

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF PLANNING POLICY SUB COMMITTEE ON 15 OCTOBER 2019

PART A : REPORT

SUBJECT: Open Space, Playing Pitches and Built Sports Facilities Supplementary Planning Document

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PORTFOLIO AREA:	Planning

EXECUTIVE SUMMARY:

Following a four-week consultation (2 July to 30 July 2019) on a draft Supplementary Planning Document for Open Space, Playing Pitches and Built Sports Facilities, this report advises members on the representation made and the proposed response. The report makes the following recommendations in order to adopt the guidance as a material consideration for Development Management purposes.

RECOMMENDATIONS:

That the Planning Policy Sub Committee agrees the following:

- a) That subject to the proposed changes detailed in this report (and any further minor changes in consultation with the Chairman, Portfolio holder for Planning and Group Head of Planning), that the Open Space, Playing Pitches and Built Sports Facilities Supplementary Planning Document be recommended for adoption (following publication of the SPD for 4-weeks together with the statement of representations and Arun's proposed response), at Full Council on 20 January 2020.

1. BACKGROUND:

- 1.1 On 18 June 2019 Planning Policy Sub-Committee approved the draft Open Space, Playing Pitches and Built Sports Facilities Supplementary Planning Document (OS SPD) and standard calculators, for a four-week public consultation (Background paper 1.).
- 1.2 The previous report to the Local Plan Sub Committee on 26 February 2018 is included as a background document 2. This sets out the background explaining why the OS SPD is needed: -
 - The Open Space and Recreation Standards Supplementary Planning Guidance (SPG) 2000 standards within new residential developments is based on the older National Playing Fields Association "six Acre" standard

and needed updating;

- The Local Plan evidence base for sport and recreation was being updated to deliver emerging Policy OSR DM1 'Open Space & Recreation', requirements and that the methodology for delivering the requirements would be set out within an updated OS SPD;
- In the interim, guidance based on the Fields in Trust (previously known as the National Playing Fields Association) "Beyond the six-acre Standard 2015" for outdoor sport and play provision is being used for development management purposes.

1.3 The Arun Local Plan policy OSR DM1 was adopted in July 2018. The proposed draft OS SPD which has now completed a four-week consultation, is based on the updated Arun evidence base for Open Space, Playing Pitch and Built Sports Facilities strategies including the FIT standard for open space.

1.4 The consultation OS SPD (and opens Space and Play Calculator Excel sheet – Appendix 3) was sent to the development industry, agents and other key stakeholders and was advertised on the Councils web site and on the consultation portal and documents deposited in the libraries and office receptions at the Civic Centre and at Bognor Regis.

1.5 Representations were received from 12 consultees: -

- Bourne Leisure - objecting
- Sport England – supporting
- University of Chichester - supporting
- Walberton Parish Council – commenting
- An individual from Littlehampton (Mrs Boulton) - commenting
- Angmering Parish Council – supporting
- Persimmon Homes – objecting
- Highways Agency - commenting
- Historic England - commenting
- Ferring Parish Council - commenting
- West Sussex County Council - commenting
- An individual from Littlehampton (Mr Chester) – commenting

1.6 Seven representors are commenting, three are supporting and two are objecting. The detailed representations can be accessed via the consultation portal at Background Paper 3.

1.7 The representation issues raised are summarised in Appendix 2 to this report together with the Council's proposed response against the matters raised.

1.8 Persimmon Homes are objecting on the timing of introduction of the FIT 3.75 ha/1000 population open space standard (compared to the older '6 acre' standard or 2.4 ha/1000 population). The contention is that an increased standard would have increased cost implications and should not apply to extant unimplemented permissions as at 25 July 2019 or to any fresh planning permission until the OS SPD is adopted (i.e. Persimmon Homes accept the standard should apply on adoption).

