

**PLANNING AND REGULATORY COMMITTEE  
20 SEPTEMBER 2016****PROPOSED NEW SINGLE STOREY 1 FORM ENTRY  
PRIMARY SCHOOL ACCOMMODATING RECEPTION TO  
YEAR 6 AT MALVERN VALE PRIMARY SCHOOL,  
SWINYARD ROAD, MALVERN VALE, MALVERN,  
WORCESTERSHIRE**

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**Applicant**

Worcestershire County Council

**Local Member**

Prof J W Raine

**Purpose of Report**

1. To consider an application under Regulation 3 of the Town and Country Planning Regulations 1992 for a new single storey 1 Form Entry Primary School accommodating Reception to Year 6.

**Background**

2. In December 2006, Malvern Hills District Council granted outline planning permission for the redevelopment of the former MOD North Site (Planning Permission 04/00182/OUT). This permission included the reservation of land for the provision of a school as part of the Section 106 agreement. Since then, much of the housing development has been constructed in the Malvern Vale area.
3. In May 2015, Jacobs UK conducted a feasibility study for a new primary school in the Malvern Vale housing development. Jacobs UK were subsequently appointed by Place Partnership Ltd to design, procure, and supervise the construction of the new primary school on behalf of Worcestershire County Council.
4. The new primary school would expand the existing Somers Park Primary School in Malvern in order to accommodate new pupils associated with the Malvern Vale housing development.

**The Proposal**

5. Worcestershire County Council is seeking permission for a new single storey 1 Form Entry Primary School accommodating Reception to Years 6. The proposal includes the school, a car park, hard play areas, a netball court, soft landscaping, drainage, and the use of an existing sports pitch.

6. The school would provide places for approximately 210 pupils and employ approximately 25 members of staff (including lunchtime support, teaching assistants and staff to the servery).

### **School Buildings**

7. The proposed main school building would be single storey and measure roughly 1355m<sup>2</sup> in area. The main body of the school would measure approximately 6 metres in height, whilst the school hall would measure approximately 9.1 metres in height.

8. The building would comprise the following: 7 classrooms, offices, store rooms, cloakrooms, a staff room, DT room, plant room, servery, WCs, a Bathroom Management Area, and external bin storage.

9. The applicant's design philosophy states that the layout of the site has largely been driven by the existing parameters of the Malvern Vale Community Centre, existing service access road, and existing sports pitches. The school building has been organised along a linear corridor to create clear circulation routes for pupils.

10. The proposed materials for the school building would be comprised of the following:

- Walls: grey facing brickwork with partial panel cladding to define entrances and lift the roof overhangs. The main entrance would be defined with cedar cladding
- Windows and external doors: Aluminium and timber composite frames
- Roof: Single ply membrane in slate grey with a sedum finish. The hall roof would be matt, slate grey aluminium
- Rainwater goods: Aluminium to match external window frames.

11. The proposed roof for the school hall would be double pitched to allow the installation of Photovoltaic (PV) panels to the southerly aspect and lighting of the internal spaces. The roof for the majority of the school would comprise a green roof with a sedum finish.

12. A smaller building measuring roughly 79 m<sup>2</sup> in area would be located between the proposed netball court and turning head for the existing service access road. This building would house the sprinkler tank, sprinkler pump room, and a storeroom.

### **Car Park**

13. A car park is proposed immediately southwest of the proposed netball court along an existing service access road.

14. The car park would provide 9 spaces. No disabled or visitor car parking provision is proposed. It is assumed that visitors would be dropped off on the highway adjacent to the front of the main entrance.

### **Hard Play and Netball Court**

15. Hard play areas are proposed for Key Stage 1 and Key Stage 2 pupils immediately to the west of the proposed school building. A netball court measuring roughly 462 m<sup>2</sup> in area would be located to the west of these hard play areas.

### **Soft Landscaping**

16. Soft landscaping consisting of grass, shrubs and trees is proposed on the eastern and southern boundaries. Grass, shrubs and a tree would be located in the courtyard area between the school and the community centre.

### **Drainage**

17. A SuDS (Sustainable Drainage Scheme) is proposed in the form of existing below ground attenuation basins provided as part of the wider redevelopment of the former MOD north site. The proposed school would connect to this existing SuDS. The SuDS would form part of the proposed school's storm water drainage scheme. A green roof with a sedum finish is also proposed, which would contribute to the drainage strategy for the school.

### **Playing Field**

18. The school would be located immediately to the east of two existing grassed sports pitches. It is proposed that the smaller of these 2 pitches would transfer to Worcestershire County Council ownership as part of the existing Section 106 Agreement.

19. During term time, the school would have exclusive use of this smaller pitch between 0830 and 1600, and priority usage between 1600 and 1800 Mondays to Fridays inclusive. The school would also have exclusive use between 0830 and 1200 on Saturday mornings during term time. The Community Centre would have exclusive use outside of these hours.

20. An 1800mm high gated fence is proposed between the small sports pitch and the large sports pitch in order to meet the proposed school's safeguarding arrangements for children.

### **Contractor's compound**

21. A potential location for the contractors' facilities would be the site of the proposed netball court adjacent to the existing service access road.

## **The Site**

22. The site is located within the Malvern Vale housing development which is situated on the north-western fringe of the Greater Malvern settlement area. The site lies approximately 90 metres northwest of the B4503 Leigh Sinton Road in this area.

23. The site measures approximately 0.85ha in area.

24. The site is accessed via a service access road, which adjoins Swinyard Road. Swinyard Road adjoins the C2207 Sayers Avenue at its southern end.

25. The site is currently an open grassed field with a perimeter timber knee-rail fence on all sides. The site is bounded to the south west, south, east, and north east by a mixture of detached and semi-detached residential properties. The Malvern Vale Community Centre lies immediately to the northwest of the site. A 50 space car park is located approximately 7 metres north of the site.

26. Two playing pitches (an adult pitch and an U11/12 pitch) are located northwest of the site boundary. The Community Centre lies between the adult pitch and the site. Agricultural fields lie beyond the playing pitches to the west of the site for approximately 400 metres before the land starts increasing steeply in gradient towards the northern extent of the Malvern Hills.

