

**Proposed  
Local Green Space  
Sites**

**October 2018**

**MALVERN NEIGHBOURHOOD  
PLAN**

## Contents

1. Introduction.....	2
2. National Planning Policy Framework 2018.....	3
3. Planning Practice Guidance .....	4
4. South Worcestershire Development Plan 2016 .....	7
5. Rose Bank Gardens .....	8
6. Priory Park .....	12
7. Victoria Park .....	17
8. Malvern Vale Community Centre playing fields.....	20
9. Lower Howsell Road playing fields .....	23
10. Dukes Meadow.....	25
11. Hayslan Fields .....	28
Appendix A: Calendar of events held in the three parks and gardens .....	32
Appendix B: Friends of Victoria Park.....	33
Appendix C: Friends of Malvern Vale.....	34
Appendix D: Extract on Green Space from Inspector’s Report.....	35
Appendix E: Pickersleigh Residents’ Group Statement.....	38

# **1. Introduction**

1.1. Green and other open spaces located close to local people provide a range of social, environmental and economic benefits, including:

- Improved mental and physical health
- Increased social activity
- Increased physical activity
- Reduced Crime
- Improvement to Children's learning
- Increased voluntary action
- Improved Community Cohesion and sense of belonging
- Potential for local food growing
- More attractive places to live, work, play, visit and invest
- Enhanced opportunities for wildlife habitats and wildlife corridors
- Climate change adaption for example by flood alleviation

This statement provides information on the key green spaces within the Malvern Neighbourhood Area and the evidence to demonstrate the appropriateness of designating these as Local Green Spaces.

## 2. National Planning Policy Framework 2018

The NPPF provides the following information on Local Green Space designations:

- 2.1. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period ([Paragraph 99](#)).
- 2.2. The Local Green Space designation should only be used where the green space is ([Paragraph 100](#)):
  - a) in reasonably close proximity to the community it serves;
  - b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and
  - c) local in character and is not an extensive tract of land.
- 2.3. Policies for managing development within a Local Green Space should be consistent with those for Green Belts ([Paragraph 101](#)).

### **3. Planning Practice Guidance**

3.1 The following paragraphs relating to Local Green Space are taken from the PPG.

#### **What is Local Green Space designation?**

3.2 Local Green Space designation is a way to provide special protection against development for green areas of particular importance to local communities.

#### **How is land designated as Local Green Space?**

3.3 Local Green Space designation is for use in [Local Plans](#) or [Neighbourhood Plans](#). These plans can identify on a map ('designate') green areas for special protection. Anyone who wants an area to be designated as Local Green Space should contact the local planning authority about the contents of its local plan or get involved in neighbourhood planning.

#### **How does Local Green Space designation relate to development?**

3.4 Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.

#### **What if land has planning permission for development?**

3.5 Local Green Space designation will rarely be appropriate where the land has planning permission for development. Exceptions could be where the development would be compatible with the reasons for designation or where planning permission is no longer capable of being implemented.

#### **Can all communities benefit from Local Green Space?**

3.6 Local Green Spaces may be designated where those spaces are demonstrably special to the local community, whether in a village or in a neighbourhood in a town or city.

#### **What if land is already protected by Green Belt or as Metropolitan Open Land (in London)?**

3.7 If land is already protected by Green Belt policy, or in London, policy on Metropolitan Open Land, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.

3.8 One potential benefit in areas where protection from development is the norm (eg villages included in the green belt) but where there could be exceptions is that the Local Green Space designation could help to identify areas that are of particular importance to the local community.

#### **What if land is already protected by designations such as National Park, Area of Outstanding Natural Beauty, Site of Special Scientific Interest, Scheduled Monument or conservation area?**

- 3.9 Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.

**What about new communities?**

- 3.10 New residential areas may include green areas that were planned as part of the development. Such green areas could be designated as Local Green Space if they are demonstrably special and hold particular local significance.

**What types of green area can be identified as Local Green Space?**

- 3.11 The green area will need to meet the criteria set out in [paragraph 77](#) of the National Planning Policy Framework. Whether to designate land is a matter for local discretion. For example, green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis.

**How close does a Local Green Space need to be to the community it serves?**

- 3.12 The proximity of a Local Green Space to the community it serves will depend on local circumstances, including why the green area is seen as special, but it must be reasonably close. For example, if public access is a key factor, then the site would normally be within easy walking distance of the community served.

**How big can a Local Green Space be?**

- 3.13 There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, [paragraph 77](#) of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name.

**Is there a minimum area?**

- 3.14 Provided land can meet the criteria at [paragraph 77](#) of the National Planning Policy Framework there is no lower size limit for a Local Green Space.

**What about public access?**

- 3.15 Some areas that may be considered for designation as Local Green Space may already have largely unrestricted public access, though even in places like parks there may be some restrictions. However, other land could be considered for designation even if there is no public access (eg green areas which are valued because of their wildlife, historic significance and/or beauty).

- 3.16 Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected.

**What about public rights of way?**

- 3.17 Areas that may be considered for designation as Local Green Space may be crossed by [public rights of way](#). There is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation.

**Does land need to be in public ownership?**

- 3.18 A Local Green Space does not need to be in public ownership. However, the local planning authority (in the case of local plan making) or the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.

**Would designation place any restrictions or obligations on landowners?**

- 3.19 Designating a green area as Local Green Space would give it protection consistent with that in respect of Green Belt, but otherwise there are no new restrictions or obligations on landowners.

**Who will manage Local Green Space?**

- 3.20 Management of land designated as Local Green Space will remain the responsibility of its owner. If the features that make a green area special and locally significant are to be conserved, how it will be managed in the future is likely to be an important consideration. Local communities can consider how, with the landowner's agreement, they might be able to get involved, perhaps in partnership with interested organisations that can provide advice or resources.

**Can a Local Green Space be registered as an Asset of Community Value?**

- 3.21 Land designated as Local Green Space may potentially also be nominated for listing by the local authority as an [Asset of Community Value](#). Listing gives community interest groups an opportunity to bid if the owner wants to dispose of the land.

## 4. South Worcestershire Development Plan 2016

4.1 The SWDP includes three policies that are relevant to Local Green Space:

- SWDP5: Green Infrastructure<sup>1</sup> (strategic policy)
- SWDP38: Green Space<sup>2</sup> (non-strategic policy)
- SWDP39: Provision for Green Space and Outdoor Community Uses in New Development<sup>3</sup> (non-strategic policy)

4.2 Policy SWDP5 seeks to ensure that new housing development contributes towards the provision, maintenance, improvement and connectivity of GI. Following the provision of GI associated with new development it is protected under policy SWDP38.

4.3 Policy SWDP5 also seeks to protect existing GI from proposals that may have a detrimental impact on its important attributes unless certain criteria are met.

4.4 Green Spaces within policy SWDP38 include a range of private and public open spaces and are identified on the SWDP Policies Map. The policy seeks to protect these spaces from development unless certain criteria are met. There is no reference in the policy or its reasoned justification to Local Green Space.

4.5 SWDP policy 39 seeks to ensure that new housing developments of 10 units or more should provide an appropriate amount of green space within it and secure arrangements for its long term management and maintenance. The policy includes standards of provision at Table 10. Again, there is no reference to LGS in the policy or its reasoned justification.

