

Malvern Hills District Council

Communities and Housing



Planning Ref: MHDC:13/00656/OUT
WDC: 13/00656/OUT
WCC P16L0448

Please ask for : Ciaran Power

Telephone: [REDACTED]

e-mail: [REDACTED]

26 October 2022

Mr Alistair Watson
Welbeck Strategic Land LLP
6th Floor
One London Wall
London
EC2Y 5EB

Dear Mr Watson

Applicant Name: Mr Alistair Watson
Proposal: Outline planning application, including approval of access (appearance, landscape, layout and scale reserved) for a mixed-use development with local centre to the south of Worcester including demolition of existing buildings and the construction of up to 2204 dwellings including affordable housing (Use Class C3) and up to 14ha of employment land. The development to also include: Hotel (Use Class C1); Elderly Persons Accommodation (Use Class C2); Business (Use Classes E, B2 and B8); Retail, Financial and Professional Services, and Cafe and Restaurant (Use Class E); Pub and Drinking Establishment and Food Takeaway (Sui-generis); Non-Residential Institutions (including; Health (Use Class E(e)); Primary School (Use Class F1)); Assembly and Leisure (including: Indoor Leisure (Use Classes E and F2), Outdoor Sports and Leisure (Use Class F2)); Landscape, Public Realm, Open Space, Allotments and Orchards; Associated infrastructure and Off-site Highways Works, part of which is within the administrative district of Malvern Hills District Council/ Worcester City Council/ Wychavon District Council.
Location: Land to the South of the City of Worcester, Bath Road, Broomhall

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 to the South of the City of Worcester, Bath Road, Broomhall

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 Ciaran Power Development Manager 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 £116.00 per request or £34.00 on 'householder applications' (but there is no fee for Listed building consent applications). The application form can be found at <http://www.malvern hills.gov.uk/planning-forms> . 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 to check if Building Regulations are required for your proposed works.

Yours sincerely



Ciaran Power
Development Manager



PLANNING APPROVAL NOTICE

TOWN AND COUNTRY PLANNING ACT 1990

Approval - Outline Application

Application No(s): MHDC:13/00656/OUT
WDC: 13/00656/OUT
WCC P16L0448

Agents Address:
Mr Alistair Watson
Welbeck Strategic Land LLP
6th Floor
One London Wall
London
EC2Y 5EB

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Part I – PARTICULARS OF APPLICATION

Statutory Start Date: 7 June 2013

Location: Land to the South of the City of Worcester, Bath Road, Broomhall
Proposal: Outline planning application, including approval of access (appearance, landscape, layout and scale reserved) for a mixed-use development with local centre to the south of Worcester including demolition of existing buildings and the construction of up to 2204 dwellings including affordable housing (Use Class C3) and up to 14ha of employment land. The development to also include: Hotel (Use Class C1); Elderly Persons Accommodation (Use Class C2); Business (Use Classes E, B2 and B8); Retail, Financial and Professional Services, and Cafe and Restaurant (Use Class E); Pub and Drinking Establishment and Food Takeaway (Sui-generis); Non-Residential Institutions (including; Health (Use Class E(e)); Primary School (Use Class F1)); Assembly and Leisure (including: Indoor Leisure (Use Classes E and F2), Outdoor Sports and Leisure (Use Class F2)); Landscape, Public Realm, Open Space, Allotments and Orchards; Associated infrastructure and Off-site Highways Works, part of which is within the administrative district of Malvern Hills District Council/ Worcester City Council/ Wychavon District Council.

Part II - PARTICULARS OF DECISION

Malvern Hills District Council, with delegated authority from Wychavon District Council and Worcester City 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. Defining Reserved Matters

No development shall take place within each individual phase of the development hereby approved, until detailed plans showing the layout, scale and external appearance of the building(s) and landscaping (hereinafter referred to as "the reserved matters") have been

submitted to and approved in writing by the Local Planning Authority for that phase. The development shall be carried out as approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. **Approved Plans and Drawings**

The development hereby permitted shall be carried out in accordance with the following approved plans and drawings unless otherwise required by conditions attached to this planning permission:

Site Boundary

- Site Boundary Plan (dwg 00454_PP_01_P02)

Access Plans:

- Plan - Access - SW3 A38 (dwg 23406-025-103 rev E)
- Plan - Access - SW4 Norton Gateway (dwg 23406-025-104 rev F)
- Plan - Access - SW5 Employment Access (dwg 23406-025-105 rev E)
- Plan - Access - SW6 A38 West (dwg 23406-025-106 rev D)
- Plan - Access - SW7 Broomhall (south) (dwg 23406-025-107 rev E)
- Plan - Access - SW10 A38-Taylors Lane (dwg 23406-025-110 rev D)
- Plan - Access - SW11 A38 Employment (dwg 23406-025-111 rev B)
- Plan - Access - SW12 A38-Broomhall Lane (dwg 23406-025-112 rev C)
- Plan - Access - SW13 Norton Road - Crookbarrow Road (dwg 23406-025-113 rev A)
- Plan - Access - SW15 Taylors Lane (west) (dwg 23406-025-115 rev D)
- Plan - Access - SW16 Taylors Lane (central west) (dwg 23406-025-116 rev C)
- Plan - Access - SW17 Taylors Lane (central east) (dwg 23406-025-117 rev A)
- Plan - Access - SW18 Taylors Lane (east) (dwg 23406-025-118 rev B)
- Plan - Access - SW19 Broomhall (north) (dwg 23406-025-119 rev A)
- Storey Heights Plan (dwg 00454_PP-04 rev P04)
- Storey Heights Plan (dwg 00454_PP_04a_P05)
- Access and Movement Plan (dwg 00454_PP_05_P02)
- Open Space Provision Plan (dwg 00454_PP_06_P04)
- Building Demolition Plan (dwg 00454_PP_07_P01)
- Land Use Plan (dwg 00454_PP_02_P01)
- Residential Density Plan (dwg 00454_PP_03_P01)

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.

