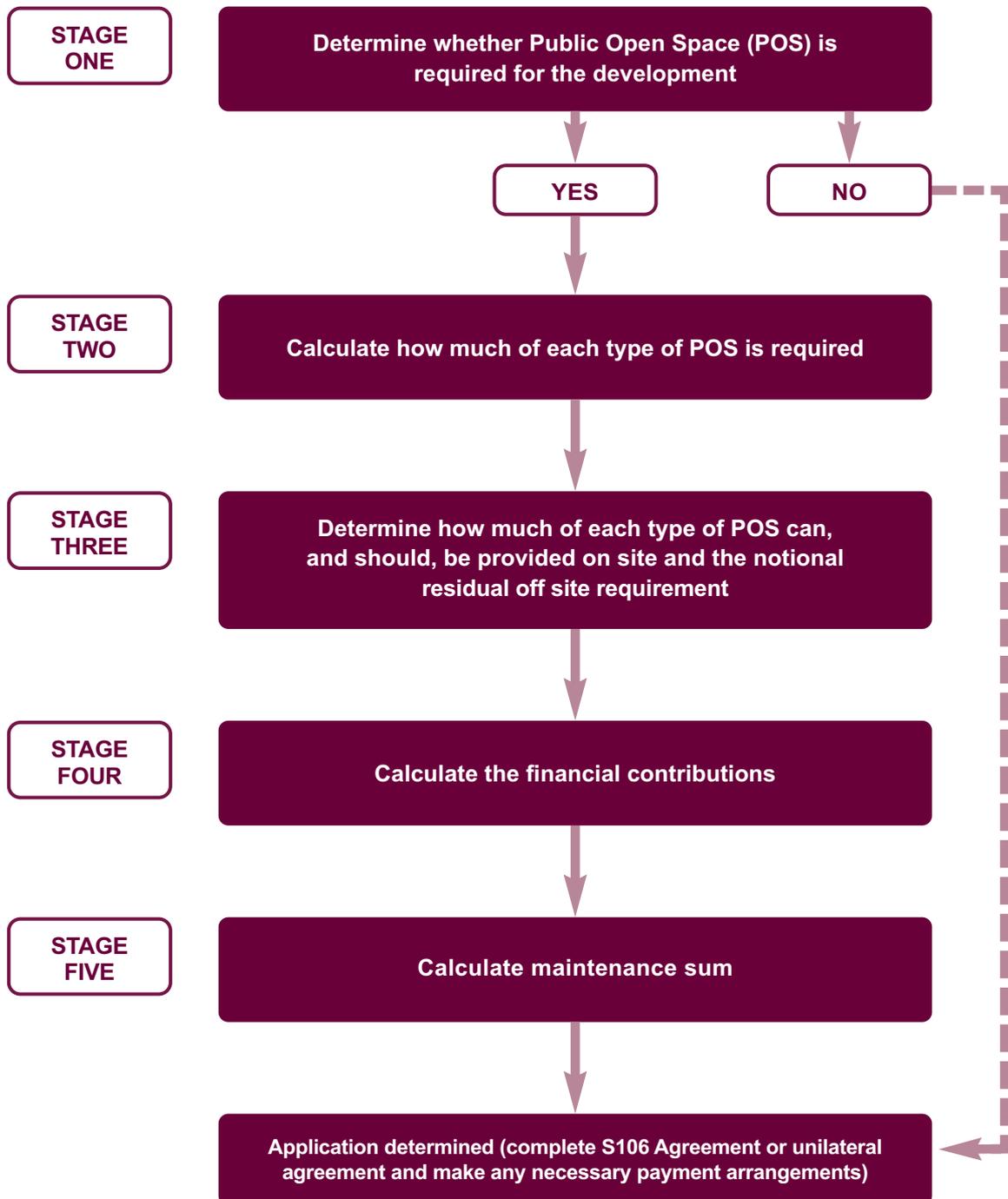
- 4.1 The basic delivery mechanisms will be on site provision by the developer and financial contributions towards off site provision of the types of open space in accordance with the standards set out. Where additional provision is sought it should enhance the existing network. Where there is no scope for provision of additional areas of open space provision within the local area, a financial contribution may be sought towards qualitative improvements of existing open space. Delivering PPG17 objectives in many areas will depend on improving and enhancing the accessibility and quality of existing areas rather than new provision. This may include improvements to ensure safe and appropriate access. Qualitative contributions are justified to address increasing pressure on existing open spaces which is generated by development and to remedy inadequacies in existing provision which make it inadequate to provide for the needs of new development.
- 4.2 There is a five stage process to assessing and calculating the open space requirements arising from all new housing proposals as set out in Table 3 below.