27. A number of significant features are located near to the site:

- **Listed Building:** Pale Manor, a Grade II Listed Building is located approximately 105 metres to the east of the site
- **Public Rights Of Way:** Footpath MV-517 lies approximately 105 metres west of the site. The footpath runs north-south along the western boundary of the playing pitches
- **Area of Outstanding Natural Beauty (AONB):** The Malvern Hills AONB boundary is located approximately 740 metres west of the site
- **Site of Special Scientific Interest (SSSI):** The Malvern Hills SSSI lies approximately 980 metres south west of the site
- **Local Wildlife Site (LWS):** Mill Coppice LWS is located roughly 600 metres to the west of the site. Whippets Brook LWS is located roughly 500 metres north west of the site

28. The site lies within a predominantly residential area. The nearest residential property is 120 Swinyard Road which is located immediately to the west of the site's south western boundary. A convenience store is located roughly 110 metres north of the site.

29. The application site falls within Flood Zone 1 (a low risk zone).

## Summary of Issues

30. The main issues in the determination of this application:-

- Need for the Primary School
- Residential Amenity
- Traffic and Highways Safety
- Building Design
- Playing Field
- Landscape Character and Appearance of the Area
- Ecology and Biodiversity, and
- Water Environment.

## Planning Policy

### National Planning Policy Framework (NPPF)

31. The National Planning Policy Framework (NPPF) was published and came into effect on 27 March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It constitutes guidance for local

planning authorities and decision takers and is a material planning consideration in determining planning applications. Annex 3 of the NPPF lists the documents revoked and replaced by the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking.

32. Sustainable Development is defined by five principles set out in the UK Sustainable Development Strategy:

- "living within the planet's environmental limits;
- ensuring a strong, healthy and just society;
- achieving a sustainable economy;
- promoting good governance; and
- using sound science responsibly".

33. The Government believes that sustainable development can play three critical roles in England:

- an economic role, contributing to a strong, responsive, competitive economy
- a social role, supporting vibrant and healthy communities and
- an environmental role, protecting and enhancing our natural, built and historic environment.

34. The NPPF does not contain specific waste policies, as these are contained within the National Planning Policy for Waste. However, the NPPF states that local authorities taking decisions on waste applications should have regard to the policies in the NPPF so far as relevant. For that reason the following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:-

Section 1: Building a strong, competitive economy

Section 4: Promoting sustainable transport

Section 7: Requiring good design

Section 8: Promoting healthy communities

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 11: Conserving and enhancing the natural environment

### **The Development Plan**

35. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan consists of the South Worcestershire Development Plan.

36. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

### **South Worcestershire Development Plan**

Policy SWDP 1 Overarching Sustainable Development Principles

Policy SWDP 2 Development Strategy and Settlement Hierarchy

Policy SWDP 4 Moving Around South Worcestershire

Policy SWDP 21 Design

Policy SWDP 22 Biodiversity and Geodiversity  
Policy SWDP 23 The Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty (AONB)  
Policy SWDP 25 Landscape Character  
Policy SWDP 27 Renewable and Low Carbon Energy  
Policy SWDP 28 Management of Flood Risk  
Policy SWDP 29 Sustainable Drainage Systems  
Policy SWDP 30 Water Resources, Efficiency and Treatment  
Policy SWDP 31 Pollution and Land Instability  
Policy SWDP 33 Waste  
Policy SWDP 37 Built Community Facilities  
Policy SWDP 39 Provision for Green Space and Outdoor Community Uses in New Development  
Policy SWDP 62 Implementation

## Consultations

37. **County Councillor Raine** has the following comments-

- The application for the primary school is welcomed
- The emphasis on low carbon/energy requirements in the design is welcomed (including PV panels, a sedum roof, and orientation for optimising passive solar gain)
- It is recognised that the school hall will benefit from additional height over normal room heights, but there is concern that the height of the hall would unnecessarily restrict views of the hills for residents opposite. A lower height might be adopted instead
- He is concerned about car parking provision and the arrangements for waiting when parents drop off and collect their children. Ideally, parents and children should walk to school, and this should be encouraged. However, experience from other schools in the area (Northleigh and Somers Park, for example) indicates that many parents and children do not walk (and maybe cannot)
- Dangerous short term parking and waiting must be particularly avoided on Swinyard Road. Congestion at the start and finish of school is a worry and could prove to cause considerable aggravation for local residents (as is the case at Somers Park and Northleigh)
- A better position for the bin store is worth thinking about to avoid an unsightly effect on the immediate environment and residents
- The councillor dislikes the concept of fencing between the two pitches. The existing fencing around the two pitches provides more than adequate security and already damages the outlook towards the hills. Adding further fencing reduces the sense of openness and landscape amenity

- The councillor hopes his observations are helpful in ensuring the best possible design for this important component of the Malvern Vale community.

38. **Malvern Hills District Council** have the following comments:-

- The district council supports the principle of a primary school on the Malvern Vale development. The council is pleased that the development has come forward after years of uncertainty. This is a very important part of this sustainable mixed use development on a brownfield site
- The school's design should be of the highest quality in terms of internal layout, materials, and energy efficiency. The PV panels, the sedum roof, and orientation for passive solar gain are welcomed
- The school seems unnecessarily high in the context of the adjacent community centre and the surrounding dwellings. It is understood that the hall may need to be higher than other parts of the building. However, the height of the hall should be reviewed and reduced to the minimum necessary to ensure it is in keeping with the scale and mass of the surrounding development. The character and appearance of the area should not be adversely affected, as well as the amenity of adjacent occupiers
- The external materials require further consultation in the event that planning permission is granted. The submitted drawings give a dark and austere impression. Consideration should be given to brightening up the building's appearance. The introduction of colour could be discussed with the local community
- The building should be designed to minimise maintenance in the long term. The triangular areas of soft landscaping should be deleted and replaced with trees. Further tree planting could be included on the western site boundary along the edge of the playground to soften the development and provide summer shading. Further consultation is required for hard and soft landscaping proposals
- The council is concerned that tree planting proposals may adversely impact on the efficiency of the community centre's PV panels
- The entrance in to the school on the southern boundary should be set in to the site to allow parents and children to wait by the gate during pickup/drop off. The limited width of the footway is likely to mean children could be knocked in to the road
- The fencing around the building will be prominent. Colour and type of fencing will require careful consideration. Consultation is required on this detail
- The northwest elevation will be prominent when viewed from Swinyard Road and public open space. The elevation's design is plain and overbearing when viewed against the community centre. Architectural interest should be considered for this elevation