3. **Principles and Parameters**

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

(a) the principles and parameters described and illustrated in the updated Design & Access Statement dated May 2013;

(b) the principles and parameters described and illustrated in the Green Infrastructure Statement dated May 2013

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 development is provided with safe access and meets the design quality and environmental requirements of the Development Plan in accordance with Policies SWDP 4 and 21 of the South Worcestershire Development Plan.

4. Time for Implementation

Application for the approval of the reserved matters for the first phase as identified by the phasing plan as approved under Condition 6 shall be made to the Local Planning Authority before the expiration of 3 years beginning with the date of this permission. The development of the first phase shall be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the provisions of section 92(2) of the Town and Country Planning Act 1990.

5. Time for Implementation

Application for the approval of reserved matters for the subsequent phases of development as identified by the phasing plan as approved under Condition 6 shall be made to the local planning authority before the expiration of 15 years from the date of this outline planning permission. The development of the subsequent phases shall be begun no later than the expiration of 3 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the provisions of section 92(2) of the Town and Country Planning Act 1990 and allow sufficient time to submit reserved matters applications for all aspects of the development including employment uses and the local centre.

6. Phasing Plan

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, the spine-road connecting Norton Road to the A38, foul and surface water drainage (including SuDS and the surface water by-pass feature), green infrastructure including strategic advance landscaping, biodiversity enhancements, community facilities, play areas (LEAPS X9 and NEAPS X2), access for pedestrians, cyclists, buses and people in vehicles and public open space, sport and recreations facilities including built facilities.

The phasing plan shall be broadly in accordance with the Illustrative Master Plan (Drawing No.000454_MP_01 Rev P01) and the phasing arrangements contained within the Implementation section of the Design & Access Statement dated May 2013, except where other planning conditions specifically require otherwise.

Nothing in the Phasing Plan shall conflict with any of the conditions attached to this planning permission or any of the provisions within the associated s106 legal agreement. The applications for approval of reserved matters shall be made for each phase in accordance with the Phasing Plan and the development shall be carried out in accordance with the approved Phasing Plan. Any variations to the Phasing Plan must first be approved in writing by the Local Planning Authority and submitted as part of any subsequent application for Reserved Matters approval that requires an amendment to the Phasing Plan.

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, 31 and 45/1 of the South Worcestershire Development Plan

7. Spine Road

No more than 833 of the dwellings approved by this outline planning permission, shall be first occupied until the construction of the central spine road to link Norton Road to the A38 has been completed in accordance with a specification that has previously been submitted to and approved in writing by the local planning authority and is open to vehicular traffic and use by the public.

Reason: To ensure appropriate capacity is available on the existing highway network and a suitable means of vehicle and pedestrian access is available to the occupiers of the dwellings, in accordance with Policy SWDP4 and 7 of the South Worcestershire Development Plan.

8. Environmental Impacts Assessment (EIA)

The development hereby approved shall be carried out in accordance with the mitigation measures set out in the Environmental Statement submitted in support of the outline planning application, unless otherwise required by conditions forming part of this outline planning permission.

Reason: To ensure the environmental impact of the development is appropriately mitigated in accordance with the Environmental Impact Assessment Regulations 2011 as amended (ES submitted before 16 May 2017) and policies SWDP 21, 22, 24, 25, 27, 28, 29, 30, 31, 32, 33 and 45/1 of the South Worcestershire Development Plan.

9. Design Principles (Codes)

No development shall commence until a document setting out the design principles (hereafter referred to as 'Design Principles') for the whole development hereby approved have been submitted to and approved in writing by the Local Planning Authority.

The Design Principles shall set out how the principles and objectives of the Design and Access Statement will be met and shall broadly accord with the Illustrative Master Plan (Drawing No.000454_MP_01 Rev P01), the phasing arrangements contained within the Implementation section of the Design & Access Statement dated May 2013, and the Phasing Plan submitted and approved in respect of condition 6 above.

The Design Principles shall include the following matters:

- (a) The principles for determining the design, form, heights and general arrangement of external architectural features of buildings including the roofs, chimneys, porches and fenestration;
- (b) The principles of the hierarchy for roads and public spaces;
- (c) The principles for determining the colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;
- (d) The principles for the design of the public realm to include the colour, texture and quality of surfacing of footpaths, cycleways, streets, parking areas, courtyards and other shared surfaces;
- (e) The principles for the design and layout of street furniture (including litter bins and grit bins) and level of external illumination;
- (f) The principles for the laying out of the green infrastructure including the access, location and general arrangements of the multi-use games area, the children's play areas and allotments;
- (g) The principles for the incorporation of renewable or low carbon energy sources as an integral part of the development based on the Energy Strategy dated April 2013; and
- (h) The principles to ensure that there is appropriate access to buildings and public spaces for the disabled and physically impaired.

The development shall be carried out in accordance with the approved Design Principles. The submission of subsequent applications for Reserved Matters approval shall include a

statement outlining how the development proposed in that application accords with the Design Principles.

Reason: To ensure that the development is provided with safe access and meets the design quality and environmental requirements of the Development Plan in accordance with Policies SWDP 4, 21 and 45/1 of the South Worcestershire Development Plan.

10. **Layout**

The details to be submitted for the reserved matter "layout" for each individual phase of the development shall include as appropriate to that phase:

- a) plans identifying the layout of the development
- b) a plan identifying the location of the affordable housing to be provided together with details of the size and type of tenure
- c) the positions, height, design and materials of new boundary treatments
- d) the proposed facilities for the storage of refuse and recycling.
- e) the location and specification of the Locally Equipped Areas for Play (LEAP) and Neighbourhood Equipped Area for Play (NEAP).
- f) A Building for Life 12 (or any future design quality guidance that replaces Building for Life 12) preliminary assessment of the proposed layout.

