

the **Birmingham** plan  
birmingham's local development framework



Public open space in new  
residential development

Supplementary Planning Document

july 2007



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new residential development

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Public open space in new residential development



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## Contents

<b>1</b> Purpose	page 5
<b>2</b> Background	page 6
<b>3</b> The policy	page 8
<b>4</b> Design criteria	page 12

<b>5</b> Contact details	page 13
<b>6</b> References	page 14
<b>A</b> Appendix: Extract from The Birmingham Plan (UDP), adopted October 2005.	page 15
<b>B</b> Appendix: Cost of providing public open space and children's play equipment.	page 16



# 1 Purpose

**1.1** The City Council is keen to ensure that all residents in Birmingham enjoy a high quality living environment. One of the factors contributing to a pleasant environment is access to adequate, safe public open space with opportunity for both formal and informal recreation. This guidance seeks to ensure that adequate public open space, children's play and sports pitches are provided to serve all new residential development in the City. The definition of public open space is set out below.

**1.2** The purpose of this Supplementary Planning Document (SPD) is therefore to give clear guidance to prospective developers on the requirements for public open space. It explains and expands on existing policy contained in the adopted Birmingham Plan, October, 2005.

**1.3** This Document is designed to ensure consistency of approach across the City, whilst maintaining flexibility in applying the policies and a need to consider each case on its merits.

**1.4** In order to achieve a best design solution, policies will be applied in accordance with the "Places for Living" Supplementary Planning Guidance.

**1.5** It should be noted that the requirements for new public open space contained in this policy document are in addition to any "replacement" requirements as a result of the development taking place on existing open space, (see UDP Alterations paragraphs 3.52A and 3.57 for policies on replacement and also PPG17: Planning for Open Space, Sport and Recreation).

Definition of public open space:

*For the purpose of the UDP and SPD "public open space" is defined as "open space, including playing fields, owned by the City Council or to which there is a public right of access, used by the public primarily for recreation purposes. It does not include private or education playing fields nor does it include municipal or private golf courses, cemeteries, or open areas within housing estates which substitute for private gardens".*

Extract from para 3.48 of the Birmingham Plan, 2005.

*Example of good practice at Centre Park, Castle Vale.*



## 2 Background

**2.1** This SPD builds on the Birmingham Plan (UDP) adopted in October 2005. The UDP is the sole statutory land use plan for Birmingham and contains both broad strategic policy and more detailed local planning policies.

**2.2** Strategic Policy contained in the UDP includes policies aimed at protecting open space, and it sets standards against which existing provision will be measured. For publicly accessible open space which includes public playing fields, the minimum target is 2 hectares per 1,000 population. For playing fields alone the figure is 1.2 hectares per 1,000 population. This latter category includes public and private playing fields. Information on existing provision of public open space across the City is available separately. The UDP should be referred to for all matters of general open space policy.

**2.3** The UDP sets out the broad principles on public open space in new residential areas in Chapter 3, Environment. Paragraphs 3.53, 3.53a and 3.53b. More detail is set out in Chapter 5, Housing, in paragraphs 5.20b, 5.20c and 5.20e.

**2.4** In essence the policy is to require public open space pro-rata in accordance with the 2ha per 1000 population standard for residential schemes of twenty or more dwellings. Children's play facilities are included in this requirement and are expected to be provided where there is no existing facility within easy walking distance of the new development. There are exceptions to these general rules and these are covered in the SPD.

**2.5** Past practice has been successful in raising awareness of the need for new public open space to serve the needs of people in new residential development. The majority of developers have co-operated with the City Council in negotiating new or improved public open space and/or children's play facilities.