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<sup>1</sup> [http://www.swdevelopmentplan.org/wp-content/uploads/2016/05/SWDP\\_5\\_AdoptedSWDP.pdf](http://www.swdevelopmentplan.org/wp-content/uploads/2016/05/SWDP_5_AdoptedSWDP.pdf)

<sup>2</sup> [http://www.swdevelopmentplan.org/wp-content/uploads/2016/05/SWDP\\_38\\_AdoptedSWDP.pdf](http://www.swdevelopmentplan.org/wp-content/uploads/2016/05/SWDP_38_AdoptedSWDP.pdf)

<sup>3</sup> [http://www.swdevelopmentplan.org/wp-content/uploads/2016/05/SWDP\\_39\\_AdoptedSWDP.pdf](http://www.swdevelopmentplan.org/wp-content/uploads/2016/05/SWDP_39_AdoptedSWDP.pdf)



## 5. Rose Bank Gardens



**Name and Address of Area** – Rose Bank Gardens, Wells Rd, Malvern, WR14 4RQ

**LGS - 01**

**Owned by:** Malvern Hills District Council



### **Description of Area**

- 5.1 These hillside terraced gardens and Regency House were gifted, in 1918, to the people of Malvern by Mr Charles Dyson Perrins, the Lea & Perrins Worcestershire Sauce magnate.
- 5.2 Unfortunately, owing to lack of maintenance, Regency House was demolished in the late 1950s. Over the next thirty years the beautiful gardens, with spectacular views over the town, Priory Church and the Severn Plain, were also badly neglected and therefore in a sad state.
- 5.3 In recent years Malvern Town Council has accepted responsibility for the improvement of the gardens, with a 99-year lease from Malvern Hills District Council.
- 5.4 Within a short space of time, there has been a very noticeable upgrade of the gardens with members of the public, both visitors and residents alike, complementing the Town Council on the impressive improvements. These improvements include care of the extensive lawns, new beds and planting, the commissioning of two large sculptures by the internationally recognised metal sculptor Walenty Pytel, a commemorative plaque to C.S.

Lewis and George Sayer and large, forged metal obelisks with climbing roses. The gardens are lit by Victoria gas street lamps. More improvements are in the pipeline.



### **What do we use the space for?**

- 5.5 Rose Bank Gardens is home to the “Buzzards Landing” and “Skylark Ascending” sculptures, both created by Walenty Pytel. “Buzzards Landing” was commissioned by Malvern Town Council to mark the Diamond Jubilee of HM The Queen. “Skylark Ascending” was commissioned by the ‘Autumn in Malvern Festival’. Both sculptures were instigated by Councillor Peter Smith, Artistic Director and Founder of the ‘Autumn in Malvern Festival’. These sculptures have helped to bring tourism to the already beautiful landscaped gardens, which is the final destination of the ‘Route to the Hills’.
- 5.6 There are many Green Spaces in central Malvern some of which happen to be directly on an important route leading into the Town Centre. The Heritage Lottery Fund and Malvern Hills District Council are currently delivering a major project entitled Great Malvern - Route to the Hills (RTTH).<sup>4</sup>
- 5.7 The RTTH imagines someone alighting from a train at the historic Great Malvern Rail Station and walking up the hill into the town centre via points of historic interest. Interpretation monoliths, together with plaques and artworks, placed at strategic points on the route, tell the story of Malvern’s history.

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<sup>4</sup> <https://www.visitthemaalverns.org/things-to-do/towns/malvern/route-to-the-hills/>

5.8 Malvern Town Council hosts at least two annual events in Rose Bank Gardens: the Health and Wellbeing Fair, which makes up part of the Well Dressing and Water Festival Weekend, and an Outdoor Theatre performance (see Appendix A). The topography of the garden means that the venue is not best suited to anything requiring very much flat land. However, it lends itself perfectly to smaller fairs and performances.

### **Who uses it?**

5.9 Rose Bank Gardens is widely regarded as one of the most picturesque areas in Malvern Town, with views overlooking the town centre, the Severn Plain, Bredon Hill and the Cotswolds. It is a popular spot for a picnic in the summer, and often you will see blankets set out on the grass and people sunbathing. There is also a well in Rose Bank Gardens which is dressed every year as part of the Well Dressing and Water Festival Weekend.

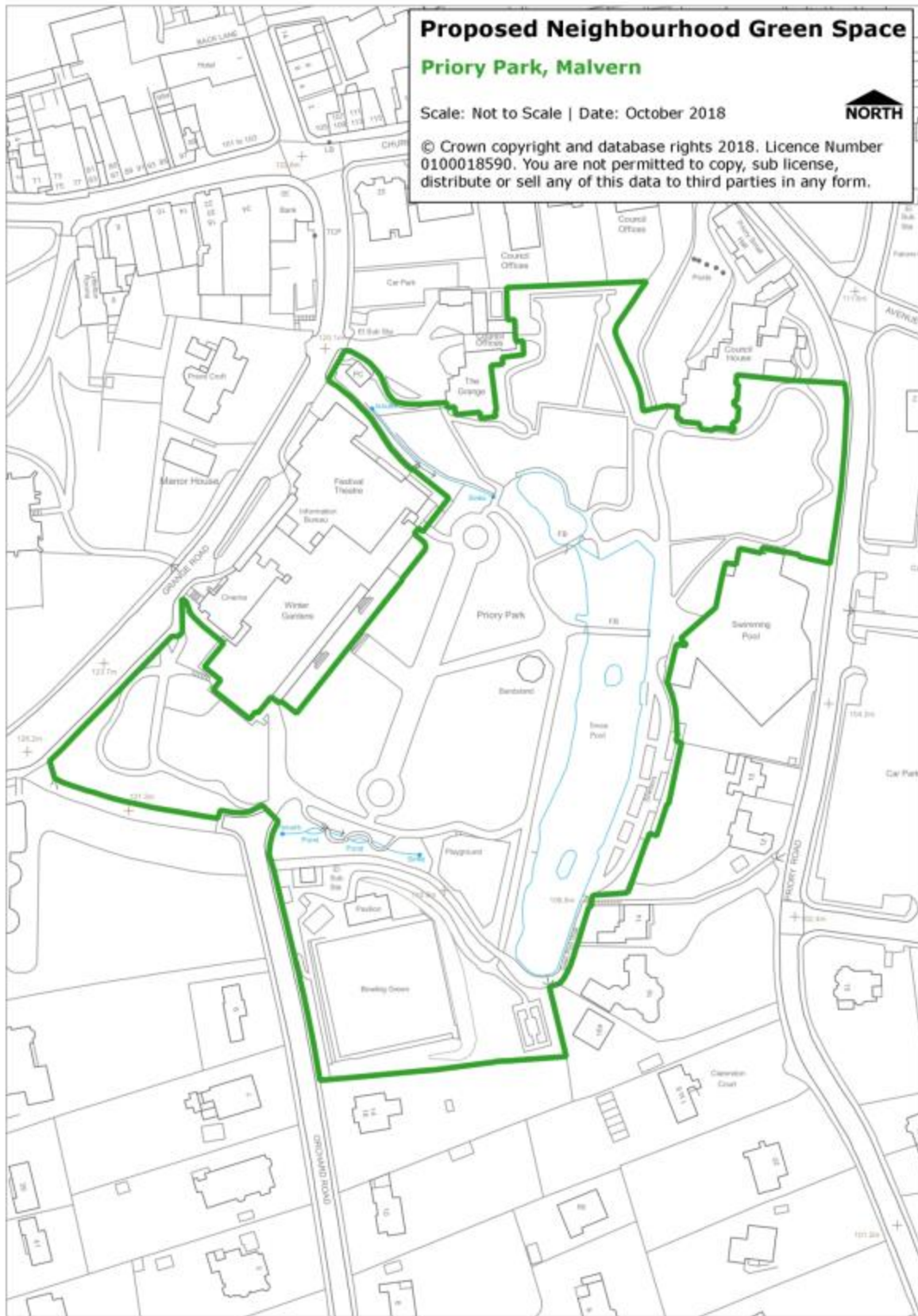
5.10 The Gardens are in close proximity to the 99 steps leading to St Ann's Well, and the main paths on the Worcestershire Beacon lower slopes (Malvern Hills).



### **How important is it?**

5.11 Few green spaces within Malvern match Rose Bank Gardens in terms of beauty, peace, and tranquillity. Not only is the space used for public events in order to benefit the Town's residents, it is also a place of sanctuary for those who like to take time out to be in nature. It is a strategic starting point for walks onto the Malvern Hills.