Reason: To ensure the satisfactory development of the site, in accordance Policies SWDP 4, 5, 6, 7, 13, 15, 21, 25, 29, 39 and 45/1 of the South Worcestershire Development Plan.

11. **External Materials**

Prior to the commencement of any development within any individual phase, details shall be submitted to and approved in writing by the Local Planning Authority, pursuant to condition no.1 above relating to "external appearance" for that phase of the development to include samples of the materials proposed to be used for the external surfaces of the buildings. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development in accordance with Policy SWDP 21 of the South Worcestershire Development Plan.

12. **Landscaping**

The details to be submitted for the reserved matter "landscaping" for each individual phase of the development shall be broadly in accordance with the principles of the Design and Access Statement (May 2013) and the Green Infrastructure Statement (May 2013). The landscaping scheme shall include details of the following:

- (a) details of all existing trees and hedgerows on site to be retained (including details of location, canopy spread, species and proposed pruning/ felling and changes in ground levels);
- (b) a plan showing the layout of proposed tree, hedge, shrub planting as well as grassed areas;
- (c) a proposed planting schedule including details detailing the disposition of planting, cross referenced to a schedule listing the species, size and number and densities;
- (d) a written specification setting out cultivation and other operations associated with tree, plant and grass establishment. 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 of the development, whichever is the sooner;
- (e) where existing hedgerow(s) are to be removed, a scheme for the re-establishment of hedgerows set behind the required visibility splays either side of vehicular access points; and
- (f) details of all proposed hard landscaping features.

If within a period of five years from the date of the planting of any tree or shrub planted pursuant to this condition that tree or shrub, or any tree or shrub planted in replacement for it

is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.

Reason: To secure the satisfactory development of the application site, ensure a high quality of external environment and reinforce local landscape character in accordance with Policy SWDP 25 of the South Worcestershire Development Plan.

13. Green Infrastructure and Biodiversity Maintenance, Management and Monitoring

A Green Infrastructure (GI) and Biodiversity management and maintenance plan for each phase, including long term design objectives, management responsibilities and maintenance schedules for all Green Infrastructure, SuDS and Biodiversity areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling or employment building hereby approved within each phase. The maintenance and management plan shall make provision for monitoring of the performance of the GI, SuDS and Biodiversity features for a period of at least 10 years post their construction. The management and maintenance plan shall be implemented and the maintenance schedules adhered to as approved for the lifetime of the development.

Reason: To ensure that the development is properly drained, avoiding flood risk and pollution in accordance with Policies SWDP 7, 28, 29 and 31 of the South Worcestershire Development Plan and in the interests of visual and residential amenity in accordance with Policies SWDP 5, 21, 22, 25 and 29 of the South Worcestershire Development Plan.

14. Arboricultural Method Statement

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 (including a compliance schedule showing how it meets the principles of the Environmental Statement)

No development shall commence within each individual phase until an Arboricultural Method Statement for that phase has been submitted to and approved in writing by the local planning authority

Reason: To ensure adequate protection of trees and hedgerows being retained as part of the development, in accordance with Policies SWDP 21, 22, 25 and 45/1 of the South Worcestershire Development Plan.

15. Retention of existing trees and hedgerows

With the exception of any hedgerow that would be required to be removed to provide the required visibility splays and the approved access points, no other existing trees or hedgerows shall be destroyed or removed from the site, unless previously approved in writing by the Local Planning Authority as part of any landscaping scheme approved as part of any reserved matters application or separate application for full planning permission.

Reason: To ensure the environment of the development is protected in accordance with Policies SWDP 22 and 25 of the South Worcestershire Development Plan.

16. Tree protection

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 SWDP 21, 22 and 25 of the South Worcestershire Development Plan.

17. Materials storage

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.

18. Residential Development

The development hereby approved shall not exceed 2,204 dwellings falling within Use Class C3. Of the 2,204 dwellings, no more than 85 dwellings shall be located east of Norton Road and no more than 40 of these 85 dwellings shall be located within the Significant Gap as shown on Diagram 1 – SWDP 45/1 (page 223) of the South Worcestershire Development Plan.

Reason: To define the permission and ensure that the development does not exceed the level of development subject to transportation modelling, to ensure that the development does not have a severe residual impact of the local highway network, in accordance with Policies SWDP 4, 7 and 45/1 of the South Worcestershire Development Plan and the National Planning Policy Framework.

19. Local Centre Retail Floorspace

The Local Centre (as approved as part of the Phasing Plan required to be submitted and approved in writing by the local planning authority by condition 6 above) shall include no more than 2,500 square metres (net) of retail floorspace and no single convenience store shall exceed 2,000 square metres (net).

Reason: To prevent adverse consequential impact on the retail function of the existing city of Worcester and existing town and district centres in accordance with Policies SWDP10 and 45/1 of the South Worcestershire Development Plan.

20. Employment Land and Other Non-residential Uses

- Employment related development in the area annotated as E1 on EIA Parameter Plan:

Land Use Plan (fig 5.4) and drwg. no. 00454-PP-02-P01 shall not exceed 32,150 sqm. and be limited to uses falling within:

Use Class E(g)(ii) Research and development of products or processes and E(g)(iii) Industrial processes and uses within Class B2 and Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order (as amended). The Office uses shall only be located within the limits of the Local Centre area as defined by the Phasing Plan to be

approved under condition 6 above and within that area shall be limited to no more than 2,027 sqm.

