

# Malvern Hills District Council

## Planning & Infrastructure



Planning Ref: M/23/01777/OUT  
Telephone: 01684 862451

Please ask for : Clare Bull  
e-mail: [REDACTED]

31 March 2025

[REDACTED]  
David Lock Associates  
50 North Thirteenth Street  
Central Milton Keynes  
MK9 3BP

Dear Ms Parmenter

**Applicant Name:** Hallam Land Management  
**Proposal:** Outline planning application (with all matters reserved except for the formation of access from Sayers Avenue) for up to 200 dwellings (use class C3) including the provision of affordable homes, new pedestrian connections, internal roads, parking, open space including landscaping and an area for play, surface water drainage and other supporting infrastructure, including utilities, and engineering works including groundworks.  
**Location:** Land At (Os 7695 4811), Cales Farm, Broadlands Drive, Malvern

I am writing to let you know the outcome of your Planning application, under the Town and Country Planning Act 1990 for the proposal detailed above at Land At (Os 7695 4811), Cales Farm, Broadlands Drive, Malvern

We have **Approved** your application, subject to the conditions set out in the attached Approval notice.

If you have any questions about our decision, please contact Clare Bull Development Manager (Householder Team) on [REDACTED] or by email to [REDACTED]

**Please note, before starting works it is important to check your approval to see if there are any pre-commencement condition/s or condition/s that need to be discharged. This means there may be further information we require before works can start.**

**If you do have conditions that need discharging, we always advise that this is done well in advance as this will help in preventing unnecessary delays to the proposed works being started.**

**If so, there is a charge of £145.00 per request or £43.00 on 'householder applications' (but there is no fee for Listed building consent applications). The application form can be found at [Planning Conditions and Fees - Malvern Hills District Council](http://www.malvern hills.gov.uk/planning). If you do not have access to the internet, a paper copy of the form can be provided to you by calling on 01684 862221.**

If you are unhappy with any of the conditions attached to your Approval, you can appeal to the relevant Secretary of State. Information on how to do this can be found on the Approval Notice.

Please note, if you have not done so already, it is advisable to contact [South Worcestershire Building Control](#) on 01684 862223, (Mon-Fri 9-5) or email: [mail@southworcestershirebuildingcontrol.gov.uk](mailto:mail@southworcestershirebuildingcontrol.gov.uk) to check if Building Regulations are required for your proposed works.

[REDACTED] y

Clare Bull  
Development Manager (Householder Team)

[REDACTED]

## PLANNING APPROVAL NOTICE

TOWN AND COUNTRY PLANNING ACT 1990

### Approval - Outline Application

**Application No:** M/23/01777/OUT

**Parish:** Malvern CP

**Agents Address:**

██████████  
David Lock Associates  
50 North Thirteenth Street  
Central Milton Keynes  
MK9 3BP

**Applicants Address:**

Hallam Land Management  
Unit 3 Apex Court Woodlands  
Bristol  
BS32 4JT

### Part I – PARTICULARS OF APPLICATION

**Statutory Start Date:** 29 January 2024

**Location:** Land At (Os 7695 4811), Cales Farm, Broadlands Drive, Malvern

**Proposal:** Outline planning application (with all matters reserved except for the formation of access from Sayers Avenue) for up to 200 dwellings (use class C3) including the provision of affordable homes, new pedestrian connections, internal roads, parking, open space including landscaping and an area for play, surface water drainage and other supporting infrastructure, including utilities, and engineering works including groundworks.

### Part II - PARTICULARS OF DECISION

Malvern Hills District Council hereby give notice that in pursuance of the provisions of the Town and Country Planning Act 1990 that **PERMISSION HAS BEEN GRANTED** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions (if any):-

### CONDITIONS AND REASONS

1. Application for the approval of all reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure that the development makes a meaningful contribution to the housing shortfall in the District.

2. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. The development shall be carried out in accordance with approved reserved matter details.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development.