## 6. Priory Park



## Name and Address of Area – Priory Park, Priory Rd, Malvern, WR14 3DR

### LGS - 02

**Owned by:** Malvern Hills District Council

#### Description of Area

- 6.1. Priory Park was originally part of the grounds of the monastery of Great Malvern Priory, founded in 1085 by Benedictine monks under the rule of Westminster Abbey. The area around the Priory - including what is now Priory Park - formed the farmyard, orchard and gardens of the monastic community where they kept animals and grew vegetables and herbs. The monks created large fishponds for carp which may still be seen in Priory Park, now a home to several species of water fowl. A notable feature crossing the larger pond is an unusual and elegant wooden bridge.
- 6.2. Across the bridge stands a notable cast iron bandstand which is listed<sup>5</sup> from the late 19th century at the foot of extensive sloping lawns. Every summer a large cross-section of the public enjoy brass band concerts on Sunday afternoons, organised and funded by Malvern Town Council.
- 6.3. Priory Park has many mature trees, some of which are rare specimens, including a tall Handkerchief Tree, which each May gives an impressive display and is visited by countless members of the public. There is a carved wooden sculpture and a tranquil area on the southern border, including a winding stream with spring water from the hills and many attractive plants. The District Council is applying for **Green Flag** status for Priory Park.



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<sup>5</sup> <https://historicengland.org.uk/listing/the-list/list-entry/1266979>

## What do we use the space for?

- 6.4. Priory Park is situated behind Malvern Theatres, in the middle of Great Malvern Town. Priory Park is a favoured location for family events due to its size, often providing musical events in the original Victorian Bandstand.
- 6.5. Malvern Town Council uses the Bandstand in Priory Park as a venue for the 'Bands in the Park' and 'Alternative Bands in the Town' programmes (see Appendix A). Bands play weekly throughout the summer months, and feedback shows that residents thoroughly enjoy the community feel of coming together in the Park to listen to music.
- 6.6. In addition to this, Malvern Town Council hosts the annual 'Mayor's Bonanza' fundraising event in the Park. Malvern Hills District Council uses the space for the annual 'Science in the Park Fair', 'Big Splash Monday', and outdoor cinema screenings.



## Who uses it?

- 6.7. The Park has multiple uses. A children's play area containing an array of play equipment backs onto the bowling green. This is the only play area in the town centre; one of two main play areas within Malvern.
- 6.8. The restored Victorian bandstand is set in a wide open stretch of grassland to allow for audiences. Behind the bandstand is Swan Pool with sheltered seating along its length and two bridges over the water, leading to Malvern Splash, the Registrar Office and the Malvern Hills District Council Offices.
- 6.9. On the opposite side of the Park is Malvern Theatres and the Coach House Theatre. Nearby is a pay & display car park. Many people walk through the Park making their way to and from the Town Centre.





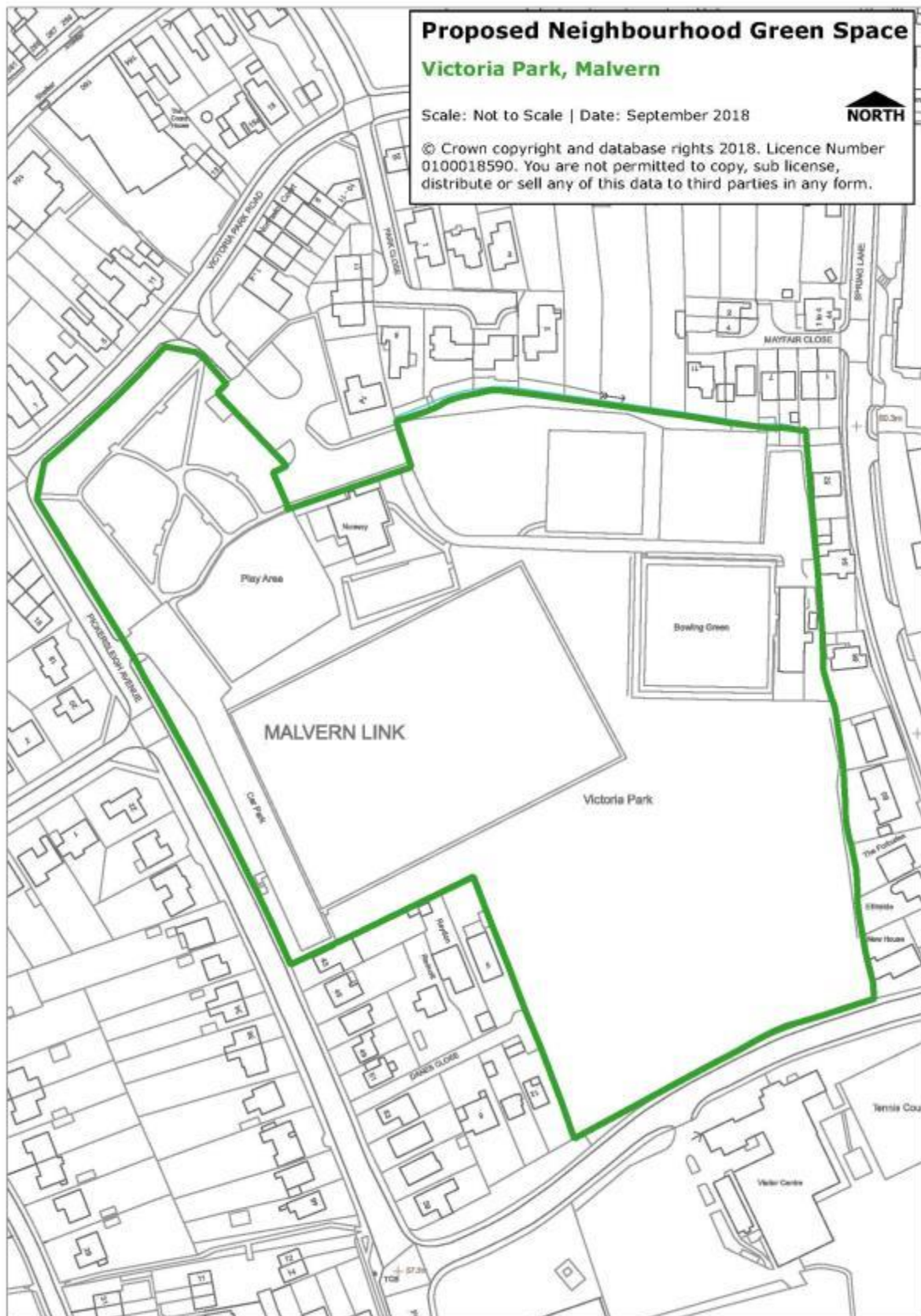
## How important is it?

6.10. One of the most used green spaces in Malvern, Priory Park is an area of great importance to residents and visitors alike.

### Some comments received from residents of Malvern

- A comfortable, quiet space in a busy town. We love the bands in the park!
- Priory Park is of huge significance to the whole winter garden complex, it is the crown to Malvern. We walk in the garden throughout the year.
- We are regular attendees at "Bands in the Park". As well as the fine music, we greatly enjoy the social aspect, with the young and the old enjoying the fresh air and the beauty of the park together.
- I enjoy the band concerts very much, it's relaxing to be in the park and we are very lucky to live here.
- It is the Park, plus Hills, that make great Malvern, I visit the park at least once a week, and appreciate the well-kept gardens, the pond sometimes looks neglected (rubbish and dead leaves).
- Is able to hold many events, what a wonderful selling point for Malvern.
- We value this space and also the coming together of all ages, especially the Sunday concerts which are always a pleasure.
- It is central for everyone, also visitors.
- We have lived in Malvern for nearly 30 years and have always valued Priory Park, which is a valuable local asset. The Victorian bandstand adds to the appeal. We have taken grandchildren there to listen to the bands and we visit the playpark.
- I have spent many wonderful hours in the park, thanks to all who look after it.
- It is a permanent oasis in the town for the enjoyment of residents both young and old.
- Having lived in Malvern all my life (75 years) Priory Park has special memories for me. I love walking through the park when the Sunday band concerts are on.
- I have lived in Malvern all my life and I will be 83 in six weeks' time. I have wonderful memories being in Priory Park. As a child my parents, brother and sister walked regularly in the park at the weekend and on a Sunday we were treated to rides in the park in a paddle boat. It was really beautiful; music was played in the bandstand.
- This space is very important to the people of Malvern, young and old, they all enjoy the park.
- We are lucky to have a beautiful Park. It is nice and tidy; we are regular attendees of the concerts and often use the café, very friendly atmosphere. Please tell me who agreed to the steps they are not at all pretty.