- The bin store is in a very prominent roadside location and lends this part of the building a utilitarian appearance. Bin stores would normally be located to the rear of the building. Consideration should be given to relocating the bin store off the service road to the rear of the community centre
- The council objects to the addition of fencing dividing the U11/12 pitch from the adult pitch. The council does not accept this is required for safeguarding reasons. Other primary schools in the district rely on building level security and do not have this type of fencing around their grassed play areas. Safeguarding of pupils and centre users should be a straightforward arrangement through effective partnership working and communication. The introduction of a fence would be detrimental to the school and community centre, and unnecessarily restrict the site's flexibility. The school and community centre should be capable of hosting combined community events utilising both buildings and pitches without a fence that would compromise this ability
- The council is concerned that the fence between the pitches could cause injuries if players overrun the edges and collide with the fence.

39. **Malvern Town Council** have the following comments:

- The council supports this long-overdue application
- Consideration must be given to the provision of adequate parking for both staff and visitors, and to arrangements for the dropping off and collection of children
- Renewable energy and sustainability must be given priority.

40. **The County Archaeologist** has no objections.

41. **The County Ecologist** has no objections. The County Ecologist considers that the recommendations of the Preliminary Ecological Appraisal submitted with the application could be secured through an appropriately worded condition.

42. **The County Footpaths Officer** has no objections.

43. **The County Health Improvement Practitioner** recommends that a Health Impact Assessment (HIA) is undertaken. An HIA is likely to generate positive and negative implications for the health and wellbeing of the local population. Recommendations from an HIA should be addressed through the masterplanning and design process.

44. **The County Highways Officer** has no objections subject to conditions. The County Highways Officer has provided the following comments:-

- Considering the established residential neighbourhood surrounding the development, it is anticipated that the majority of trips will be made on foot
- It is recognised that some trips will be made by car, for example parents passing the school on the way to work. It is normal to experience on street parking for short durations around opening and closing times. These short term issues are not considered to warrant the provision of dedicated parking provision



- Some parking for staff is provided as they are expected to come from further afield. Cycling and bus access are realistic options and the site is highly accessible by both. The parking levels are considered appropriate for usage in this location
- A travel plan is required to encourage the significant opportunities for sustainable access from pupils and staff. Of particular benefit would be the provision of sheltered storage for pupils' scooters. It is expected that the travel plan will include this
- A parking space for exclusive use by the disabled shall be provided.

45. **The County Landscape Officer** has no objections. The officer commented that the development should make a moderate contribution towards the townscape quality and environment.

46. **Hereford and Worcester Fire and Rescue Service** have no objections.

47. **The Lead Local Flood Authority** have no objections.

48. **The Malvern Hills AONB Partnership** have no objections.

49. **Natural England** have no objections.

50. **Severn Trent Water Limited** have no objections, subject to conditions relating to the provision of drainage plans for the disposal of foul sewage and surface water.

51. **South Worcestershire Land Drainage Partnership** have no objections.

52. **Sport England** have no objections subject to a condition securing continued community use of the U11/12 playing pitch (unless another suitable mechanism is already in place to ensure continued community use). Sport England also have the following comment:

- The proposal to fence off the U11/12 pitch may be unnecessary when there is already a perimeter fence around the two pitches which restricts access. Furthermore, the fence would not allow rest and rotation of the pitches, which is recommended by the Football Association. Safety run-off areas would also be limited by the fence. Sport England recommends that the fence is not provided.

53. **West Mercia Police** have no objections. Pre-application discussions with the applicant dealt with any small concerns.

54. **Worcestershire County Council's Sustainability Team** have the following comments:

- The planned school could follow the example of schools built to excellent environmental standards in Worcestershire
- The team supports the development's aim to achieve Building Research Establishment Environmental Assessment Method (BREEAM) 'Very Good'

- Consideration should be given to incorporating energy efficient lighting technology, zoned heating and lighting, rainwater harvesting, and potential for a biomass boiler or ground source heat pump
- The inclusion of renewable energy in line with the requirements of the SWDP is welcomed
- The team recommend a range of measures to ensure the building's ability to cope with climate change including: wide gutters, outdoor shading areas, green space provision, rainwater harvesting, and individual water butts for gardening
- The sedum roof is welcomed as this is a key measure for slowing down and decreasing runoff
- Efforts should be made to encourage planters and other aspects of greenery in the playground due to the limited green infrastructure in the school grounds
- Environmental measures for enhancing the school's grounds as a learning environment could be incorporated, such as providing water butts for pupils to safely access and appreciate the benefits of sustainable design
- It would appear no arrangements have been made for the separate storage and collection of recyclable waste. This could make it easier for the school to segregate recyclables. Arrangements should be made for composting
- Consideration should be given to local sourcing of materials and local employment opportunities during construction
- Sustainable transport to the school should be enabled with clear walking and cycling options. Cycle parking should be planned in the development. The transport statement could have identified existing cycle paths and how these link to the school
- Developing the travel plan could ensure sustainable travel is embedded throughout the school as it opens.

55. **Worcestershire Regulatory Services** have no objections.

56. **Worcestershire Wildlife Trust** have no objections.

### **Other Representations**

57. The application has been advertised in the press, on site, and by neighbour notification. 8 letters of representation have been received. The letters of representation are available in the Members' Support Unit. The main comments are summarised below:-

- One letter of representation is largely supportive of the construction of the school.