3. All future applications for the approval of reserved matters shall be broadly in accordance with:

HLM035-042 Rev F Development Framework Plan  
L5 Revision: P05 ISSUE - Landscape Mitigation Strategy

Reason: To ensure that the proposed development is carried out in accordance with the approved plans and principles and parameters contained within the submitted documents upon which this decision is based.

4. All reserved matters applications shall include a statement providing an explanation as to how the design of the development responds to the details submitted as part of the outline planning application.

Reason: To ensure that the proposed development is carried out in accordance with the approved plans and principles and parameters contained within the submitted documents upon which this decision is based

5. Unless where required or allowed by other conditions attached to this permission the development hereby approved shall be carried out in accordance with the following plans:

HLM035-052 Rev B Site Location Plan  
007 Rev P9 Site Access Arrangements

Reason: To define the permission

6. As part of the submission of the Reserved Matters for the first phase of development a Phasing Plan for the whole development shall be submitted to and approved in writing by the local planning authority.

The phasing plan shall include details of the intended number of dwellings for each phase of development together with general locations and phasing of key infrastructure, including road improvements, foul and surface water drainage (including SuDS and the surface water by-pass feature), green infrastructure including strategic advance landscaping, biodiversity enhancements, community facilities and LEAP.

Reason: To ensure the appropriately timed delivery of infrastructure, facilities and services and to protect the amenity of the area in accordance with Policies SWDP 4, 7, 21, 28, 29, and 31 of the South Worcestershire Development Plan.

7. The Development hereby approved shall not be first occupied until the vehicular access has been provided as generally shown on the Jubb Drawing No. 007/P9 and the associated highways improvements have been completed.

Reason: To ensure conformity with submitted details and in accordance with policies SWDP4 and SWDP21 of the South Worcestershire Development Plan.

8. Each dwelling hereby approved shall not be first occupied until sheltered and secure cycle parking to comply with the Council's adopted cycle parking standards has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Council's parking standards and in accordance with policies SWDP4 and SWDP21 of the South Worcestershire Development Plan.

9. Each dwelling hereby approved shall not be first occupied until details of car parking to comply with the Council's adopted car parking standards has been provided in accordance

with details which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To comply with the Council's parking standards and in accordance with policies SWDP4 and SWDP21 of the South Worcestershire Development Plan.

10. The Development hereby approved shall not be first occupied until the Applicant has submitted a Travel Plan in accordance with the County Council guidelines to the Local Planning Authority that promotes sustainable forms of access to the development site and has been approved in writing by the Local Planning Authority. This plan will thereafter be implemented, monitored for five years and shall be updated in agreement with Worcestershire County Council's Travel Plan Officer and thereafter implemented as updated.

Reason: To reduce vehicle movements and promote sustainable access and in accordance with policy SWDP4 of the South Worcestershire Development Plan.

11. The Development hereby approved shall not be first occupied until the Applicant has submitted to and had approval in writing from the Local Planning Authority a residential Travel Welcome Pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of occupation.

Reason: To reduce vehicle movements and promote sustainable access, in accordance with policy SWDP4 of the South Worcestershire Development Plan.

12. No dwelling shall be occupied until details of a suitable refuse and servicing collection for the that dwelling, to include details of bin storage, have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented in accordance with the details

Reason: To ensure an appropriate layout is provided for refuse and servicing requirements. In accordance with SWDP 21 and SPDP 33 of the South Worcestershire Development Plan

13. The Development hereby approved shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway.
- Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc).
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement.
- A highway condition survey, timescale for re-inspections, and details of any reinstatement.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety and in accordance with policies SWDP4 and SWDP21 of the South Worcestershire Development Plan.

14. Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 5 have been complied with:

1. A preliminary risk assessment (a Phase I desk study) submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented

in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.

2. The detailed site investigation and risk assessment must be undertaken in accordance with the approved Scheme and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place.

3. Where the site investigation identified remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

4. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

5. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings that are impacted.