- 1.9 It is a matter of fact that the Council has been applying the FIT standard since February 2018 in development management negotiations and these have been mainly successful and unchallenged. However, Persimmon Homes have challenged this standard. The FIT standard “Beyond the 6 acres Standard” was published in 2015. The intention to move towards improved FIT standards in terms of accessibility, quality and minimum standards e.g. for play space, has been signaled through the emerging evidence base supporting the preparation of the Local Plan (e.g. Open Space Assessment Report September 2016) including the intention to set out a methodology for calculating contributions via an OS SPD to support implementation of Policy OSR DM1 ‘Open Space & Recreation’.
- 1.10 Although the FIT standard was not explicitly modelled within the Local Plan Viability Study (January 2017) - viability was assessed on a broad assessment of development typologies including planning contributions, average greenfield and brownfield density, net developable area assumptions. Furthermore, a level of contingency has been included as well as a number of viability buffer allowances. On the basis of this cautious approach to development viability, it is proposed that the Council maintain the FIT standard subject to viability, as a material consideration for DM purposes and with greater weight following adoption of the OS SPD
- 1.11 Bourne Leisure operate a number of holiday park attractions within Arun and have also objected on the basis that leisure and recreation use is different from residential development and other commercial uses. Therefore, it should be clarified in the OS SPD that such leisure uses are exempted. It is proposed that the Council agrees to this clarification because of the bespoke and self-contained nature of such D2 Leisure and Assembly uses which are subject to other business models and licensing regulation.
- 1.12 A number of individual comments commented on the methodology and ways to improve or clarify the OS SPD but did not raise any issues which need substantive changes.
- 1.13 Sport England have been very supportive of the approach to the OS SPD. They have raised a matter regarding recent changes to the calculation of Artificial Grass Pitchess (AGP) – previously included within the Sports Facilities Calculator (SFC). AGP calculation has now moved into Sport England’s ‘Active Places Power’ (APP) pitch calculator. The OS SPD document has therefore, been amended to reflect the current situation.
- 1.14 The OS SPD with track changes responding to representations (including the AGP calculator) and addressing other non substantive typographical matters raised by officers is set out in Appendix 1 to this report. The OS SPD key changes will entail: -
- Clarification that Leisure uses are exempt from the OS SPD;
 - Clarification that the FIT standard will be a material consideration (subject to viability) with significant weight following adoption of the OS SPD;
 - Clarification of the wording by moving several paragraphs around in the introduction;

- Updated reference to CIL Regulation's which came into effect on 2 September which will lift s.106 pooling restrictions, made in several areas in the document;
- Summary steps list added to each section as a quick reference list to help the reader understand interpret each chapter;
- the change to the Sport England calculators for AGP previously within the Sports Facilities Calculator is now moved into the playing pitch calculator – the wording and worked examples have been amended to reflect this change;
- the playing pitch calculator also now includes a figure for ancillary facilities (again this has been factored into the SPD wording/worked examples) – as a result the figures for contributions to pitch provision have increased
- Clarification of the table thresholds in table 4.1.2 on page 13 of the document for on an off-site contributions where they overlap i.e. 8-33 and 33 dwellings and greater - development of play space for 33 dwellings could fall within either threshold with respect to on-site or off site provision – the remedy is that thresholds should have read 8-33 and 34 dwellings or greater (the open space calculator has also been updated to reflect the slight change in thresholds) – changes necessary for the avoidance of doubt;
- added appendices to provide an 'step by step' summary;
- added appendices providing best practice guidance on the role of tree planting in open space provision and protection of existing trees (in response to officer comments).

1.15 The Council is therefore, proposing the OS SPD progress to adoption at Full Council following the 4-week publication the SPD and the statement of representations and proposed changes on which comment may be made (as required by Regulation 12 'Public Participation' of 'The Town & Country Planning Act (Local Planning) (England) Regulations 2012').

1.16 Following adoption, the OS SPD standards will be given significant weight and used as a material consideration (the FIT standard will be a material consideration subject to viability) in determining planning applications.

2. PROPOSAL(S):

The OS SPD is recommended for adoption by Full Council following the required 4-week consultation period in order that it can be used for calculating opens pace, play and indoor sport provision contributions at Development Management stage when applications are being determined.

3. OPTIONS:

The proposal is to adopt the guidance as SPD to provide a material consideration to provide negotiable opens pace, play and sport provision standards - or not to adopt the guidance.

4. CONSULTATION:

This will follow if the recommendations as set out above are agreed.