- There are multiple concerns surrounding car parking provision at the proposed school and the impact this would have on the Malvern Vale housing area. These are detailed below:
  - i. The 9 spaces proposed do not meet the council's highways standards. More spaces should be provided to meet the standards;
  - ii. Many residents require parking spaces in front of their homes on the highway. Parents parking in these spaces may lead to inconvenience;
  - iii. Adequate parking should be provided for parents. The consequences of not providing spaces would be chaos, inconvenience, and safety implications. Examples of the chaos to be expected can be seen at pickup and drop off at Dyson Perrins and Northleigh schools;
  - iv. Only 9 spaces are provided for staff. There is concern at where the extra staff would park;
  - v. Planning consent should be delayed until sufficient car parking arrangements have been reviewed;
  - vi. The plans submitted suggest the school will use the car parking spaces at the Community Centre. It wouldn't be appropriate for the school to use these spaces because they are used for events and functions during the week;
  - vii. At a Malvern Vale residents meeting on 1 July 2016, it was established that an arrangement for the school to use the Community Centre car park had yet to be obtained, and that this would be fought against;
  - viii. One local resident suggests a solution to the parking problems could be to reduce the size of the school, or to make the school 2 storeys in height to provide additional parking spaces; and
  - ix. Another local resident suggests setting the school back from the road and providing a layby on Swinyard Road. Another option would be to locate the main entrance on the western side of the site, and to provide car parking at the south of the site. This arrangement would also be less intrusive on nearby properties.
- There is concern at traffic problems which might be generated by the school. There are already problems on Swinyard Road with the current traffic levels including 'near misses', obstruction of the road, and the loss of a resident's pet cat, which was caused by a motorist
- There is concern that the 210 pupils coming and going each day would increase the amount of litter around the Malvern Vale estate. Would the appropriate authority be contributing to maintaining the environment, and how would this occur?
- There is concern surrounding who would maintain the green spaces at the development

- There are concerns at the height of the building along Swinyard Road, and the height of the hall building. These are detailed below:
  - i. The single storey building is too high and would constitute a significant visual impact on residents on the road opposite the school, as well as making the school more expensive to heat. The height of the school should be reduced. One resident suggests this would be less expensive because of the reduction in materials used; and
  - ii. Another respondent objects to the height of the school hall. The height overpowers the Community Centre building. The Community Centre's height is sufficient for all activities, meaning the height of the hall is questionable. There is also concern at the hall and the associated landscaping's impact on the performance of the PV panels on the Community Centre's roof.

### **The Head of Strategic Infrastructure and Economy's Comments**

58. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

#### **Need for the School**

59. The proposal is for a new 1 form entry primary school accommodating reception to years 6. The site for the school was reserved as part of a Section 106 agreement between Malvern Hills District Council and Persimmon Homes attached to the planning permission (reference number: 04/00182/OUT) for the redevelopment of the former MOD north site. The applicant states that the school is required in order to accommodate pupils associated with new housing areas.

60. County Councillor Raine, Malvern Hills District Council, and Malvern Town Council support the principle of a primary school in the Malvern Vale housing area. Malvern Hills District Council comment that the school would form an important element of the sustainable mixed use development on this former MOD brownfield site.

61. Policy SWDP37 states that the provision of new community facilities (including schools) will be permitted, subject to satisfying the sequential test in the Framework where applicable. Furthermore, paragraph 72 of the NPPF states that the Government attaches great importance to ensuring a sufficient choice of school places is available to meet the needs of existing and new communities. Further to this, Planning Authorities should "give great weight to the need to create, expand or alter schools".

62. Taking in to account the provisions of the development plan, and the great weight attached to creating schools by the NPPF, the Head of Strategic Infrastructure and Economy considers that the development is acceptable in principle. However, the weight attached to the need for the school must be balanced against the other main issues.

### **Residential Amenity**

63. The proposal is for a single storey school building measuring roughly 1355m<sup>2</sup> in area, hard play, a car park and soft landscaping. The main body of the school adjacent to Swinyard Road (the section with the sedum roof) would measure approximately 6 metres in height. The school hall would measure approximately 9.1 metres in height from ground level to the apex of the roof. 9 car parking spaces for staff are proposed as part of the development.

64. Consultees and letters of representation have expressed concern at issues associated with residential amenity. These are: the height of the school, litter around the housing estate, and maintenance of green spaces. These issues are addressed individually below.

65. Further to this, Worcestershire Regulatory Services have no objections.

#### *Height of the school*

66. County Councillor Raine and Malvern Hills District Council have expressed concern at the height of the school hall. Councillor Raine is concerned that the hall would restrict views of the Malvern Hills for nearby residents. The District Council consider that the hall would be unnecessarily high in the context of the Community Centre and be overbearing. Furthermore, they consider that the height may impact on the amenity of nearby residents.

67. Concern has been expressed in a letter of representation at the height of the main body of the school. They consider that the height of the school would constitute a negative visual impact and should be reduced to the minimum level required. Another letter is also concerned that the school hall would overpower the Community Centre in terms of height, and could impact on the performance of its PV panels.

68. Policy SWDP21, part iv. (Neighbouring Amenity), states that development should provide adequate levels of privacy, outlook, sunlight and daylight, and should not be unduly overbearing. Furthermore, part viii. of this policy (Scale, Height and Massing), states that the height of development must be appropriate to the setting of the site in terms of landscape character, townscape, and existing urban grain and density.

69. There are three main issues surrounding the height of the school to consider; the height of the main school building, the height of the hall, and the potential impact on the Community Centre's PV panels. In terms of the main school building, the applicant states that the height of 6 metres would be required to fulfil the design philosophy of natural cross ventilation, alongside accommodating standard servicing (including sprinklers). The applicant states it would not be possible to lower the roof without compromising the ventilation strategy. Furthermore, the height of this section of the school has been designed with a sedum roof, which is set at a lower level than a pitched roof, in order to minimise the impact on residential properties. The proposed school would be set back approximately 24.8 metres from the nearest property opposite on Swinyard Road (no. 115). Therefore, the Head of Strategic Infrastructure and Economy considers that the proposed height of roughly 6 metres would be acceptable in terms of Policy SWDP21 because it would not be unduly overbearing, restrict privacy, sunlight, or daylight. The impact on outlook towards the Malvern Hills would be negative compared to the present situation, but it is considered that this would be acceptable in terms of the policy.