Stage 1: Is open space provision required?

- 4.3 Policy DP37 applies to all new housing developments, including the residential element of mixed use developments. It does not set a minimum threshold and therefore all new housing developments that result in a net gain in residential units will be expected to contribute to the provision or improvement of open space. This includes proposals for:
- New housing on previously undeveloped sites, including mixed use schemes and conversions
 - The net increase in housing units from redevelopment sites or the conversion of existing houses or change of use of other buildings
 - Affordable housing
 - Agricultural workers houses
 - Live-Work Units
- 4.4 Contributions for play areas and young people's areas are not required for sheltered accommodation, nursing, care home, close care or retirement village proposals.

Table 3: Delivery of Open Space Stages

| Stage | Action |
|-------|--|
| One | Determine whether open space provision is required for the development |
| Two | Calculate how much open space is required for the development in accordance with the adopted area standards |
| Three | Establish how much of this can and should be provided on the site and what should be funded by financial contributions |
| Four | Calculate the financial contributions using the tariff |
| Five | Ensure the on-going maintenance of on site open space |





- 4.5 Self-catering holiday accommodation developments will be expected to provide adequate on site amenity and play areas for the use of their guests.
- 4.6 Gypsy and traveller developments will not normally be expected to contribute towards public open space but will be expected to provide adequate on site facilities for children's play and kick about areas. In the case of proposals for permanent residence and individual plot proposals the Council will seek contributions towards off-site play facilities. The standards set out in this document will provide the starting point for the Council's consideration of such proposals.

When is open space provision not required?

- 4.7 The following developments will not be required to contribute:
 - One for one replacement houses where the replacement dwelling does not materially increase the occupancy potential
 - Extension of an existing dwelling where no additional dwellings are formed or self contained annexes such as a 'granny annex' and conversion of out buildings which require planning permission but are subject to appropriate occupancy restrictions by planning condition or legal obligation.

Stage 2: How much open space is required?

- 4.8 The starting point for determining how much open space for sport and recreation is the amount required by the proposed development. The adopted open space standards are established in Policy DP37 and set out in Table 1 of this SPD. From the standards given each inhabitant requires the amount of open space set out in Table 4 below. The total amount of each type of open space required for the development can be calculated by multiplying the total occupancy (indicated by the number of bedrooms) by the figures in Table 4.
- 4.9 The average occupancy rate in Hambleton District was 2.37 persons per house in 2004⁸ Therefore for outline applications where the number of bedrooms are not indicated, the figures in Table 4 will be multiplied by the sum of the number of the dwellings x 2.37.
- 4.10 Having established the amount of space required for the proposal the next step is to consider if sufficient open space exists to accommodate the needs of the development. Where there is a deficiency in quantity or quality the development will be expected to provide or contribute.

Table 4: Open Space requirements per person

| Type | Requirement per person |
|---------------------------|------------------------|
| Amenity green space | 13.80 sq m |
| Children's play area | 2.67 sq m |
| Young people's facility | 2.13 sq m |
| Outdoor sports facilities | 21.00 sq m |
| Allotment gardens | 2.00 sq m |
| Total | 41.59 sq m |

⁸ Hambleton District Council Housing Needs Survey 2004



4.11 The Council has undertaken an analysis of the level of existing open space by type in each of the 5 sub areas. This identified the types of open space that each sub area does not have enough of to provide for the enlarged population taking into account the housing allocations in the Hambleton LDF Allocations DPD, 2010, and the standards set out in Hambleton LDF Development Policies Document; Policy DP37. Table 5: Open Space Deficiencies by Sub Area sets out the results of this analysis. The background tables and calculations are available on the website.

Stage 3: How much open space can be provided on site and what should be funded by financial contributions?

