

SUPPLEMENTARY PLANNING GUIDANCE NOTE 5

THE PROVISION OF CHILDREN'S PLAYSPACE IN HOUSING DEVELOPMENTS



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1. Foreword

- 1.1 The Council would normally take this Supplementary Planning Guidance (SPG) note through public consultation before adoption. However the Planning and Compulsory Purchase Act 2004 replaces the present Local Plan system with a Local Development Framework, which includes provision for the preparation of Supplementary Planning Documents (SPD) to replace SPGs. It is the Council's intention to take this SPG forward as a SPD, probably in the winter of 2004. Full public consultation will be undertaken as part of this process. As a SPD, this guidance will carry greater weight as a material consideration in the determination of planning applications and planning appeals, than it would as SPG adopted under the present system.

In the meantime the Council has adopted this document as interim guidance for development control purposes. It will be taken into account in the determination of planning applications and, although it will be used flexibly by the Council, planning applications which do not meet its requirements may be refused planning permission.

2. Introduction

- 2.1 These planning guidelines provide details of standards and a code of practice on the provision of children's playspace in developments of new family housing.
- 2.2 The guidelines supplement Policy DG13 of the Hastings Local Plan 2004.

Policy DG13

The Council will require the provision of children's playspace in residential schemes that include 25 or more family dwellings. Where this cannot be included on site the Council will seek to enter into a Section 106 Agreement with the developer for either its provision nearby or the improvement of a nearby existing playspace.

- 2.3 It is the Council's policy that in normal circumstances, having identified the specific requirements for any particular site, the developer of that site will be required to transfer to the Council the necessary land and monies to enable the Council itself to provide, adopt and maintain the play area(s). The developer will be expected to transfer the land in a suitable condition for use as a play area.
- 2.4 Play provision will be secured by the means of an obligation or unilateral undertaking pursuant to Section 106 Agreements and may in some circumstances consist of a financial contribution to off-site provision or the improvement of a nearby existing playspace. In such cases the contribution will be based on the actual costs to be incurred by the Council and may include land costs and a commuted sum for future maintenance.
- 2.5 This document is based around the concepts of Local Areas for Play (LAP) and Local Equipped Areas for Play (LEAP) but the Council will recognise the need in some circumstances to be flexible in its requirements, having regard to the particular needs of the area or the likely occupants of the development.

- 2.6 There are three main elements to the guidelines;
- general principles concerning play areas;
 - a section setting out standards for provision of playspace – indicating in which situations playspace will be required, the size, location, target users, equipment and physical site requirements;
 - a code of practice, setting out the developer’s responsibility with regard to various issues including the provision of the land, capital sums for the equipment, and subsequent commuted sums for long term maintenance.

3. Standards of Provision of Playspace

- 3.1 New residential development providing family housing (which includes any property with two or more bedrooms) will normally be required to provide children’s playspace in accordance with the following standard:-
- (a) developments comprising 25 family dwellings or more will provide a LOCAL AREA FOR PLAY (LAP) within a 100m walking distance of every family dwelling;
 - (b) developments comprising 50 family dwellings or more will also provide a LOCAL EQUIPPED AREA FOR PLAY (LEAP) within a 400m walking distance of every family dwelling.
- 3.2 These requirements will be balanced with the need to achieve environmentally acceptable housing layouts.
- 3.3 More than one LAP and/or LEAP will need to be provided should the maximum walking distance not be achieved.

4. General Principles

- 4.1 The siting of the playspaces should evolve as a part of the whole development process and should be designed as an integral part of the housing layout. The following factors will need to be considered:
- (a) playspace should be located to allow informal supervision from nearby houses or from well used pedestrian routes;
 - (b) open, welcoming locations should be chosen, rather than backland sites with accesses along high fenced narrow alleyways;
 - (c) children should not need to cross major hazards such as main roads to access play facilities;
 - (d) sites should be separated from areas of major vehicle movements and accessible directly from pedestrian routes;

- (e) where children will need to cross a minor road within the residential development to access a playspace, traffic calming measures should be employed e.g. a change in the road surface.
- (f) the use of sloping sites will not normally be appropriate unless they can be re-contoured to meet accessibility and safety requirements, particularly in respect of wheelchair access;
- (g) every effort should be made to avoid locating playspace near high voltage electricity cables or railway lines;
- (h) where both a LAP and a LEAP are provided as part of a housing development, there should remain a clear separation between them to allow for the two separate functions;
- (i) to provide maximum separation from nearby residents, sites should be linked, as far as possible, with other open spaces, footpath systems and planting areas;
- (j) access to the site for any of the emergency services should be available;
- (k) the site should be provided with adequate fencing to exclude dogs, and for the protection of children.

4.2 All facilities will be expected to comply with the Disability Discrimination Act 1995, Health and Safety legislation, and be acceptable to Sussex Police in terms of schemes such as 'Secured by Design' and the Crime and Disorder Act 1998

Requirements for Local Area for Play (LAP)

1 **Size and Location**

Within 100m walking distance of every family dwelling.

Minimum of 100m² of play area with a minimum distance of 5 metres between edge of the play area and the nearest point of any property.

Near a pedestrian pathway and to be overlooked.