**2.6** The policies are in line with existing Government Guidance:

- Planning Policy Guidance 3 on Housing refers to "Greening the residential environment" and specifically states that "local planning authorities should have clear policies for the protection and creation of open space and playing fields, and new housing developments should incorporate sufficient provision where such spaces are not already adequately provided within easy access of the new housing". ("Easy access" is not defined in PPG3, but the UDP states that public open space and children's play should be provided within 400m of all dwellings but taking into account physical barriers such as busy roads).
- Planning Policy Guidance 17 on Open Space, Sport and Recreation gives advice on providing new, and protecting existing, open space. Whilst it does not prescribe national standards for provision of open space it requires local authorities to carry out assessments of need for open space, sport and recreation facilities within their area and to then use this information to guide policy and to determine planning applications. The Guidance recognises that these assessments will require time to prepare and provides guidance on how to deal with these planning applications in the absence of up to date assessments of need. Developers are entitled to carry out their own assessments of need in the absence of the City Council's own assessment.

PPG17 also refers to the use of planning obligations under Section 106 of the Town and Country Planning Act 1990 to secure the provision of public open space, recreational and other community facilities as part of new developments. This SPD is designed to fulfil the PPG17 requirement that Local Plan policies make clear what types of development will give rise to such Section 106 agreements.



- Government Circular 05/05 gives further guidance on the use of Section 106 agreements. The UDP details how Section 106 agreements will be used in Birmingham (Paras 8.50-8.54). This is supplemented by the soon to be adopted Corporate Protocol on Planning Obligations.
- Regional Planning Guidance for the West Midlands: RPG11 was published in June 2004. It now contributes to the Regional Spatial Strategy for the West Midlands and forms part of the Development Plan. Policy Q.E.4: Greenery, Urban Greenspace and Public Spaces says that Local Authorities should carry out audits of provision and assessments of local need and develop strategies to ensure that there is adequate, accessible and high quality urban greenspace. The policy goes on to emphasise certain aspects. Of relevance to this SPD are the aims of improving the quality of public spaces, improving residential settings, improving accessibility and enhancing sports, playing fields and recreation grounds.
- The Urban White Paper, Our Towns and Cities: the future, also refers to the benefits of well managed public open spaces and their contribution to enhancing our quality of life.
- The Department of Land, Transport and the Regions published 'Green Spaces, Better Places' the Final Report of the Urban Green Spaces Taskforce in 2002. This promotes the positive benefits that can be derived from open space and covers recreation and health benefits together with funding issues.

**2.7** Public open space provision must be considered as part of the overall design and layout of new development. It will be negotiated within the context of other SPG published, or to be published, by the City Council, including "Places for Living" (revised Design Guidance for New Residential Development) "The Nature Conservation Strategy" "Conservation Strategy" "Sustainable Development" and "Canals Action Plan".

**2.8** This SPD has been drafted in conjunction with the Parks, Sports and Events Division of the Development and Culture Directorate who are responsible for the management of the City owned public open space and playing fields. Their advice

will continue to be sought regarding the need for specific facilities relating to new housing development.

*Example of good practice at Sunset Park, Attwood Green.*



## 3 The policy

**3.1** The proposed policy on new public open space within new residential areas is set out in the Housing Chapter of the UDP, at Paragraph 5.20, and is reproduced in Appendix A to this document.

**3.2** The policy will apply to all new residential development of twenty or more dwellings in Birmingham. There are exceptions where the policy does not apply e.g. sheltered housing where no children’s play would be sought. Table 1 sets out where facilities are required.

**Table 1.**

	General public open space	Equipped children’s play	Youth facilities
Houses.	Yes.	Yes.	Yes.
1 bed flats.	Yes.	No.	No.
Flats of 2 or more bedrooms.	Yes.	Yes.	Yes.
Sheltered accommodation.	Yes.	No.	No.
Institutional uses e.g. care homes, student accommodation.	No.	No.	No.
Extra care retirement villages.	No.	No.	No.

**3.3** The following approach will apply:

- An amount of open space equivalent pro rata, to 2 ha per 1000 population will be required. This may be on site provision or in the form of a commuted sum if the requirement is to be met off site.
- The average occupancy rate per dwelling in Birmingham was just under 2.5 at the 2001 Census. However to use a flat rate occupancy does not differentiate between sizes of dwellings and is particularly unrealistic when calculating future population in predominantly one bedroom developments. The occupancy rates shown in Table 2 will therefore be applied. Rooms shown, as study’s or box rooms could be used as bedrooms and will therefore be treated as such for the purposes of this calculation.