Has consultation been undertaken with:

YES

NO

Relevant Town/Parish Council		x
Relevant District Ward Councillors		x
Other groups/persons (please specify)		x
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		x
Legal		x
Human Rights/Equality Impact Assessment	x	
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x
6. IMPLICATIONS: <p>The Adopted Local Plan 2018 was subject to a Sustainability Appraisal which included assessment of social, economic and environmental objectives and impacts and necessary policy mitigation. Policy OSR DM1 implementation assisted by the OS SPD will materially improve the quality of development in terms of health and wellbeing and biodiversity.</p>		

7. REASON FOR THE DECISION:

The recommendations are intended to ensure that developments deliver the necessary level of provision in terms of open space, play space and built sports facilities in order to mitigate their impact in relation to the scale of development proposed and consequent demand from population and households to use such facilities.

8. BACKGROUND PAPERS:

1. Item 7: Open Space, Playing Pitches and Built Sports Facilities SPD – Planning Policy Sub-Committee 18 June 2019

<https://democracy.arun.gov.uk/Data/Planning%20Policy%20Sub-Committee/20190227/Agenda/Agenda.pdf>

2. Item 5: Open Space, Playing Pitches and Built Sports Facilities SPD – Local Plan Sub-Committee 26 February 2018

<https://democracy.arun.gov.uk/Data/Local%20Plan%20Subcommittee/20180226/Agenda/Agenda.pdf>

3. Open Space, Playing Pitches and Built Sports Facilities - Representations – Objective Portal:

https://arun.objective.co.uk/portal/planning/spds/pos/arun_pos_2019?pointId=5417759

Appendix 2: Summary Table of Representation responses

Respondent and Comment ID	Consultation Point	ADC proposed Response
Bourne Leisure (POS12)	<p>3 Policy Context: -</p> <p>“If viable, new commercial development makes provision for and/or contributes to recreation and leisure facilities” (adopted Arun Local Plan 2018 Para 1</p> <p>4.1.8).</p> <p>In accordance with the adopted local plan, the draft SPD document reiterates that “commercial uses (e.g. B1, B2 and B8 and retail class) may be expected to contribute appropriate forms of open space provision...” (OS SPD para. 3.21).</p> <p>Bourne Leisure requests that the draft SPD document clearly acknowledges that tourism is a distinctive use which does not fall within the commercial uses listed above (B1, B2, B8 and retail class).</p> <p>As a result, the open space standards should not apply to tourism accommodation.</p>	<p>Tourism accommodation and associated leisure uses come under class D2 ‘Assembly & Leisure’ under the Town & Country Planning (Use Classes) Order 1987 (as Amended).</p> <p>The main purpose of the OS SPD is to mitigate the impact of population and household growth arising from residential development and subject to viability, commercial uses where appropriate.</p> <p>D2 leisure uses with holiday accommodation operate business model and licensing process which provides leisure and open space requirements which make it distinct from residential development and other commercial B and A use classes.</p> <p>Accepted – the proposed amendment wording of para 5.4 for the avoidance of doubt.</p>

Bourne Leisure (POS13)	<p>5 Determining contribution requirements: -</p> <p>As a result, the open space standards should not apply to tourism accommodation. Accordingly, we therefore suggest additional wording to paragraph 5.4, as below: -</p> <p>Suggest re-wording of paragraph 5.4 in Section 4 to include <i>tourism accommodation</i> as a type of development exempt from contributing to provision</p>	As above – accepted - the proposed amendment wording of para 5.4 for the avoidance of doubt.
Sport England (POS10)	<p>Arun Public Open Spaces Standards SPD</p> <p>Supportive of the positive and proactive approach set out within the SPD with the Council making request based on up to date evidence (Playing Pitch Strategy and the Indoor and Built Facilities Assessment) and reference being made to relevant guidance to inform such proposals (i.e. Active Design and national governing bodies guidance).</p>	Noted.
Sport England (POS20)	<p>8 Appendix Three Cumulative Demand for Indoor & Built Sports Facilities</p> <p>Support is given to the approach set out within the SPD with the contributions being supported by an up to date evidence base to reflect the local circumstances.</p>	Noted.
Sport England (POS19)	<p>Table 12.5 / Table A6.3 Estimated Pitch Demand</p> <p>Support is given to the life cycle costs for playing pitches to ensure that they are adequately maintained ensuring that they are fit for purpose.</p>	Noted.
Sport England (POS18)	<p>Appendix Five: Minimum site sizes</p> <p>The relevant playing pitch size dimension recommended by the respective national governing bodies can be viewed on Sport England's Comparative Sizes of Sports Pitches and Courts (outdoor) guidance. The pitch dimensions do not take account of, where relevant, ancillary provision such as changing and car parking. Sport England agree with the statement contained within para 10.26.</p>	Noted.
Sport England (POS17)	<p>7 Appendix Two: Design principles of new provision</p> <p>Welcome the reference to Active Design Guidance which encourage opportunities for developments to be designed to support</p>	Noted.