- Employment related development in the area annotated as E2 on EIA Parameter Plan: Land Use Plan (fig 5.4) and drwg. no. 00454-PP-02-P01 shall not exceed 7,050 sqm. and be limited to uses falling within:

Use Class E(g)(ii) Research and development of products or processes; and/or Use Class E(g)(iii) Industrial processes and uses within Class B2 and Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order (as amended). If an hotel falling within Use Class C1 is constructed in the area annotated as E2, the amount of Class B2 and Class B8 uses and Use Class E(g)(ii) and (iii) uses in this area shall not exceed 4,250 sq.m.

- Within the areas annotated as E1 and E2 on EIA Parameter Plan: Land Use Plan (fig 5.4) and drwg. no. 00454-PP-02-P01 the individual uses shall not exceed the following:

Class E(g)(ii) and (iii) 45%, Class B2 35% and Class B8 20% of the land area.

- The Health Centre (Class E(e)) including GP Surgery and pharmacy, hereby approved, shall not exceed 1,380sq.m.
- The development hereby approved shall not exceed 60 bedrooms of Class C2 Residential Institution (Care Home) and 40 bedrooms of Class C2 Extra Care Residential uses and these uses together shall not exceed 6,595 sqm.
- Notwithstanding the thresholds on retail floorspace as set out in Condition 19 above, retail uses, financial and professional services, café or restaurants within Use Class E and Hot Food Takeaways (excluding foodstore(s) and Drinking Establishments), located within the Local Centre to be defined by the Phasing Plan to be approved under condition no.6) shall not exceed 1,145 sqm.
- The development hereby approved shall not exceed 930sqm. of Pub or Drinking Establishment uses.
- The development hereby approved shall not exceed of 2,800 sqm. (80 bedrooms) of Class C1 Hotel use.

Notwithstanding the details shown on the Land Use Parameter Plan dwg. 00454 PP_02 rev P01, the area M4 shall not include any retail uses, financial and professional services, café, restaurants or other uses within Use Class E, or as a pub or drinking establishment and shall instead only be brought forward for Use Class C3 housing.

The development shall be carried out so as to comply with the above limitations and the use of any building shall not change, notwithstanding the permitted changes of use allowed by the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), the Town and Country Planning (Use Classes) Order 1995 (as amended), or The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any other provision equivalent to that Class in any Statutory Instrument revoking and/or reenacting that Order with or without modification.

Reason: To define the permission and ensure that the development is consistent with the submitted Environmental Statement and transportation modelling carried out as part of the technical assessment of the planning application. Other uses within these Use Classes may not be acceptable in this edge of City location and may conflict with the sustainability objectives that form part of the strategy to the South Worcestershire Development Plan and Policies SWDP 8, 10 and 45/1 as well as the National Planning Policy Framework.

21. Site Wide Drainage Scheme – Surface Water and Foul

No development shall take place until a phased drainage scheme incorporating sustainable drainage principles (features to include balancing ponds and swales) and an assessment of the hydrological and hydrogeological context of the development in relation to the disposal of surface water and foul sewage has been submitted to and approved in writing by the local planning authority.

The scheme shall include a detailed design for the by-pass feature (off-take weir, pipeline including tumbling bay structures and outlet) to take excess flows from the Broomhall Brook directly to the River Severn. The detailed design shall be informed by the following General Arrangement drawings included within the submitted Environmental Statement:

- (a) Plan of Route 23406/116/001 rev B
- (b) 1:500 Pipe Gradient 23406/116/002 rev A
- (c) Inlet Structure 23406/116/003 rev A
- (d) Outlet & Tumbling Bay Structures 23406/116/004 rev B

The development shall be carried out in accordance with the approved details and the approved scheme shall be retained for the lifetime of the development.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, in accordance with Policies SWDP 28, 29, 30 and 31 of the South Worcestershire Development Plan.

22. Drainage Scheme for Individual Phases including SuDS

No development within each individual phase of the development shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- a) details of the range of SuDs components to be used at source, site and regional control levels for that phase of development. These should be used comprehensively and appropriately in accordance with best practice as laid out in the CIRIA Guidance manuals and any adopted National and Local SuDS Standards, with consideration given in the first instance to utilising water management through soft features and at ground level;
- b) methods for the protection of SuDS and Green Infrastructure during each individual phase of construction to ensure that 'soft SuDS' are adequately established prior to bringing them into beneficial use.
- c) phasing arrangements to ensure that flows along the Broomhall Brook do not increase until the by-pass feature that will take excess flows from Broomhall Brook to the River Severn is completed and fully operational.
- d) A public safety assessment particularly in relation to children.

The development shall be implemented in accordance with the approved details and the drainage infrastructure completed before any residential, commercial or other built development within the respective phase is first occupied.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies SWDP 28, 29, 30 and 31 of the South Worcestershire Development Plan. The safety assessment should be carried out by an organisation such as ROSPA.

23. Drainage – Protection of Easements

No buildings or other obstructions shall be located and no trees or larger shrubs with deep roots shall be planted within the easements shown on the General Arrangement drawings listed in Condition 21 and any foundations shall be designed not to impose loadings on the by-pass feature.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies 28, 29 30 and 31 of the South Worcestershire Development Plan.

24. Drainage – Maintenance and Management

No development shall be first occupied until a maintenance and management plan for the drainage scheme in relation to the disposal of surface water, to include all SuDS features and the by-pass feature to take excess flows from the Broomhall Brook directly to the River Severn, has been submitted to and approved in writing by the Local Planning Authority. The maintenance and management plan shall include:-

- a) details of the arrangements for adoption by any public authority or statutory undertaker and/or any other arrangements to secure the operation of the scheme throughout its lifetime.
- b) details of measures to ensure public safety around the inlet and outlet to the by-pass pipeline and minimise the opportunity for unauthorised entry and vandalism to affect the performance of the scheme.
- c) details of the arrangements for access in perpetuity to and along the by-pass feature for its entire length from the inlet at Broomhall Brook to the outlet to the River Severn for vehicles and pedestrians.