**Table 2.**

Number of bedrooms in dwelling	Assumed number of persons per dwelling
--------------------------------	--

1	1
2	2
3+	3

- As part of the overall requirement, a children's play area will be required where there is no existing provision within walking distance of the new development (defined as 400m, taking into account barriers such as main roads, railways and canals, which restrict access). The size and design of play facility will depend on the size of the development. Table 1 shows the residential schemes which may require children's play facilities. Examples and costs of play facilities are provided in Appendix B. These are updated every three years to reflect changes to costs when necessary. As a minimum, schemes of twenty to forty nine dwellings will normally require a toddler's play area and schemes of fifty or more dwellings will normally require a junior play area which includes equipment for both toddlers and for children up to the age of twelve. Each play area will be sited and designed in accordance with each development's requirements and local consultation should form part of the design process. Each scheme's children's play requirement will be determined on its own circumstances taking into account size, location, existing provision and the financial viability of the scheme. The larger the residential development the greater the likelihood that the corresponding children's play provision will increase involving more than one play area. There may be a need for other facilities such as Multi Use Game Areas (MUGA's) and/or youth shelters. A MUGA is a fenced, hard surfaced, multi-use ball games area with integral seating which varies in size depending upon the specific requirements of the site and the users.

The provision of children's play facilities may not be required if the developers can demonstrate that the proposed accommodation will not be occupied by families with young children.

- Highway verges, and open space provided as visibility splays will not be counted towards the open space provision.

### **On-site provision of public open space**

- Where practical to do so, the public open space requirement will be provided on site.
- The developer may wish to design and lay out the new public open space themselves, in which case, the developer will be liable for all design and layout to the standard required by the local authority.

Alternatively, by agreement, the developer can offer an area for public open space within the development to the City Council at no cost, together with a 'lump sum' contribution to cover the design, implementation and a contribution towards future maintenance costs.

- Public open space should be sited where it will be overlooked, safe, useable and accessible to all residents and designed to local authority criteria. It should take into account the needs of people with disabilities and any cultural needs identified in consultation with local residents.

Layout drawings, including specifications for planting, materials, furniture and play equipment should be submitted and agreed by the local authority, Planning Conditions or Planning Obligations may be applied restricting the occupation of certain dwellings prior to the satisfactory completion of the public open space.

- Normally, the layout of public open space will be secured through a Section 106 agreement.
- Where public open space is to be transferred to the local authority, a sum to cover 15 years maintenance will be required.

## Off-site requirements

Although open space should normally be provided on site, there are certain circumstances where it may be preferable for all, or part, of the public open space requirement to be provided as an off-site monetary contribution. Examples of such circumstances are set out below:

- In the case of new development close to existing public open space, it may be preferable to implement improvements to existing facilities. Examples include the provision or improvement of play facilities or landscape improvements which bring an otherwise featureless open space into better community use.
- In other circumstances, for example the conversion of an existing non-residential building into residential use, it may not be practicable to provide public open space and/or children's play on site, and in these cases, a sum for off-site provision or improvements is more appropriate. This will be particularly relevant in the City Centre (defined as the area within the Ring Road) where there is likely to be more off-site provision.

However, there are parts of the City Centre that share characteristics of suburban areas which are attractive to families, where play space will be required eg Attwood Green, and parts of Ladywood and Highgate.

In most cases financial contributions will be used to provide improvements to public open space in the City Centre. This however, may not always be practicable. Therefore in these circumstances, contributions may be used for other environmental improvements. The City Centre has seen a rapid expansion of residential accommodation aimed at young single adults or couples. Walking either along footpaths or canal towpaths in the City Centre is of importance to them as well as the availability of a variety of open spaces for informal recreation and/or visual amenity. The new park in Eastside represents a commitment to an enhanced environment and opportunities for informal recreation. There are a number of existing open spaces that are important including; Centenary Square, St. Paul's Square, Peace Gardens, Park Street Gardens, Key Hill and Warstone Lane Cemeteries. Not all are

public open space but all provide visual amenity and a degree of informal recreation opportunity. Therefore the use of financial contributions towards improvements to these or to cyclepaths and pedestrian routes, including towpaths will be considered.

