

# Open Space Supplementary Planning Document (SPD)

*August 2008*



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**Adopted August 2008**

This SPD was subject to a public consultation exercise (undertaken in accordance with the Council's adopted Statement of Community Involvement) for a period of six weeks between 11<sup>th</sup> January and 22<sup>nd</sup> February 2008. All representations were reported to and considered by Planning Committee on 5<sup>th</sup> August 2008. The details of the consultation exercise including a summary of the representations, together with an officer response and any changes are set out in the Consultation Statement. This Statement, together with the Sustainability Appraisal, can be viewed on the Council's website at [www.malvern hills.gov.uk/planning](http://www.malvern hills.gov.uk/planning) .

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## **Summary**

This Supplementary Planning Document (SPD) sets out the District Council's approach to securing open space, sport and recreational facilities through new housing development. The guidance forms the basis for negotiation with new housing developers for contributions towards the provision of appropriate open space, sport and recreational facilities and their long term maintenance, as referred to in policies CN12 and CN13 of the adopted Malvern Hills District Local Plan.

The guidance specifies in particular :

- how the requirement for play and open space will be calculated
- the basis on which the District Council calculates the developer contribution
- the way in which the contribution will be held by the District Council
- the manner in which a commuted payment may be used by the District.

The SPD will be considered alongside the Malvern Hills District Local Plan (2006), Malvern Hills Open Space, Sport and Recreation Study (2007), and other relevant policy and material considerations in the determination of planning applications for development. It should be used by all those in planning and development processes and applicants will be expected to demonstrate due regard to its content in their proposals for development.

## **1. Introduction**

- 1.1 This Supplementary Planning Document (SPD) has been prepared to assist the interpretation and application of policies CN12 and CN13 of the adopted Malvern Hills District Local Plan 1996-2011.

The Local Plan can be viewed at [www.malvern hills.gov.uk](http://www.malvern hills.gov.uk) and hard copies are available for reference in Customer Services Centres in Malvern, Tenbury Wells and Upton upon Severn.

- 1.2 An audit of open space, sport and recreation facilities, compliant with PPG17 was undertaken by the District Council in Summer/Autumn 2006 and published in Autumn 2007. The audit report is entitled “Malvern Hills District Open Space Study (MHD OSS) 2007” and copies can be viewed at the Council Offices, Avenue Road, Malvern and the Customer Service Centres at Malvern Library, Tenbury and Upton. The results of the audit have informed the preparation of this SPD and will be placed on the Council’s website.
- 1.3 This SPD has been prepared within the context of the District Council’s Developer Contributions and Planning Obligations Supplementary Planning Document (SPD) Guidance adopted in December 2006. Reference is made within the SPD to a number of matters for which developer contributions will be sought, including the following which are relevant to this SPD :

- open space provision
- environmental protection and enhancement
- town and district centre enhancement and regeneration

## **2. The role of the District Council**

- 2.1 Corporately, the District Council has the role of improving and maintaining the quality of existing open spaces. In doing so it aims to:

- Assess adequacy of open space provision
- Safeguard existing important areas of open space.
- Ensure that new housing developments provide open space, sport and recreation facilities to meet the needs of residents.
- Ensure that suitable arrangements are in place for the long term maintenance of open space provided as part of new housing development.

- 2.2 The guidance will address the quantity of open space required and indicate where financial contributions to upgrade existing areas of open space, may provide more appropriate solutions to meeting the recreational requirements of the occupiers of new housing development.

- 2.3 In association with the implementation of the SPD the District Council proposes to establish a scheme for the collection and spending of all financial contributions received by the District Council in lieu of on-site provision.

- 2.4 In essence the scheme involves the setting up by the District Council of an Open Space Fund which will pool all developer contributions received in

respect of open space provision. More details of the scheme are set out in Section 10 of this SPD.

- 2.5 The District Council is committed to involving the community in the siting and design of new or improved open space, sport and recreational facilities. A pre-requisite of the transfer of open space monies to Town and Parish Councils is that the views of the local community who will use the facilities should be properly taken into consideration.
- 2.6 The pooling of developer contributions is referred to in the Developer Contributions and Planning Obligations SPD (paragraph 44).

### **3. Aims of the Supplementary Planning Document (SPD)**

- 3.1 The SPD has a number of key aims. These are to:
  - Ensure that open space and recreation facilities are provided in the most appropriate location, are appropriate to meet demand and are available for all members of the community;
  - Ensure that adequate provision is made for subsequent maintenance of open spaces.
  - Provide a clear and transparent scheme of negotiation for securing contributions to open space and recreation needs associated with new housing development within the District;
  - Improve the quantity and quality of publicly accessible open space within the District in accordance with agreed standards and criteria;

### **4. Malvern Hills District Local Plan Policy and the Scope of the SPD**

- 4.1 Policy CN12 (Provision of Public Open Space) of the adopted Malvern Hills District Local Plan requires the provision of public open space on new housing developments of 5 dwellings or more. The requirement is based on the FIT (Fields in Trust - formerly known as the National Playing Fields Association – see Glossary) standard of 2.4 hectares (6 acres) per 1000 people subdivided into different types of open space e.g childrens play, playing fields, sports grounds etc. In addition provision should be made for amenity space.
- 4.2 However, the Reasoned Justification to Policy CN12 states that, when the Local Plan was adopted, Malvern Hills District Council had not yet undertaken a local assessment of open space, sport and recreation for the whole District. The FIT Six Acre Standard was adopted pending completion of the district wide assessment and audit of open space, sport and recreation, as advocated in PPG17.
- 4.3 The MHD OSS 2007 has been undertaken in accordance with the advice in PPG17 and it's Companion Guide. The open space standards within Policy CN12 have been reviewed in the light of the Regional Spatial Strategy Policy QE4 (Greenery, Urban Greenspace and Public Spaces), and the findings and recommendations of the MHD OSS 2007.
- 4.4 The standards referred to in this SPD relate not only to childrens play, provision for youth and adults (outdoor sports) and informal amenity space but also other open space typologies eg. allotments, public parks and

gardens. Other aspects of open space provision will be considered as part of future Local Development Framework documents and may extend the requirement for open space to be provided as part of new development for other land uses. This is not however addressed within this SPD.

- 4.5 Local Plan Policy CN13 (Protection of Open Space, Sport and Recreation Facilities) identifies the existing public open space areas and facilities which are protected from development.

## **5. Other Relevant Planning Policy**

- 5.1 There is a range of national, regional and local planning policy which is relevant to the preparation of this SPD. The relevant aspects of this policy are summarised in Appendix 2.

## **6. Legislative Background**

- 6.1 In 2005 the Government issued a Consultation Draft called 'Planning Gain Supplement: a consultation' which proposes a new system for securing developer contributions. It proposed a Planning Gain Supplement (PGS) to capture a proportion of the land value increases or 'uplift' created by the planning process. The Government has decided (October 2007) not to go ahead with this proposal. Instead it is to bring forward legislation for the introduction of a Community Infrastructure Levy (CIL) which will be a tariff-based system aimed at securing infrastructure provision.
- 6.2 In the meanwhile this SPD has been developed on the basis of advice in Circular 5/05. Should the Government introduce the CIL referred to above then the Council will consider any necessary amendments through a possible revision to this SPD.
- 6.3 In accordance with Circular 05/05, the Council will only seek to secure the provision or upgrading of open space, sport and recreation facilities which are necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects (para. B5).

## **7. Malvern Hills District Open Space Study 2007 (MHDOSS 2007)**

- 7.1 The production of this SPD is informed by the findings of the Malvern Hills District Open Space Study 2007 (hereafter referred to as MHDOSS 2007) which provides a detailed assessment of open space, sport and recreational provision in the Malvern Hills District, assessing the provision and accessibility of facilities. The Study is to be published as a companion technical report to this SPD.
- 7.2 The Study is an audit of open space sport and recreation facilities undertaken within the terms of advice and methodology contained in PPG17 and it's Companion Guide published in 2002.
- 7.3 The aims of the Study are to :
- Undertake an audit of existing open space in terms of quality and value

- Identify need through consultation with the community and sports and recreational groups
- Provide advice on provision standards for formal and informal open space
- Assess provision against agreed standards and identifying areas of deficiency/surplus of active recreational space

Key Issues arising from the Study

7.4 The Study points to a need for significant improvements to the amount, quality and value of a range of open spaces to meet the needs of both the existing population and those occupying new developments.

7.5 An Executive Summary of the Study which sets out the methodology and key issues identified can be found at Appendix 1.