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings that are impacted.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15. No works or development shall take place until a construction surface water management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include how surface water will be managed during the construction phase, including site clearance, soil stripping and pond amendments. The plan shall include drawings of any temporary drainage systems, a timeline of construction and measures to mitigate the risk of pollution (including silt) of the water environment and offsite flood risk. The plan shall detail how the approved permanent surface water drainage system shall be managed during the construction phase. The approved construction surface water management plan shall be implemented as soon as works start on site thereafter maintained during the full duration of the construction phase.

Reason: to ensure the site is sustainably drained and prevent an increase in flood risk elsewhere, in accordance with policies SWDP28 and SWDP29 of the South Worcestershire Development Plan.

16. No works in connection with site drainage shall commence until a scheme for a surface water approved in writing by the Local Planning Authority. The strategy shall include details of surface water drainage measures, including for hardstanding areas, and shall include the

results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and the Sustainable Drainage Statement (CFMBWB-ZZ-XX-RP-CD-0001\_SDS, Rev P03) as well as an implementation timetable. If possible, infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. The scheme shall provide detailed design drawings for all drainage assets and should include run off treatment proposals for surface water drainage. Exceedance flows should not be directed to property or private land. Where the scheme includes communal surface water drainage assets proposals for dealing with the future maintenance of these assets should be included. The scheme should include proposals for informing future homeowners or occupiers of the arrangements for maintenance of communal surface water drainage assets. The approved surface water drainage scheme shall be implemented in accordance with an agreed timetable and thereafter maintained in accordance with the agreed scheme.

Reason: to ensure the site is sustainably drained and prevent an increase in flood risk elsewhere. in accordance with policies SWDP28 and SWDP29 of the South Worcestershire Development Plan.

17. The development hereby permitted should not commence until drainage plans for the disposal of foul water flows and a timetable for their implementation have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with policies SWDP22, SWDP28, SWDP29, SWDP30 and SWDP31 of the South Worcestershire Development Plan.

18. No development shall take place (including any ground works, vegetation removal or site clearance) until a construction environmental management plan (CEMP: Biodiversity), which is prepared by a suitably qualified and experienced ecologist, has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be informed by updated ecological surveys as appropriate, but will include the following:
  - a. Risk assessment of potentially damaging construction activities;
  - b. Identification of "biodiversity protection zones";
  - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements/mitigation strategies to include relevant protected species and including cross reference to the separate white clawed crayfish mitigation strategy));
  - d. The location and timing of sensitive works to avoid harm to biodiversity features;
  - e. The times during construction when specialist ecologists need to be present on site to oversee works;
  - f. Responsible persons and lines of communication;
  - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - h. Use of protective fences, exclusion barriers, silt management measures and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with SWDP 22 and SWDPR27, NPPF paragraphs, 180 and 186 and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

19. As part of the first reserved matters application a Biodiversity Enhancement Scheme for the development site which is prepared by a suitably qualified and experienced ecologist, shall be submitted to and approved in writing by the local planning authority: The Scheme shall be guided by the Biodiversity Net Gain (BNG) shown in the metric submitted with the application, but be informed by updated surveys and finalised layout as appropriate, and will

include biodiversity compensation and enhancement features for protected species. The Biodiversity Enhancement Scheme will include the following:

- a. Details of updated ecological surveys;
- b. Details of updated Defra Metric calculations to reflect final layout, and associated BNG report and gain plans for on-site BNG provision.
- c. Purpose and conservation objectives for the proposed works;
- d. Review of site potential and constraints;
- e. Detailed designs and working methods to achieve stated objectives (including, where relevant, type and source of materials to be used);
- f. Extent and location of proposed works and features shown on appropriate scale maps and plans;
- g. Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- h. Timetable for implementation, demonstrating that works are aligned with the proposed phasing of development;
- i. Persons responsible for implementing the works;
- j. Initial aftercare;
- k. Details for disposal of any wastes arising from works.
- l. Details for monitoring and remedial measures.

The Biodiversity Net Gain Scheme shall be implemented in accordance with the approved details and all features be retained in that manner thereafter.

On completion of the ecological mitigation, compensation and enhancement works, a statement of compliance shall be submitted to the local planning authority by the Ecological Clerk of Works confirming that specified and consented measures have been implemented.