- The City Council recognises that on sites where a high housing density has been achieved, it may not be possible to provide the full amount of public open space required within the curtilage of the site. In these cases the Council would expect developers to provide a commuted sum in lieu of any element of the public open space and play area requirement not met on site, towards off-site provision or improvement.
- Where there are schools with dual use facilities then the option to add to these facilities will be considered.

Under all options, due attention will be given to other financial constraints on the development in accordance with Government Circular 05/05 and paragraphs 8.50 - 8.54 of the UDP.

Under all options, details of the sum required and terms of payment will be agreed with the developer and set out as part of a Section 106 agreement. The basis for calculating the financial contribution is set out in Appendix B.

In terms of both on and off site contributions the City Council welcomes and encourages innovative thinking in terms of types of equipment or facility. Developers who wish to design their own public open space and children's play facilities are encouraged to discuss their proposals with the Local Authority. It should be noted that the costs are the minimum basic requirements. Providing facilities match the City Council's standards they do not have to be the same template.

## Maintenance

An element of the contributions will be used towards the maintenance of any new facilities for a period of 15 years. These can include additional pieces of equipment, features or facilities to enable existing provision to meet the additional needs generated by new residents. Examples include

children's play areas, multi use games areas and youth shelters. Discussions with the Highways Authority should be undertaken where there are new facilities proposed.

### **Large scale redevelopments**

The key aim of large scale redevelopments is to achieve a good quality environment overall coupled with a good housing stock. Examples of these large scale redevelopments are; Highgate, Ley Hill, The Radleys. Provision of good quality public open space is an essential part of this. As a general principle, where no net increase in the number of units is proposed and where the quantity of provision is adequate there will be no requirement for further public open space, but qualitative improvements to existing provision will be sought. However on large sites, where there is insufficient public open space, redevelopment proposals will be expected to include new public open space to serve the development in line with the UDP standard. Where a site is being redeveloped with more than the existing number of dwellings new public open space to serve the extra dwellings, using the formula referred to above, will be required. Redevelopment does allow the opportunity for poorly located open space and children's play facilities to be sited more appropriately. The overall amount and the quality of open space is an important factor for consideration on redevelopment sites.

*Example of good practice at Paget Green.*



## 4 Design criteria

**4.1** Birmingham City Council has produced design guidance for new residential development entitled 'Places for Living'. New public open space should reflect the design principles set out in this guidance.

**4.2** In particular, open space and children's play areas should be overlooked by development in order to achieve natural surveillance. The open space and children's play should ideally be centrally situated and easily accessible for all, including people with disabilities, within the development.

**4.3** Opportunities should be taken to retain existing areas of wildlife importance and to create new wildlife habitats and green corridors as part of a network of interlinked greenspaces, in line with the Council's Nature Conservation Strategy. Public open space contributions may be used for the creation of additional features and their maintenance.

**4.4** The potential for sustainable drainage within larger areas of open space should be considered.

**4.5** Any new vehicular access points should comply with the requirements of the highway authority. Careful consideration should be given to the safety of any pedestrian access points, and to the potential need for car parking for visitors. Consideration should also be given to the possibility of providing cycle routes through areas of open space where this would link with the City Council Cycle route network.

**4.6** The homezone concept pioneered in Holland has emerged in Birmingham, with schemes at Castle Vale and Highgate. Where appropriate proposals for this type of layout with children's play will be considered.

*Example of good practice at Sunset Park, Attwood Green.*



## 5 Contact details

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If you have hearing difficulties please call us via Typetalk 18001 0121 303 3030 or e-mail us at: [info@devdir@birmingham.gov.uk](mailto:info@devdir@birmingham.gov.uk)

## 6 References

**Planning Policy Guidance 17:**  
Planning for Open Space, Sport and Recreation.

**Developing Accessible Play Space.**  
A Good Practice Guide ODPM.

The following documents have also been published which relate to this draft SPD:

**Summary of Full Consultation**  
'Public Open Space in New Residential Development' Supplementary Planning Document.

**Sustainability Appraisal Report**  
Public Open Space in New Residential Development Supplementary Planning Document (SPD) - Sustainability Appraisal Report.