70. In terms of the school hall, the applicant states that the height of the hall is dependent on the roof height of the main school building. This is because the roof has been designed with a pitch to match the profile of the adjacent Community Centre. Furthermore, the roof of the hall has been designed with a double pitch and with a low pitch angle of 15° in order to keep the ridge height as low as possible. In addition, the design philosophy required the school hall to be located adjacent to the Community Centre in order to provide a large space for use by the local community outside of school hours. In this regard, the height requirement for badminton, for example, is 7.5-9 metres. As the Community Centre does not provide space for activities such as this, the proposed school hall would complement the current leisure activities on the Malvern Vale site. Suspended light fittings are also proposed within the roof space of the hall, and a lower roof height would compromise this strategy.

71. In terms of the potential impact on the PV panels highlighted by a letter of representation, the applicant states that the hall has been located to the north east of the Community Centre, whereas PV panels rely on solar gain primarily from a southern aspect. The applicant's electrical engineer states that the Community Centre's PV panels are further south than the proposed hall roof. They stated that "there will be no shading on the Community Centre's roof due to the school's hall roof. As there will be no shading from the school hall, the performance of the Community Centre's PV's will be unaffected". In view of these comments, the Head of Strategic Infrastructure and Economy is, therefore, satisfied that there would be no adverse impact on the Community Centre's PV panels.

72. The Head of Strategic Infrastructure and Economy considers that a balance has to be struck between the perceived overbearing nature of the school hall in relation to the community centre, and the requirement for the hall to be located here in order to fulfil the design philosophy of the development. On balance, it is considered that the benefits of locating the hall here in terms of the design philosophy and sustainability credentials, combined with the practical demands of the pitched roof, outweigh the negative impacts. Further to this, the Head of Strategic Infrastructure and Economy considers that the hall would be acceptable in terms of residential amenity in accordance with Policy SWDP21 because it would not be unduly overbearing, restrict privacy, sunlight, or daylight. The height of the school is considered to be acceptable.

*Litter around the housing estate and maintenance of green space*

73. The proposed development would provide a new school for 210 pupils. A letter of representation expressed concern that these pupils would increase the amount of litter around the Malvern Vale estate as they commute to and from the school each day. Furthermore, the letter of representation suggested that the cost of maintaining the green space inside the boundaries of the Malvern Vale development is met by residents and questioned whether the appropriate authority would be making a contribution to the maintenance of the green space.

74. In terms of the development plan, Policy SWDP62 details that planning obligations will be sought to provide funding to mitigate negative impacts relating to specific developments.

75. The Head of Strategic Infrastructure and Economy notes the concerns raised about litter in the letter of representation. However, this is considered to be a management issue, rather than an issue for addressing within this application.

Members are, therefore, advised that this issue could be controlled through appropriate management of the behaviour of the school's pupils.

### **Traffic and Highways Safety**

76. The proposed development would be accessed via Swinyard Road. Swinyard Road measures approximately 600 metres in length and runs between the junctions of Sayers Avenue to the south and Hill View Road to the north. The proposal would provide 9 parking spaces off the service access road at the south of the site for members of staff. The proposal would generate pedestrian and vehicle movements.

77. The County Highways Officer has no objections, subject to conditions. They comment that they anticipate the majority of trips to take place on foot. Furthermore, short term issues surrounding on street parking at pick up and drop off times are not considered to warrant the provision of dedicated parking. A travel plan would encourage sustainable access from pupils and staff. They also state that a condition should be added for the purposes of securing a disabled parking space on the school site. Councillor Raine raised concerns about the lack of car parking provision and arrangements for waiting at pick up and drop off times. He commented that dangerous short term parking and waiting must be avoided on Swinyard Road, and that it could cause considerable aggravation for local residents. Malvern Town Council comment that consideration must be given to adequate parking provision for staff and visitors.

78. Letters of representation raised significant concerns surrounding car parking provision and the impacts these would have on the Malvern Vale Housing area. Paragraph 57 of this report details these concerns, which include: inadequate parking provision for staff and parents, blocking on street parking for residents, 'chaos' at pick up and drop off, suggestions that the school would use the community car park despite opposition, and the potential danger arising from extra traffic.

79. Policy SWDP4: Moving Around South Worcestershire, requires new development to manage their travel demand in points A-F. Developments must demonstrate that they minimise the demand for travel, offer sustainable travel choices, and address road safety. Furthermore, part B of SWDP4 requires travel plans for all major developments (defined as those exceeding 1000m<sup>2</sup> floor space) in order to reduce private car use. The proposed school would create approximately 1356m<sup>2</sup> of floor space.

80. The Head of Strategic Infrastructure and Economy notes the legitimate concerns raised by the letters of representation, Councillor Raine, and Malvern Town Council. However, these concerns must be balanced against consultation advice received from the County Highways Officer, and the provisions of the development plan. In this regard, the County Highways Officer has raised no objections to the proposal on highways safety grounds. The County Highways Officer has also advised that the school would meet the County Interim Highways Standards adopted in February 2016. In terms of the development plan, the Head of Strategic Infrastructure and Economy considers that the proposal accords with the sustainable development aims of SWDP4. The proposed school would be located in an established residential area, which offers multiple sustainable travel choices including by foot, bicycle and public transport. The recommendation for a condition requiring a travel plan promoting travel to and from the school by means other than using a car would also accord with part B of SWDP4.

81. Furthermore, the Head of Strategic Infrastructure and Economy considers that the joint use of the 50 space community car park would have been an ideal arrangement. With regard to this, the applicant states that in the original planning application for the Malvern Vale development, it was always intended for the school to use of 25 of the 50 car parking spaces. It is considered that the issues raised regarding the potential use of the car park by parents are management issues for the school and the Community Centre to resolve through co-operation. Taking in to account the comments of the County Highways Officer, the Head of Strategic Infrastructure and Economy considers that the proposal would be acceptable in terms of traffic and highways safety.