Reason: To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with the wider area in accordance with SWDP 22 and SWDPR27, NPPF paragraphs 180 and 186 to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

20. As part of the first reserved matters application, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscape plan shall reflect the requirements of the BNG plan and shall include the following:

- (i) a plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread.
- (ii) a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas.
- (iii) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.
- (iv) A written specification outlining cultivation and other operations associated with plant and grass establishment.
- (v) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation/use of the development, whichever is the sooner. The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area in accordance with policies SWDP21, SWDP22 and SWDP25 of South Worcestershire Development Plan.



21. As part of the first reserved matters application, a Landscape and Ecological Management Plan (LEMP), which is prepared by a suitably qualified and experienced ecologist, shall be submitted to and agreed in writing by the Local Planning Authority. The LEMP shall include the following:
- a. Description and evaluation of the features to be managed;
  - b. Ecological trends and constraints on site that might influence management.
  - c. Aims and objectives of management;
  - d. Appropriate management options for achieving aims and objectives;
  - e. Prescriptions for management actions;
  - f. Preparation of a work schedule, including an annual work plan capable of being rolled forward over a five-year period and for the lifetime of the development (or a minimum of 30 years) thereafter;
  - g. Details of the body or organisation responsible for implementation of the plan;
  - h. On-going monitoring, timescales and remedial measures and their triggers
- The plan shall also set out where the results of the monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- The LEMP will be implemented in accordance with the approved details.

Reason: To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site, and to ensure the proposal harmonises with the surroundings in accordance with policies SWDP21, SWDP22, SWDPR27 and SWDP25 of the South Worcestershire Development Plan and NPPF paragraphs 180 and 186.

22. For each reserved matters application that includes lighting, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall be informed by updated bat surveys as appropriate and shall:
- a. Identify those areas/features on site that are particularly sensitive for nocturnal wildlife and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b. Show how and where external lighting will be installed and impacts of external light spill (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. This will include the provision of dark corridor conditions (LUX levels at or below 0.4 in the vertical plane and 0.2 LUX in the horizontal plane) for commuting routes for bats.
- All lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 and minimise impacts on protected species in accordance with local Policy SWDP22 and SWDPR27, and NPPF paragraphs 180, 186 and 191

23. Demolition, clearance or construction work and deliveries to and from the site in connection with the development hereby approved shall only take place between the hours of 07:30 and 18.00hrs Monday to Friday and 08.00 and 13.00hrs on a Saturday. There shall be no demolition, clearance or construction work or deliveries to and from the site on Sundays or Bank Holidays.

Reason: To preserve the amenities of the locality in accord with Policy SWDP21 of the South Worcestershire Development Plan

24. As part of the reserved matters submitted under Condition 2, a report detailing the results of a ground investigation shall be submitted, this should confirm ground conditions at the site, determine the ground gas regime, allow for in-situ and laboratory testing to quantify contaminant linkages and inform foundation design. Works shall be carried out in accordance with the recommendations of the report.

Reason: To avoid any significant adverse impacts from pollution, in accordance with policy SWDP31 of the South Worcestershire Development Plan.

25. As part of the reserved matters submission a report a report detailing the results of a Radioactive Risk Assessment should be submitted that include an assessment of the levels risk and details of any mitigation measures (if required). Works shall be carried out in accordance with the recommendations of the report.

Reason: To avoid any significant adverse impacts from pollution, in accordance with policy SWDP31 of the South Worcestershire Development Plan

26. The details to be submitted pursuant to condition no.1 above in relation to "landscaping" for each individual phase of the development shall include an Arboricultural Method Statement. The development shall accord with the requirements of the Arboricultural Method Statement at all times, unless any deviation is first submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure adequate protection of trees and hedgerows being retained as part of the development, in accordance with Policies 21, 22, 25 of the South Worcestershire Development Plan.