## 7. Victoria Park



**Name and Address of Area** – Victoria Park, Park Close, Malvern WR14 2JZ

**LGS - 03**

**Owned by:** Malvern Town Council

**Description of Area**

7.1. Victoria Park is Malvern Link’s communal green space. Situated near the shopping area of Malvern Link, it is widely used by a large cross section of the community of all ages. The Park is easily accessible for all residents in Malvern Link and the surrounding areas. The Park has been at the centre of the Link community as a welcome open space for many generations.



## What do we use the space for?

- 7.2. Victoria Park contains a football pitch, bowling green, skate park, fenced children's play area, pavilion containing the Three Sixty Café, trim trail, skate park, fenced multi-use games courts and tennis court on hard-standing. There are plans for an outdoor basketball facility. The park is funded and managed by Malvern Town Council, who stage free events throughout the year. These include 'Alternative Bands in the Park', 'Armed Forces Day' and an outdoor cinema (see Appendix A).



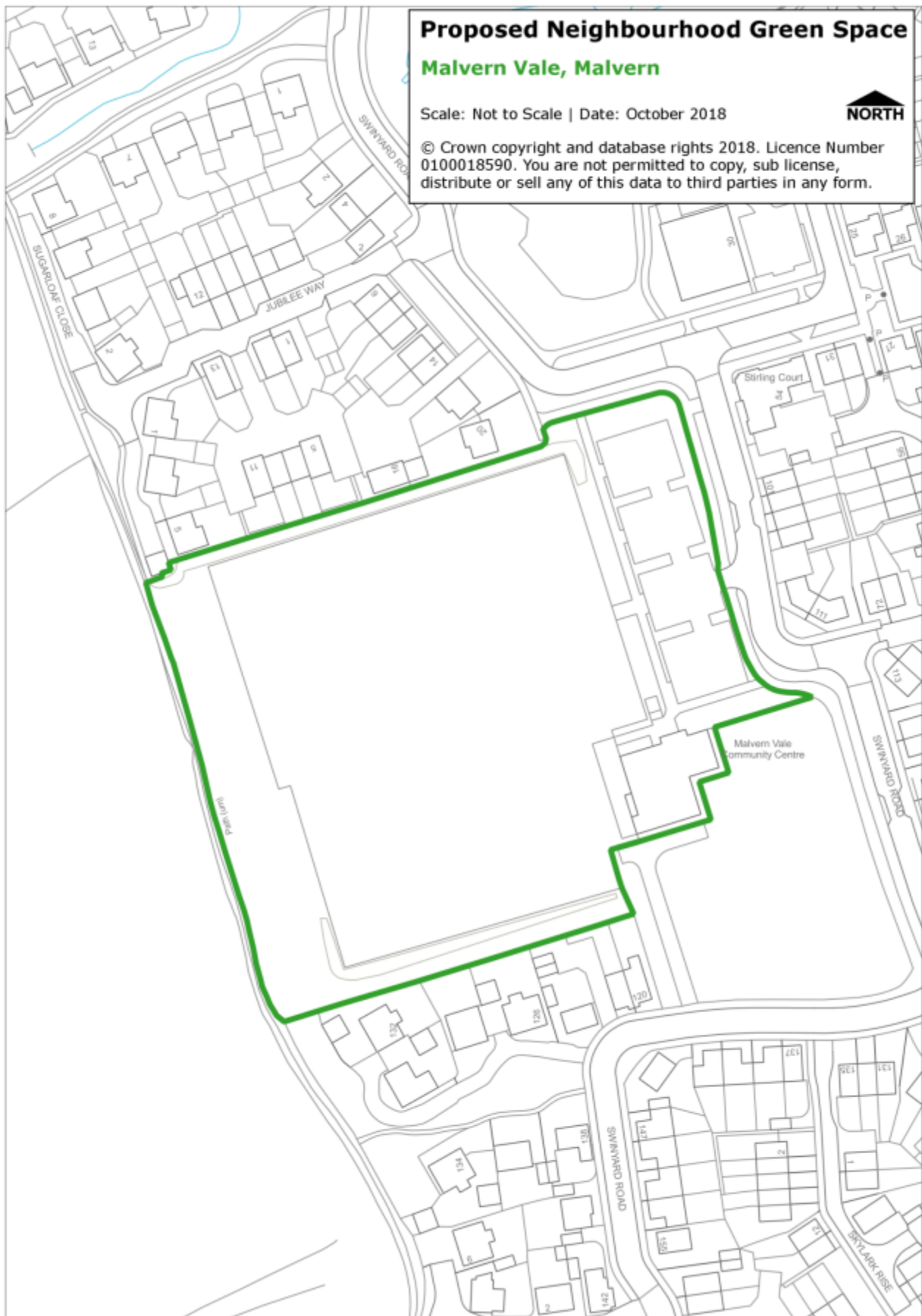
## Who uses it?

- 7.3. The Park is used extensively for football, tennis and other sporting activities. In addition, it is used by families with young children, teenagers, dog walkers and community fundraisers. The café is an important communal meeting space and is open all year round.

## How important is it?

- 7.4. Victoria Park is of high importance for the Malvern Link and Pickersleigh communities. The Park has the most extensive play equipment in Malvern for a wide range of children's age groups. It is an important location for Town Council organised events as well as other community events.
- 7.5. There is an active Friends of Victoria Park Green Spaces Group found on social media (see Appendix B).

## 8. Malvern Vale Community Centre playing fields



**Name and Address of Area** – Malvern Vale Community Centre playing fields, Swinyard Rd, Malvern WR14 1GU

**LGS - 04**

**Owned by:** Malvern Hills District Council

**Description of Area**

8.1. The Malvern Vale Community Centre Playing field comprises two football pitches; one junior and one senior. Built in 2012 and located within the heart of the new Malvern Vale development, the facility is owned by Malvern Hills District Council but is currently managed by the Worcester YMCA which also runs the Community Centre itself. Recently Worcestershire County Council built a new school (Malvern Vale Primary School) close to the site. Therefore the playing fields will be used by the school, the Community Centre and by local football teams including Malvern Vale FC and others within the Malvern Hills Area.



**What do we use the space for?**

- 8.2. The playing fields are used mainly for outdoor sporting activities including football and rugby matches, as well as regularly being used for social events.

**Who uses it?**

- 8.3. The site is used widely by the local community within the development and children at Malvern Vale Primary School, and people in the surrounding areas.

**How important is it?**

- 8.4. Without the Community Centre playing fields within the Malvern Vale development the school would be lacking facilities and there would be no home ground for Malvern Vale FC Junior and Senior teams. These activities facilitate community cohesion
- 8.5. There is an active Friends of Malvern Vale Green Spaces Group found on social media (see Appendix C).

## 9. Lower Howsell Road playing fields





**Name and Address of Area** – Lower Howsell Road playing fields, Lower Howsell Road, Malvern, WR14 1DP

**LGS - 05**

**Owned by: Malvern Town Council**

**Description of Area**

9.1. The grounds are spacious, in a semi-rural location, off Lower Howsell Road - with a large mown grass area of several acres - running up to the railway line embankment. Grass pitches were built in 1997 and refurbished in 2012. The site is provisioned with changing facilities and toilets. There is disabled access, but no parking available on the site except for a drop-off area.



**What do we use the space for?**

9.2. The space is used for sporting activities, and there is a children's play area with play equipment including swings and climbing frames. There are two grass pitches, line marked for football games.