	<p>healthier and more active lifestyles.</p> <p>Reference to Sport England guidance on pitches and NGB guidance is also supported to ensure that sites and pitch construction works are fit for purpose.</p> <p>The promotion of co-location of facilities where appropriate is in line with the Active Design principles and therefore supported.</p>	
Sport England (POS16)	<p>5 Determining contribution requirements</p> <p>Sport England welcomes the use of the New Development Calculator (NDC) the application of which is informed by the Council's Playing Pitch Strategy.</p> <p>However, it should be noted that Sport England in April 2019 updated the Calculator with the tool being published on the Active Places Power (APP) website www.activeplacespower.com replacing the excel spreadsheet based tool.</p> <p>As was the case with the excel version, the APP calculator is available to local authorities (following registration) who have a robust and up to date playing pitch strategy (PPS) in place or are in the process of developing or updating one.</p> <p>The key changes between NDC and APP calculators which would alter the OS SPD should the Council wish to utilise APP are:</p> <ul style="list-style-type: none"> - Adding 3G artificial grass pitches under the estimated demand and costs separate to natural grass pitches - Adding in need for the number of junior hockey members - Amended age groups for football, age/gender (adult and junior) Hockey - Added indicative ancillary (e.g. team changing rooms) for pitches requiring such provision (excluding 9v9;7v7 and 5v5 football pitches) <p>The APP calculator will need to be populated by the Council in order to use – Sport England can assist; Stage E PPS update meeting can assist in determining whether on or off-site contributions</p>	<p>At the time of drafting the SPD, Artificial Grass Pitches were included within the Sports Facilities Calculator (SFC). However, since then they have moved into the Active Places Power (APP) pitch calculator. The OS SPD document has been amended to reflect the current situation.</p>
University of	<p>2 Introduction</p> <p>We support this proposal. We have not made a</p>	Noted.

Chichester (POS8)	<p>professional assessment of the proposed methodologies, but on a common-sense basis, we support these proposals. The University of Chichester values open space in support of our environmental and health and wellbeing policies, as well as supporting our business objectives in terms of student recruitment. The University aims to be a good neighbor and to support ADC in its objectives to maximize the returns on development in terms of open spaces, parking and sports facilities.</p>	
Walberton Parish Council	<p>4 The Evidence Base</p> <p>Walberton Parish Council supports the implementation of the document and applauds Arun on its clarity and usefulness of the examples.</p> <p>Request to be kept informed of developments on the provision of the 3 indoor sports and built facilities (Section 4.6) in particular the community sports center for Barnham Eastergate and Westergate As part of the strategic development, as this will be the closest facility for our residences and therefore they have a material interest.</p>	Noted and will be actioned.
Mrs M Boulton (POS15)	<p>Arun Public Open Space, Playing Pitch & Built Facilities</p> <p>Having waded through this immense technical document I should like to make just a few general comments.</p> <ol style="list-style-type: none"> 1. Prior to any development in Arun the redevelopment should be for infrastructure to be completed whether or not by s.106. 	<p>No proposed change. The delivery of the OS SPD standards by developments will be by s.106 obligations for on and off-site provision for Strategic Allocations which will be exempted from CIL. Other non-strategic development proposals will be subject to s.106 obligations until CIL is adopted when s.106 obligations will be scaled back to on-site mitigation.</p>