27. No site clearance, excavations or building operations of any type shall commence until a protective fence (of at least 2 metres in height and in all other respects in accordance with BS: 5837 (2012) Trees in Relation to Design, Demolition and Construction and previously approved in writing by the Local Planning Authority), has been erected around the trees and hedgerows to be retained within the site and around those trees and hedges outside the site or along the site boundaries, whose Root Protection Areas (RPA) (as defined in BS 5837 (2012)) fall within the site, at the outer limit (or beyond) of the their RPA or in a position agreed in writing by the Local Planning Authority. This tree protective fencing shall remain in place until all construction and associated ground-works have been completed. If any retained tree or hedge is removed, uprooted or destroyed or dies, replacement planting shall be carried out in the first available planting season of such species, sizes and numbers and in positions on site to replace that which has been lost.

Reason: To avoid unnecessary damage to and secure the well-being of the trees and hedges to be retained in accordance with Policies 21, 22 and 25 of the South Worcestershire Development Plan.

28. No materials shall be stored, temporary buildings erected or ground levels altered within the Root Protection Area (RPA) (as defined in BS 5837 (2012) Trees in Relation to Design, Demolition and Construction) of any tree retained on site or of any tree beyond the site perimeter whose RPA lies within the site, unless agreed in writing by the Local Planning Authority.

Reason: To prevent unnecessary damage to trees in accordance with Policies SWDP 21, 22 and 25 of the South Worcestershire Development Plan.

29. Any Reserved Matters application for new dwellings and associated infrastructure will include details of existing and finished floor levels, with reference to an appropriate datum point. The development shall be carried out in accordance with the approved details.

Reason: To define the permission and ensure that the development is of a scale and height appropriate to the site and surrounding area in accordance with Policies 21 and 25 of the South Worcestershire Development Plan

30. Any Reserved Matters application for new dwellings shall include the following:
- details on how on-site micro-generation to meet at least 10% of the households predicted energy requirements from renewable or low carbon sources;
  - details of measures to conserve and recycle water to be incorporated into the proposed development;
  - details of energy efficiency measures to be incorporated into the proposed development;
- and
- details of construction materials to be used in the proposed development with the aim of minimising the use of primary non-sustainable materials.

If photovoltaic roof panels are proposed, a plan shall be submitted to and approved in writing by the Local Planning Authority showing the location of these on the roofs of the buildings. The development shall be carried out in accordance with the approved details and retained thereafter unless replaced with panels of the same or improved specification and performance.

Reason: To reduce carbon emissions and secure sustainable energy solutions in accordance with Policy SWDP 27 of the South Worcestershire Development Plan

31. Each reserved matters application for built development shall include details for the provision and location of fire hydrants. No dwelling shall be occupied unless served by a hydrant.

Reason: In the interests of fire safety in accordance with Policy SWDP21 of the South Worcestershire Development Plan.

32. Each dwelling shall be provided with the means to connect to superfast broadband or alternative solutions prior to its occupation.

Reason: To ensure the proposal incorporates satisfactory telecommunication facilities in line with policy SWDP26 of the South Worcestershire Development Plan 2016.

33. No development shall take place until a scheme for the protection and/or mitigation of White Clawed Crayfish, a protected species under The Wildlife and Countryside Act 1981 as amended, is submitted to and agreed in writing by the Local Planning Authority. The scheme shall include measures to avoid and mitigate impact upon associated habitat during construction works and post construction. A White Clawed Crayfish protection plan shall be carried out in accordance with a timetable for implementation as approved.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations (2017) and minimise impacts on and enhance white clawed crayfish and its habitat in accordance with local Policy SWDP22 and SWDP27, and NPPF paragraphs 180 and, 186

## **NOTES TO APPLICANT**

1. Any proposals to alter existing, or construct new, culverts or carry out works in or on an ordinary watercourse will need Land Drainage Consent under s.23; Land Drainage Act 1991 from SWLDP. Such consent will need to be granted prior to any works commencing on site as consent cannot be granted retrospectively. Failure to comply may result in enforcement action being taken under s.24 of the Act. SWLDP may also exercise powers to require works for maintaining flow of a watercourse where appropriate under s.25 of the Act where the proper flow of water is impeded.
2. The applicant should be aware that polluting the nearby watercourse, for instance by allowing the discharge of sediment rich runoff from the construction site, might constitute an environmental offence. The applicant is expected to fully assess the risks from all pollution

sources and pathways and take sufficient precautionary measures to mitigate these risks for this development