### **Building Design**

82. The proposed development would provide a new primary school built to the latest Government area allowances. The site is surrounded by residential buildings, and adjacent to the Malvern Vale Community Centre. The applicant's design and access statement states that it was a priority for the school to be designed as a single storey building due to the proximity to nearby residential properties.

83. Councillor Raine, Malvern Hills District Council and Worcestershire County Council's Sustainability Team welcome the sustainable design features of the proposal, as well as the renewable energy provision in the form of PV panels. Malvern Town Council state that renewable energy and sustainable design must be given priority. Malvern Hills District Council expressed concern at the following elements of the building's design: external materials, the entrance on the southern boundary, the colour and type of fencing, the plain and overbearing northwest elevation, and the location of the bin store. Councillor Raine also expressed concern at the location of the bin store as he considered it gave the development a utilitarian look. The County Health Improvement Practitioner recommends that an HIA is undertaken to inform the masterplanning and design process.

84. Policy SWDP21: Design, requires all development to be of a high design quality. In addition, the design and access statement must demonstrate that the objectives outlined in part A of the policy have been addressed. Further matters are required to be addressed in part B of SWDP21. Policy SWDP27 requires all new developments over 100 m<sup>2</sup> to incorporate energy generation from renewable or low carbon sources equivalent to at least 10% of predicted energy requirements.

85. The Head of Strategic Infrastructure and Economy considers that, on the whole, the development would successfully meet the criteria outlined in Policy SWDP21. In particular, the sustainability aspects of the design (including the sedum roof, PV panel provision, and orientation for passive solar gain) accord well with Policy SWDP1: Overarching Sustainable Development Principles. Furthermore, the applicant states that the proposed PV panels would provide at least 10% of the building's predicted energy requirements as required by Policy SWDP27. In terms of the concerns regarding external materials, the colour and type of fencing, and the plain and overbearing northwest elevation, the Head of Strategic Infrastructure and Economy considers that these concerns could be adequately addressed to accord with SWDP21 using appropriately worded conditions requiring these details to be submitted for approval in writing by the County Planning Authority.



86. Regarding the north-west elevation specifically, the applicant states that the elevation for the hall would not usually have much detailing due to the uses required, for example assemblies using ICT and indoor sports. Furthermore, this wall of the hall is required to accommodate wall bars, which need a blank wall. However, the applicant states that there could be scope for enhancing this elevation. In addition, the applicant states that the fire exit door nearest to the Community Centre would no longer be required. They would, therefore, replace this fire exit with a window of equal size to maintain the visual interest the door would have offered. In view of the applicant's comments regarding this elevation, the Head of Strategic Infrastructure and Economy considers that the elevation would be acceptable, subject to the imposition of a condition requiring further details to be submitted for approval in writing.

87. In terms of the concerns over the entrance on the southern boundary with regards to child safety around pick up and drop off. The applicant states that this entrance would be used for pick up and drop off. However, the waiting space at this entrance could not be increased without compromising provision of the netball court. The applicant proposed a possible solution whereby the school could potentially allow parents to wait in the area occupied by the netball court, or possibly the service access road until their children are released by teachers. The Head of Strategic Infrastructure and Economy considers that the proposed use of the netball court or service access road as a waiting area for parents would be a pragmatic solution to the concern and is a management issue for the school.

88. With regard to the location of the bin store on the north-east corner of the proposed development, the Head of Strategic Infrastructure and Economy considers that, ideally, the bin store would be located to the rear of the development as suggested by the consultees. However, the applicant states that the bin store location was determined by its proximity to the servery and plant room, combined with the limited space for development at the rear of the building due to the need to provide a sprinkler tank and car parking spaces. Locating the bin store here would not be practical as staff would need to carry refuse through the school and up the service access road on to Swinyard Road. It is considered that the service access road would be unsuitable for refuse lorries in terms of safety, particularly as children would be crossing this area to access the playing field. Furthermore, the applicant states that the design of the bin store would screen the bins from public view with a wall of sufficient height. Having balanced the visual concerns against the practical and safety matters surrounding the bin store location, the Head of Strategic Infrastructure and Economy considers that the location of the bin store would be acceptable, subject to the imposition of a condition requiring details to be submitted for approval in writing by the County Planning Authority.

89. In terms of the County Health Improvement Practitioner's recommendation for an HIA, it is noted that Paragraph Reference ID: 53-004-20140306 of the Planning Practice Guidance states *that "a Health Impact Assessment may be a useful tool to use where there are expected to be significant impacts"*. The Head of Strategic Infrastructure and Economy notes these comments, and is supportive of the submission of HIA's in principle. However, it is considered that the submission of an HIA is not required in this instance and that it would have been more appropriate to have been carried out at the master planning stage for the wider residential / mixed-use development of Malvern Vale. Furthermore, it is noted that the submission of an HIA is not required by the recently adopted South Worcestershire Development Plan,

and there is currently no Supplementary Planning Document for the South Worcestershire Development Plan which requires an HIA.

90. Taking in to account the comments of the consultees and the provisions of the development plan, the Head of Strategic Infrastructure and Economy considers that the building design of the proposed development would be acceptable, subject to conditions requiring further details to be approved by the County Planning Authority.

### **Playing Field**

91. The proposal would involve the school using the U11/12 playing pitch to the west of the site. It is proposed that the school would have exclusive and priority use at set times during the week and at the weekend. Furthermore, a 1800mm high gated fence is proposed between the U11/12 pitch and the adult pitch.

92. Sport England have no objections, subject to a condition securing community use of the U11/12 pitch. They also recommend that the fence between the pitches is not provided. Malvern Hills District Council objects to the provision of the fence between the pitches and do not accept that it is required for safeguarding reasons. Councillor Raine is concerned at the fence between the two pitches, commenting that security is already more than adequate and that a further fence would reduce the openness of the site and further damage the outlook towards the Malvern Hills.

93. In terms of the development plan, Policy SWDP39 requires long-term maintenance and management arrangements for all outdoor community uses on and off-site.