**8. Definition of Open Space**

8.1 PPG17: Planning for Open Space, Sport and Recreation provides the following definition of Open Space :

8.2 “Open space is defined in the Town and Country Planning Act 1990 as “land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground. However, in applying the policies in this guidance, open space should be taken to mean all open space of public value, including not just land, but also areas of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and recreation and can also act as a visual amenity.”

8.3 The following typologies which are listed in PPG17 illustrate the broad range of open spaces that are of public value within Malvern Hills District:

*parks and gardens* - including urban parks, country parks and formal public parks and gardens;

*natural and semi-natural urban greenspaces* - including woodlands, urban forestry, scrub, grasslands (eg downlands, commons and meadows) wetlands, open and running water, wastelands and derelict open land and rock areas (eg cliffs, quarries and pits);

*green corridors* - including river and canal banks, cycleways, and rights of way;

*outdoor sports facilities* (with natural or artificial surfaces and either publicly or privately owned) - including tennis courts, bowling greens, sports pitches, golf courses, athletics tracks, school and other institutional playing fields, and other outdoor sports areas;

*amenity greenspace* Areas which provide opportunities for informal activities close to home or work or enhancement of the appearance of residential or other areas – including informal recreation spaces, greenspaces in and around housing, village greens;

provision for children and teenagers - including play areas, skateboard parks, outdoor basketball hoops, and other more informal areas (eg 'hanging out' areas, teenage shelters);

allotments, community gardens, and city (urban) farms;

cemeteries and churchyards;

accessible countryside in urban fringe areas; and

civic spaces, including civic and market squares, and other hard surfaced areas designed for pedestrians;

### **Definition of Children's Play Space**

- 8.4 With regard to childrens play space FIT makes a distinction between equipped and informal playspace. The adopted Malvern Hills District Local Plan 2006 Policy CN12 refers to both to equipped and informal playspace.
- 8.5 Equipped playspace is an area of land specifically dedicated for children to use for play, which will usually include play equipment. There are three categories of equipped playspace as follows:

#### Local Area for Play (LAP)

Small area of Open Space for 4-6 year olds for informal play.

Can include appropriate play features and seating for accompanying adults. 1 minute walk from home (100m).

#### Local Equipped Area for Play (LEAP)

Play area for children of early school age (4-8 years). Should include at least five types of play equipment and seating for accompanying adults. 5 minutes walk from home (400m).

#### Neighbourhood Equipped Area for Play (NEAP)

Play area for 8-14 year olds serving a substantial residential area. Should include at least eight types of play equipment, kickabout and wheeled play areas and seating for adults and teenagers. 15 minutes walk from home (1,000m).

Informal or casual playspace is open space of a useful size and safe location providing opportunities for informal play activities. It can be provided within housing areas but not consisting of or part of incidental/amenity Open Space.

## **9. Open Space Standards**

- 9.1 The MHD OSS 2007 addresses the quantity of open spaces in the district. In doing so it generates standards for open space provision in relation to demand, access and population growth. The population growth estimates are based on the ONS 2004-based forecasts for year 2017. However, they do not take account of the specific implications of the partial review of the West Midlands Regional Spatial Strategy (RSS) which is currently being undertaken, or the South Worcestershire Joint Core Strategy which is currently being prepared within the context of the review of the RSS.

- 9.2 Target standards provide a guideline about how much open space provision per 1,000 people is needed to strategically serve the District over the next ten years. The standards derived from the Audit are set out in the table below:

**Table 1 – Recommended Open Space Standards for Malvern Hills District**

	Malvern	Rural	Tenbury	Upton	District
<b>Open space</b>					
Parks and gardens	0.29	0.00	0.10	0.08	0.14
Semi/natural greenspace	2.98	14.72	0.10	0.27	7.72
Amenity greenspace	2.13	1.42	1.98	2.83	1.86
Allotments	0.20	0.04	0.29	0.25	0.14
Cemeteries	0.24	0.02	0.00	0.14	0.13
Civic space	0.01	0.00	0.02	0.00	0.01
Equipped children's play	0.05	0.03	0.01	0.07	0.04
Outdoor sports facilities	2.01	1.20	1.36	3.66	1.83

Source: Malvern Hills District Open Space Study 2007

Figures relate to no. of hectares per 1000 population

## **10. Operating the SPD**

### ***i. Does the proposal require the provision of open space in accordance with Policy CN12?***

- 10.1 With the exception of the following development types Policy CN12 will be applied to all proposals involving residential development, with development contributions sought on schemes above 5 or more dwellings (net).
- Rest homes.
  - Nursing homes.
  - Replacement dwellings.
  - Residential annexes
  - Sheltered accommodation.
  - Small rural exception sites (e.g 5-10 dwellings) dependent upon 100% public subsidy – reduced requirements apply (see paragraph 12.8)
- 10.2 Discussions between developers and District Council officers should take place as early as possible in the planning process, preferably prior to the submission of a planning application, to establish the scale of provision of open space and responsibility for future maintenance. Applicants should ensure that enough information is included in the application to enable its proper assessment.
- 10.3 In assessing the open space requirements, the District Council will have regard to the potential density of the site in the light of the Government's requirements for making the best use of land and Malvern Hills District Local Plan Policy CN6 (Efficient Use of Land for Residential Development).

Applications to amend previously approved development will also be subject to a reassessment of Open Space, except where the revisions are considered to comprise minor amendments.

*ii. How much open space is required?*

10.4 In all cases the requirement will be based upon the number of persons generated from the net increase in dwellings in the proposed scheme, using the average household occupancy rate for Malvern Hills District of 2.32 persons per dwelling as derived from the Census 2001. On this basis 1000 persons at 2.32 persons per household represents 431 dwellings.

10.5 The next stage is to calculate the open space requirement by typology per dwelling. This is calculated by multiplying 431 (dwellings) X the appropriate provision per dwelling by typology. Using childrens play space in Malvern as an example the standard is 0.05 ha (500 sq. metres) per 1000 population or 431 dwellings. Therefore by dividing 500 sq. metres by 431 dwellings a requirement for 1.2 sq. metres per dwelling is obtained.

10.6 Table 2 below shows the open space requirement per dwelling by typology.

10.7 The figures in italics are the recommended standards from Table 1 per 1000 population, whilst the figures in **bold** are derived from these standards by showing the open space requirements per dwelling in square metres.

**Table 2 Open Space Requirements Per Dwelling**

	Malvern	Rural	Tenbury	Upton	District
<b>Open space</b>					
Parks and gardens	<i>0.29</i> <b>6.7</b>	<i>0.00</i> <b>0</b>	<i>0.10</i> <b>2.3</b>	<i>0.08</i> <b>1.9</b>	<i>0.14</i> <b>3.2</b>
Semi/natural greenspace	<i>2.98</i> <b>69.1</b>	<i>14.72</i> <b>341.5</b>	<i>0.10</i> <b>2.3</b>	<i>0.27</i> <b>6.3</b>	<i>7.72</i> <b>179.1</b>
Amenity greenspace	<i>2.13</i> <b>49.4</b>	<i>1.42</i> <b>32.9</b>	<i>1.98</i> <b>45.9</b>	<i>2.83</i> <b>65.7</b>	<i>1.86</i> <b>43.2</b>
Allotments	<i>0.20</i> <b>4.6</b>	<i>0.04</i> <b>0.9</b>	<i>0.29</i> <b>6.7</b>	<i>0.25</i> <b>5.8</b>	<i>0.14</i> <b>3.2</b>
Cemeteries	<i>0.24</i> <b>5.6</b>	<i>0.02</i> <b>0.5</b>	<i>0.00</i> <b>0</b>	<i>0.14</i> <b>3.2</b>	<i>0.13</i> <b>3.0</b>
Civic space	<i>0.01</i> <b>0.2</b>	<i>0.00</i> <b>0</b>	<i>0.02</i> <b>0.5</b>	<i>0.00</i> <b>0</b>	<i>0.01</i> <b>0.2</b>
Equipped children's play	<i>0.05</i> <b>1.2</b>	<i>0.03</i> <b>0.7</b>	<i>0.01</i> <b>0.2</b>	<i>0.07</i> <b>1.6</b>	<i>0.04</i> <b>0.90</b>
Outdoor sports facilities	<i>2.01</i> <b>46.4</b>	<i>1.20</i> <b>27.8</b>	<i>1.36</i> <b>31.6</b>	<i>3.66</i> <b>84.9</b>	<i>1.83</i> <b>42.4</b>

**iii. How is the provision to be made?**

10.8 The requirements for on-site or off-site provision will vary according to the type of open space to be provided.

a. Provision of Equipped Children's Playspace

10.9 Residential developments will normally be required to meet the need for children's play generated by the development on site, either as an integral part of the design, or through payment of a development contribution which will be used to install or upgrade play facilities in the vicinity of the proposed development.