### 3. Section 278 Agreement

The granting of this planning permission does not remove any obligations on the Applicant to undertake a technical design check of the proposed highway works with the Highway Authority, nor does it confirm acceptance of the proposal by the Highway Authority until that design check process has been concluded. Upon the satisfactory completion of the technical check, the design would be suitable to allow conditions imposed under this permission to be discharged but works to the public highway cannot take place until a legal agreement under Section 278 of the Highways Act 1980 has been entered into and the Applicant has complied with the requirements of the Traffic Management Act 2004.

The Applicant is urged to engage with the Highway Authority as early as possible to ensure that the approval process is started in a timely manner to achieve delivery of the highway works in accordance with the above-mentioned conditions.

The Applicant should be aware of the term "highway works" being inclusive of, but not limited to, the proposed junction arrangement, street lighting, structures, and any necessary traffic regulation orders.

### 4. Section 38 Agreement Details

If it is the Applicant's intention to request the County Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to the County Council's Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP. No works on the site of the development shall be commenced until these details have been approved by the County Council as Highway Authority and an Agreement under Section 38 of the Highways Act, 1980, entered into.

### 5. Drainage Details for Section 38

It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, the County Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways.

The Applicant is, therefore, advised to submit the engineering details referred to in this conditional approval to the County Council's County Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP at an early date to enable surface water disposal arrangements to be assessed

### 6. No Drainage to Discharge to Highway

Drainage arrangements shall be provided to ensure that surface water from any private driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

### 7. Construction Traffic Management Plan (CTMP)

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but reference is made to "respecting the community" this says:-

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting, and showing courtesy to those affected by the work.
- Minimising the impact of deliveries, parking, and work on the public highway.
- Contributing to and supporting the local community and economy.
- Working to create a positive and enduring impression and promoting the Code.

The CTMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided and information shared with the local community relating to the timing of operations and contact details for a site coordinator in the event of any difficulties.

This does not offer any relief to obligations under existing Legislation

#### 8. Travel Plan Requirements

Worcestershire County Council has published guidance on how it expects travel plans to be prepared, this guidance is freely available from the County Councils Travel Plans Officer. As part of this process the applicant must register for Modeshift STARS Business and ensure that their targets have been uploaded so that progress on the implementation of the Travel Plan can be monitored. Worcestershire County Council can assist applicants with this process should they need.

Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, applicant can register at [www.modeshiftstars.org](http://www.modeshiftstars.org)

#### 9. Lighting

To determine the safety and requirement to light, the developer shall contact WCC Street Lighting to retrieve a feasibility report template and request existing lighting asset information. The report shall be completed and all documents requested within the template provided to WCC for approval

#### 10. The applicant must observe their general obligations to Public Rights of Way:

- The Public safety of those using the right of way must be ensured at all times.
- There should be no disturbance of the surface of the Right of Way without our written consent.
- There must be no diminution in the width of the rights of way available for use by the public.
- Building materials must not be stored on the rights of way.
- Vehicle movements and parking are to be arranged so as not to unreasonably interfere with the public's use of the rights of way.
- No additional barriers are to be placed across the rights of way. No stile, gate, fence or other structure should be created on, or across, a public right of way without written consent of the Highway Authority.

#### 11. Where possible, the definitive line of public rights of way should be kept open and available for use throughout the construction phase. However, if Public Safety demands a temporary closure, application should be made at least 8 weeks in advance to: The Public Rights of Way Mapping Team at [prowclosures@worcestershire.gov.uk](mailto:prowclosures@worcestershire.gov.uk). Obstructing a Public Right of Way without a formal closure constitutes an offence under the Highways Act 1980.