4.12 Some types of open space always need to be provided on site whilst others may be best provided off-site as part of planned recreational, open space and leisure facilities. Table 6 is a guide to assessing what will normally be expected as provision on site. It identifies development size thresholds beyond which it is considered the

development is large enough to provide on-site open space. Each type of open space is considered individually. It is only a guide as each proposal will be assessed on the basis of its individual merits, taking into account the site, population and open space available within the relevant catchment areas. However as a general principle the Council considers that better place making and increased value for both new developments and the community as a whole can be achieved through provision of off-site sport and recreation facilities which can be spatially and functionally better positioned and secured for the future subject to the following:

- **Amenity green space:** An element of amenity open space will normally be sought on site as it is an essential integral component of any housing development. It should be provided as purposefully designed amenity space. Off-site contributions will normally also be sought, to ensure Policy DP37 Standards are met, because the Council’s evidence base indicates significant shortfalls in the amount of amenity space in all sub areas.

Table 5: Open Space Deficiencies by Sub Area

| Category Sub Area | Amenity Green Space | Children’s Play | Facilities for Young People and Teenagers | Outdoor Sports Facilities | Allotment Gardens |
|----------------------|------------------------|--------------------|---|---------------------------------|----------------------|
| Bedale | ●* | ● | ▲ | ● | |
| Easingwold | ● | ● | ▲ | ● | |
| Northallerton | ●* | ● | ▲ | ●* | ● |
| Stokesley | ● | ● | ▲ | ● | |
| Thirsk | ● | ● | ● | ●* | ● |

- Denotes a quantitative shortfall in the amount of that type of open space in the sub area to meet the needs of the population provided for in the Allocations DPD to the standards set in DP37. The quantity of existing open space has been measured using the Council’s GIS⁹ and the calculations behind this table are available at www.hambleton.gov.uk/openspace
- ▲ Denotes a quality deficiencies as identified in:
 1. The Hambleton Open Space Study 2006: 57% of respondents felt that the quality of sites was poor. (Available at www.hambleton.gov.uk/environment_and_planning/planning/local_development_framework)
 2. The Hambleton Places Survey 2009: 46% said that activities for teenagers needed improving the most. (Final Report Executive Summary ppix)
- * Allocations for town parks in Bedale and Northallerton and Strategic Sports facilities in Northallerton and Thirsk are made in the LDF Allocations DPD to help contribute towards these needs.

⁹ The background analysis and assessment that has led to the conclusions depicted in Table 5 are available at www.hambleton.gov.uk/openspace

It does not include left over areas (such as small areas of planting or small or irregularly-shaped areas of open space for which no other use can be found), areas around preserved trees and structural landscaping in and around development sites, highway verges and visibility splays.

- **Green corridors:** These are an important type of amenity open space that provide opportunities for sustainable travel and biodiversity. It is therefore important that opportunities for green corridors are sought where possible to improve links, connections and as routes. Space standards have not been set for green corridors and will depend upon the application site and surroundings.
- **Woodlands:** Can also provide opportunities for amenity open space subject to access and safety and will depend upon the location.
- **Parks and gardens, village greens:** A formal open space provides benefits for people in a much wider area than just the immediate locality. Only the largest

housing schemes or urban extensions will be expected to provide this type of open space on site. All other developments will be expected to make a financial contribution towards strategic provision off-site and the LDF Allocations DPD makes provision for town parks in the sub areas of Northallerton and Bedale.

- **Play areas for children:** A doorstep play area will always be sought on sites of 15 houses or more. On sites of less than 15 houses the Council may look for on site provision if there is a current deficiency in the catchment area or the nearest play space is not easily accessible. Where on site provision is not required, a financial contribution will be sought. The Council's evidence is that there are significant quantitative shortfalls in all 5 sub areas. However contributions towards qualitative improvements may be taken in certain cases depending on the amount and state of existing provision in the catchment area.

Table 6: Guide to on site requirements by type of space and number of houses

| No of Houses Proposed | Amenity Green Space | | | Play Areas for Children | Facilities for Young People and Teenagers | Outdoor Sports Facilities | Allotments |
|-----------------------|---------------------|-----------|------------------------|-------------------------|---|---------------------------|------------|
| | Amenity Green Space | Corridors | Parks, Gardens, Greens | | | | |
| Less than 10 | ? | ? | ✗ | ✗ | ✗ | ✗ | ✗ |
| 10 - 79 | ✓ | ? | ? | ✓ | ? | ✗ | ? |
| 80 - 300 | ✓ | ? | ✓ | ✓ | ✓ | ✗ | ? |
| 300+ | ✓ | ? | ✓ | ✓ | ✓ | ✓ | ? |

✓ Required on site ? Might be required ✗ Not required



- **Facilities for the young and teenagers:**

One space of at least 400 sq m will normally be sought on site on schemes of 80 houses or more. Where on site provision is not required a financial contribution will normally be sought. The Council's evidence base indicates that the quality of teenage facilities continues to require improving. Additionally Play England's Design For Play Guide includes a key principle of providing play spaces that allow children of different ages to play together. A key focus of Hambleton's provision for teenage facilities is therefore making existing and new play areas cater better for both younger and older children including teenagers.