94. The Head of Strategic Infrastructure and Economy considers that the proposal for the school to use the playing pitch would be acceptable, subject to the condition recommended by Sport England in accordance with Policy SWDP39. In terms of the fence, the applicant states that it is required by the school for safeguarding children. The school needs to ensure that the safeguarding arrangements applied are rigorous and to the school's exacting standards. The school cannot guarantee that the Community Centre, or the YMCA, can adhere to these standards.

95. Weighing against this argument are the comments of Sport England, Malvern Hills District Council, and Councillor Raine. Other primary schools in the district rely on building level security and the safeguarding of children should be a matter of partnership and communication. The fence would restrict the flexibility of the site as a whole, and would negatively impact on the sense of openness further than the existing fence. Furthermore, the fence would restrict the rest and rotation of the pitches as recommended by the FA.

96. Taking in to account the concerns outlined above, the Head of Strategic Infrastructure and Economy considers that, from an aesthetic and functional point of view, no fencing would be preferable. However, it is recognised that safeguarding of children is a very important consideration for the school. On balance, the Head of Strategic Infrastructure and Economy considers that it would be preferable for a management solution to be devised allowing for safeguarding without the need for the fence.

### **Landscape Character and Appearance of the Area**

97. The proposed landscaping scheme has been designed to provide a high quality external environment using the limited space available. The landscaping would consist of grass, shrubs and trees on the eastern and southern boundaries. Landscaping would also be incorporated in the courtyard area between the school and Community Centre.

98. The County Landscape Officer and the Malvern Hills AONB Partnership have no objections. Malvern Hills District Council have concerns regarding the landscaping proposals and the long term maintenance.

99. In terms of the development plan, Policy SWDP25 states that development proposals must demonstrate that they are appropriate to the character of the landscape setting.

100. Taking in to account the comments of the County Landscape Officer, the Head of Strategic Infrastructure and Economy considers that the proposal would be appropriate to the character of the landscape setting in accordance with SWDP25. Furthermore, the proposal would not have an adverse impact on the Malvern Hills AONB. Taking in to account the comments from Malvern Hills District Council, the Head of Strategic Infrastructure and Economy considers that the proposal would be acceptable in terms of landscape character, subject to the imposition of an appropriately worded condition.

### **Ecology and Biodiversity**

101. The application is accompanied by a Preliminary Ecological Assessment. The assessment found no evidence of protected species on the site. A number of recommendations were made to enhance the ecological value of the proposal.

102. The proposal would incorporate a sedum roof and a planting scheme. The planting scheme would include a new avenue of trees to Swinyard Road. The combination of the planting scheme and the sedum roof would introduce areas of biodiversity to the site.

103. The County Ecologist, Natural England, and the Worcestershire Wildlife Trust have no objections, subject to conditions.

104. In terms of the development plan, Policy SWDP22 states that development should be designed to enhance biodiversity and, where practicable, enhance biodiversity corridors beyond the site boundary.

105. The Head of Strategic Infrastructure and Economy considers that the proposal would accord with Policy SWDP22. The sedum roof and planting scheme would significantly enhance the biodiversity of the site, whilst the condition recommended by the County Ecologist would ensure that the construction takes account of biodiversity. Taking in to account the comments of the consultees, the Head of Strategic Infrastructure and Economy considers that the proposal would be acceptable in terms of ecology and biodiversity.

### **Water Environment**

106. The application site falls within Flood Zone 1 which has a low probability of flood risk. The proposed development would occupy a site currently comprised of open

grassland. The proposal would incorporate a sedum roof designed to absorb up to 80% of rainfall for slow release. The development would also incorporate an existing below ground SuDS scheme.

107. The Lead Local Flood Authority, the South Worcestershire Land Drainage Partnership, and Severn Trent Water Limited have no objections to the proposal, subject to Severn Trent's conditions. Worcestershire County Council's Sustainability Team welcomes the sedum roof and offered a range of suggestions regarding the water environment.

108. The proposal would accord with Policies SWDP28, SWDP29 and SWDP30. The sedum roof and SuDS scheme would minimise flood risk and enhance biodiversity and amenity interest in accordance with Policy SWDP29. Furthermore, in response to the Sustainability Team's comments, the applicant states that it would be possible to locate a water butt adjacent to the sprinkler pump house. Taking in to account the comments of the consultees and the provisions of the development plan, the Head of Strategic Infrastructure and Economy considers that the proposal would be acceptable in terms of the water environment.

## **Conclusion**

109. On balance, in terms of the main issues to be considered in the determination of this application, the Head of Strategic Infrastructure and Economy considers that the proposal would be acceptable.

110. In terms of need for the school, the development plan and the NPPF give significant weight to the need to create new schools. The need for the school has been established.

111. The proposal would also be acceptable in terms of residential amenity. The height of the school would not be inappropriate in terms of the development plan. Concerns regarding litter would be a management issue for the school.

112. The Head of Strategic Infrastructure and Economy notes the concerns regarding traffic and highways safety. The County Highways Officer has raised no objections. Parking provision would accord with Worcestershire County Council's Highway Standards adopted in February 2016. On balance, the proposal would be acceptable in terms of traffic and highways safety, and would accord with the sustainable travel policies of the development plan.

113. The proposal would accord with the development plan in terms of building design. The design philosophy accords with many sustainable design principles. Concerns regarding materials and elevations would be addressed through the imposition of appropriately worded conditions.

114. In terms of the playing field, Sport England's condition would ensure community use in accordance with the existing S106 agreement. The Head of Strategic Infrastructure and Economy considers that the proposal to fence and separate the junior and adult pitches would not be the ideal situation and would prefer a management solution, although the important consideration of the need to safeguard children is acknowledged.

115. The proposal would be acceptable in terms of landscape character and appearance of the area. Concerns regarding the maintenance of the landscaping would be addressed through a condition.

116. In terms of ecology and biodiversity, the proposed sedum roof and landscaping weigh significantly in the proposal's favour, and accord with the development plan. Therefore, the Head of Strategic Infrastructure and Economy considers that the proposal would be acceptable in terms of ecology and biodiversity.

117. The proposal would be located in Flood Zone 1 (a low risk zone). Consultees have no objections in terms of the water environment. The proposal would, therefore, be acceptable in terms of the water environment.

