

CABINET MEMBER DECISION

DATE OF DECISION - 10 JULY 2024

WORCESTER CITY SECONDARY SCHOOL JOINT PLANNING APPLICATION

Relevant Cabinet Member

Cllr Marcus Hart, Cabinet Member with Responsibility for Corporate Services and Communications

Relevant Chief Officer

Paul Robinson, Chief Executive

Recommendation

- 1. The Cabinet Member with Responsibility for Corporate Services and Communications is recommended to:**
 - (a) Note the progress to date to bring forward the new secondary school;**
 - (b) Authorise the school planning application as part of a joint application for the delivery of a school, a multi-storey car park adjacent to Worcestershire Royal Hospital and associated highway works in the form of a new access road;**
 - (c) Authorise the Chief Executive in consultation with the s151 Officer and Assistant Director of Legal and Governance, to enter into agreements required, including the acquisition of the school site, in order to give effect to the required joint working resulting from a joint planning application; and**
 - (d) In the event that a joint application as referred to in recommendation b) is not ready to submit by 31 July 2024 authorise a stand-alone application for the school (see paragraph 15).**

Background

2. Cabinet agreed in February 2021, for a new secondary school to be built to address the shortfall in secondary school places in Worcester City.
3. In November 2021 Cabinet received a report with the outcome of the pre-publication engagement undertaken in May/June 2021 and endorsed:
 - a) the proposal to acquire land by private treaty as necessary to deliver the secondary school proposal; and
 - b) the preparation and submission of a Planning Application.

4. In March 2024 Cabinet agreed to proceed with the delivery of the new Worcester City Secondary School and confirmed that the planning application was ready for submission to Worcestershire County Council as the Planning Authority.
5. The report to Cabinet in March 2024 set out the increase in the forecast and budget for the project as a result of:
 - a) The budget for highway works was found to be insufficient following traffic modelling and traffic surveys;
 - b) The increased allowance to deliver the new planning requirement of Biodiversity Net Gain (BNG); and
 - c) The construction cost inflation.
6. The report to Cabinet in March 2024 recommended that the new secondary school be delivered for September 2028.
7. The report to Cabinet in March 2024 confirmed that final conditional contract conditions are being negotiated with the Seller.
8. The land required for the school is part of a wider plot of land owned by the Seller. This wider plot of land can only be accessed via the proposed new access road off Nunnery Way. Delivery of the first phase of the road was proposed to be included in the original school application to facilitate access to the wider plot of land.
9. The Seller is in discussions for the remainder of the wider plot of land for the development of a multi-storey car park adjacent to the Worcestershire Royal Hospital site which has the potential to relieve demand on car parking at the hospital. It would be accessed via the A4440 Nunnery Way, easing traffic congestion in the Newtown Road/Charles Hastings Way area. It is expected for the new access to be used by the new car park as well as the existing staff parking areas to the east of the public footpath. The through route to the wider hospital site will be for emergency vehicles only.

Planning Options

10. Worcestershire County Council is the County planning authority and can use its powers under "Regulation 3" to determine planning applications in relation to matters such as schools, libraries, roads and railway stations where it is an interested party. It is an "interested planning authority" for the purpose of submission and determination of certain planning applications. An application for planning permission by an interested planning authority can be made jointly with any other person and determined by the authority concerned where the interested planning authority's interest in the development was *significant*.
11. It is recommended that Worcestershire County Council submit a joint hybrid planning application on the Land which will consist of:
 - a) a school (for which detailed approval would be applied for);
 - b) a multi-storey car park for hospital users (which will be applied for in outline); and
 - c) associated highway works in the form of a new access road.

12. The joint application would include access via the new Nunnery Way access road to the proposed new multi-storey car park, the existing hospital staff car park and is intended to enable blue light traffic to access the hospital.

13. This recommendation is made on the basis that:

- a) By pursuing a hybrid application for the school, the access road and the multi-storey car park jointly it enables a more strategic, comprehensive approach and solution to the delivery of the access road and control over traffic arising from the school development;
- b) It would improve the current traffic and congestion issues experienced around Charles Hastings Way and address any potential concerns about additional school-related traffic on Newtown Road and consequential impacts on the blue light route at peak times;
- c) It would enable BNG, ecology and other matters to be assessed and mitigated on a site-wide basis.

14. The school project sought pre-application planning advice, as is normal practice for a development of this scale, this was taken into account as part of the development of the school planning application.

15. The inclusion of the car park has no bearing on the design of the school.

16. In order to meet the timeframe for the school to be delivered by September 2028 it is recommended that if the joint application is not ready to submit by 31st July 2024, then Worcestershire County Council submits a stand-alone application for the school. This would not frustrate an application for the adjacent site coming forward in due course, but they would be considered separately and by different planning authorities.

17. Readiness to submit includes:

- a) All documentation required for the validation of the planning application are complete and available to be submitted;
- b) That no risks are identified through the process of preparing the joint application that would increase the possibility of an unsuccessful planning application;
- c) That no risks are identified through the process of preparing the joint application that would increase the possibility of planning conditions that would put the school opening date at risk.

Risk Implications

18. The school project has done all that is possible to mitigate any planning risks or concerns within its own application. A joint planning application to include the car park may introduce new planning risks, however, it is felt that, on balance, a joint application would provide a more holistic approach to the planning considerations and therefore likelihood of a successful application.

19. The joint application could result in unintended consequences, such as planning conditions which complicate the school project, however it is expected that planning conditions will be separated and relevant to each part of the planning application.

20. The joint planning application adds complexity which could have risks for the project timetable.

Legal, Financial and HR Implications

21. There are no additional costs to Worcestershire County Council identified in the latest estimate in relation to, or as a result of, submitting the joint planning application, however cashflows may change and this will be updated through regular Resources Reports to the Cabinet.

22. The approach to submitting a joint application has been reviewed and it has been confirmed that there is the power to submit a joint application, and the County Council would be the determining authority as interested planning authority.

23. The County Council has experience of determining regulation 3 application and will follow best practice in ensuring that the applicant/project function is kept separate from the Planning Authority function by an ethical wall.

24. The current owner of the land is aware and supportive of the proposed joint application.

25. It is intended that the County Council will be the freeholder for the school land only. The other applicant will be the freeholder of the car park land.

26. It is intended that the County Council will enter into a conditional contract with the Seller subject to planning permission prior to submitting the application.

27. There may need to be legal agreements to regulate elements of the developments, such as traffic and ecology.

Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments

The JIA screening has been carried out in respect of the school application. It identified that further impact analysis will be required in respect of:

- Data Protection
- Equality and Public Health
- Environmental Sustainability

Supporting Information

- Data Protection Impact Assessment 688
- Equality and Public Health Impact Assessment 688
- Environmental Sustainability Impact Assessment 688

Contact Points

County Council Contact Points

County Council: 01905 763763

Specific Contact Points for this report

Penny Unwin, Strategic Programme Manager

Tel: 07595091627

Email: punwin1@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Strategic Director for Commercial and Change) the following are the background papers relating to the subject matter of this report:

- [Report to 28 March 2024 Cabinet](#)
- [Report to 18 November 2021 Cabinet](#)
- [Report to February 2021 Cabinet](#)