- **Outdoor sports facilities:** Only for housing developments that would either, individually or cumulatively, provide or exceed 300 units would the Council normally expect land to be provided for formal sport in accordance with National Playing Field Association standards, together with the necessary access, car parking and changing facilities to meet Sport England Standards. The Council has therefore planned for the District needs for sports facilities with strategic allocations in the Hambleton LDF Allocations DPD and all new housing development will be expected to contribute towards these facilities.

- **Allotments:** Where on site provision is not required or viable a financial contribution may be sought depending on the amount of existing provision.

4.13 Whether or not on site open space for sport and recreation is provided will also depend on:

- If the site can physically accommodate the provision of the open space and is suitable for sport and recreational activities

- If the development is part of a larger scheme or area to be developed it may be appropriate for the provision to be made in one or more larger areas
- If the site is located close to an existing facility when it would be preferable and it is capable of being extended, improved or converted
- Whether there are specific provisions for the site that refer to the size and location of open space provision, for example in the Allocations DPD
- The Council's plans for both strategic and local play and sport facility provision and enhancement in the District.

4.14 Table 6 shows that due to site sizes for the majority of all new housing development in the District it will not be possible or appropriate for the developer to provide all the play, sport and recreation open space needs of a development on site. In addition the Council makes plans for both strategic and local open space facility provision and enhancement. Strategic Open Space proposals are included in the Allocations DPD for town parks and outdoor sport facilities. The provision of land for these facilities will be secured by the Council. It is expected that all new housing will contribute towards the cost of development and provision of some strategic facilities, make contributions to fund off-site provision and/or enhancements to existing amenity facilities, and that most new housing will make contributions to ensure the quantity and quality of play space for younger and older children can provide satisfactorily for the enlarged population and increased demand.



4.15 In certain circumstances an area of land to be provided as part of the public open space provision may be of high ecological or landscape value. For example, waterside landscapes or ancient woodland where the Council may consider it appropriate for such land to be conserved in its original state (subject to any necessary management works identified by ecological survey) to protect its intrinsic value. In cases when such land is proposed as part of the open space needs of the development, for example as amenity open space, the overall amount of public open space sought from a development may need to be in excess of the standards set in Policy DP37 and Table 4. This is because the open space use of these areas may need to be less intensive or require specific management strategies that dictate a larger than normal amount of provision. Developers will be expected to have considered green infrastructure in

developing both their landscape and public open space strategies for proposals.

4.16 The Council recognises that in some cases a better outcome may be achieved through effective place making or urban design which justifies alternative standards to those in this section. However the recognition of a need for flexibility to achieve innovative design is based on an aspiration of achieving higher quality environments and places. Proposals which do not achieve these objectives will not be acceptable.

4.17 Facilities which are provided with the intention of being used exclusively by residents of the new development (courtyards or play facilities in gated communities) will not be accepted as contributing towards open space provision as they do not provide open access.



Stage 4: Financial Contributions

4.18 When a decision has been arrived at as to what open space for sport and recreation should be provided on site, the balance of the requirements will be expected to be provided for by contributions to the Council for off-site provision. For the reasons given in paragraph 4.12 - 4.14 developers and others building new homes should expect to be required to make contributions toward provision/enhancement of some or all categories of open space for sport and recreation off-site. Using the Open Space requirements per person, set out in Table 4 and the information in Table 5 together with costs for the rate of provision and enhancement of open spaces, the Council has been able to calculate the sum for each sub area required from each new dwelling by the number of proposed bedrooms. Table 7

shows these contributions by sub area and dwelling size for each category of open space. For all but teenage facilities, the costs relate to the cost of providing new facilities, and have been calculated from a range of estimates and quotations for each type of facility. The costs shown in Table 7 represent the costs of providing the amount of area of each facility, to the standards set in Policy DP37 per person (see Table 1 of this SPD), assuming one person per bedroom.