10.10 Whilst the District Council will normally expect provision to be made on site consideration needs to be given to the feasibility of provision. The recommended District standard for childrens open space provision is 0.04 hectares (400 sq. metres) per 1000 persons (431 dwellings). This equates to 0.90 sq. metres per dwelling.

10.11 The FIT recommended minimum area of a formal LAP (Local Area for Play) is approx. 0.01ha, or 100 sq. metres (0.01ha). Similarly, the FIT recommended area of a formal LEAP (Local Equipped Area for Play) is approx. 0.04 hectares, or 400 sq. metres. Therefore, a significant amount of new housing development would be required on a site to warrant on-site provision of formal childrens play space of a FIT standard.

10.12 It is not anticipated that sufficient new housing on either allocated or non allocated development sites will come forward within Malvern Hills District over the Local Plan period which would require the provision of either a LAP or a LEAP of FIT standard, with the exception of the North Site which is the subject of a Development Brief and a legal agreement which includes open space provision. However, the District Council considers that some on site children's play provision should be made in certain circumstances depending upon the proximity of existing provision, though not to FIT size standards.

10.13 This means that for the majority of development sites within the District formal childrens play space provision will take the form of developer contributions to install or up-grade existing childrens play facilities in the vicinity of the development. However, informal provision may still need to be made on site as referred to in paragraph 10.12.

10.14 The extent to which the amount of the required provision should be made on site by way of informal provision would be determined by the District Council on a case by case basis subject to site size, shape, topography, the risk of conflict with existing neighbouring residential properties and feasibility. Any informal provision can include useable informal grassed areas but should not include landscaping areas.

b. Provision of Youth and Adult Recreation Open Space

10.15 The MHD OSS 2007 provides an assessment of the amount, quality and value of existing recreation open space within the District.

- 10.16 The recommended provision standard of 1.83 hectares per 1000 persons (431 dwellings) equates to 0.18 hectares per person or 4.25 square metres per dwelling.
- 10.17 However, given the likely size of new housing site which may come forward over the plan period (see paragraph 10.12 above) and the pitch size requirements of the majority of outdoor sports, on site provision of open space for youth and adult use is not considered feasible.
- 10.18 In the circumstances the requirements for this provision will be addressed by developer contributions for the enhancement/up-grading of existing outdoor sport and recreation sites having regard to the findings of the MHD OSS 2007.
- 10.19 Given the larger catchment areas associated with the provision of youth and adult recreation, the range of differing needs and the economics of provision, it will not always be possible to ensure that developer contributions are utilised in close proximity to the developments which generate them, or within the ward or parish where they are generated.

c. Other open space typologies

- 10.20 The towns and villages within Malvern Hills district are set in natural surroundings with ready access to the countryside. For this reason it is not considered appropriate to require developer contributions for Semi-natural Green Space and Amenity Greenspace in accordance with the recommended standards. However, it is proposed that appropriate on-site provision may be negotiated with a developer on an application by application basis having regard to the recommended standards and the location and characteristics of the site. In addition regard will be paid to any requirements of local wildlife /conservation bodies which may be expressed as part of the consultations on planning applications. It is intended that the formal inclusion of these typologies within the calculation of developer contributions will be addressed further as part of the preparation of subsequent DPD's within the LDF, particularly in respect of future strategic housing sites.

**iv. How will the developer contributions be held by the District Council?**

- 10.21 As stated in paragraph 2.4 the District Council proposes to establish a scheme for the collection and spending of all financial contributions received in lieu of on-site provision. In essence the scheme involves the setting up by the District Council of an Open Space Fund which will pool all developer contributions received in respect of open space provision. The pooling of developer contributions is referred to in the District Council's Developer Contributions and Planning Obligations SPD (paragraphs 44-47).
- 10.22 The scheme will enable Town and Parish Councils to request the District Council to transfer to them the developer contributions generated within their respective areas on completion of appropriate schemes for the improvement of existing recreation areas and, where appropriate, the provision of new areas. Contributions in respect of children's play provision would be specifically earmarked for the purposes of the town or parish in which the contribution is generated. Contributions towards other typologies may be earmarked for use within a group of parishes based on needs identified in the MHD OSS 2007 and any recent local information.

10.24 The scheme is considered appropriate and necessary in the light of the differing management arrangements for open space provision and maintenance throughout the District. The Council's Community and Economic Development team would be directly involved in the maintenance and management of the scheme.

**v. *How will developer contributions be used?***

10.25 In operating the Open Space Fund referred to earlier the District Council will ensure that development contributions will be spent in accordance with the provisions of the relevant planning obligation and having regard to the findings of the MHD OSS 2007 in respect of quality and value of existing open spaces. Priorities for spending may vary but in general this can include:

- the purchase of facilities and/or equipment;
- a contribution towards the acquisition of land, for the purpose of providing Open Space
- the laying out of land, facilities and/or equipment for sport, recreation and/or play use;
- the maintenance of land, facilities and/or equipment provided for additional sport, recreation or play;
- the upgrading of land, facilities and/or equipment for sport, recreation and/or play to meet new or revised standards in Appendix 1 or new rules of the national governing bodies of the relevant sport;
- the acquisition of land that can be used for informal recreation, including open areas that are readily accessible from within the settlement.

10.26 It should be emphasised that the purpose of the Fund is to support the provision and maintenance of new or enhanced open space, sport and recreation facilities. The use of contributions towards normal on-going maintenance costs of existing facilities would not be supported.

**11. Specific needs**

11.1 More details are provided for a number of typologies of specific items to which a contribution could be made from the District Council's Open Space Fund;

*a. Childrens play space*

11.2 The MHD OSS Study 2007 provides an assessment of existing children's play facilities. The use of developer contributions will have regard to the findings of the Study in respect of amount, quality and value.

11.3 Development contributions will be sought with the aim of up-grading or improving the nearest play area to the proposed development. In accordance with the implementation arrangements for the District Council's proposed Open Space Fund contributions may be used to provide additional equipment or replacement equipment which enhances the quality and amount of play provision, increase the play area or improve safety and accessibility.

11.4 In parishes where there are no existing play facilities development contributions will be pooled and directed towards projects to be considered within the Malvern Hills Play Strategy Action Plan which forms part of the Worcestershire Play Strategy.

*b. Outdoor Playing space*

11.5 Development contributions will be sought with the aim of up-grading or improving outdoor playing spaces generally within the District and will have regard to the findings of the MHD OSS 2007 in respect of amount, quality and value relating to existing outdoor playing space provision. Such improvements or enhancements could include the upgrading of, or provision of, additional pitches or facilities, an increase in the pitch area and improvements to safety and accessibility.

*c. Parks and Gardens*

11.6 Formal parks such as Priory Park and Victoria Park , both in Malvern, are owned and maintained by the District Council and the Town Council respectively. There are no formal parks in either Upton or Tenbury Wells.

11.7 The District Council is currently examining a programme of possible improvements based on the findings and recommendations contained in the MHD OSS 2007. The priorities will be established following stakeholder consultation.

*d. Allotments*

11.8 The MHD OSS 2007 identifies 6 allotment sites in Malvern town and 4 within the rural areas, mainly at Upton. However both Malvern and Upton are shown to have the greatest demand for allotments. There are aspirations for allotment provision within Tenbury.

11.9 Developer contributions will be sought from those developments located within a town or parish area in which an allotment is currently located. The contributions will be directed towards up-grading or improvements to provide additional plots, or the provision of new allotment space.

11.10 Malvern Town Council is seeking further land within or on the edge of the town for allotment use following the recent extension to Malvern Cemetery which reduced the number of plots available. Malvern Wells Parish Council is seeking land for new allotment provision.

*e. Cemeteries*

11.11 All Town Councils and Malvern Wells Parish Council provide and manage cemeteries. Extensions to Malvern Cemetery have recently been undertaken and Malvern Town Council are looking to undertake a further extension. Burial space at Upton Cemetery is approaching capacity and additional space will need to be established over the next few years. Developer contributions will be directed towards these projects and other projects which may come forward for additional burial space in parish churchyards.

f. Public Spaces

11.12 The Developer Contributions and Planning Obligations SPD refers to environmental protection and enhancement and states in paragraph 94 :

“Local Plan Policy EP9 (Town and District Centres) requires development to enhance the vitality and viability of Town or District Centres and any associated planning obligations will be related to Policy EP9. Therefore any appropriate opportunities will be sought to enhance the Town Centres of Malvern, Upton and Tenbury.”

