

# **Amenity Space In Residential Development**

**Supplementary Planning Guidance**

**Adopted 22<sup>nd</sup> April 2003**

**Cheltenham Borough Council**

# SUPPLEMENTARY PLANNING GUIDANCE

## AMENITY SPACE IN RESIDENTIAL DEVELOPMENT

### 1. INTRODUCTION

- 1.1. This guidance relates to policy RC 102A in the Cheltenham Borough Local Plan Second Review Revised Deposit Draft (2004), which states;

**“Residential development will only be provided where it provides an appropriate amount of amenity space.”**

- 1.2. Policy RC 102A is supported by Cheltenham Spa: Urban Design Framework (*draft* 2000). This framework was prepared on behalf of the Borough Council by consultants Latham Architects. The framework recognises the importance of green spaces within the town, including public amenity spaces within developments and private gardens, and considers that green spaces do not have to be large to be enjoyed.

*“With some imagination and determination...trees and limited planting can provide the relative tranquillity upon the ear, and dappled light upon the eye...the contribution of private gardens and particularly trees within them, should not be overlooked as they add greatly to the character of the town”.*

### 2. AMENITY SPACE

- 2.1. Amenity space is generally green space and planting which softens the urban fabric, allows for informal leisure, and provides a setting for buildings. Hard landscaping may form or be included within areas of amenity space and can make a positive contribution to the quality of the public realm. Generally, the Borough Council will favour green amenity space, however, where hard landscaping is proposed the Council will consider its contribution in terms of amenity space criteria set out in section 5 and the principles of urban design set out in appendix 1. All amenity space has a vital role in creating a more attractive townscape and pleasant living environment, the benefits of which are measurable in terms of public health and economic prosperity. Amenity space can be within private ownership in the form of private gardens, formal amenity space for communal use, or in the wider public domain, such as highway verges, visibility splays, or small pockets of land left over after planning.

### 3. LEVELS OF AMENITY SPACE

- 3.1. Planning Policy Guidance Note 3 – Housing (2000) advises local authorities to apply flexibility in the application of amenity standards. The Borough Council recognises that flexibility is important, particularly in light of the pressures of land availability in Cheltenham and problems associated with land assembly. However, the provision of amenity space to meet the needs of new development is important in promoting the well being of residents of Cheltenham, and enhancing the quality of the urban environment.
- 3.2. The provision of amenity space will be considered on a site-by-site basis, assessed against the principles of urban design and amenity space criteria set out in paragraph 5.1. The Council recognises that occasionally there will be development schemes where the best form of development or particular site

characteristics and locality may restrict the preferred level of amenity space. Where such occasions arise, the Council will encourage the implementation of innovative amenity space, which may take on forms of street planting, or are associated with street furniture or public art.

- 3.3. In considering the amount of amenity space provided in residential development, the Council will have regard to the fact that there is often overlap in the character and location of communal amenity space and casual play areas for children. Both are often relatively small parcels of green space which are closely related to homes, and both are to the benefit of local residents, whether for play or for general amenity. Where a green space within a residential development is suitable for casual play, and has an amenity function, it will count towards calculations of appropriate provision for both, see supplementary planning guidance '*Play Space in Residential Development*'. Green spaces should not however be provided in the form of casual play space where it would have greater amenity value in a different form. Whilst amenity space may count towards the provision of casual play space, it will not count towards the provision of a Local Area for Play (LAP) or a Local Equipped Area for Play (LEAP). Such areas are fenced and subject to byelaws in respect of pleasure grounds and open spaces which allows the use of play areas by children up to the age of 14 and their carers, and restricts access to dogs.

#### **4. LOCATION AND LAYOUT OF AMENITY SPACE**

- 4.1. Amenity space is an essential and integral element of residential development. As such it must be considered at the outset of the design process to ensure that a development is brought forward which has a structure where buildings, routes and open spaces relate to each other and the wider locality. The proper design of amenity space is a professional task; accordingly, the Council strongly recommends that a registered Landscape Architect is appointed in putting together such proposals.
- 4.2. Amenity space has a number of roles in terms of providing opportunities for recreation and leisure and contributing to the quality of the townscape. The measurable benefits include improved public health, reduced stress levels, child development through creative play, interaction with nature and economic prosperity.
- 4.3. Amenity spaces may where appropriate accommodate devices that serve to control surface water run off through sustainable urban drainage techniques (SuDs). Techniques may include infiltration devices such as swales and filter strips consisting of vegetated sections of land and grassed depressions that mimic natural drainage patterns, or larger techniques such as ponds and wetlands. The Borough Council has prepared supplementary planning guidance, *Flooding and Sustainable Drainage Systems*.
- 4.4. The Council will consider amenity space that incorporates SuDs. Developers will be required to demonstrate safety in design, such as grading and planting of ponds and wetlands, and appropriate barriers both in terms of safety and design.

#### **5. AMENITY SPACE CRITERIA**

- 5.1. The siting of amenity space should form an integral part of the design process of the housing layout. Developers will be required to demonstrate how amenity space identified within development proposals will contribute to the quality of the townscape and add value to the lives of people that use it. In preparing

proposals developers must take into account the amenity space criteria set out below.