#### 12. The applicant should aim to achieve Secured by Design (SbD) award status for this development. SbD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment. The scheme has a proven track record in crime prevention and reduction. The principles and standards of the initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. Details can be found at [www.securedbydesign.com](http://www.securedbydesign.com).

#### 13. If any domestic Heat Pumps are to be installed the applicant should ensure that the recommendations of the Institute of Acoustics Briefing Note on Heat Pumps [https://www.ioa.org.uk/sites/default/files/briefing\\_note\\_heat\\_pumps\\_publication\\_11.pdf](https://www.ioa.org.uk/sites/default/files/briefing_note_heat_pumps_publication_11.pdf) are taken into consideration

14. Fire Service Vehicle access must comply with the requirements of ADB 2019 Vol. 1 B5, section 13 & Table 13.1 In particular there should be Fire Service vehicle access for a Fire Appliance to within 45 metres of all points inside dwelling houses/Flats
15. Access road and hardstanding to be in accordance with ADB 2019 Vol. 1 Table 13.1 Dead-end access routes longer than 20m require turning facilities, Water for firefighting purposes should be provided in accordance with: National guidance document on the provision of water for fire - fighting and BS 9990
16. To ensure potential first-time buyers can afford to purchase the properties, Housing Officers would ask that approximate values are provided of the proposed homes at / prior to Reserved Matters stage. Housing Officers would welcome a discussion around the mix of property types for each tenure with the applicants

**Signed:**



**Ciaran Power**  
**Head of Development Management**

**Date: 31 March 2025**

Note: - This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation. **In particular this permission is not a Building Regulation Approval. Advice should be sought from the South Worcestershire Building Control on 01684 862223 to ascertain if approval is required under the Building Regulations for the proposed development. Failure to make a Building Regulations application, if required, prior to work commencing on site is an offence under Section 35 of the Building Act 1984 and may result in the authority taking further action.**

## APPROVAL NOTICE

- Note 1.** Listed Building Consent
- Note 2.** Outline Planning Permission  
Approval of Reserved Matters
- Note 3.** Planning Consent
- Note 4.** Consent to Display Advertisements
- Note 5.** Approved Plans

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. The relevant template and [further details are on GOV.UK](#).

**Note 1.** Note: Attention is drawn to Section 8(2)(b) of the Act the effect of which is that demolition may not be undertaken (despite the terms of any consent granted by the Local Planning Authority) until notice of the proposal has been given to the Royal Commission on Historical Monuments, Fortress House, 23 Savile Row, London W1X 1AB and the Commission subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it. A form of notice is enclosed, if appropriate.

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse Listed Building Consent for the proposed works, or to grant consent subject to conditions, he may appeal to the relevant Secretary of State in accordance with paragraph 8 of Schedule 11 to the Town and Country Planning Act, 1990 within six months of the date on this decision notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate.) The relevant Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

2. If listed building consent is refused or granted subject to conditions, whether by the Local Planning Authority or by the relevant Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have or would be permitted, he may serve on the district council in which the land is situated a listed building purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

**Note 2.** 1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to condition, he may appeal to the relevant Secretary of State in accordance with Section 78 of the Town and Country Planning Act, 1990 within six months of the date on this decision notice. (Appeals must be made on a form which is obtainable from Customer Support, Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Tel: 0303 444 5000 or email: [enquiries@planninginspectorate.gov.uk](mailto:enquiries@planninginspectorate.gov.uk). Appeal forms and guidance can also be downloaded from web site [www.gov.uk/appeal-planning-decision](http://www.gov.uk/appeal-planning-decision)). The relevant Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise his power unless there are special circumstances which excuse the delay in giving notice of appeal. The relevant Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (a) to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

2. If permission to develop land is refused or granted subject to conditions whether by the Local Planning Authority or by the relevant Secretary of State and the owner of the land become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act, 1990.