11.13 Both the District Council and Malvern Town Council have undertaken enhancement works within Malvern town.

11.14 The Developer Contributions and Planning Obligations SPD states that whilst enhancements and regeneration projects may be appropriate anywhere in the town centre there are two specific areas which will provide the basis for contributions. These areas are:

- Creation of an additional walkway route from the top of Church Street through to Edith Walk, Waitrose and Car Parks;
- Improvements to Church Walk, Church Street, Abbey Road, Belle Vue Terrace and Graham Road to provide pedestrian friendly environment and appropriate access routes

11.15 In addition Malvern Town Council are preparing a scheme for the refurbishment of street lighting in Station Gardens as part of an enhancement project part funded by the Lottery.

11.16 With regard to Tenbury the Developer Contributions and Planning Obligations SPD refers to town centre enhancement opportunities arising from the redevelopment of the Cattle Market site which include the provision of pedestrian links and signage between the site and Town Centre and enhancement of the sites frontage with Teme street and the River Teme.

11.17 With regard to Upton the Developer Contributions and Planning Obligations SPD states that developer contributions will be sought for enhancement of Town Centre sites within Upton such as the river front area and will be considered on a site by site basis.

g. Semi natural Green space and Amenity Greenspace

11.18 The Developer Contributions and Planning Obligations SPD refers to environmental protection and enhancement and states in paragraph 92 :

“There is no threshold at which development could be seen to have either a positive or negative impact on biodiversity. The specific nature of the development site and surrounding features will define the opportunities for making contributions to the Districts’ natural assets. Each site will be considered individually in relation to immediate circumstances. Particular attention will be given to developments that have the potential to benefit the species and habitats contained in the Worcestershire Biodiversity Action Plan

or which connect habitats of known value. Contributions will be encouraged towards wildlife corridors and ponds, habitat relocation and creation, landscaping schemes, woodland creation and tree planting etc.”

- 11.19 As stated earlier, appropriate on-site provision may be negotiated with a developer on an application by application basis having regard to the recommended standards, site location and it's characteristics. In addition regard will be paid to any requirements of local wildlife /conservation bodies which may be expressed as part of the consultations on planning applications.

## **12. Maintenance of Open space**

- 12.1 Policy CN12 (4) of the Malvern Hills District Local Plan states that developers are required to make suitable arrangements for the maintenance of public open space and any associated equipment. Whilst the District Council does not normally undertake responsibility for the long term maintenance of open space it may be willing to do so at the request of the developer, in consultation with the appropriate Town or Parish Council and subject to it's own terms regarding costs.

- 12.2 However, in the light of the position whereby a significant element of open space associated with new housing is to be made in the form of financial contributions to the District Council it follows that the most practical way in which long term maintenance requirements should be met is also by way of financial contributions. The basis of the contribution is at least 25 years as stated in the Developer Contributions and Planning Obligations SPD (paragraph 66).

### ***a. How much are the developer contributions?***

- 12.3 The financial contributions towards off-site open space provision and maintenance are based on typical costs incurred by the District Council, Malvern Town Council and adjoining local authorities in the provision and maintenance of open space and recreation facilities. These costs will be reviewed every three years in the light of the costs of schemes coming forward for implementation.
- 12.4 In addition account has been taken of the anticipated capital costs of planned schemes which will result in improvement to the level of provision of types of open space. The contributions per dwelling are based on the District standards as set out in Table 2 .
- 12.5 The open space requirements and developer contributions are set out in Table 3 below. The total contribution per dwelling includes capital and long term maintenance costs.

**Table 3 – Open Space Requirements and Developer Contributions**

Typology	Open Space Requirements per dwelling (sq. m)	Cost £ sq. m inc. maintenance	Total Contribution per dwelling £
Equipped children's play	0.9	125	112
Outdoor sports facilities	42.4	100	4240
Parks and gardens	3.2	60	192
Semi/natural greenspace ✓	179.1	N/A	N/A
Amenity greenspace ✓	43.2	N/A	N/A
Allotments, cemeteries & Civic space	6.4	10	64
<b>TOTAL</b>			<b>4600</b> (rounded)

- ✓ Appropriate on-site provision may be negotiated with a developer in respect of all categories of residential development (including those referred to in paragraph 10.1) on an application by application basis and in accordance with the recommended standards, having regard to the location and characteristics of the site. See paragraphs 11.18-11.19 above. The figures quoted would be used as a basis for negotiation where any local requirements were considered appropriate.

- 12.6 The total contribution per dwelling is intended as a basis for negotiation and would be made available for use by Town and Parish Councils under the terms of the Open Space Fund. It is intended that the contribution should be used flexibly when schemes come forward for consideration, having regard to the priorities for the local area as identified in the MHD OSS 2007 and any recent local information. Expenditure need not necessarily be confined to the proportions by each typology set out in Table 3.
- 12.7 The adopted Developer Contributions and Planning Obligations SPD addresses the impact of developer contributions on the viability of a site. It states that when there are multiple requirements for developer contributions then the District Council may have to prioritise them having regard to detailed information relating to site viability which will be provided by the developer and assessed by the District Council.
- 12.8 The District Council recognises that developer contributions in respect of open space associated with small rural exception sites promoted by RSLs and heavily reliant upon scarce public subsidy can have an impact on the overall viability and deliverability of the scheme. In view of this the contribution in respect of small rural exception sites (e.g 5-10 dwellings) which rely on 100% public subsidy will be levied at 50% of the amounts shown in Table 3.

**b. What are the procedures to be followed when a planning application for new housing is submitted?**

The application

- 12.9 The requirement for a contribution to open space has an impact on the value of the land. It would therefore be prudent for prospective purchasers and/or developers of any housing site to make an initial enquiry to establish the way that the District Council's open space policies would impact on the site, just as they would normally consider the impact of any other Local Plan policy.
- 12.10 Even when sites appear to be below the threshold for open space provision there are three questions which need to be answered before this can be established:
- i) Does the proposal make best use of the land and achieve the density levels, which are required by Malvern Hills District Local Plan Policy CN6 (Efficient Use of Land for Residential Development)?
  - ii) Does the proposal form part of a larger site, which has either been identified as, or should be treated as, a single entity for the purposes of achieving a co-ordinated form of development?
  - iii) Has the site area been correctly calculated or have areas been excluded from the calculation that should have been included?
- 12.11 In assessing the open space requirements of planning applications the District Council will have regard to the potential density of the site in the light of the Government's requirements for making the best use of land. Where the District Council is not satisfied with an applicant's claim that the site should be treated as being below the open space threshold, it will be entitled to refuse planning permission on the grounds that the application has failed to make the necessary provision for open space.

#### Planning Approval

- 12.12 Planning consent will include appropriate conditions and/or be subject to a legal agreement. Where development contributions are applicable, a S.106 Agreement must be completed specifying the amount and timing of sums to be paid. The agreement will require payment to be made prior to occupation of the first dwelling (or at such other time as agreed between the parties). On outline applications where the precise number of dwellings is not known, the S.106 agreement will refer to the development contribution to be paid per dwelling rather than the total.

#### Monitoring Receipt of and Use of Development contributions

- 12.13 A record will be maintained by the District Council of sums received, coded to identify the application to which they apply, the appropriate Town or Parish to which they refer and the year of expiry. The appropriate Town or Parish Council will be notified on an annual basis of sums received and they may ask for details at any time.

#### Updating costs

- 12.14 The development contributions payable as set out in Table 3 will be reviewed on an annual basis to take account of changing circumstances, including fluctuations in costs.

#### Release of Development contributions

12.15 Town or Parish Councils should apply to the District Council for release of development contributions with details of projects for which the sums will be used, in accordance with the implementation of the District Council's Open Space Fund. Applications should be supported by drawings, schedules, specifications and detailed costings. The District Council will need to be satisfied that the proposals are appropriate, in line with legal agreements and meet the needs of the area. The sum will be released to the appropriate Town or Parish Council on completion of an agreement to ensure that the money is used for the specified project and requiring any sums not used to be repaid to the Council within twelve months. This is essential for the District Council to comply with its obligations to the developer. The Council's Community and Economic Development team would be directly involved in the maintenance and management of the scheme.

#### Return of Contributions to Developers

12.16 The District Council will set up an Open Space Fund for the accommodation of developer contributions towards open space provision and maintenance. The contribution would be recorded in a separately identifiable ledger account within the Council's financial system.