**Who uses it?**

9.3. Local people from the immediate vicinity use the playing field, as well as Malvern Vale Football Club, Malvern Cave Football Club, Malvern Radar Football Club and the Express Falcons throughout the season.

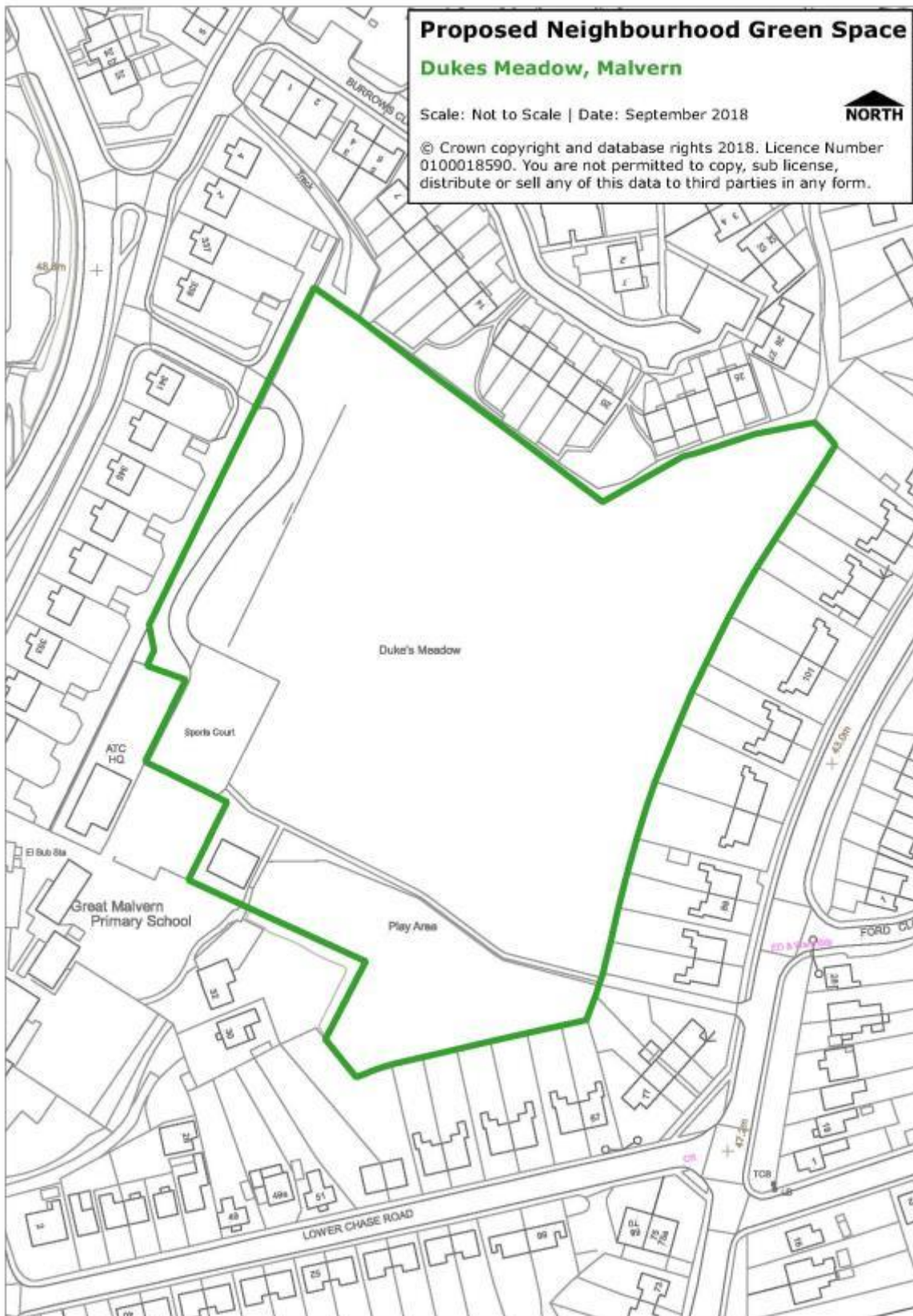
**How important is it?**

9.4. In terms of health and well-being this playing field is very important. Families with young children and people from a wide social spectrum use the facilities.

**Comments from residents of Malvern**

9.5. Without these areas 200 plus members of our young footballers within Malvern would not be able to play in this area or the sport.

## 10. Dukes Meadow



**Name and Address of Area** – Dukes Meadow, Pickersleigh Road, Malvern, WR14 2BY

**LGS - 06**

**Owned by: Malvern Town Council**

**Description of Area**

10.1. This playing field is located adjacent to areas of social housing. It lies on the north eastern boundary of Great Malvern Primary School, which uses the site regularly for various school activities. There is disability access but no parking facilities at the site except for a drop-off area.



**What do we use the space for?**

10.2. The generous grassy space of several acres contains play equipment including swings and climbing frames. There is a full sized grass football pitch with changing room facilities.

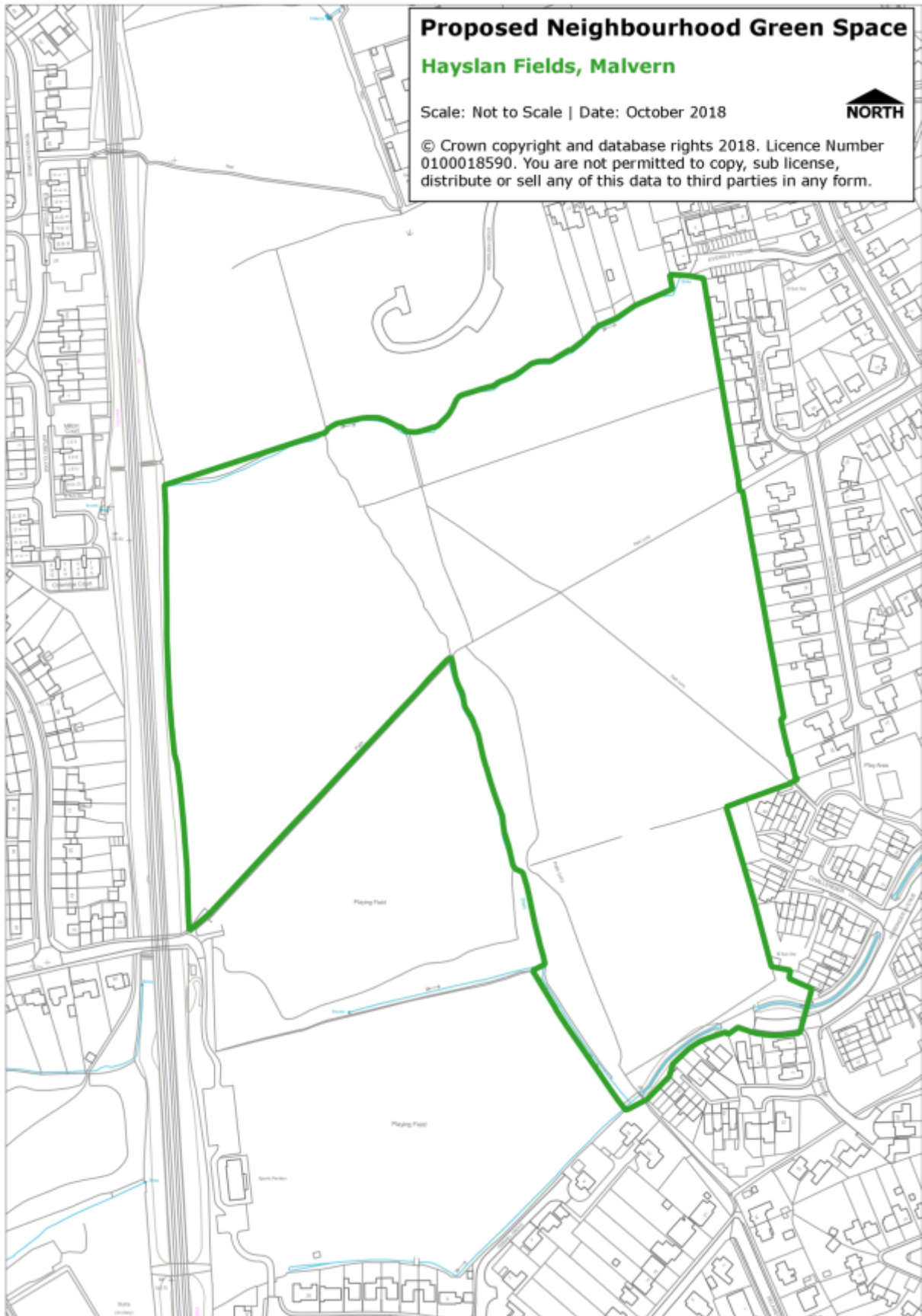
**Who uses it?**

10.3. Families and people from the immediate area of Pound Bank, Elgar Avenue, Barnards Green and Sherrards Green use this open space.