4.19 Where a development is proposed and satisfactory quantitative provision of open space exists within the catchment area (this will consider provision outside of the District where relevant and appropriate), a commuted payment may be sought to fund qualitative off site enhancements of existing facilities to meet the qualitative standards set out in Table 2 – to ensure that they can

Table 7: Open Space requirements per dwelling (These figures are exclusive of VAT)

| Sub Area | Amenity Green Space Provision | Children's Play Provision | Teenage/ Young People's Facilities Enhancement | Outdoor Sports Facilities Provision | Allotment Gardens Provision | Total |
|--|-------------------------------|---------------------------|--|-------------------------------------|-----------------------------|----------------|
| Bedale, Easingwold and Stokesley | £ | £ | £ | £ | £ | £ |
| 1 Bedroom | 161.05 | 55.39 | 68.21 | 817.95 | | 1102.6 |
| 2 Bedrooms | 322.10 | 110.78 | 136.42 | 1635.90 | | 2205.2 |
| 3 " | 483.15 | 166.17 | 204.63 | 2453.85 | | 3307.8 |
| 4 " | 644.20 | 221.56 | 272.84 | 3271.80 | | 4410.4 |
| 5 or more | 805.25 | 276.95 | 341.05 | 4089.75 | | 5513 |
| Northallerton and Thirsk¹⁰ | | | | | | |
| 1 Bedroom | 161.05 | 55.39 | 68.21 | 817.95 | 11.17 | 1113.77 |
| 2 Bedrooms | 322.10 | 110.78 | 136.42 | 1635.90 | 22.34 | 2227.54 |
| 3 " | 483.15 | 166.17 | 204.63 | 2453.85 | 33.51 | 3341.31 |
| 4 " | 644.20 | 221.56 | 272.84 | 3271.80 | 44.68 | 4455.08 |
| 5 or more | 805.25 | 276.95 | 341.05 | 4089.75 | 55.85 | 5568.85 |

When working out the likely commuted sum for outline applications where the final mix of dwelling sizes is yet to be decided the District's average household size of 2.37 will be used. The calculations and evidence behind the figures in Table 7 are available at www.hambleton.gov.uk/openspace

¹⁰ In the Thirsk sub area there is technically a shortfall of space for teenagers, however given the skate park and south west Thirsk proposals the Council does not consider that additional new spaces for teenagers will be required, and the emphasis is on enhancement of existing facilities, available at www.hambleton.gov.uk/openspace



provide satisfactorily for the enlarged population and increased demand and to ensure attractive, safe and appropriate accessibility for the user groups.

4.20 The Council will determine the local needs and priorities for the spending of financial contributions within each Sub Area on the basis of evidence from the Hambleton Audits the Hambleton Open Space, Sport and Recreation Action Plans, the LDF Allocations DPD, relevant up to date information and in consultation with the relevant Community Forums and Parish Councils.

4.21 All new housing will be required to provide satisfactory safe and convenient access to open space. In the event that a barrier to safe and convenient movement exists between the proposed development and the open space the Council may require specific proposals to remedy the barrier to movement.

Stage 5: Maintenance

4.22 The long term maintenance of open spaces is becoming a financial burden to local authorities. Commuted payments for the maintenance of open spaces is time limited, and consequently the costs of maintaining publicly owned open spaces are expected to escalate in the future. As a general rule there will be no requirement to transfer the legal title of open spaces on a development to the Council. Developers will need to put in place appropriate management arrangements, including the creation of management companies and, where appropriate following

negotiation, adoption by parish or town councils, or a recognised and established trust.

4.23 Where new on-site open space (normally equipped play spaces) is to be transferred to a town or parish council, commuted sums for maintenance would be passed on as appropriate.

4.24 For amenity spaces and unequipped play spaces the developer will ensure continued maintenance through an independent management company where ownership is shared between all residents. Should the management company fail in its responsibilities, it would fall to the residents to regulate its performance.

4.25 In the past it was common for commuted sums to be based on a 12 year maintenance period. This period was clearly inadequate and has led to an increasing maintenance burden. Therefore where the open space is to be transferred to a town or parish council the maintenance period used for the calculation of a commuted sum will now be 20 years.

4.26 The amount of financial contribution towards the maintenance of open spaces transferred to a town or parish council (or in exceptional circumstances a community group or the District Council) is based on actual annual contract costs and taking account of inflation and interest. The maintenance rates per square metre of each open space category are set out in Table 8. Maintenance contributions are required for open space on site only and not off-site provision.