**Adoption Statement**  
Supplementary Planning Document 'Public Open Space in New Residential Development'.

**Summary of Initial Consultation**  
Summary of Initial Consultation on 'Public Open Space in New Residential Development' - Supplementary Planning Document.

**Strategic Environmental Assessment (SEA) Screening Statement**  
Birmingham Unitary Development Plan - Supplementary Planning Document (SPD)/Public Open Space in New Residential Development - Strategic Environmental Assessment (SEA) Screening Statement.

**Press Notice**  
Planning and Compulsory Purchase Act 2004 Town and Country Planning (Local Development) (England) Regulations 2004 'Public Open Space in New Residential Development' Supplementary Planning Document (SPD) - Public Participation (Regulations 17 and 18) SPD Matters.

All of these documents can be viewed on the BCC website:

**[www.birmingham.gov.uk/publicopenspace](http://www.birmingham.gov.uk/publicopenspace)**



## A Appendix

# Extract from The Birmingham Plan (UDP), adopted October 2005

**5.20** In addition to maintaining and improving the quality of the stock itself, the City Council will take measures to maintain and protect the existing good quality residential environments which are one of the City's greatest assets.

Proposals for new residential developments in such areas should therefore be carefully designed, so that they do not detract from the character of the surrounding area. A good standard of design is important in all residential developments, which should create a high quality living environment. To ensure that good design standards are maintained, all new residential developments will be expected to be designed in accordance with the City Council's detailed Supplementary Planning Guidance for the design of new residential developments ("Places for Living") and with the general good design principles set out in Chapter 3.

**5.20A** The design of new residential developments should incorporate crime reduction measures. 'Places for Living', the City Council's Supplementary Planning Guidance on new residential development provides details of the crime reduction measures which should be incorporated into new residential schemes. The provision of security gates to residential development which block the main means of access will not be permitted except in exceptional circumstances where there is a proven need for increased security.

**5.20B** Residential developments generate a need for public open space to serve the occupants of the new homes, and appropriate provision, directly, fairly and reasonably related in scale and kind to the development proposed, will be sought, secured through S106 agreements where necessary. Public open space, including children's play areas, will be required to be provided at the standard of 2 hectares per 1000 population, pro rata, to the size of the development proposed.

**5.20C** On sites of 20 dwellings or more, provision of new public open space will normally be required within the curtilage of the development site. In such cases, careful attention should be given to the design and location of open space and play areas, to minimise the potential for noise and disturbance to residents, and to ensure that they are safe and attractive to use. Exceptions to the policy of requiring public open space to be provided on site will be considered in the following circumstances:

- In cases where the proposed development is close to existing areas of public open space, the City Council may seek a commuted sum payment to secure a long-term improvement to the quality of the existing provision, in place of the requirement for onsite provision;
- In certain circumstances (e.g. the conversion of an existing building to residential use), on-site provision may not be practicable, and in these cases, contributions will be required to enable off-site provision of open space.

In all cases where public open space is transferred from the developer to the City Council, a commuted sum payment for long-term maintenance will be required.

**5.20D** In applying these policies, the City Council will take into consideration the economics of developing the site in question. Further details of these requirements, including the basis for assessing financial contributions, will be set out in a Supplementary Planning Guidance Document."

**B**

## Appendix: Cost of providing public open space and children's play equipment

Planning applications which include proposals for 20 dwellings or more generate requirements for public open space and/or children's play facilities.

The requirements are in accordance with UDP policy and are based upon a target of 2 hectares of public open space per 1000 population.

Children's play facilities are only required if the development includes 20 or more 'family' dwellings i.e. dwellings with 2 or more bedrooms.

One bedroom dwellings are not regarded as 'family' dwellings and should not be included in determining play area provision.

With certain exceptions 2 bedroom dwellings in the City Centre (defined as the area within the Ring Road), are not regarded as 'family' dwellings, due to the nature of the developments. Please refer to Section 3 of the document for further details.