- **Context** – design of amenity space should be appropriate in a physical and social context, creating a sense of place; linking to other green spaces both visually and physically for wildlife, pedestrians, cyclists, and in terms of urban design.
- **Townscape Value** – amenity space should play a positive role in structuring the urban form, creating views and vistas, and providing a setting for adjacent buildings.
- **Accessibility** – the location of amenity space must consider access for all users. Where amenity space may also be used as casual play space, developers must carefully consider the way in which vulnerable users, such as children, will access the site from the wider area, taking into account dangers such as highways and turning areas for vehicles. Sites must be separated from areas of high vehicle movements and accessible directly from pedestrian routes. Where children will be required to cross a road within a residential development to access an amenity space, traffic calming measures, such as improved crossing facilities, should be employed to reduce traffic speeds and raise awareness of drivers to the activity of children. Measures may also include a change in the road surface, and/or signage.
- **Landscaping** – is an integral aspect of the design of amenity spaces. Amenity space that may be also be used as casual play space must have regard to children's safety, avoiding highly poisonous plants, and varieties that are known to provoke allergic reactions. Plants with severe thorns should also be avoided along pedestrian routes or desire lines. Planting of tree species with vigorous rooting systems should be avoided close to paths, walls and other items of infrastructure. The planting scheme must consider the overall security of the site, allowing unobstructed views into the site and restricting potential hiding places. Opportunities should be sought to protect, enhance and create wildlife habitats, enhancing biodiversity.
- **Safety and Security** – overlooking of site by adjacent properties and well used pedestrian routes, fencing, and where appropriate lighting and CCTV. Regard should be given to hazards arising from roads, watercourses, electricity cables and railway lines. The use of defensive planting techniques should be considered where it can assist in community safety and security. The design of safety and security measures must be such that it achieves its intended purpose without inhibiting the access or enjoyment of disabled users. Further guidance is set out in supplementary planning guidance, *Security and Crime Prevention*.
- **Ownership** – amenity spaces should, wherever possible be designed in partnership with members of the community who will use it, to help foster a sense of ownership and local pride.
- **Public Art** – amenity spaces may provide an appropriate location for the display of public art.

## 6. SUBMITTING AN APPLICATION

### Pre-application discussion

- 6.1. The Borough Council strongly encourages pre-application discussions on the location and type of amenity space provision as part of the overall design process. Pre-application discussion should be viewed by the applicant as a means of discussing and resolving problems at an early stage, which could otherwise delay an application or result in its refusal.

#### **Information to accompany planning applications**

- 6.2. The Council will expect planning applications to clearly indicate on layout plans the location of amenity space in relation to development. In submitting this detail the developer must demonstrate they are addressing the specific requirements and user aspirations of the site. The council is therefore looking for site-specific designs that respond to the unique character of a particular site. Where amenity space is proposed also to provide casual play space, developers must demonstrate how the site would provide opportunities for safe and creative play.
- 6.3. Plans should be to a suitable scale and must contain adequate detail to enable the council to determine:
- Suitability of the design concept, and content.
  - Specific commuted maintenance sum calculations.
  - Protection measures to existing vegetation, i.e. vegetation surveys and proposed layout overlays.
- 6.4. Failure to provide an adequate and appropriate level of detail at the initial application stage may result in an application being delayed or refused

### **7. ADOPTION**

- 7.1. The Council will expect the developer to be responsible for the design, specification, and layout of amenity spaces as part of the overall development of the site for housing. In some cases the developer will retain responsibility for the amenity space, however, the Council anticipates that developers may wish an alternative body to adopt amenity spaces and take responsibility for maintenance. Such appropriate bodies include the Borough Council, parish councils, or a residents management group.
- 7.2. The Borough Council will be willing to adopt amenity spaces under the following circumstances:
- Where it can be clearly demonstrated that amenity space has been laid out in line with the guidance contained within this document.
  - Following a year's maintenance by the developer or their contractor, starting at the point of practical completion of landscape works, during which time any problems or snagging items can be identified and remedied.
  - Upon payment of a ten year commuted maintenance sum to meet the operational costs associated with the upkeep of the landscape and general fabric of amenity space.

### **8. FURTHER INFORMATION**

#### **Relevant legislation**

- Town and Country Planning Act 1990

#### **Guidance**

- PPG 12 Development Plans. DTLR (1999)
- PPG Note 17, Planning for Open Space, Sport and Recreation. ODPM (2002)

- PPG 3 – Housing. DTLR (2000)
- Green Spaces, Better Places. Final report of The Urban Green Spaces Task Force. DTLR (2002)
- Cheltenham Borough Local Plan Second Review Revised Deposit Draft, Cheltenham Borough Council (2004)
- Green Care Strategy. Cheltenham Borough Council *to be revised under the Green Spaces Strategy*
- Cheltenham Strategic Green Network. Cheltenham Borough Council *to be revised under the Green Spaces Strategy*
- National Urban Forestry Unit (NUFU)
- National Plant Specification (NPS)
- Nursery Certification Scheme (NCS)
- Contractors Certification Scheme (CCS)

#### Useful websites

- [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk)
- [www.planning.odpm.gov.uk](http://www.planning.odpm.gov.uk)
- [www.gohelios.co.uk](http://www.gohelios.co.uk)
- [www.nufu.org.uk](http://www.nufu.org.uk)

## 9. CONTACTS

- 9.1. The following officers of Cheltenham Borough Council will be able to offer further advice on the issues set out in this guidance:

Parks Development Manager  
**01242 774731**

Development Control Manager  
**01242 264168**

Strategic Land Use Officer  
**01242 264382**