Table 8: Maintenance Contribution per square metre (for 20 years)

| Type | Maintenance cost per square metre |
|---|-----------------------------------|
| Amenity green space | £14.54 |
| Outdoor sports facilities | £16.92 |
| Children’s play area/Young peoples facilities | £292.46 |
| Allotment gardens | £2.61 |

The base for these figures is April 2010 based on 2009 tender prices adjusted by the R.P. Index to April 2010. They will be subject to annual index linking.

5. Payment of Contributions

- 5.1 Financial contributions are normally payable upon commencement of the development under the planning permission or on first occupation of the development to ensure provision is appropriately and properly secured. With larger developments, the Council may agree to payment at specified trigger points. These can be related to events such as completion or occupation of a specific amount phase of the development, or staged payments at agreed intervals during the development. The applicant should seek further guidance from the relevant planning case officer to determine whether triggers may be acceptable on a scheme. The agreed triggers will be included in the legal agreement and the developer will be required to notify the Council when these points are reached. The Council may require the applicant to enter into a bond in these circumstances.

Legal agreements

- 5.2 In the interests of efficiency, and to reduce legal costs of both parties, the Council encourages the use of standard pro formas (available on our web site) setting out the details to be included in a unilateral undertaking. This will be included as part of the local validation requirement for planning applications. A unilateral undertaking is only of value if it has been properly entered into by the owner of the land and any mortgagees of the land. The provider of the unilateral undertaking will be responsible for the Council's reasonable legal costs in checking the acceptability of the undertaking and will also be required to provide the Council with evidence of a legal title to the land. A developer intending to enter into a unilateral undertaking should contact the Council in the first instance to verify and confirm the level of financial contribution which is sought. The standard pro forma for a S106 agreement is available on the web site.

Indexing of Payments

- 5.3 Where financial contributions are not paid on the date of agreement to secure the planning obligation they will be subject to adjustments for increases in the index of prices from the grant of planning permission to the date of payment or as specified in the agreement. There will be annual index links, which will be on the website.

Spending of Contributions

- 5.4 Financial contributions will be spent in accordance with the identified needs in the Hambleton LDF Allocations and the Open Space, Sport and Recreation Action Plans. Priorities will differ according to the sub area in which the development is to be located. In general the contributions will be spent on:
- Acquisition of land for open space
 - Laying out, landscaping and planting the open space, including provision of car and cycle parking and access, artificial pitches, seating, lighting and other facilities which enable the safe use of the open space, and ground drainage, fencing or safety surfacing to enable the facility to meet acceptable standards
 - Purchase of equipment or facilities for existing open spaces
 - Improvement and enhancement of existing open spaces, encompassing land, equipment and/or facilities, including pavilions and changing rooms where necessary to meet new health and safety standards or increasing demand
 - Improvement of accessibility to open space.
- 5.5 Contributions will not be spent on indoor sports facilities or routine grounds maintenance unless otherwise agreed. Where it is considered necessary, authorisation for spending financial contributions on a specific item or project will be made in the relevant planning obligation. If a contribution is not spent within seven years it is refundable to the developer.

6. Assessing the Viability of Development

6.1 Developers will be expected to make full contributions in accordance with the requirements of this SPD. Sometimes there may be site specific circumstances in which the costs of development are much higher than normal. In circumstances where there are unavoidable and unforeseeable abnormal development costs, and it can be demonstrated that additional costs associated with these would render the development proposals unviable if full provision is made in accordance with this SPD, the Council will seek an assessment of viability. This will require the developer to submit a full 'open book' financial appraisal to the Council which will be fully appraised (the cost of which would be borne by the applicant irrespective of the outcome of any planning application). For the avoidance of doubt, the costs of providing any required affordable housing and other contributions will be considered as part of the overall viability assessment. All information supplied will be treated as confidential. The assumption is made in all cases that a reasonable market rate has been applied to the purchase of the land.

6.2 In order to determine the viability of a scheme, the applicant will normally be expected to provide the following data:

- selling prices for market housing supported by an independent chartered surveyor's report of expected selling prices, setting out scheme comparables used
- estimates of any affordable housing values for each of the affordable tenures proposed
- any other potential revenues to the scheme, including grant, ground rents and cross contributions from any commercial element
- quantity surveyor's estimates of build costs. The information should include sub and super structure and any external works based on a square metre net as well as gross internal areas
- professional fees expressed as a percentage of build costs
- the profit margin on market value or build cost
- finance costs
- marketing and legal fees
- details of any contractor return if the scheme is contracted out
- abnormal or extraordinary costs (if submitted these must be substantiated by a specialist's report)





- any other evidenced costs an applicant believes is relevant
- the anticipated build period, including any projected selling prices, projected development costs for the period of the build and a statement regarding whether or not the applicant has anticipated that the planning contributions will be front loaded in their scheme appraisal
- details of how the development will be procured – is the scheme being developed by a company that has its own building arm or will it be developed on a Design and Build Basis
- details of how any affordable housing is being procured
- site value in its existing use as evidenced by an independent valuation report.