### On site requirements

As explained in the document, public open space and/or children's play facilities should be provided on site within any new development of 20 or more dwellings.

The public open space requirement is 2 hectares per 1000 population which is 20 sq.m per person. Table 2 in Section 3 sets out the the number of people per dwelling.

On schemes of more than 20 dwellings, a toddlers' play area with a minimum area of 625sq.m. is required, which should provide up to five pieces of play equipment for children from toddler age up to the age of seven.

On schemes of 50 or more dwellings, a junior play area is required with a minimum area of 1225 sq.m. which should provide play equipment for children from toddler age up to the age of twelve. Additional play facilities, including Multi Use Games Areas (MUGA's) and youth shelters may be required on

larger developments depending upon local provision.

Below are the costs currently used for providing different types of children's play areas which are based on tendered rates at current day prices.

The toddler's play area figure below is based on five pieces of equipment. The junior figure is for children up to twelve. If the figures change then the contribution levels will have to be reassessed. The figures are current at March 2006.

Cost of providing a toddlers children's play area = £75,000 (625sq.m)

Cost of providing a junior children's play area = £90,000 (1225 sq.m)

Cost of a MUGA = £35,000 to £80,000

Cost of a Youth shelter = £5,000 to £6,000

Usually, the play facilities are situated within the larger area of public open space generated by the overall development. The area of public open space required is based upon the UDP target resulting from the number of people in the new development.

**Example:** a residential scheme comprising twenty 2 bed and forty 3 or 4 bed dwellings – on site provision.

Using Table 2, Section 3, in the document to determine the total number of people in the new development;

20 No. 2 bed dwellings @ 2 persons per dwelling = 40 people

40 No. 3 and 4 bed dwellings @ 3 persons per dwelling = 120 people

The total number of people is 160.

Using the UDP formula 2 hectares (20,000 sq.m) per 1,000 population = 20 sq.m per person.

160 x 20sq.m = 3200 sqm of public open space generated

This area would be accommodated within the development and would include a junior play area, as there are more than 50 'family' dwellings.

### Off site requirements

As explained in the document, there will be certain situations where it will not be possible to provide new public open space on site. Therefore, through Planning Agreements, the requirement is secured as a monetary contribution in lieu of on-site provision. The City Council uses the contribution to improve existing public open space, including new or improved play facilities. These improvements are usually carried out in the same ward as the development site.

The off-site contribution is calculated as follows:-

1. Use Table 2 to determine the number of people in the proposed development.
2. Use the UDP target formula to calculate the area of public open space generated - 20sq.m per person.
3. Determine which type of play area is appropriate depending upon the number of 'family' dwellings proposed, and subtract the appropriate area from the public open space generated, i.e. 625 sqm for toddlers' play or 1225 sqm for junior play.
4. Multiply the remaining area by £40 per sqm and add the cost of the appropriate play area i.e. £75,000 for toddlers' play and £90,000 for junior play, to give the overall off-site contribution.

The figures are those currently used for the cost of laying out public open space and for the supply and installation of play areas. All of the figures have been prepared by the City Council's Quantity Surveyors and are reviewed on a regular basis to reflect current tendered rates.

**Example:** a residential scheme comprising twenty 2 bed and forty 3 or 4 bed dwellings – off site provision.

Using Table 2, Section 3, in the document to determine the total number of people in the new development;

20 No. 2 bed dwellings @ 2 persons per dwelling = 40 people  
 40 No. 3 and 4 bed dwellings @ 3 persons per dwelling = 120 people  
 The total number of people is 160.

Using the UDP formula 2 hectares (20,000 sq.m) per 1,000 population = 20 sq.m per person.

160 x 20sq.m = 3200 sqm of public open space generated. There would be a requirement to provide for a junior play area, as there are more than 50 'family' dwellings. Therefore the actual contribution would be:-

3200 sq.m - 1225 sq.m = 1975 sq.m x £40 per sq.m = £79,000 + the cost of providing the Junior play area £90,000. The total contribution would be £169,000.

**NOTES**





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