**How important is it?**

10.4. The playing field is situated within a built up area of Malvern near the town's largest area of social housing. This wide, flat meadow lends itself to family activities such as informal ball games, summer picnics, football and play for children on the equipment provided.

## 11. Hayslan Fields



## Name and Address of Area – Hayslan Fields, Hayslan Road

### LGS - 07

**Owned by:** Malvern St James

#### Description of Area

- 11.1. Located off Hayslan Road and adjacent to Hayslan Avenue Hayslan Fields has been a playing field for over 100 years. Malvern St James (previously Malvern Girls' College), a school for girls', acquired what was a cricket ground from the Foley Estate in 1910. The very extensive area of 8.5 hectares comprises of 3 fields which became their sports fields.
- 11.2. For over 20 years the school has not used the playing fields. More recently, developers have applied for planning permission to build a housing estate, which has been refused and dismissed at appeal<sup>6</sup>. An extract in relation to the Inspector's comments on Hayslan Fields as an important green space is included at Appendix D.
- 11.3. These fields, a marvellous green lung in the midst of an urban environment, is criss-crossed with public footpaths, affording marvellous views of Great Malvern and Malvern Priory nestling under the Malvern Hills, providing an impressive backdrop.
- 11.4. The Pickersleigh Residents Group is leading a campaign, supported by the Malvern Civic Society, to prevent housing development of the fields, and is hoping to acquire them as a public space. Appendix E provides a statement from the Group. So far, an application to have the fields named as an Asset of Community Value and given Village Green Status has failed, on technical points.
- 11.5. Headland Archaeology (UK Limited) undertook a field evaluation in February 2018<sup>7</sup>. Although no archaeological features were identified, a limited amount of prehistoric material was recovered from the site.



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<sup>6</sup> <https://plan.malvern hills.gov.uk/plandisp.aspx?recno=69255>

<sup>7</sup> <http://archaeologydataservice.ac.uk/library/browse/issue.xhtml?recordId=1149545&recordType=GreyLitSeries>



### **What do we use the space for?**

11.6. Hayslan Fields are criss-crossed by public footpaths and are much used by walkers and naturalists. They provide a direct route between the Pickersleigh Road and North End Lane area of Malvern towards South Worcestershire College and the Town Centre.

### **Who uses it?**

11.7. They are a well-used amenity for the many residents who live nearby, who enjoy the wide open space with stunning views towards Great Malvern and the hills.

11.8. In 1887<sup>8</sup>, the site still displayed its medieval origins through its characteristic elements and features, many of which are presently extant. The maps show that the key historic features which still exist today include: Footpaths crossing the site: The historic route to the Hills from the north east is via Madresfield and Pickersleigh, past Pickersleigh Court, along what is now Hayslan Road, across the site and through the fields (which have a similar historic rural character to Hayslan Fields) south of Sling Lane. These ancient access routes

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<sup>8</sup> Hayslan Fields LSCA Report, *Tinkler C.* 2014

to the town centre were respected, and were kept either under, over or across the railway (in the case of the site, through an arched brick tunnel).

**How important is it?**

- 11.9. It is a tranquil natural space with outstanding views of the Malvern Hills and Town. It serves as part of the Local Green Network and, when seen from the Hills, provides a green break between urban areas of Malvern enhancing the visual amenity.
- 11.10. The Localism Act of 2011 provides for buildings or land to be protected where they are used for the well-being or interests of the community. Hayslan Fields is one of the most important open green spaces in Malvern along with the Malvern Hills and Commons.
- 11.11. A recent report by a Government Inspector stated *"this site provides a major asset as urban green space to Malvern Town for its contribution to the townscape, biodiversity and informal recreation"*



## Appendix A: Calendar of events held in the three parks and gardens

EVENT	SITE	DATE
<b>Health &amp; Wellbeing Fair</b> part of the Well Dressing and Water Festival Weekend	Rose Bank Gardens	Bank Holiday weekend: late April / early May
<b>Mayor's Bonanza</b> annual charity fundraiser	Priory Park	August
<b>Outdoor Theatre</b> Illyria theatre group	Rose Bank Gardens	August / September
<b>Bands in the Park</b> 16 week programme on consecutive Sundays	Priory Park	Every Sunday May until September
<b>Alternative Bands in the Town</b> Short programme of alternative music on consecutive Saturdays	Priory Park	Consecutive Saturdays through July and August, with alternating performances taking place in Priory Park
<b>Armed Forces Day Gala</b>	Victoria Park	Armed Forces Day, Saturday in June

Appendix B: Friends of Victoria Park

**Protect our Green Spaces**

**Join the friends of Victoria Park**

Events and Fundraising

Improve facilities

Dealing with problems

Interested? why not join our group:

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# Protect our Green Spaces

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## Appendix D: Extract on Green Space from Inspector's Report

### *The Development Plan*

17. Given SWDP 38 and SWDP 5 (Green Infrastructure) both featured in the Council's refusal reason (albeit as emerging policies at that time) it is important to note the relationships between these now adopted policies. Parts A & B of SDWP 5 are concerned with how new housing proposals should contribute towards the provision, maintenance, improvement and connectivity of Green Infrastructure (GI). Subject to conditions and to planning obligations in the unilateral undertaking the appeal scheme would accord with SWDP 5 A & B<sup>9</sup>.

18. In addition SWDP 5 B establishes that once a planning permission is implemented, the associated GI will be protected as Green Space (as per SWDP 38), creating a clear linkage between GI and Green Space. There are many common elements in the values of both, as described in the reasoned justifications for the policies. Thus even though the appeal site is not identified as one of the areas with important GI attributes, referred to in SWDP 5 C, that does not detract in any way from its designation as Green Space.

19. SWDP 38 A establishes that Green Space includes a range of private and public open spaces and associated community facilities. Privately owned open spaces are described in the reasoned justification as performing valuable functions such as contributing to biodiversity, the character of the area and providing a sense of openness and space. Thus they may have a wider role, offering multiple benefits, and thereby according with one of the *Framework's* core planning principles.

20. The appeal site is part of the Hayslan Fields Green Space designation and comprises some 8.5 ha of land which is all privately owned but, apart from one field (known as Oseman's Field), there is public access across it along several public rights of way. A recurring theme in the appellant's case is that public access is limited to the designated rights of way and thus the great majority of the site is not available for sport or recreation. The appellant maintains Hayslan Fields is not open space as defined in the Glossary at Annex 2 to the *Framework*<sup>10</sup> because it is only the footpath routes which provide opportunities for sport and recreation.

21. I note firstly the SWDP Inspector's response to objections to the inclusion of private land in areas designated as Green Space: "As the reasoned justification to the policy makes clear, Green Space has value for visual amenity as well as recreation, and so the Councils are justified in continuing to designate privately-owned open space, such as Hayslan Fields in Malvern, as Green Space"<sup>11</sup>. The inclusion of private land in designated Green Space is now an integral part of the recently adopted development plan, as part of the overall approach to open space, sport and recreation matters, based in part on previous studies<sup>12</sup> that assessed various quantitative and qualitative aspects of relevant land, resources and facilities.