2 **Target Users**

Children up to 6 years old.

Should be accessible by children (and carers) with disabilities, such as mobility or sensory problems and suitable for their use.

3 **Site**

Reasonably flat, well drained with either grass, safety or suitable hard surface to comply with BSEN1176 and BSEN1177.

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Play features should be designed to encourage use within the target group.

Areas should be appropriate to encourage informal play and social interaction with minimal equipment and low key games.

Should have seating for carers.

5 **Boundaries**

Where the boundary to a play area is not secure, a guard rail of agreed design (600mm to 1200mm high) should be provided with offset entry/exit point where adjoining any area used by vehicular traffic.

6 **Signage**

Display of "No Dogs" and target user age group signs.

Notice in the play area which states what to do in case of accident and includes the location of the nearest telephone and name of department/association to whom accidents and damage should be reported.

7 **Amenity**

Landscape features to enhance the play area including tree and low level planting behind guard rail.

Gable end and other house walls should be protected from use for ball games by providing a strip of dense planting.

Requirements for Local Equipped Area for Play (LEAP)

1 Size and Location

Within 400m walking distance of every family dwelling. 400m² of play area with a minimum distance of 10m between the edge of the play area and the boundary of any residential property. (The 10m separation zone may include roads, footpaths, communal parking area, landscaping and other features.).

2 Target Users

4 to 8 year olds.

Should be accessible to children (and carers) with disabilities such as mobility and sensory problems and suitable for their use.

3 Site

Reasonably flat, well drained with either grass, or suitable hard surface to comply with BSEN1176 and BSEN1177, and to include impact absorbent surfacing.

Located near to a well used pedestrian pathway.

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At least 5 types of play equipment, allowing a range of activities including balancing, rocking, agility, sliding and social play should be provided, as well as a small games area.

Equipment should be appropriate for the age range and ability of the children who will use the play areas and should conform with the relevant European standard.

More challenging play equipment as well as a social area should be provided for the over 8 year olds.

Should have seating for accompanying adults.

5 Boundaries

Where the boundary to a play area is not secure, a guard rail of agreed design (600mm to 1200mm high) should be provided around the site with offset entry/exit point where adjoining any area used by vehicular traffic.

6 Signage

Display of "No Dogs" and target user age group signs.

Also a notice in the play area which states that the playground is for use by children, what to do in case of accident, and includes the location of the nearest telephone number and name of department/association to whom accidents and damages should be reported.

7 Amenity

Landscape features to enhance the development including tree and low level planting behind the guard rail and to the buffer zone.

Gable end or other exposed house walls should be protected from use for ball games by providing a strip of dense planting.

5. Pre-Application Advice

- 5.1 The Borough Council encourages pre-application discussions. In pre-application discussions, Development Control officers in liaison with Leisure and Cultural Development staff, will advise developers of the Council's playspace policies at the earliest opportunity. Advice will be given on plans submitted prior to an application.
- 5.2 The local planning authority will identify the requirements for each play area and then advise the applicants of the costs of provision and the commuted sums involved, or the arrangements for payments in lieu, or other mechanisms where play provision is to be provided or enhanced off-site.
- 5.3 The local planning authority will advise the applicants of the timing of the provision of the play area(s) in relation either to the completion of the houses or to the development of specific areas of the site.
- 5.4 Pre-application discussions should be expected to result in a scheme acceptable to all parties prior to the application being made. The local planning authority will negotiate a Section 106 Agreement to cover the matters above at the earliest stage, ideally before an application is submitted. Any pre-decision discussions will be wholly without prejudice to any formal decision of the Council.

6. Application Stage

- 6.1 Applicants are encouraged to submit plans of children's play areas at a scale of not less than 1:200 showing indicative layouts and landscaping sufficient to prove that areas selected for playspace are workable.
- 6.2 The topography of the town means it will be essential for plans accompanying full applications to indicate existing and final levels for all play areas and works around them, e.g. road or footpath levels.
- 6.3 The local planning authority will expect unencumbered access to enable agreed works to take place.
- 6.4 The local planning authority will commit itself to providing the agreed play areas.

7. Section 106 Agreements

- 7.1 The Section 106 Agreement will establish the transfer of the land to the Council:
 - at a specified time;
 - in a specified condition, having regard to original land levels, the need for retaining, changes of levels, the need for retaining walls or other permanent alterations sufficient to provide a useable play area;
 - with an agreed commuted sum.
- 7.2 It will also set out the cost of provision which will be borne by the developer.

8. Commuted Sums

- 8.1 Where it is decided that the Council will inherit responsibility for the maintenance of the open space or play provision secured through development, a commuted sum will be agreed.
- 8.2 The commuted sum will be based on the estimated annual maintenance cost multiplied by 20 years. Term maintenance will be based on current schedule rate of costs, plus inflation based on current RPI. Periodic maintenance will be included where the anticipated life of features is less than 20 years.
- 8.3 Commuted sums for playgrounds are calculated by breaking down the main component parts into units, and apportioning costs accordingly.

9. Further Information

- 9.1 For further guidance on the provision of play areas in new housing developments, or other general planning matters, you are encouraged to contact the Planning Customer Services Officer who will be pleased to assist.

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