12.17 The financial contribution would be used within 10 years of its receipt, or such longer period that may be agreed with the applicant, and would be used in accordance with the conditions applying for the use of monies within the District Council's Open Space Fund. Failure by the District Council to use the financial contribution for open space purposes would result in it being re-paid to the landowner/developer together with any interest which had accrued.

12.18 The District Council will repay any unspent monies within a period of three months from the expiry of the ten year period (or longer period as may be agreed) subject to the landowner/developer or the successive owners in title submitting a claim in writing to the District Council for the repayment of the contribution. Where no such claim is made within a period of three months from the date of expiry of the agreed period the District Council will assume that no valid claim can be made on the retained monies and will utilise such monies for open space purposes or other community uses.

12.19 The rate of interest to be applied to landowner/developer contributions would be set at 1% below Bank of England base rate to allow for administration charges.

## Further Information

For queries on planning matters you are encouraged to consult the District Council's Planning Officers who will be pleased to assist.

Telephone: (01684) 862354

Fax: (01684) 862499

E-mail: [rosie.murray@malvern hills.gov.uk](mailto:rosie.murray@malvern hills.gov.uk), or [bernie.smith@malvern hills.gov.uk](mailto:bernie.smith@malvern hills.gov.uk)

Or write to: The Head of Planning and Housing, or the Head of Community and Economic Development, The Council House, Avenue Road, Malvern WR14 3AF.

## Consultation

This document was prepared in accordance with the guidance set out in PPS12 regarding the preparation and consultation processes for Supplementary Planning Documents.

The Public Consultation on this SPD accords with the provisions of the District Council's Statement of Community Involvement (SCI) adopted by Council in May 2006. A wide variety of organisations and individuals have been informed of the public participation period and provided with copies of the Draft SPD, public notice, and response form. This included all Parish and Town Councils in the District. The Council recognises that because of the specific nature of the SPD, it was not likely to be of interest to the normal list of consultees. Therefore the Council has sent copies of the guidance to specific representatives of groups and organisations with an interest in open space and recreation provision, and the local development industry.

This SPD can be viewed on the Council's website at [www.malvern hills.gov.uk](http://www.malvern hills.gov.uk). It can also be seen at Customer Service Centres at Malvern, Tenbury Wells and Upton upon Severn.

## Useful References

Malvern Hills District Local Plan 1996-2011.

[www.malvern hills.gov.uk](http://www.malvern hills.gov.uk)

The Department for Communities and Local Government (DCLG). Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation. 24 July 2002.

<http://www.communities.gov.uk/index.asp?id=1144067>

Assessing needs and opportunities: Planning Policy Guidance 17 companion guide. September 2002.

<http://www.communities.gov.uk/index.asp?id=1144068>

The Department for Communities and Local Government (DCLG). Circular 05/2005. Planning Obligations.

[http://www.communities.gov.uk/pub/320/Circular0505PlanningObligationsPDF149Kb\\_id1144320.pdf](http://www.communities.gov.uk/pub/320/Circular0505PlanningObligationsPDF149Kb_id1144320.pdf)

The Department for Communities and Local Government (DCLG).

How to Guide: Parks and Open Spaces, ODPM, 2005.

<http://www.cleanersaferegreener.gov.uk/images/How%20To%20Parks%20&%20Open>

## Appendix 1 – MHD OSS 2007 Executive Summary

### EXECUTIVE SUMMARY

The Council has produced a Local Development Scheme (LDS) setting out the stages for production of a Local Development Framework. The scheme includes the preparation of Open Space Supplementary Planning Guidance (SPD) and Developer Contributions and Planning Obligations SPD. As part of this process, this PPG17 compliant Audit and Needs Assessment provides the necessary evidence base and to provide recommendations for implementation in the Open Space SPD.

This report is a 'living document' and the recommendations contained within it are to be reviewed on a regular basis as outlined in PPG17 and to take account of adopted local plan housing sites as and when required. It provides an audit based assessment of both quantitative and qualitative open space, sport and recreation facilities in accordance with Planning Policy Guidance Note 17 and the Companion Guide entitled "Assessing Needs and Opportunities" published in September 2002.

### Methodology

The methodology adopted incorporates:

- ❑ An extensive range of desk background information and the national, regional and local policy context.
- ❑ Extensive consultation with key individuals, interest and community groups, sports clubs, Malvern Hills District Council (MHDC) officers and agencies working in and around Malvern Hills District.
- ❑ Development of a database that contains all information relating to open spaces in Malvern Hills District.
- ❑ 207 open space assessments to evaluate the quality and value of sites.
- ❑ Mapping of all sites in the open spaces database using MapInfo. Catchment areas have been applied to each site depending on its typology, size and classification.
- ❑ The use of a settlement hierarchy for some typologies of open space to inform the identification of deficiencies in provision.
- ❑ Adoption of analysis areas to create a more localised assessment of provision and for examination of open space/facility surplus and deficiencies at a local level.
- ❑ A household postal survey to identify the attitudes and needs of the broader local community. The consultants Knight Kavanagh and Page (KKP) received 824 responses from across the District:

### Open spaces

#### *Parks and gardens*

- ❑ There are six sites classified as parks and gardens totalling 10ha<sup>1</sup> across Malvern Hills. Of those, five sites are identified as low quality and low value with only one site, Priory Park, identified as high quality and high value.
- ❑ Additional provision is required in the Malvern Town area to meet catchment gaps (against the hierarchy) in Dyson Perrins, West Malvern Town and Malvern Wells.
- ❑ Additional provision is required in the towns of Upton and Tenbury as there is no formal park or garden site in these areas.
- ❑ Increase the quality and value of all sites where below agreed threshold.
- ❑ There is a recognised requirement to submit one site for Green Flag submission in the near future. KKP site visit scores reinforce that Priory Park could be eligible for the site assessment part of Green Flag. However, prior to entry, some infrastructure improvements and a written management plan are required.
- ❑ There is a recognised need to continue increasing community involvement and ownership in parks through the establishment of 'friends' groups in order to help combat anti social behaviour and to improve the quality of sites.

### *Natural and semi-natural greenspace*

- ❑ There are only 28 open spaces classified as natural and semi-natural greenspaces in the District, totalling 616 hectares. Of those, 19 sites are identified as low quality and two sites identified as high quality. In terms of value, ten sites are identified as high value, reinforcing the importance of these sites, and 11 are identified as low value.
- ❑ Additional provision is required in Clifton on Teme, Great Witley, Hallow and Lower Broadheath (in the Rural Areas analysis area) and Tenbury Wells as these areas do not have access to the agreed level of provision (as measured by the settlement hierarchy)
- ❑ Of the low value sites, four require their value and/or quality to be increased; two require further investigation to determine ways of improving quality and value and one – Craig Lea Estate – investigation to determine ways of improving quality and value or whether an alternative typology may be more appropriate
- ❑ There is demand to raise the profile of semi-natural sites for the potential recreational benefits. Some sites will benefit from additional facilities such as interpretation boards.
- ❑ There is demand to address the quality issue of dog foul through greater enforcement and awareness of the problem.
- ❑ There are opportunities for the development of environmental education and schools involvement.

### *Green corridors*

- ❑ In total there is 403<sup>1</sup> hectares (the total length is multiplied by an average 2m width and converted into hectares) of green corridor provision across Malvern Hills. Public rights of way (PROW) - footpaths and bridleways - make up 376 hectares. The remaining 27 hectares consists of Malvern Common (Guarford Road), Newland green corridor and Upton-upon-Severn waterfront path.
- ❑ There is a shortfall of bridleway and off-road cycling provision across Malvern Hills and there is demand for increased provision for carriage driving. Footpath provision is generally good in terms of quantity and the need to investigate the feasibility of upgrading PROW to cater for more uses was identified.
- ❑ The key quality issues, identified through user consultation, regarding PROW relate to overgrown or blocked footpaths, poor way marking/signage, dog fouling and difficult stiles/gates.
- ❑ Potential new routes including the disused railway line linking Great Malvern and Upton-upon-Severn were identified.

### *Amenity greenspace*

- ❑ There are 113 amenity greenspace sites totalling 143<sup>1</sup> hectares of amenity greenspace in Malvern Hills District. Of those, 100 sites are identified as low quality and 13 sites identified as high quality. In terms of value, 52 sites are identified as low value and 61 sites are identified as high value.
- ❑ Additional provision is required to address a small gap against the settlement hierarchy in West Malvern Town
- ❑ Additional provision is required in the settlements of Abberley Village, Abberley Common, Bayton, Broadwas, Bushley, Clows Top, Corse Lawn, Eardiston, Grimley, Holt Heath, Little Witley, Pendock and Pensax (all in the Rural areas analysis area).
- ❑ Of the 52 low value sites, there is a need to increase quality and value at 15 sites; 17 sites require investigation to determine ways of improving quality and value; and 11 sites require investigation to determine ways of increasing quality and value or whether an alternative typology may be more appropriate.
- ❑ There is limited community involvement from residents associations or community groups on amenity greenspace sites/projects. Community involvement helps to create a sense of ownership and can often lead to funding opportunities to make improvements.

