

5.0 CALCULATING THE REQUIREMENT

5.1 All new residential development requires provision of open space as stated in UDP policy H3, this includes:

- Flats and maisonettes
- Additional dwellings gained through the redevelopment of an existing housing area
- Conversions of existing buildings
- Independent dwellings for students or the elderly.
- Permanent permissions for mobile homes.

5.2 Residential development that will not require open space contributions are defined as:

- Replacement of existing dwellings on a one for one basis
- Extensions and annexes within the curtilage of a main property for a dependent relative.
- Sheltered / special needs housing
- Temporary permissions for mobile homes.

5.3 To further clarify the above, there are three instances where it will be necessary to vary or waive a requirement for open space.

- Where the need for effective place-making, or a particular approach to urban design dictates the approach to provision. An example of this may be where it would be necessary or beneficial to provide a very high quality design to make the proposal more successful as opposed to an open space requirement.
- Where a residential development is so minimal as the costs of drawing up the Section 106 agreement would be higher than the commuted sum itself. The Council does however recognise

that the aggregate impacts of many small developments will have an impact upon open space requirements and so therefore retains discretion over whether to seek open space contributions. The current costs of drawing up a S.106 agreement are £200 + VAT (this may be subject to change).

- Where the developer can prove that any residential development will not result in an increased population to the local area because the occupants of new developments are migrants from within that same local area and the accommodation they vacate will not be used for residential purposes.

5.4 As a supplement to UDP policy H3, paragraph 10, the Council also recognises that the costs of providing open space can impinge on the overall costs of a development. Usually this requirement will not affect a proposal, however, where a proposal involves the development of a brownfield site where land remediation is necessary or where there are particular physical constraints, for example, the additional costs associated with providing open space can, in some instances reduce the quality of the end product. In instances such as this the Council may waive the requirement for open space in favour of improvements to the overall design of the development. In all cases it will be up to the developer to demonstrate, in broad financial terms, that the provision of open space is unsuitable for the case in question. The Council will then be able to make assessments on a case-by-case basis.

5.5 Where on site provision of open space is not possible, then financial contributions will be used to mitigate against a lack of on site provision. The scale of the contribution will be calculated using a formula that takes into account the size of the development, the type of dwellings and

the cost of providing (or enhancing) and maintaining open space.

- 5.6 Any financial contribution paid by the developer towards the provision or enhancement of open space will be the subject of a legal agreement specifying the amount of contribution, when it should be paid and how it will be spent.

OUTLINE APPLICATIONS

- 5.7 Where an application is received in outline and subsequently granted permission, the size and type of the proposed development is not known. The Council's position on the requirement of open space will be reserved through a clause in a legal agreement, so that when a detailed application is made, the estimated population of the development can be determined. In this instance an outline permission will state the maximum number of dwellings, and the clause will state all the other known variables.

OTHER PRINCIPLES

- 5.8 Financial contributions paid by developers will be based upon a legal agreement between the developer and the Council. This will specify the amount of the contribution, when it should be paid and how it will be spent. The agreement will also detail implications for repayment, where appropriate, should capital works not begin within an agreed timescale upon completion of the final dwelling in the scheme.

- 5.9 For larger developments the Council will be able to indicate exactly where any contributions made by developers will be spent. For smaller developments financial contributions will be insufficient to provide new open space or enhance existing open space on their own. In cases such as this contributions will be paid into a special ring fenced account based upon area forum

boundaries from which aggregate contributions will be used to make improvements within that area. Where this is the case it will not be possible for any legal agreement to indicate a time scale for repayment of commuted sums as monies will not be spent until several separate sums have been accumulated.

- 5.10 It may be appropriate to direct developer contributions to improve pedestrian and cycle access, instead of using contributions towards open space specifically. This is mentioned with particular reference to town centre developments where provision cannot be made on site and improvements to sustainable forms of transport will achieve other environmental targets.

MAKING THE CALCULATION

- 5.11 All planning applications for residential development must have their open space requirement assessed in terms of Quantity, Accessibility and Quality.
- 5.12 With reference to appendix B, each residential planning application will fall into one of the seven area forums that cover the borough. Each typology of open space has been quantified within each area forum.

QUANTITY

- 5.13 Assessments of quantity are made using area forum boundaries (shown in appendix B). A comparison is made between the current level of provision within the area forum the development falls in, and the local standards set in the Halton Open Space Assessment 2005. Where existing provision for any typology falls below the local standard, a deficiency exists.

ACCESSIBILITY

- 5.14 With reference to table 2 below, each typology of open space has been set an accessibility standard. It is now possible

to identify any development sites within the borough which fall outside the existing accessibility standards for open space. Major obstacles such as roads or waterways will be considered at this time.

5.15 By using the quantity and accessibility standards together it is possible to determine the priorities for open space provision. The basic principle is that those typologies deficient in quantity and outside accessibility standards take the highest priority for new provision.