22. Secondly, the important recreational opportunities afforded by the footpath network across the appeal site stem in large part from being surrounded by the privately owned and undeveloped land which undoubtedly acts as a visual amenity, thereby enhancing the recreational experience of using

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<sup>9</sup> And also with SWDP 39 which sets out standards for provision of Green Space and outdoor community uses in new development

<sup>10</sup> That is: "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 act as a visual amenity"

<sup>11</sup> IR paragraph 154

<sup>12</sup> The Malvern Urban Green Space Study (MUGS) (2003) and the Open Space Sport and Recreation Assessment (OSSRA) (2007)

the footpaths. These two elements of the open space as a whole are so closely inter-linked that I do not consider they should be separated for policy purposes.

23. In addition it is relevant that, irrespective of ownership, the area proposed for housing in the appeal scheme is a sizeable portion of the Hayslan Fields Green Space which has long been protected through local planning policy as part of a network of open spaces that contribute to the distinctive form and character of the town as a whole. It has a function in this respect which is distinguishable from its function as open space for sport and recreation.

24. It follows that I find no material inconsistency between those elements of the *Framework* concerned with open space (including the Glossary definition) and the recently adopted SWDP policies relating to GI and Green Space. The SWDP policies reflect *Framework* policy guidance in the light of local circumstances, as provided for in the *Framework* (in paragraphs 1 and 10). I therefore find no sufficiently compelling grounds to set aside the policy protection afforded by SWDP 38 B simply because the appeal site is in private ownership with public access limited to the rights of way. That being so it is necessary to consider whether there are exceptional circumstances, as set out in the policy, sufficient to justify allow housing development on part of the site.

25. The first consideration (at 38 B ii) is whether it has been clearly demonstrated that the area of Green Space proposed for development is surplus to requirements. Hayslan Fields falls within the category of natural and semi natural greenspace in the OSSRA, of which there was an adequate quantity in Malvern at the time of that study. Using more recent population figures the appellant has sought to demonstrate that there is now likely to be a surplus in terms of quantity. However quantity is only one aspect of the ‘requirement’ for any particular Green Space: the policy refers to an assessment of both community and technical need. Thus it is reasonable to take into account the existing community’s need, in this instance, for access to and across the appeal site to benefit from its recreational and amenity value and the sense of openness and space that it undoubtedly provides.

26. The need for and value of the appeal site to the existing local community has been made abundantly clear in many written submissions and by residents at the hearing, notwithstanding unsuccessful applications to have it designated as a village green<sup>13</sup> and, more recently, as an asset of community value<sup>14</sup>. Amongst its most valued attributes are the opportunities to walk, run or cycle, with children and/or dogs, along the unmade footpaths through a semi-rural environment which is very unusual wholly within the urban area. In addition, and irrespective of ploughing carried out earlier in 2015, the undeveloped and largely open character of the land surrounding the footpaths acts as a visual link in long range views, above existing housing, towards the Malvern Hills to the west and Bredon Hill further away to the south east, thereby creating a much valued sense of openness and space.

27. For all these reasons and notwithstanding the earlier assessments of quality and/or value (in the MUGS and OSSRA) I find that the area of Hayslan Fields proposed for development is significant in helping to meet the existing community’s needs for access to and across open space for recreational purposes and for health and well-being. Consequently I find neither the adequacy nor potential surplus of natural and semi-natural greenspace across Malvern town as a whole in terms of quantity sufficient in itself to clearly demonstrate that Hayslan Fields is surplus to the community’s requirements. The appeal scheme would not therefore accord with SWDP 38 B ii.

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<sup>13</sup> In 1998

<sup>14</sup> In 2014, albeit it was suggested at the hearing that the inadequacies of Malvern Town Council’s application stemmed more from its lack of familiarity with the process than from a lack of evidence

28. The other relevant criterion (at 38 B iii) is whether alternative/replacement Green Space of at least equivalent value to the community has been secured in a suitable location and, in this respect also, I take that to mean the existing community. The appeal scheme and unilateral undertaking provide for Oseman's Field to be made permanently available as public open space which, together with smaller areas of open and amenity space in and around the new housing, would amount to some 4.5 ha in total. It is important to be clear however that all of this 4.5 ha is already designated as Green Space and thus, strictly speaking, the appeal scheme would not provide any alternative or replacement Green Space.

29. It would however provide for generous amounts of fully accessible public open space in perpetuity which, in terms of quantity, would greatly exceed the amount required (pursuant to SWDP 39) for the proposed 150 dwellings. The key question is whether that open space would be in a suitable location and of at least equivalent value to the existing community. Various options for Oseman's Field are mentioned, such as potential to enhance educational and interpretative features for example, but the appeal scheme does not include any specific proposals for it. Rather the freedom to use the land as the Council and/or local community wish is put forward as a benefit of the appeal scheme.

30. In terms of location that principal area of public open space would sit between the proposed housing (to the east) and the main railway line on its raised embankment (to the west). Given the proximity and solidity of these features this area would feel significantly more enclosed than that to be lost to the proposed housing, notwithstanding surrounding trees. Moreover passing trains are markedly more intrusive here, in both visual and noise terms, than elsewhere on the appeal site. Thus, irrespective of how it might be laid out and used, Oseman's Field would not offer comparable benefits in terms of outward views and a sense of openness and space in a semi-rural environment. I therefore find that the appeal scheme would not accord with SWDP 38 B iii.

31. To summarise, I find that exceptional circumstances sufficient to justify the proposed development of this area of Green Space, as set out in SWDP 38 B, have not been demonstrated. Moreover the proposed housing would result in a marked reduction in the size of Hayslan Fields Green Space, thereby seriously diminishing the contribution it makes to the distinctive form and character of Malvern. The proposal's effects on the Green Space's character in qualitative terms are considered in the next section.

32. In reaching this conclusion I have borne in mind the points made by the appellant in relation to two other developments recently permitted on land also included in the Green Space designation. However these differ markedly from the appeal scheme in that one is partially a redevelopment scheme<sup>15</sup> and the other<sup>16</sup> is on the outer edge of the current urban area, with a boundary to open countryside. Moreover both permissions were granted at a time when the Council was unable to demonstrate a 5-year housing land supply.

33. In addition to the points already noted in relation to SWDP 5 and SWDP 39 the appeal scheme would (subject to conditions and/or planning obligations) accord with the SWDP in several other respects, most notably in terms of the provision of 40% of the development as affordable housing as required by SWDP 15. However, given the conflict with SWDP 38 and the substantial harm the appeal scheme would cause through loss of Green Space, I am unable to conclude that it would accord with the development plan as a whole.

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<sup>15</sup> Pickersleigh Grove, just to the north of the appeal site, for which permission was granted in 2014

<sup>16</sup> Lower Howsell Road, for which outline permission was granted in 2015

## Appendix E: Pickersleigh Residents' Group Statement

*Pickersleigh Residents' Group* (Founded 1993)

[REDACTED]

[REDACTED]

22 August 2016

Ms C Lawrence Malvern Town Council  
28-30 Belle Vue Terrace  
Malvern  
Worcs. WR14 4PZ

Dear Ms Lawrence Neighbourhood Plan

Further to your conversation with PRG please see below our report requesting that Hayslan Fields are designated as Local Green Space in the emerging Neighbourhood Plan. The report consists of our Foreword, History and Setting and then Comments on the 8 electronic files which the Chair Jeff Williams has given to you.

We hope that this evidence will be sufficient to enable the requested designation but if you wish for further information please do not hesitate to contact us.

Many thanks.