The drainage scheme shall be implemented on a phased basis in accordance with the drainage strategy approved under Condition 21 before each phase of the development is first brought into use and thereafter be managed and maintained in accordance with the approved maintenance and management plan throughout the lifetime of the development.

Reason: To ensure that the approved drainage scheme once implemented is appropriately managed and maintained and sustainable for the lifetime of the development to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies 28, 29 30 and 31 of the South Worcestershire Development Plan.

25. Drainage Scheme – Surfacing

Each application for reserved matters approval pursuant to this outline planning permission and relating to "layout", shall include for the written approval by the local planning authority details of proposed surfacing materials relating to surface water drainage including:

- (a) a plan showing proposed layout and types of surfacing, including permeable paving in appropriate locations;
- (b) a written specification of proposed surfacing materials and the proposed method of construction and maintenance;

The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory development of the site and to ensure the provision of an adequate and sustainable drainage system in accordance with Policies 28, 29 30 and 31 of the South Worcestershire Development Plan.

26. Surface Water Bypass Feature

The bypass feature hereby approved forming part of the drainage scheme for the development shall be contained within public open space and/or the public highway and shall not be within any privately-owned land such as the curtilage of any privately-owned building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that satisfactory access arrangements can be maintained should it be necessary in the future to excavate to expose, examine and/or repair the pipeline, in accordance with Policies 28, 29 30 and 31 of the South Worcestershire Development Plan.

27. Levels

No development shall take place within each individual phase of the development until the following details for that phase have been submitted to and approved in writing by the Local Planning Authority

a) a detailed plan showing the levels of the existing site and the immediately adjoining phases, the proposed Finished Floor Levels of any proposed building(s), the surrounding land levels and a datum point outside of the site; and

b) a construction method statement for any ground works and changes of levels/ construction of all ground retaining features in the vicinity of retained trees and hedgerows

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

28. Means of Access

No development shall take place within each individual phase of the development until the details of the means of access for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. No part of the phase of the development shall be first occupied until the approved means of access to it has been substantially completed.

The means of access for each individual phase of the development shall be designed to be broadly in accordance with the access principles identified in the Design and Access Statement dated May 2013 and the General Arrangements Plan drwg.ref.23406/025/100 Rev L unless otherwise agreed in writing by the local planning authority.

Reason: To ensure an adequate and acceptable means of vehicle and pedestrian access is available before the buildings are first occupied in accordance with Policy SWDP4 of the South Worcestershire Development Plan.

29. Cycle Parking

No development within each individual phase of the development (Residential or commercial development) shall be first occupied until a scheme for the provision of secure cycle parking for use by occupiers of any buildings within that phase, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, implemented prior to the first occupation of each building and retained thereafter.

Reason: To ensure adequate provision of cycle parking is provided and to help encourage sustainable modes of travel, in accordance with Policies SWDP 4, 7, and 45/1 of the South Worcestershire Development Plan.

30. Roads, Cycleway, Footpath and Driveways/ Parking Areas Specification

No buildings within each individual phase of the development shall be first occupied until:

- a) the engineering details and specification of the proposed roads, cycle ways, footways, footpaths and highway drains within that phase; and
- b) details of the turning areas, driveways and parking areas/ parking spaces have been submitted to and approved in writing by the local planning authority and the approved details have been implemented to at least base-course level.

Reason: To ensure an adequate and acceptable means of vehicle and pedestrian access is available before the buildings are first occupied and to ensure appropriate parking is provided in the interests of highway safety, in accordance with Policy SWDP4 of the South Worcestershire Development Plan.

31. Travel Plan – Non-residential

Non-residential buildings within each individual phase of the development hereby approved shall not be first occupied until a travel plan, including targets for modal shift, for that occupier has been submitted to and approved in writing by the local planning authority. Such Travel Plans will only be required to be submitted for individual units/buildings within which the floorspace thresholds set in Appendix B of the Department of Transport Guidance for Transport Assessments (2007) (or as subsequently modified or replaced by locally adopted thresholds) are exceeded. The employment travel plans shall contain targets for mode share shifts to reduce car travel and increase travel by more sustainable transport modes as well as a management structure, set of measures and a monitoring regime tracking the outcome of the Plan against its targets. Such targets must be achieved within 5 years of the first occupation of the building to which it relates. If the targets have not been met at the end of the 5 year period, a revised employment travel plan shall be submitted to and approved in writing by the local planning authority within 6 months, to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to the site. The employment travel plan (as amended or supplemented) shall thereafter be implemented as approved.

Reason: To ensure all reasonable steps have been put in place to promote sustainable travel to/from the site and reduce the number of single occupancy vehicle trips from the development to enable the M5 motorway to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10 (2) of the Highways Act and Policy SWDP4 of the South Worcestershire Development Plan.

32. Completion of Roads

All roadworks and pavements within each individual phase shall be completed up to final wearing course for that phase within a period of five years from the commencement of development of the phase or an alternative period that has previously been agreed in writing by the local planning authority or within six calendar months of the substantial completion of 75% of the buildings within the respective phase hereby approved, whichever is the sooner.

This will entail the making good of surfacing, grass areas and landscaping in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to ensure adequate and appropriate parking is provided, in accordance with Policies SWDP4, 7, 21 and 45/1 of the South Worcestershire Development Plan.

33. Noise Survey and Mitigation

Prior to the commencement of development in any individual phase containing residential development, a noise survey in relation to the proposed residential buildings in that phase shall be submitted to and approved in writing by the Local Planning Authority.