### *Provision for children and young people*

- ❑ In total, there are 43 play areas in the District, totalling 4 hectares. There are three sites recorded as having no equipment and four sites are unclassified. Of these, 15 are identified as high quality and 28 are identified as low quality. In terms of value, all sites are identified as high value. This reinforces the importance of play areas across Malvern Hills.
- ❑ In the Malvern Town Analysis Area, the additional provision of LEAPs is required in Dyson Perrins, Malvern Wells, Priory and West Malvern Town.
- ❑ In the Rural Areas Analysis Area, LEAPs are needed to meet the settlement hierarchy in Clifton on Teme, Hallow, Kempsey, Lower Broadheath, Martley and Rushwick.
- ❑ In addition, gaps as identified against the settlement hierarchy require informal play provision in Abberley Village, Abberley Common, Bayton, Broadwas, Bushley, Clows Top, Colletts Green, Corse Lawn, Dunley, Eardiston, Earls Croome, Grimley, Holt Heath, Little Witley, Longdon, Longley Green, Pendock, Pensax, Ryall and Shrawley.
- ❑ Additional LEAP provision is required in Hanley Swan and Upton upon Severn.
- ❑ A key factor in the significant gaps in provision for children and young people is that half of the provision in Malvern Hills District (51%) comprises LAPS (31% of total), unclassified sites and sites that currently have no equipment.
- ❑ There is a lack of provision for young people in rural parishes in Malvern Hills District. Consultation has identified that this is an issue, which needs to be addressed. Encouraging parish councils to communicate/share when hiring mobile activities would be beneficial.
- ❑ Consultation has identified a shortfall in provision for toddlers and young people and also of informal play opportunities.

### *Allotments*

- ❑ There are ten sites classified as an allotment in Malvern Hills District equating to eight hectares. All sites are identified as low quality. In terms of value, all ten sites are identified as high value. This reinforces the importance of allotment provision with the District.
- ❑ A demand based equation is identified in the calculation of standards to determine the future requirements for allotments. This needs to take into account that some areas of the District, notably South Malvern (Malvern Wells, Little Malvern), Hallow, Callow End, Kempsey, Ryall, Welland, Tenbury Wells, Hanley Swan and a small area in north Upton-upon-Severn, have no access to allotment provision.
- ❑ The majority of vacant plots are too overgrown or not in suitable condition to let. Condition of vacant plots and the unmanageable size of plots results in poor take-up.
- ❑ There is a lack of strategic allotment management.
- ❑ There is demand to raise the profile of allotments across the District. MTC need to be more proactive.
- ❑ General maintenance of sites is considered to have declined. Grass cutting, improving fencing and the laying hardcore are priorities for improving the quality of sites.
- ❑ Security is a key concern for plot holders. There is demand to upgrade gates and improve fencing.

### *Cemeteries*

- ❑ There are nine sites classified under this typology equating to ten hectares of provision in Malvern Hills. Of these, seven sites are identified as low quality and two as high quality. In terms of value, five sites are identified as low value and four as high value.
- ❑ Of the low value sites, the quality and value should be increased at two.
- ❑ Burial space is reaching capacity at Malvern Cemetery and the next 15 years will create pressure on burial space in Upton Cemetery leading to the need for cemetery space expansion or the identification of new provision.
- ❑ There are no formal community groups working in cemeteries.

### *Civic spaces*

- ❑ There are two sites classified under this typology equating to 0.2 hectares of provision in Malvern Hills District. Of these, one site is identified as low quality and one as high quality. In terms of value, both sites are identified as low value.
- ❑ Additional sites are required in Malvern Town, Upton upon Severn and Tenbury to meet catchment gaps (against the hierarchy).

### **Outdoor sports facilities**

#### *Football*

- ❑ There are 33 senior, 10 junior and one mini football pitches in Malvern Hills District. There are 23 senior men's, 1 senior women's, 24 junior boys', three junior girls' and 25 mini soccer teams.
- ❑ There is a surplus of 21.9 senior football pitches and a deficiency of 26.4 junior and 29.1 mini soccer pitches. Rather than release senior football pitches, it is recommended that they be converted to use for junior and mini play.
- ❑ The addition of two quality pitches at North Site will reduce overplay at other sites.
- ❑ The feasibility of enhancing facilities at Sling Lane Playing Fields should be assessed.
- ❑ Work should be undertaken with WFA to increase development at Malvern Town FC and put into place the necessary infrastructure, in terms of volunteers and coaches, to create sufficient demand for development of a new facility. This should include pursuit of the Charter Standard accreditation mark.
- ❑ A programme for upgrading changing provision at existing sites is required.
- ❑ Clubs should be supported so that they are not restricted from progressing to compete higher in the football pyramid because of facility issues.
- ❑ Rather than have blanket postponement of matches match officials should be entrusted to make necessary ground suitability judgements based on location,
- ❑ Work with Tenbury Town Council, Tenbury United FC and Tenbury Rugby Club, in association with the newly established community sports network (CSN) to get security of tenure on the Palmers Meadow site to apply for external funding for a new changing room facility to accommodate both football and rugby

#### *Cricket*

- ❑ There are 14 senior cricket pitches in Malvern Hills District. There are 26 senior men's and 22 junior boys' teams.
- ❑ There is a shortfall of 7.2 cricket pitches. However, the majority of additional demand could be accommodated on the current supply of pitches.
- ❑ Worcester Nomads CC requires access to additional facilities to accommodate increased development
- ❑ Clubs require a minimum of 25 years remaining on any lease agreements in order to access external sources of funding for ground improvements
- ❑ There is strong demand from cricket clubs for access to school facilities for indoor, winter training.
- ❑ More effective use of school sites could support club development.

#### *Rugby union*

- ❑ There are eight senior and one junior rugby union pitches in Malvern Hills District. There are five senior men's, one senior women's and 11 junior boys' teams.
- ❑ There is a deficiency of 19.7 rugby union pitches. Whilst there will be a surplus of senior pitches in 2017, it will not accommodate all the demand for junior play and more junior pitches need to be provided.

#### *Hockey*

- ❑ There are two STPs and one hockey club in Malvern Hills District.

- ❑ Although there is limited demand for an additional STP in Malvern Hills District, Tenbury Hockey Club requires access to a STP facility within the District to enable it to progress

### **Bowls**

- ❑ There are five bowling greens in Malvern Hills District.
- ❑ There is no need for additional provision in the District.
- ❑ There is a need to focus on junior development.
- ❑ The quality of some greens needs to be improved and fencing at some sites has been a successful way of reducing vandalism.

### **Tennis**

- ❑ There are 42 outdoor tennis courts in Malvern Hills District.
- ❑ There is no need for additional outdoor tennis courts provision in the District.

### *Golf*

- ❑ There are two 18-hole golf courses in Malvern Hills District.
- ❑ There is no need for additional golf course provision in the District.

### **Athletics**

- ❑ There are no formal athletics facilities in Malvern Hills District. The sport is adequately catered for by provision in neighbouring authorities. There is, however, potential to develop a 150m 'J' bend track.

### **Education (outdoor sports facilities)**

- ❑ There is significant outdoor provision available through schools in Malvern Hills District. However, community use of these is patchy.
- ❑ There is a need to enhance community access to sports facilities on school sites. Ways of achieving this include improving changing provision and co-ordinated management of community use.

### **Indoor sports facilities**

#### **Sports halls**

- ❑ There are seven indoor sports halls in Malvern Hills District.
- ❑ There is no need for additional provision of sports halls in the District. Better use of the available space is required, e.g., making the sports halls at secondary schools available at weekends, improving changing provision (e.g., The Chase High School).
- ❑ There is a need to ensure that Malvern Gymnastics Club has suitable access to the sports hall facility at Malvern St James College (both in terms of number and length of sessions) and suitable storage.

#### *Swimming*

- ❑ There are currently no full-size, 25m swimming pools available for public swimming in Malvern Hills District.
- ❑ However, Malvern St James College has recently applied for planning permission to construct one as part of a wider upgrade of its sports facilities, which will include a new sports hall. This will be developed in two stages, with the swimming pool part of the second phase, due to commence in 2009/10. This will provide a 25 metre pool available for community and club use, meeting identified demand.
- ❑ MHDC should ensure that community use of the proposed 25m swimming pool at Malvern St James College is assured via a formal community use agreement.