	<p>Evidence - appalling state of traffic congestion daily.</p> <p>2. It is very important that L.T.C. Should be able to make a serious contribution to planning application (not just those on the cabinet inner circle (or cabinet) who don't live in Littlehampton.</p> <p>3. Time should be put (say maximum of a year when permission is given).</p> <p>4. L/H. Hospital & Waitrose sites need to be dealt with & we need an efficient NHS Minor Injuries unit etc. And all round -</p>	<p>Other necessary infrastructure provision is also set out within the Infrastructure Capacity Study Development Plan (ICSDP) based on supporting Local Plan evidence on transport mitigation etc.</p> <p>Development Management processes allow for consultations with Parish Councils and need to take into account Neighborhood Plan policies.</p> <p>The ICSDP is a live document and will be updated along with critical delivery dates to align infrastructure and development. CIL when adopted will need to set out an Infrastructure Funding Statement on the strategic forms of infrastructure required to support development. Development</p>
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	<p>Arundel, Rustington, Bognor etc. With grossly overcrowded Dr's surgeries & social care it is essential.</p>	<p>Management decisions may attach conditions and planning obligations on necessary infrastructure and development can be refused otherwise.</p> <p>See comments as above re ICSDP.</p>
Angmering Parish Council (POS14)	<p>Arun Public Open Space Standards SPD</p> <p>No real comments only to say that the document looks good, let's hope it can be applied and stuck to on future developments.</p>	Noted.
Persimmon Homes (POS9)	<p>Attached letter Re Draft Open Spaces SPD: Representation</p> <p>The move from 2.4 ha per 1,000 population to 3.75 ha will have unacceptable financial consequences for Persimmon Homes if application begins immediately.</p> <p>We urge the SPD should not apply: -</p> <p>(1) to any residential development scheme with an (unimplemented) extant planning permission, as at 25th July 2019, or</p> <p>(2) to any fresh planning approval granted prior to adoption of the SPD.</p>	<p>The Council has been applying the FIT standard as a material consideration for DM purposes as an interim measure since early 2018</p> <p>The application of the FIT standard cannot be retrospective to an extant unimplemented planning consent if it has not already applied.</p> <p>The Council has been applying the FIT</p>

	<p>For clarification, we accept the new standard should apply to new planning consents AFTER the SPD's formal adoption.</p>	<p>standard as a material consideration for DM purposes as an interim measure since early 2018. It may equally apply to lapsed consents which are to be renewed.</p> <p>The FIT standard was published in 2015. The intention to move towards improved standards has been signaled through the emerging Open Space Strategy evidence base supporting the Local Plan preparation process. The Local Plan Viability Study (January 2017) has undertaken a broad assessment of development typologies including planning contributions, average greenfield and brownfield density, net developable area assumptions. Further, a level of contingency has been included as well as a number of viability buffer allowances. On the basis of this cautious approach to development viability, the Council will maintain the FIT standard as a material consideration for DM purposes and with</p>
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		greater weight following adoption of the OS SPD.
Highways Agency (POS6)	<p>Arun Public Open Space Standards SPD</p> <p>Thank you for inviting Highways England to comment on the 'Public Open Space' and 'Arun Parking Standards' Supplementary Planning Documents.</p> <p>We do not have any comments on this consultation. However, please continue to consult Highways England.</p>	Noted.
Historic England (POS5)	<p>Arun Public Open Space Standards SPD</p> <p>Letter attached</p> <p>Historic England's has no specific comments to make on the above document that deals with matters outside our remit and area of expertise.</p>	Noted
Ferring Parish Council (POS7)	<p>Arun Public Open Space, Playing Pitches & Built Facilities</p> <p>In response to the 'Arun Parking Standards' and 'Public Open Space' Supplementary Planning Documents Consultation 2019, Ferring Parish Council notes the contents of the consultation and acknowledges that there are no sites identified in Ferring or the surrounding area. Ferring Parish Council therefore has no further comment.</p>	Noted
West Sussex County Council (POS4)	<p>Arun Public Open Space Standards SPD</p> <p>Thank you for the opportunity to comment on the above document. Officers at West Sussex County Council do not have any comments at this time.</p> <p>Please get in touch if you require any further comment or information</p>	Noted
Mr Derrick Chester (POS3)	<p>5 Determining Contribution Requirements</p> <p>Is the 2.2 person per household figure robust given the housing mix anticipated in the Local Plan? We know children are living at home for longer for example and anecdotal evidence from recently built new estates demonstrates it is not long after being built that people start applying for extensions.</p> <p>How is the 20-year period for maintenance</p>	<p>The 2.2. figure is based on the average occupancy rate for Arun.</p> <p>A 20-year period is considered sufficient</p>