The survey shall have been undertaken by a competent person, shall include periods for daytime as 07:00-23:00 hours and night-time as 23:00-07:00 hours, and where required identify appropriate noise mitigation measures. All residential units shall thereafter be designed to achieve as far as practicable the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS:8233 conditions given below:

- a) Dwellings indoors in daytime: 35 dB LAeq,16 hours
- b) Outdoor living area in day time: 55 dB LAeq,16 hours
- c) Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAmix)
- d) Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAmix)

Such detail and appropriate consequential noise mitigation measures as shall have been approved in writing by the Local Planning Authority shall be implemented prior to first occupation of any of the dwellings hereby approved and shall be retained as approved thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents because of undue external noise, in accordance with Policy SWDP31 of the South Worcestershire Development Plan.

34. Construction Environment Management Plan (CEMP)

No development within any individual phase shall begin until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:-

- a) details to minimise the impact of noise, vibration and dust etc. from construction, demolition and site clearance activities and the traffic associated with this development, including a scheme for wheel cleaning;
- b) details of site operative parking areas, material storage areas and the location of site operative facilities (offices, toilets etc);
- c) restrictions on burning;
- d) details in relation to the prevention of pollution of waterways;
- e) construction exclusion zones to prevent soil compaction in large scale planting areas, playing fields/ areas, allotments/ orchards and remediation proposals for any soil compaction which does occur;
- f) a strategy for the handling and storage of topsoil;
- g) ecological mitigation measures (including updated protected species surveys) and
- h) a management strategy and proposals for the minimisation of construction waste.

The CEMP should generally comply with the requirements of Worcestershire Regulatory Services Code of Best Practice for Demolition and Construction Sites 1st Edition July 2011.

The development shall be carried out in accordance with the approved CEMP.

Reason: To protect existing and new occupiers of residential areas from the unreasonable effects of noise, vibration, light and dust nuisance and to avoid and mitigate for any potential impact on protected species in accordance with Policies SWDP21 and 22 of the South Worcestershire Development Plan.

35. Construction Traffic Routing

All construction related traffic to and from the site shall be routed via the junction of Norton Road and the A4440 Broomhall Way to the North-East of the site and/or the A38 Bath Road.

Construction related traffic shall not be routed via the junction of Taylors Lane and the A38 Bath Road, Broomhall Lane, Church Lane in Norton or Bookend Lane in Kempsey, unless otherwise agreed in writing by the Local Planning Authority. A phased scheme of temporary signage to inform drivers of construction related vehicles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of signage shall be implemented and retained for the duration of the construction of the development in accordance with the details so approved.

Reason: In the interests of highway safety and to minimise risk to pedestrians, in accordance with Policy SWDP4 of the South Worcestershire Development Plan.

36. Timing of Hedgerow and Tree Removal

Any section of existing hedgerow or tree removal required to be removed or felled to facilitate the new accesses shall not be removed between March and August inclusive unless preceded by a thorough survey for nesting birds undertaken by an appropriately qualified ecologist. If required to be carried out to comply with this condition, a report of the survey and recommendations prepared by that ecologist shall be submitted to and approved in writing by the Local Planning Authority before any relevant phase of the development commences.

Reason: To ensure that the wild birds are suitably protected, having regard to the Wildlife & Countryside Act 1981 (As amended) and to accord with Policy SWDP 22 of the South Worcestershire Development Plan.

37. Construction Working Hours

Demolition/ground works/construction works/ deliveries and collections during the construction phase of the development, shall not take place outside the following hours:

- Monday to Friday 07.30 – 18.00hrs
- Saturday 08.00-13.00hrs
- There shall be no work on Sundays or Public Holidays

Reason: To protect the residential amenities of existing and new occupiers of residential areas in accordance with Policy SWDP 21 and 31 of the South Worcestershire Development Plan and in accordance with Section 60 and 61 of the Control of Pollution Act 1974.

38. Biodiversity

Prior to the commencement of development within any individual phase of the development hereby approved, a specification (including methodology and programme of implementation) for the enhancement of biodiversity (as recommended in the submitted Environmental Statement and addendum in respect of ecology and biodiversity) through the provision of features including bat and bird boxes and holes at ground level in boundary walls and fences for hedgehogs to pass through, shall be submitted to and approved in writing by the Local Planning Authority for that phase. The works so approved shall be carried out in accordance with the approved programme of implementation and be retained thereafter for the lifetime of the development. For each phase of development identified on the Phasing Plan submitted to and approved in writing by the local planning authority in respect of condition no.6 above, within three months of the first occupation of the last building to be constructed within each phase, pursuant to reserved matters approval relating to layout, the development shall be inspected by a qualified ecologist and a statement of conformity shall be submitted to the Local Planning Authority to confirm whether all of the measures for enhancing biodiversity have been implemented in accordance with the details approved under this condition.

Reason: To enhance biodiversity on accordance with Policy SWDP 22 of the South Worcestershire Development Plan.

39. **Lighting Scheme**

No development shall commence within an individual Phase until an external lighting scheme for the respective Phase has been submitted to and approved in writing by the Local Planning Authority.

The development of each Phase shall be carried out in accordance with the approved details for that Phase.

The submitted scheme shall include:-

- a) details of the design, appearance and location of proposed lights
- b) proposed illumination levels
- c) identification of dark zones
- d) measures to show how lighting is to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site to minimise impact on emerging and foraging bats and other nocturnal wildlife.

Reason: To control light pollution and to protect the amenities of the local area in accordance with the Environmental Statement. ES appendix 5.2 Fig 9.6 refers. To protect the potential habitat and foraging routes of bats which are protected under the Natural Environment and Rural Communities (NERC) Act, 2006, The Conservation of Habitats and Species Regulations, 2010, The Wildlife and Countryside Act, 1981(as amended), The Countryside and Rights of Way (CROW) Act, 2000, Habitats Directive and in accordance with Policies SWDP 21, 22 and 31 of the South Worcestershire Development Plan.

