

SCRUTINY COMMITTEE - COMMUNITY – 4 MARCH 2014

QUESTION FOR PORTFOLIO HOLDER
UNDERSTANDING ORDER NO.20

Question from Cllr Morris for the Portfolio Holder – Environment, Health and Wellbeing

Whilst this problem is potentially a planning matter, going forward; Do you think there is anything that we as a Council are able to do to ensure that developers inform purchasers that there are plans for Local Authority play areas within the developments

And

Furthermore, is there anything that we can do to get an agreement from developers that ECC be permitted to hold onsite consultations prior to them leaving the site leaving us as a Local Authority to deal with the residents that are now understandably upset

Answer

There are two ways that prospective purchasers usually find out about proposed open space on developments, through developer marketing information and local authority land charge searches.

Developers usually include details of open space on their marketing literature since it is a positive feature of most developments. Taylor Wimpey's Sylvan Heights brochure can still be found on the web (try <http://www.rightmove.co.uk/new-homes-for-sale/property-14519607.html>). It shows the 'communal open space' parkland and within that an area identified as 'LEAP'. That stands for Locally Equipped Area for Play. It might have been more helpful if they had spelled out what LEAP means.

Solicitors for prospective purchasers undertake land charges searches of the Council. These would reveal the existence of a S106 agreement on the site and any competent solicitor could be expected to inspect that document and brief his client on any implications such as open spaces and affordable housing.

There are therefore two avenues by which prospective purchasers can find out about proposed open space and how it will be provided.

Planning law provides that a local planning authority can require developers to make adequate arrangements for the provision and maintenance of open space, we cannot require that open space is offered to the Council for adoption.

Where open space is offered to the Council it tends to be at the end of the development and it can take time for the land to be put in an acceptable condition. The S106 agreement can either require the developer to provide play equipment to a minimum standard or to pay a sum of money to the Council which will then use it to procure the equipment. Sylvan Heights uses this latter model, it has the advantage that the new community can then be consulted by the Council on the detailed design of the open space. The risk of earlier consultation might be raised community expectation of early delivery of open space when their might be difficult issues to sort out before the Council was prepared to accept the open

space. For example we would not wish to accept land with inadequate drainage or remediation of any contamination since we would be accepting the liability.

The Council's role in the design and adoption of open space does have a significant resource implication that can exceed the sums paid by developers. On many more recent developments, such as Redrow at Ibstock brickworks, the developer makes their own arrangements for layout and maintenance of open space. This often involves giving each property a share in a company responsible for long term maintenance. This model may enable open space to be provided earlier and gives residents greater long term control.

In summary, marketing and land charge searches provide a mechanism whereby purchasers should be aware of proposed open spaces, we are increasingly moving to models whereby developers directly provide open space.