6.3 The information must clearly indicate what costs were unforeseen and unexpected and why they were not identified in the development appraisal/valuation undertaken prior to site acquisition. If an applicant claims that the existing physical constraints on the site will result in abnormal or extraordinary costs an explanation on why these are unusual in relation to similar sites in the area and evidence as to the extent and scope of the costs should be provided. Costs claimed as abnormal or extraordinary costs will not be considered real costs unless evidenced by an independent expert. The Council may wish to have these costs further verified. Contingency costs will not be considered valid costs in most instances where their potential effect is to reduce the planning contributions package.

6.4 In exceptional circumstances, where development is necessary to proceed in order to meet the Council's targets and it can be demonstrated to the satisfaction of the Council that development proposals, which are acceptable in all other respects, are unviable having regard to the level of contributions it would normally be expected to make, the Council will consider applying

appropriate discounts or payment deferrals in accordance with a formula agreed with the applicant, provided that the development remains acceptable in all respects. In cases where there are viability issues that relate solely to any short term downturn in the economic cycle, the Council will first need to establish whether there is a reasonable prospect that the full scope and level of contributions that would normally be expected will be achieved later on in the plan period. In such circumstances it may be appropriate to stage or defer payments or offer a temporary reduction with a clawback provision for recalculation in accordance with an agreed formula at a later stage of the development if and where appropriate.

6.5 In such circumstances the developer may be required to provide a Performance Bond (or surety) covering the estimated/deferred/reduced costs. In the event of a developer defaulting, in whole or part, in their obligation, the Council will be able to obtain the necessary funds and arrange for the works to be carried out. Equally, where it is agreed that the open space and/or facilities are to be transferred to the Council, the Performance Bond will be released following the satisfactory completion of the maintenance period, the payment of any required development contributions and the transfer of the land to the Council.

7. Monitoring

- 7.1 The Council will assess whether the open space secured through planning obligations is successful in meeting its LDF policies by monitoring the:
- Amount of contributions received
 - Amount of contributions spent
 - Extent to which existing deficiencies are being addressed
 - Extent to which poor quality sites are being improved
 - Customer satisfaction
- 7.2 Monitoring will be undertaken on an annual basis and form part of the Annual Monitoring Report.
- 7.3 Should monitoring indicate that the planning policies and recreation strategies of the Council are not achieving their aims of meeting the need for open space of the right type in the right location, a review of those policies, strategies and this SPD will be undertaken.



Appendix 1: Policy DP37: Open Space, Sport and Recreation

Extract from the Hambleton Development Policies – Development Plan Document (Feb 2008)

- DP37 Support will be given to sport and recreational activities (and permission will be granted for related development, if also acceptable in terms of other LDF policies) by:**
- i. retaining, protecting and enhancing all types of open space with an existing recreational use;**
 - ii. securing additional provision to meet the following local quantity and accessibility standards:**

| Type | Quality Standard | Accessibility | |
|--|-----------------------------------|-----------------------|-----------------------|
| | | Service Centres | Villages |
| Amenity green space – parks and gardens, village greens and amenity open space | 1.38 hectares per 1000 population | 15 minutes walk time | 10 minutes walk time |
| Play areas for children – these are equipped play areas for children | 1 facility per 1350 population | 10 minutes walk time | 10 minutes walk time |
| Facilities for young people and teenagers – these range from youth shelters to skate parks and multi use games areas | 1 facility per 4000 population | 15 minutes walk time | 15 minutes walk time |
| Outdoor sports facilities – includes grass pitches, tennis, bowls and golf courses | 2.1 hectares per 1000 population | 15 minutes drive time | 15 minutes drive time |
| Allotment Gardens | 0.2 hectares per 1000 population | 15 minutes walk time | 15 minutes walk time |

- iii. requiring new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development. Contributions will be dependent on increased demand resulting from the development.**

Development which will result in the loss of public or private land with recreational value will not be permitted, unless it can be shown having regard to the local standards, that the site is no longer needed, or is unlikely to be required in the future, or an alternative facility of equivalent value is to be provided.