**Note 3.** 1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the relevant Secretary of State in accordance with section 78 of the Town and Country Planning Act, 1990 within six months of the date on this decision notice. (Appeals must be made on a form which is obtainable from Customer Support, Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Tel: 0303 444 5000 or email: [enquiries@planninginspectorate.gov.uk](mailto:enquiries@planninginspectorate.gov.uk). Appeal forms and guidance can also be downloaded from web site [www.gov.uk/appeal-planning-decision](http://www.gov.uk/appeal-planning-decision) or for Householder Applications [www.gov.uk/appeal-householder-planning-decision](http://www.gov.uk/appeal-householder-planning-decision)). The relevant Secretary of State has power to allow a longer for the giving of a notice of appeal but he will not normally be prepared to exercise his power unless there are special circumstances which excuse the delay in giving notice of appeal. The relevant Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject of the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

2. If permission to develop land is refused or granted subject to conditions whether by the Local Planning Authority or by the relevant Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and he claims that the land has become incapable of reasonably beneficial use by carrying out of any development which has been or would be permitted, he may serve on the council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act, 1990.

3. In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the relevant Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act, 1990.

**Note 4.** (a) The regulations provide that every grant of express consent shall be for a fixed period which shall not be longer than 5 years from the date of grant of consent without the approval of the relevant Secretary of State and if no period is specified the consent shall have effect as consent for five years.

(b) It is a condition of this consent that before any advertisement is displayed on land in pursuance of the consent granted, the permission of the owner of that land or other person entitled to grant permission in relation thereto shall be obtained.

(c) A person who displays an advertisement in contravention of the regulation will be liable on summary conviction to a fine of £100 and in the case of a continuing offence to a fine of £50 for each day during which the offence continues after conviction.

(d) Where the Local Planning Authority grant consent subject to conditions, the applicant may by notice given in writing within 8 weeks of the date of receipt of this notice or such longer period as the Secretary of State may allow, appeal to the relevant Secretary of State, in accordance with Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992. The relevant Secretary of State is not required to entertain such an appeal if it appears to him having regard to the provisions of the regulations, that consent for the display of advertisements in respect of which application was made could not have been granted by the Local Planning Authority otherwise than subject to the conditions imposed by them.

**Note 5.** Applicants are reminded that they must adhere to the approved plans when carrying out the works authorised by this permission. If it is necessary to make further amendments they are requested to contact the Local Planning Authority prior to commencement of building operations at The Council House, Avenue Road, Malvern, WR14 3AF

# START NOTICE

## IMPORTANT INFORMATION

It is your responsibility to comply with the terms of this decision notice. Please read the decision notice carefully and ensure that you understand the requirements of any conditions and have the relevant approved drawings and/ or documents.

If you do not understand any of these requirements please contact us quoting M/23/01777/OUT. We can assist you by providing advice on what you need to do and when. Contact details can be found below.

Failure to comply with the terms of an approval could mean that the work you carry out is unauthorised and at risk of enforcement action. Please ensure that you give yourself sufficient time to meet the requirements of any conditions.

Conditions which require an applicant to submit further details to the Local Authority can take around 12 weeks to determine.

We recommend that you email [planning.compliance@wychavon.gov.uk](mailto:planning.compliance@wychavon.gov.uk), quoting M/23/01777/OUT along with your contact details and the intended start date for the development. Alternatively complete the following form and return it to Planning Enforcement, Malvern Hills District Council, PO BOX 2036, Pershore, WR10 9EH.

### **Development Details**

**Planning Reference:** M/23/01777/OUT

**Proposal:** Outline planning application (with all matters reserved except for the formation of access from Sayers Avenue) for up to 200 dwellings (use class C3) including the provision of affordable homes, new pedestrian connections, internal roads, parking, open space including landscaping and an area for play, surface water drainage and other supporting infrastructure, including utilities, and engineering works including groundworks.

**Location:** Land At (Os 7695 4811), Cales Farm, Broadlands Drive, Malvern

**Intended Start Date:**

### **Contact Details**

**Name:** .....

**Address:** .....

.....

.....

**Telephone:** ..... **Mobile:** .....

**Email:**.....

All personal data held is processed in accordance with data protection law. For further information please see our website <https://www.malvernhills.gov.uk/planning-development-management-privacy-notice>