40. **Survey of POS Land**

No development shall take place until:-

- a) a detailed assessment of ground conditions of the land proposed for the new playing field(s) has been undertaken (including drainage and topography) to identify constraints which could affect its suitability for such public use; and
- b) a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary and levels) based on the results of the assessment to be carried out pursuant to (a) above, has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved scheme.

Reason: To ensure the satisfactory provision of playing fields within the development and to inform the Phasing Plan required by condition 6, in accordance with Policies SWDP 5, 7, 21, 39 and 45/1 of the South Worcestershire Development Plan.

41. **Site Investigation**

No development within each individual phase of the development shall commence until the following measures to investigate site contamination and monitor surface water within that phase during construction and for a period of 12 months post construction, have first been submitted to and approved in writing by the Local Planning Authority. The submitted information shall be in accordance with BS10175 and BS:5930 (or as amended). The stages comprise:

- a) a desk study including a walkover, identification of all potential sources of contamination and an initial conceptual model;

- b) a desk study to identify any private domestic water boreholes;
- c) an intrusive site investigation using a refined conceptual model and appropriate laboratory accreditation in the event that potential contamination is found; and
- d) a remediation scheme in the event that levels of unacceptable contamination are identified.

Reason: To ensure safe occupation and use of the site and to prevent pollution of the environment, in accordance with Policy SWDP 31 of the South Worcestershire Development Plan.

42. Remediation Strategy

No development shall commence within each individual phase of the development until a remediation strategy that includes the following components to deal with the risks associated with the contamination within that phase has been submitted to and approved, in writing, by the Local Planning Authority:

a) A preliminary risk assessment which has identified:

- All previous uses;
- Potential contaminants associated with those uses;
- A conceptual model of the site indicating sources, pathways and receptors;
- Potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these; an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Any changes to these components require the express written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To protect controlled waters, in accordance with Policy SWDP 31 of the South Worcestershire Development Plan.

43. Remediation Strategy 1

No occupation of any individual phase shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to, and approved in writing, by the local planning authority.

The report shall include results of sampling and monitoring carried out in accordance with the verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect controlled waters, in accordance with Policy SWDP 31 of the South Worcestershire Development Plan.

44. Remediation Strategy 2

If, during development within each individual phase, contamination not previously identified is found to be present then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out within that phase until a remediation strategy

has been submitted to and approved in writing by the Local Planning Authority The development shall then be carried out in accordance with the approved details.

Reason: To protect controlled waters, in accordance with Policy SWDP 31 of the South Worcestershire Development Plan.

45. Archaeology

No development shall take place until a programme of archaeological work for each phase, including a Written Scheme of Investigation, has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- a) the programme and methodology of site investigation and recording
- b) the programme for post investigation assessment
- c) provision to be made for the analysis of the site investigation and recording
- d) provision to be made for the publication and dissemination of the analysis and records of the site investigation
- e) provision to be made for archive deposition of the analysis and records of the site investigation
- f) nomination of a competent person or persons/organisation to undertake the works set out in the Written Scheme of Investigation

No development on each phase shall take place other than in accordance with the agreed Written Scheme of Investigation

Reason: To ensure that the development is undertaken in accordance with the provisions of para 141 of the National Planning Policy Framework and in accordance with Policies SWDP 6 and 24 of the South Worcestershire Development Plan.

46. Site Investigation and Post Investigation Assessment

No occupation of each individual phase of the development shall take place until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 45 and the provision made for analysis, publication and dissemination of results had been secured.

Reason: To ensure that the development is undertaken in accordance with the provisions of para 141 of the National Planning Policy Framework, in accordance with Policies SWDP 6 and 24 of the South Worcestershire Development Plan.

47. Superfast Broadband

Prior to the construction of any individual phase of any of the dwellings or employment related buildings hereby approved, details of proposed utilities connections to facilitate super-fast broadband connectivity including fibre optic cabling to the property where practicable shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development includes broadband that allows residents and employers/employees to choose how they work, how they interact with services and facilities and to provide a greater opportunity for home working and a reduction in car-based commuting in accordance with Policy SWDP26 of the South Worcestershire Development Plan.

48. Renewable Energy, Water Conservation and Recycling and Primary Non-sustainable Materials

No development shall commence within any individual phase until the following details have been submitted to and approved in writing by the local planning authority for that phase:

- (a) details on how on-site micro-generation to meet at least 10% of the household/premises predicted energy requirements from renewable or low carbon sources equivalent to at least 10% of predicted energy requirements;
- (b) details of measures to conserve and recycle water to be incorporated into the proposed development;
- (c) details of energy efficiency measures to be incorporated into the proposed development;
- (d) details of construction materials to be used in the proposed development with the aim of minimising the use of primary non-sustainable materials; and
- (e) Details of residential waste (for landfill) storage and the separation and storage of recyclable 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.

49. **Low Emission Boilers**

Details shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development for the installation of Ultra Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh. The details as approved shall be implemented prior to first occupation of the building to which they relate. The boilers shall be retained thereafter unless they need to be replaced in which case the replacement boiler shall be of the same specification or have a lower NOx emission output.

Reason: To reduce pollution in accordance with Policy SWDP 31 of the South Worcestershire Development Plan and in accordance with Paragraph 35 of the Framework.

50. **EV Charging**

Appropriate cabling and an outside electrical socket shall be supplied for each dwelling to enable ease of installation of an electric vehicle charging point (houses with dedicated parking) and be operational before the respective dwelling is first occupied. For all developments with unallocated parking i.e. flats/apartments, sports facilities, community buildings, employment buildings and retail development, at least 2 EV charging points per building (as a minimum) shall be provided and be operational before the respective building is first occupied or otherwise first brought into use. Charging points must comply with BS:7671. The sockets shall comply with BS:1363 and shall be provided with a locking weatherproof cover if located externally to the building. The EV charging points required by this condition shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging equipment shall be of the same specification or a higher specification in terms of charging performance.