### *Fitness*

- ❑ There are five facilities provided 154 fitness stations in Malvern Hills District.
- ❑ The new facility at Dyson Perrins will meet any additional need in the District.

### *Squash*

- ❑ There are two sites with squash courts in Malvern Hills District.
- ❑ There is no need for additional provision in the District.
- ❑ Junior development could be improved at both clubs, but seems participation seems to be indicative of the national picture.

### *Indoor tennis*

- ❑ There are two indoor tennis courts at Manor Park Sports Club.
- ❑ The indoor courts at Manor Park are used to capacity; the addition of two more indoor courts will meet demand. This will be supplemented by the construction of a bubble at Hallow Tennis Club.
- ❑ W&H LTA has highlighted the provision of additional indoor courts as a priority for Worcestershire County as it has the lowest number of indoor courts per head of population in the country.

### *Indoor bowls*

- ❑ There is a six rink indoor bowls green at Manor Park Sports Club.
- ❑ There is no need for additional provision in the District.

### *Village, church and community halls*

- ❑ There are 45 village, church and community halls in Malvern Hills District.
- ❑ Although there is no shortfall in provision, a new facility is being developed at North Site to serve the needs of the proposed housing development on the site.

### *Education (indoor sports facilities)*

- ❑ All secondary schools in Malvern Hills District have access to a sports hall, and facilitate significant levels of community use.
- ❑ WCC has no medium/long term plans for any significant capital upgrade of sports facilities at secondary schools in Malvern Hills District.
- ❑ Three primary schools in the District do not have access to a generic hall for sport.
- ❑ There is no regular community use of any of the primary school facilities with a generic sports hall.

## APPENDIX 2

### National, Regional and Local Planning Policy Background

#### 1. *National*

##### Planning Policy Statement 1: Delivering Sustainable Development (2005)

PPS1 advocates that planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas and seek to enhance the environment as part of development proposals. It recognises that the condition of our surroundings has a direct impact on the quality of life and the conservation and improvement of the natural and built environment brings social and economic benefit for local communities. As a result planning should seek to maintain and improve the local environment through positive policies on issues such as design, conservation and the provision of public space.

Development plan policies should address accessibility (both in terms of location and physical access) to community facilities, deliver safe, healthy and attractive places to live and support the promotion of health and well being by making provision for physical activity.

##### Planning Policy Statement 3: Housing (2006)

PPS 3 notes that in order to achieve high quality housing Local Planning Authorities should develop design policies that set out the quality of development that will be expected for the local area. With particular relevance to open space these policies should be aimed at creating places, streets and spaces which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive and maintain and improve local character. When assessing design quality PPS 3 advocates that consideration should be given to the extent to which the proposed development:

- ❑ Provides, or enables good access to, community and green and open amenity and recreational space (including play space).
- ❑ Creates or enhances, a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.
- ❑ Provides for the retention or re-establishment of the biodiversity within residential environments.

PPS3 also recognises that where family housing is proposed the needs of children should be taken into account to ensure there is good provision of recreational areas, including play areas and informal play space. These should be well-designed, safe, secure and stimulating areas with safe pedestrian access.

##### Planning Policy Statement 7: Sustainable Development in Rural Areas

The policies in this statement apply to the rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas. It outlines that decisions on development proposals should be based on sustainable development principles, ensuring an integrated approach to the consideration of; social inclusion, recognising the needs of everyone; effective protection and enhancement of the environment; prudent use of natural resources; and maintaining high and stable levels of economic growth and employment.

##### Planning Policy Statement 9: Biodiversity and Geological Conservation

PPS9 sets out the Government's vision for conserving and enhancing biological diversity in England, together with a programme of work to achieve it. It includes the broad aim that planning, development and regeneration should have minimal impacts on biodiversity and enhance it wherever possible. In moving towards this vision, the Government's objectives for planning are to promote sustainable development; to conserve, enhance and restore the

diversity of England's wildlife and geology; and to contribute to rural renewal and urban renaissance.

#### Planning Policy Guidance 13: Transport (1994)

PPG 13 sets out the Government's objectives for the development of Britain's transport system. Local authorities are encouraged to produce planning policies, which will stimulate and assist people in using bicycles. Routes should be proposed in local plans where cycling can be made safer and more attractive. These routes may be combined with horse riders and pedestrians to create multi user routes, away from traffic.

#### Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation (2002)

Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation (PPG17) identifies the requirements for all local authorities to assess the existing and future needs of their communities for open space, sport and recreational facilities. Local authorities should undertake audits of existing open space, sports and recreational facilities to consider the quantitative and qualitative elements such as the use of existing facilities, access in terms of location, quality and opportunities for new open space and facilities. The assessment and audit will allow the identification of specific needs in terms of quantity and/or quality deficits or surpluses of open space and facilities.

PPG 17 states that '...Local authorities should ensure that provision is made for local sports and recreation facilities (either through an increase in the number of facilities or through improvements to existing facilities) where planning permission is granted for new development (especially housing). Planning obligations should be used, where appropriate, to seek increased provision of open spaces and local sports and recreation facilities, and the enhancement of existing facilities' [PPG 17; para 23].

Planning obligations can also be used to up-grade existing facilities so that they will better cope with the demands placed upon them which arise from new development. The Guidance states: '...Local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs' [PPG 17: para 33].

PPG17 also advises local planning authorities to provide the strongest protection for open space, to resist development pressures that could diminish recreational provision and to adopt a strategic approach to the provision and protection of sports facilities.

#### Circular 05/05: Planning Obligations

Circular 05/05 Planning Obligations gives guidance on the interpretation of the powers conferred by the Town and Country Planning Act 1990. Planning obligations are agreements that can be negotiated to provide on and off-site community facilities related to development or, in the case of smaller developments, can provide a contribution to nearby provision. Planning obligations may be used for the future maintenance of open space that is principally of benefit to the occupants of a proposed development (para. B18).

## **2. Regional**

### *West Midlands 2021: Region's Spatial Strategy*

The Regional Spatial Strategy for the West Midlands (RSS) was adopted in 2004 and has Development Plan status. It sets the land use policy direction for the district up to 2021. It covers a wide range of subjects including housing, economic development, the built, historic and natural environment, renewable energy, minerals, waste and transport.

Policy UR4 (Social Infrastructure) stresses the importance of the role of local authorities in facilitating the coordination of land use and investment decisions with improved service delivery.

Policy QE4 (Greenery, Urban Greenspace and Public Spaces) requires Local Authorities to undertake assessments of local need and audits of provision, and develop suitable strategies for Greenspace in order to ensure they are accessible and of high quality. Within Policy QE4, there is an emphasis on maintaining and enhancing sports, playing fields and recreational grounds. The supporting text to the policy states that the longer term management and maintenance of landscaping and public spaces generally, should be addressed at the outset when new developments are being implemented, for example by negotiating commuted sums.

RSS 11 Policy CF3 (Levels and distribution of housing development) is also of relevance as it notes that there should be no added pressure on urban open space/playing fields and Greenspace consistent with PPG17. This SPD aims to assist in achieving this policy.

The RSS is currently being reviewed and [the consultation](#) can be viewed on the website ([www.wmra.gov.uk](http://www.wmra.gov.uk)) or at Customer Service Centres.

### **3. County**

*Worcestershire County Structure Plan 1996 – 2011 (2001)*

Worcestershire County Structure Plan is a 'saved' plan under the Planning and Compulsory Purchase Act 2004 transitional arrangements. Policy IMP1 (Implementation of Development) is 'saved' at least until September 2007 and provides a strategic framework to ensure consistency of approach to planning obligations whilst incorporating an element of flexibility to allow the detailed issues and aspects of any development to be considered and negotiated at the local level.

Policy IMP1 sets out in general terms what will be expected of developers in relation to achieving sustainability objectives. Planning obligations will include those works needed within the development site in the interests of comprehensive planning and sustainable development and those off site necessary to serve the development or mitigate its impact. The Structure Plan can be viewed at [www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)

Policy RST.12 (Recreational Provision in Settlements) refers to creating and conserving both formal and informal open spaces in a settlement, in relation to local needs. Policy IMP.1 refers to the appropriateness of Local Authorities seeking contributions from developers relating to community facilities.