Justification (DP37)

- 7.4.1 The objectives of retaining, protecting and enhancing open space provision raise a number of issues, which means that a specific policy is essential. The approach adopted by the LDF is to protect from development all land that has an existing recreational or open space use, and to support and enhance that use, and to encourage additional provision. The areas and uses in question will include land for formal sport or active recreational use (with ancillary spaces), eg. play areas, sports pitches, tennis courts, bowling greens and golf courses; and also land used as open

space, both formally (eg. parks and allotments) and informally, as general greenspace which provides for public amenity use.

- 7.4.2 In order to deliver an appropriate balance between new provision and the enhancement of existing provision the Council commissioned an open space, sport and recreation study based on the methodology advised in PPG17 and its Companion Guide. The study looked at issues of quantity, quality and accessibility for five broad types of open space and recommended standards for each, based on a local assessment of need.



7.4.3 PPG17 states that existing open space, sport and recreation facilities should not be built on unless an assessment has been undertaken which has clearly shown the open spaces to be surplus to requirements (including consideration for all functions spaces can perform). Local consultation indicates that protecting the available open spaces in Hambleton is a key priority and no spaces should be lost. Further more, existing spaces will be placed under increase pressure as the LDF housing figures are realised.

7.4.4 The quantity standards have been determined from analysis of the existing quantity of provision, in light of local community views as to its adequacy and details of levels and types of use. In each instance the standard has been set at or above the current level of provision. This enables the Council to seek to address particular locational deficiencies and also to focus on improvements to the quality of sites across Hambleton where sufficient accessible open space exists.

7.4.5 New housing developments place increased demand on existing open space, sport and recreation facilities and the Council will expect developers to include the required amount of formal and informal open space within their developments. In instances where there is sufficient of that type of open space in the local area to meet the needs of the population, the Council may instead expect a developer contribution to enhance the quality of existing open space in the area. The Council's intention is that all of the District's open spaces should eventually achieve the quality visions (see below).

7.4.6 The Companion Guide to PPG17 suggests that catchment areas (ie accessibility standards) should be based on the distance that 75% to 80% are willing to travel to open spaces. In some circumstances it may be appropriate to set separate accessibility standards for urban and rural areas given

that residents in rural areas cannot realistically expect to have the same level of access to the full range of different types of open space, sport and recreation facilities normally available in more densely populated urban areas. As a consequence, separate accessibility standards have been set for amenity greenspace given its broad nature and in recognition that large facilities in urban areas tend to attract users from a wider area and to have a higher local profile. Whilst the catchment areas are the same in urban and rural areas for other types of open space, the application of the standards should prioritise deficient areas that are in more densely populated areas.

7.4.7 Two further documents will be prepared that will sit beneath Policy DP37 and give more detailed guidance. Firstly, there will be SPD which will include detailed guidance on implementation of the standards for development control purposes. The SPD will also incorporate open space "quality visions", based on community aspirations for each type of space, that will help pinpoint investment priorities by benchmarking sites against the appropriate vision.

7.4.8 Secondly there will be an open space, sport and recreation strategy, as advised by PPG17, using the standards to identify specific deficiencies in order to inform priorities for new provision and the enhancement of existing facilities.

Implementation (DP37)

7.4.9 The main agents for the implementation of this Policy will be developers (advancing specific development proposals for planning approval); the District Council in its role as Local Planning Authority determining planning applications in consultation with local communities, and in its role of facilitating/funding the provision of new facilities, Town and Parish Councils; sports clubs and recreational bodies; and Sport England.



Policy Context (DP37)

7.4.10 The policy context is provided by RSS (Policy ENV11), which seeks to improve health, including by safeguarding and enhancing facilities for sports and recreation), and by PPG17, which stresses the importance to health and quality of life of maintaining and where possible enhancing open spaces and sports and recreation facilities. It provides the context for establishing local standards of provision, maintaining and supplementing provision, and considering proposals for development. Cross-reference should also be made to Policy DP5, concerning the provision of community facilities.



**If you have difficulty reading this publication
we will provide larger print, Braille or audio tape
versions of all or part of it**

Hambleton District Council

Civic Centre, Stone Cross, Northallerton, North Yorkshire DL6 2UU
Tel: 0845 1211 555 Fax: 01609 767248 Email: planning.policy@hambleton.gov.uk

www.hambleton.gov.uk