Yours sincerely

C T Eustace Secretary PRG

PRG Officers:

Founder Member: Margaret Hepplewhite

Treasurer: John Gillham

Founder Member: Bob Morrison

Secretary: Tom Eustace BA (Hons)

## **Evidence for Hayslan Fields to be designated Local Green Space as part of the emerging Neighbourhood Plan**

### Foreword

The Pickersleigh Residents' Group (PRG) is a lay body established in 1993 to represent the views of the residents of Pickersleigh Ward in Malvern, Worcestershire. The membership of this body is currently in excess of 350. We have acted as a focal point on local matters of importance to the residents on many issues since formation.

Most recently we coordinated the campaign to prevent the development of Hayslan Fields and maintain their status as an open green space. Over the two and a half years of the campaign we held many public meetings where attendance was always in excess of 100 people. We submitted documentation and encouraged public objections via a 1500 + signature petition and 146 letters from concerned citizens of Malvern. This led to the unanimous decision in February 2015 by the MHDC Planning Committee to refuse this application for 150 houses to be built on Hayslan Fields.

Subsequently we campaigned against the developer's Appeal to the Inspector to reverse the MHDC decision. In July 2016 the Appeal Inspector dismissed the case and ruled that the Fields must maintain their green status.

Of course PRG was not the only group objecting to the development. Influential local bodies such as the Town Council, Civic Society, Campaign for the Preservation of Rural England and the Malvern Hills AONB Partnership all voiced objections at both Planning Application and Appeal stages.

The PRG believe that the Appeal Inspector's Report, the documentation used to defeat this Application and the Appeal, together with the adopted South Worcestershire Development Plan, form substantial and significant evidence for the Fields to be designated as Local Green Space in the Neighbourhood Plan.

### History and Setting

The Fields have for decades been used as amenity land. All the land is open grassland with more than a century of use as a sports field. Currently the fields are a much used and appreciated amenity by the residents of Pickersleigh and beyond. Whilst the land is in private ownership, there are 8 linked PROW crossing the fields and these provide outstanding visual aspects in an open setting. Thus the area is enjoyed for its benefits to health and wellbeing as a place to get away from noise and traffic without trespass.

A number of these footpaths lead between Lower and Upper Malvern and between Malvern Link and Barnard's Green, providing an open natural environment linking these parts of the town and a relief from the pavements of the surrounding urban area. Whilst the site is not within the boundaries of the AONB, it is highly visible from the Hills - which are within the AONB. The views from the Hills of the green spaces are part of the reason they are designated as AONB - attested to in the letter of protest to the application from the Malvern Hills AONB Partnership.

The fields also offer unique views up to the AONB with the upper town nestled against the Hills. The PROW routes on the Fields are essentially flat which makes them accessible to the elderly and disabled. This contrasts with the uneven ground and steep gradients on many of the commons. The Fields are also close to the deprived and densely populated areas of Pickersleigh Ward.



## Significant events concerning the Fields

Dec 1984 Application to develop the fields for private housing - Refused July 1985 Application to develop the fields for private housing - Refused Aug 1995 Application for conversion to football field with stand and floodlights - Refused 2003 Malvern Urban Green Space (MUGS) report compiled, designating Hayslan Fields as green space 2003 Village Green application - refused on a legal technicality 2005 Application to change QL2 status and develop the fields - Refused 2013 Emerging SWDP designated Hayslan Fields as part of the Green Network 2014 Call for Sites Initiative - Hayslan Fields considered but rejected, due to its amenity value Sept 2014 Application submitted to build 150 houses on the site Feb 2015 Unanimously refused in by the Malvern Hills Southern Area Development Planning Committee, following recommendation for refusal by Planning Officers Sept/Oct 2015 SWDP presented to local Councils for approval with the Hayslan Fields remaining on the omitted sites list Feb 2016 SWDP formally adopted with the SWDP Inspector's Report highlighting Hayslan Fields as a good example of Green Space in private ownership July 2016 Appeal by the developer to build on Hayslan Fields – Dismissed by the Inspector

During the whole of the above period Hayslan Fields were designated QL2 signifying their value to the health and wellbeing of the community as amenity land. This was further recognised in the SWDP when the fields were designated Green Space superseding the prior QL2 nomination.

### Comments on documentation submitted (as electronic files) as evidence for Hayslan Fields to be designated Local Green Space in the Neighbourhood Plan

1. PRG Response to Developers application - submitted to the MHDC S.A. Development Committee This document makes the case against development of the fields. In particular it describes the value of the fields to the local community and highlights them as a well-used and highly regarded local open green space. The fields are unique in Malvern as one of the few flat and easily accessible Green Spaces. Given the demographics of the community this is a vital and much used amenity for the elderly and those with mobility issues in particular. The fit and healthy of course also make much use of the fields, the open environment giving physical and mental benefits in an area close to an urban environment

The rebuttal also covers traffic and access to the site pointing out high pedestrian usage on narrow roads going to the local schools at peak times. Sight lines at the access point were also outside Highways guidelines.

2. MHDC Planning Officer's Recommendation to the Planning Committee The document is the Agenda for the Southern Area Development Management Committee for its meeting on the 18th Feb 2015. Pages 11 to 66 contain the report and recommendations of the MHDC Planning Officer with regard to the application to build on Hayslan Fields. The report is a well-balanced review dealing with the requirements of the NPPF and the amenity value vs. the development value of the proposal. It mentions that the Officer observed the high usage of the fields by residents and their regard for them as an amenity. The Planning Officer recommended that the proposal be refused as the amenity value significantly outweighs the claimed development benefits.

3. SWDP Inspector's Report highlighting comments specifically about Hayslan Fields Following a process of approximately 3 years including many hearings and investigations the SWDP Inspector Mr Clews issued a closing report recommending that the SWDP in its final form should be adopted by the three South Worcestershire Councils. The Councils considered his report and agreed to adopt the SWDP. The Inspector's Report is included in our evidence. In it he highlights the need for Green Spaces as part of the Plan. In particular he specifically mentions Hayslan Fields in item 154

Page 32 of his report “As the reasoned justification to the policy makes clear, Green Space has value for visual amenity as well as recreation, and so the Councils are justified in continuing to designate privately-owned open space, such as Hayslan Fields in Malvern, as Green Space.”

4. PRG Appeal Rebuttal submitted to Inspector This document refers and emphasises the points made in the original PRG rebuttal at the application stage. It points out the environmental and amenity value of the fields as Green Space. It also reviews the NPPF requirements and shows that building on the fields would fail to meet the Framework

5. Landscape Assessment Report to the Appeal Hearing MHDC engaged an independent and unbiased Landscape Architect to make a Landscape assessment of the fields. This highly qualified and respected professional’s report uses technical assessment techniques to make the assessment of the fields, reducing the “emotional” aspects. However the report captures the feelings of the community about the fields. Her phrase “the fields are not a park but they feel like one” struck a chord with many readers of the report. The report firmly concludes that the fields are of significant value as green space to the community and the wider landscape.

6 a+b. MHDC Submission to the Appeal Inspector before and after Adoption of SWDP This submission to the Appeal Inspector highlights the availability of housing land supply above the 5year plus 5% requirements.

It states that the appeal is contrary to the requirements of SWDP policy 38 where Hayslan Fields have been designated Green Space and to build on the land would compromise the essential character and quality of this Green Space.

It also demonstrates non-compliance with the NPPF since building on the site would be contrary to the South Worcester Development Plan.

7. Appeal Inspector’s Report and Decision The Government Inspector Ms Myles after a three day hearing and subsequent deliberation dismissed the Appeal. The report weighs the benefits of development and the need for housing against the value of the Green Space. The Inspector’s decision affirms that Hayslan Fields are a valuable and needed resource as a Green Space to the community and the wider area. “I find that the area of Hayslan Fields proposed for development is significant in helping to meet the existing community’s needs for access to and across open space for recreational purposes and for health and well-being.”

The assessed need for housing is met elsewhere in the Malvern area but the Inspector felt that even if this were not so Hayslan Fields should be retained as Green Space. See Page 10 item 52 of the report.

8. Photographic Record of Activities on the Fields and their Visual Amenity throughout the Year The title speaks for itself and the photographs are worth a thousand words.