118. Taking in to account the provisions of the Development Plan and in particular Policies SWDP 1, SWDP 2, SWDP 4, SWDP 21, SWDP 22, SWDP 23, SWDP 25, SWDP 27, SWDP 28, SWDP 29, SWDP 30, SWDP 31, SWDP 33, SWDP 37, and SWDP 39, and SWDP 62 of the South Worcestershire Development Plan it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

## **Recommendation**

**119. The Head of Strategic Infrastructure and Economy recommends that planning permission be granted for the proposed construction of a new single storey 1 Form Entry Primary School accommodating Reception to Years 6 at Malvern Vale Primary School, Swinyard Road, Malvern Vale, Malvern, Worcestershire, WR14 1GU, subject to the following conditions:**

- a) The development must be begun not later than the expiration of three years beginning with the date of this permission;**
- b) Planning permission enures for the benefit of Worcestershire County Council only;**
- c) The development hereby permitted shall be carried out in accordance with the details shown on submitted Drawings Numbered: BW10100L A-DG-0006 Rev. C, BW10100L A-DG-0100 Rev. D, BW10100L A-DG-0101, BW101001L A-DG-0106, BW10100L A-DG-0201 Rev. A, BW10100L A-DG-0202 Rev. A, BW10100L A-DG-0203, and BW10100L A-M3-0250 except where otherwise stipulated by conditions attached to this permission;**

### **Details**

- d) Notwithstanding any indication of the materials, which may have been given in this application, prior to the construction of the development hereby approved, a schedule and/or samples of the materials and finishes for the development shall be submitted to and agreed in writing by the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details;**
- e) No development shall take place until a schedule and or samples of all surfacing materials has been submitted and agreed in writing by the County**

**Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;**

- f) No development shall take place until details of the external bin store have been submitted to and agreed in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;**
- g) No development shall take place until design details for the school's north-west elevation have been submitted to and agreed in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;**
- h) Notwithstanding the submitted details, details of all site boundary walls and fences shall be submitted to and agreed in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;**
- i) Details of any lighting to be installed at the site shall be submitted to the County Planning Authority for approval in writing prior to being erected. These details shall include:-**
  - i. Height of the lighting posts**
  - ii. Intensity of the lights**
  - iii. Spread of light (in metres)**
  - iv. Any measure proposed to minimise the impact of the lighting or disturbance through glare; and**
  - v. Times when the lighting would be illuminated;**

#### **Drainage**

- j) The development shall be carried out in accordance with the drainage strategy outlined in section 2.9.3 of the document titled "Design & Access Statement for a New 1 FE Primary School";**

#### **Landscaping**

- k) Notwithstanding the submitted details, prior to the completion of the development, a landscaping scheme, which shall include the retention of any existing trees and hedgerows and details of all walls, fences, surface treatments, new trees, shrubs and other planting, and details of the proposed planting species, sizes, spacing, densities, locations, planting methods and details of the provision of adequate growing medium and drainage shall be submitted to and approved in writing by the County Planning Authority. The scheme shall be implemented in accordance with the approved details within 6 months of the completion of the development. Any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or diseased, shall be replaced in the next planting season with others of a similar size and species;**

## **Ecology and Biodiversity**

- l) In the unlikely event that any protected species are found on the site during the works then all works must cease immediately and the advice of a suitably qualified ecologist must be sought prior to works re-commencing;**
- m) No removal of vegetation shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority;**
- n) Within 6 months of the completion of the development, specifications for site enhancement, in line with Appendix 4 of the Preliminary Ecological Appraisal submitted with this application, should be submitted to the County Planning Authority for approval in writing. Thereafter, the specifications shall be implemented in accordance with the approved details within 3 months of approval being received. Enhancement measures will be maintained appropriately for a period of no less than 5 years after the installation of the approved measures;**

## **Playing Field**

- o) Prior to the occupation of the development hereby approved, a joint use agreement between the primary school governing body and the District Council shall be entered into following approval in writing by the County Planning Authority in consultation with Sport England. The agreement shall apply to the Junior sized football pitch and include details of pricing policy, hours of use, management responsibilities and a mechanism for review. The approved scheme shall be implemented in accordance with an agreed timetable;**

## **Highways**

- p) The development hereby permitted shall not be brought into use until the applicant has submitted to and had approved in writing by the County Planning Authority a travel plan that promotes sustainable forms of access to the site. The approved plan shall be implemented and updated in agreement with Worcestershire County Council's Travel plan co-ordinator;**
- q) The development hereby permitted shall not be brought into use until the access, turning area, and parking facilities shown on drawing number "BW101100L A-DG-0100 Rev. D: Ground Floor Plan" have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the County Planning Authority. These areas shall thereafter be retained and kept available for users at all times;**
- r) The development hereby permitted shall not be brought into use until the applicant has submitted to and had approved in writing by the County**

**Planning Authority details of 1 accessible car parking space for use by the disabled. The space shall be satisfactorily identified and reserved solely for that purpose;**

- s) The development hereby permitted shall not be brought into use until the applicant has submitted to and had approved in writing by the County Planning Authority details demonstrating that a cycle shelter has been installed in accordance with the drawing titled "BW10100L A-DG-0106 Rev. A: External Works – Proposed Fencing and External Signage" submitted to the County Planning Authority on Friday 3 June 2016;**

#### **Construction**

- t) Construction works shall only be carried out on the site between 08:00 to 18:00 hours on Mondays to Fridays inclusive, and 08:00 to 13:00 hours on Saturdays, with no construction work on Sundays or Bank Holidays; and**
- u) No development shall take place until details of measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway have been submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved measures.**

#### **Contact Points**

##### County Council Contact Points

County Council: 01905 763763

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Email: [worcestershirehub@worcestershire.gov.uk](mailto:worcestershirehub@worcestershire.gov.uk)

##### Specific Contact Points for this report

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#### **Supporting Information**

#### **Background Papers**

In the opinion of the proper officer (in this case the Head of Strategic Infrastructure and Economy) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference 16/000004/REG3.