### **4. Local Context**

*Malvern Hills District Local Plan (adopted July 2006)*

Malvern Hills District Local Plan Policy DS18 – (Planning Obligations) provides the policy basis for securing developer contributions to social infrastructure such as open space and recreation facilities. The Policy is supported by the District Council's Developer Contributions and Planning Obligations SPD which was adopted in December 2006.

Policy CN12 (Provision of Public Open Space) requires the provision of public open space on new housing developments of 5 dwellings or more. The requirement is based on the FIT standard of 2.4 hectares (6 acres) per 1000 people subdivided into different types of open space e.g childrens play, playing fields, sports grounds etc. In addition provision should be made for amenity space.

However, the Reasoned Justification to Policy CN12 states that, when the Local Plan was adopted, Malvern Hills District Council had not yet undertaken a local assessment of open space, sport and recreation for the whole District. The Six Acre Standard was adopted pending completion of the district wide assessment and audit of open space, sport and recreation, as advocated in PPG17.

The MHD OSS 2007 has been undertaken in accordance with the advice in PPG17 and its Companion Guide. The open space standards within Policy CN12 have been reviewed in the light of the Regional Spatial Strategy Policy QE4 (Greenery, Urban Greenspace and Public Spaces), and the findings and recommendations of the Open Space Study 2007.

The standards for open space provision promoted within the Open Space Study 2007 form the basis of this SPD.

Local Plan Policy CN13 (Protection of Open Space, Sport and Recreation Facilities) identifies the existing public open space areas and facilities which are protected from development.

### *Community Involvement*

The aim of the Statement of Community Involvement (SCI) adopted by the District Council in 2006, is to set out details for greater community involvement in the plan making and development control process. It states that if development proposals fall within certain definitions of significant development and are therefore more likely to require developer contributions, the District Council will expect applicants and developers to have engaged the local community at an early stage.

These consultations should include details of prospective developer contributions. This reflects national advice which states that the process of negotiating planning obligations should be conducted as openly as possible and members of the public should be given every reasonable assistance in locating and examining planning obligations which are of interest to them. The SCI can be viewed at [www.malvern hills.gov.uk](http://www.malvern hills.gov.uk)

### **3. Other relevant planning guidance**

#### Living Places: Cleaner, Safer, Greener (2002)

Within the Ministerial Forward, the Deputy Prime Minister states that *the quality of our public space affects the quality of all our lives. It affects how we feel about where we live, where we work and where our children play.* This document emphasises the importance the Government attaches to providing adequate and effective open space.

#### National Playing Fields Association: The Six Acre Standard (2001)

The National Playing Fields Association (NPFA) published revised guidance on the provision of open space.

#### CABE space: The Value of Public Space (2004)

Within this document, the benefits of playspace and playtime for children are detailed.

#### Children's Play Council: Planning for Play – Guidance on the development and implementation of a local play strategy (2006)

The guidance aims to support Local Authorities and partners in preparing strategies for improving the opportunities for children's play within the National Policy Framework. The guidance is broken down into two sections, the first relating to the need for a play strategy and the second providing information on developing and implementing the play strategy.

#### ODPM and Home Office: Safer Places: the planning System and Crime Prevention (2004)

*Safer Places* is a good practice guide produced by the ODPM and the Home Office, which establishes how the planning system can generate/create well designed and safe places.

#### Secured by Design (2004)

Secured by Design is a national initiative run by the Association of Chief Police Officers. It sets out principles and standards for safety and security and has been used as a key model for the ODPM document 'Safer Places'.

Cabe space – Decent Parks? Decent Behaviour?

The publication provides practical advice on the design of public spaces in order to reduce levels of anti-social behaviour.

Sport England: A Regional Plan for Sport in the West Midlands 2004-2008

The following mission statement, within the regional plan for sport in the West Midlands, announces the aspiration of the document:

*“To significantly increase participation in sport within all age and social groups, leading to improvements in health and other social and economic benefits and providing the basis for progression into higher levels of performance, for those with the talent and desire to progress.”*

### APPENDIX 3 - Financial Contributions

This section outlines the basis of calculating financial contributions for off site provision of open space and it's long term maintenance where a developer chooses not to have any ongoing responsibility.

The District Council has a limited role in the direct provision and maintenance of open space and recreation facilities. The role is largely devolved to Town and Parish councils who have their own management regimes for open space provision and maintenance. For the purposes of this SPD developer contribution costs have been derived using additional information where available on costs incurred by these authorities, together with relevant comparative information from adjoining and nearby local authorities who have a more direct role in open space provision and maintenance.

Using the information sources described above Table 1 below sets out a comparison of indicative costs of various open space typologies.

For Malvern Hills District the calculation of requirements makes a number of **assumptions**:

- ❑ The average occupancy rate is based on an occupancy of 2.32 persons/dwelling (Malvern Hills District - Census 2001).
- ❑ The standards for requiring open space, sport and recreational provision are as set out in the main body of this document.
- ❑ Financial contributions (including long term maintenance) can be paid as a lump sum or, where appropriate on large sites (10+), at a specified trigger point relating to the programme for the development of the site.
- ❑ In accordance with Local Plan Policy CN12 all schemes that necessitate open space provision will require the developer to maintain the area or pay for the maintenance costs incurred by the scheme for the first twenty five years.

Table 1 Comparison of Indicative Costs of Open Space Provision and Maintenance

	<b>Capital</b>	<b>Maintenance</b>
<b>Malvern Hills DC</b>	(£/sq. m ex. land)	
Outdoor playing space	N/A	31(annually - 2006 based)
<b>Wychavon DC</b>	(£/sq. m ex. land)	
Childrens play space	300	375
Outdoor playing space	55	80
Informal open space	18 (capital + maintenance, compounded over 20yrs)	
<b>Malvern Town Council</b>	(£/sq. m ex. land)	
Childrens play area	44(equipment replacement only)	No information available
Allotments	2	No information available
<b>Worcester City Council</b>	Cost per dwelling	
Parks & Gardens	410	No information available
Natural/ Semi natural Greenspace	600	No information available
Amenity Greenspace	150	No information available
Childrens play	630	No information available
Allotments	134	No information available
Teenage Provision	776	
Outdoor Sports	293	
<b>Stratford on Avon</b>	(£/sq. m inc. land & maintenance)	
Youth/Adult use (active)	25	n/a
Childrens use (equipped)	205	n/a
<b>Herefordshire Council</b>	(Av. Costs per dwelling, inc. land costs, capital + maintenance over 15 yrs)	
Parks, Gardens & other amenity space etc	283	

Outdoor sports	1285
Childrens play	2187
Total contribution	3755

## GLOSSARY OF TERMS

Circular 5/05	Planning Obligations – ODPM July 2005
Developer Contributions and Planning Obligations SPD.	This SPD sets out the District Council's approach to developer contributions when considering planning applications. It complements and provides further guidance to the policy approach set out in Malvern Hills District Local Plan Policy DS18 ( Planning Obligations).
FIT	Fields in Trust, formerly known as the National Playing Fields Association, a national body with specific responsibility for acquiring, protecting and improving playing fields, playgrounds and play space.
LAP	Local Area for Play ( defined by FIT as a small area of open space specifically designated and laid out for young people to play close to where they live. Located within a walking distance time of 1 minute from home, the LAP provides essential play opportunities for toddlers and young children in locations that are overseen by parents, carers and the local community)
LEAP	Local Equipped Area for Play (defined by FIT as a piece of open space that is designated and equipped for children of early school age, located within a walking time of 5 minutes from home.)
Malvern Hills Play Strategy Action Plan	The Action Plan was approved by the District Council in March 2007 and looks to achieve the following outcomes: <ol style="list-style-type: none"><li>1. increased opportunity to access and enjoy a variety of play</li><li>2. increased inclusive play opportunities</li><li>3. a greater understanding of the importance of play</li><li>4. children and young people are involved in the design and delivery of play</li></ol>
MHDOSS 2007	Malvern Hills District Open Space Study 2007, undertaken on behalf of the District Council by consultants Knight, Kavanagh and Page.
NEAP	Neighbourhood Equipped Area for Play (defined by FIT as a site within 15 minutes walking time from home designated and equipped mainly for older children, but also with opportunities for play for younger children.)
ONS	Office for National Statistics
PPG17	Planning Policy Guidance Note 17- Planning for Open Space, Sport and Recreation – ODPM July 2002

S106

Section 106 of the Town and Country Planning Act 1990 deals with planning obligations comprising both planning agreements and unilateral undertakings which may restrict the development or use of land; require operations or activities to be carried out in, on, under, or over the land; require the land to be used in any specified way; or require payments to be made to the authority either in a single sum or periodically.

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