	<p>contributions determined, is it long enough?</p> <p>Should there be a clear policy new facility should be handed over the local Council (District or Parish) rather than remain in the hand of management companies which over time appear to become unaccountable and absent. Facilities for spectators should be mentioned in build standards particularly in relation to clubs that wish to seek promotion.</p> <p>The provision of play areas such a LEAPS and LAPS should accord to the standards specified in the District Council Play strategy - otherwise the District will in the future end up closing facilities handed over to it once the equipment needs replacing.</p> <p>There seems to be a particular gap in this strategy, and most others, with regard to provision for older teenagers and young adults, especially important given the issues with ASB being experienced across the District.</p>	<p>for strategic purposes. Is also longer than the 16 years previous requested. Many requests from Local Authorities are between 10-15 years.</p> <p>Where the Council's service providers consider this appropriate as an option it can be considered on a case by case basis. The SPD signposts to good practice examples from Governing Bodies (e.g. FA) which includes advice on facility design and development</p> <p>The Play Strategy refers to design/equipment guidance from Play England. The SPD also refers to this in Appendix 2 (as well as Fields In Trust)</p> <p>The SPD is intended to set mechanism for requesting developer</p>
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		contributions. It does refer to play types such as NEAPs and 'Others' which are focused on provision for older age ranges. Other Strategic documents should be used to steer such resource direction
Mr Derrick Chester (POS2)	<p>4 the Evidence Base</p> <p>There should be consideration given to whether a sports hub in the Littlehampton West Bank Climping and Ford areas should be established as the cumulative population increase of all developments will be high with restrained opportunities for additional provision in Littlehampton itself.</p> <p>Whilst the SPD sets out the need to identify 'deficiency' the adoption of a policy which is based on a calculator assessing the impact of new development rather than assessing deficiency that may already exist amongst the existing population may hinder attempts to rectify existing deficiency.</p>	<p>The Local Plan strategic priorities (para 44.1.6) make provision for establishing community hubs where appropriate within developments (e.g. collocating health and cultural needs and may extend to sporting venues in community halls). The Playing Pitch and Indoor and Built Facilities Strategies also identify potential hub locations these are in.....</p> <p>Planning law only allows contributions to provision to be sought in order to meet the needs of the population as part of that generated by development.</p> <p>The SPD uses information on existing supply and demand via the Arun Playing Pitch Strategy and Indoor and Built Facilities Strategy. For example, this includes the use of Team Generation Rates within the PPS which</p>

		<p>is based on existing trends for different sports. This can help to identify where existing shortfalls may exist and what the priority may be for future development.</p>
<p>Mr Derrick Chester (POS1)</p>	<p>3 Policy Context</p> <p>It is important that facilities provided take into account the desire of successful sports clubs to progress in competition by ensuring they have the proper facilities for spectators etc. required by the various sport governing bodies. In that sense they may be existing clubs which are looking for opportunity to relocate, and the SPD could help to facilitate that, if the desire and need was identified as part of the provision. For example, it is well known that at the Sports field, Littlehampton the clash between football and cricket when the seasons run at the same time can cause problems. A successful Club, achieving promotion and capable of going up because it has adequate facilities, can play a key role in establishing more people to participate in Sport.</p>	<p>Such specific needs should inform and be informed by the Arun Playing Pitch Strategy and Indoor and Built Facilities Strategy - including as updated being live documents and can inform Stage E PPS update meetings with Sport England and local club stakeholders.</p> <p>The SPD also incorporates and signposts to good practices such as the design principles provided by Sport England and other Governing Bodies of Sport (e.g. The FA</p>