Reason: To reduce pollution in accordance with Policy SWDP 31 of the South Worcestershire Development Plan and in accordance with Paragraph 35 of the Framework.

51. **BREEAM – Non residential**

No development shall commence within any Phase containing non-residential development until details have been submitted to and approved in writing by the Local Planning Authority to demonstrate how the non-residential building(s) will be constructed to achieve the BREEAM "excellent" standard, in respect of water usage and details for the storage of waste for landfill and the separation and storage of collectable recyclable materials. No development within the employment phase shall be occupied or otherwise first brought into use until the design features have been fully implemented in accordance with the approved details.

Reason: To ensure that water usage is effectively managed in accordance with Policies SWDP21 and Policy SWDP30 of the South Worcestershire Development Plan.

52. Fire Safety

No development shall commence within any individual Phase until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of fire hydrants (served by mains water supply) within each Phase. No development within each phase shall be occupied until the hydrant(s) serving the building or group of buildings to which they relate have been provided in accordance with the approved details.

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

53. Safeguarding of Land adjacent Oil Pipeline

No development shall take place on land forming a corridor 3 metres either side of the GPSS Oil Pipeline running across land within the application site to the West of the A38 Bath Road.

Reason: To ensure that the openness of the Oil Pipeline is maintained to allow for access, maintenance and surveys.

NOTES TO APPLICANT

1. Decision of Malvern Hills District Council, Wychavon District Council and Worcester City Council

Due to the cross-boundary nature of the application site Wychavon District Council and Worcester City Council have delegated decision making to Malvern Hills District Council. This decision notice and the associated S106 represents the three councils' decision in relation to applications MHDC - 13/00656/OUT, WCC - P16L0448, WDC - 13/00656/OUT and no further decision notices or S106 agreements will be produced in respect of these decisions. The delegation arrangements with Wychavon District Council and Worcester City Council are not expected to extend to subsequent matters including discharge of conditions and reserved matters applications.

2. Reason for approval

The development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) in accordance with the transitional arrangement of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). The site is not located within any designated sensitive areas for these purposes. The submitted Environmental Statement (ES) and other supporting information is considered sufficient to properly understand the proposals and assess their likely environmental effects.

The application has been considered against relevant National and Local planning policy and is considered to be broadly in accordance with the Framework (as amended) and the Development Plan.

The proposal takes forward the SWDP strategic allocation SWDP 45/1 and therefore represents a significant contribution towards implementing the Plan. The proposals accord with the strategy and objectives of the SWDP. The proposals are subject to development viability considerations but are largely policy compliant and the obligations set out in the associated s106 legal agreement are considered to be lawful and accord with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended).

The various benefits of the development are not significantly and demonstrably outweighed by the adverse impacts and overall the proposals are considered to represent sustainable development.

The local planning authority in reaching a decision to grant outline planning permission has taken into account all of the environmental information submitted with and in support of the application and all of the consultation responses and third-party comments received. Overall, it is not considered that there will be any significant adverse environmental effects that cannot be adequately mitigated. Where necessary adequate mitigation to avoid and reduce any adverse effects including but not limited to flood risk, land contamination, air quality, noise and vibration, ecology, landscape and visual effects, cultural heritage and transport impacts can be secured at this outline stage through the use of planning conditions and obligations contained within a s106 legal agreement. Where further details of mitigation measures are required, these can be assessed and secured at reserved matters stage.

These proposals have been subject to extensive pre-application public consultation carried out by the applicant as well as statutory and non-statutory consultation and neighbour notification.

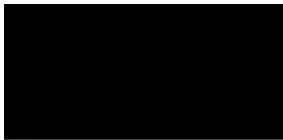
Outline planning permission is granted by Malvern Hills District Council under delegation arrangements agreed with Worcester City Council and Wychavon District Council.

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.

3. This decision notice should be read in conjunction with the terms of the S106 legal agreement of even date. You are advised to satisfy yourself that you have all of the relevant paperwork.
4. With regard to condition 12 above, unauthorised removal of trees to be retained may be the subject of formal enforcement action and the unlawful removal of hedgerows may result in the Local Planning Authority commencing prosecution proceedings.
5. The attention of the applicant is drawn to the need to keep the Highway free from any mud or other material emanating from the application site of any works pertaining thereto.
6. Public rights of way cross the site of this permission. The permission does not authorise the stopping up or diversion of any right of way. Rights of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990, provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.
7. If access to the site is via a public right of way and the applicant's attention is drawn to the restrictions imposed by Section 34 of The Road Traffic Act, 1988, regarding the driving of motor vehicles over public footpaths/bridleways.
8. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to the Worcestershire County Council's Network Control Manager, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 0845 607 2005), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority.

9. This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor following the issue of a license under Section 184 and 278 of the Highways Act, 1980. The applicant should contact Worcestershire County Council's Highways Network Control Manager, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 0845607 2005), regarding the issue of the necessary license authorising the access works to be carried out by the County Council's Approved Contractor at the applicant's expense.
10. No work on the site should be commenced until engineering details of the improvements to the Public Highway have been submitted to and approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.
11. If it is the Developer'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 drain-age 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 and an Agreement under Section 38 of the Highways Act, 1980, has been entered into.
12. 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.

Signed:



Head of Development Management

Date: 26 October 2022

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) 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. Appeal forms and guidance can also be downloaded from web site <https://acp.planninginspectorate.gov.uk>). 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. Appeal forms and guidance can also be downloaded from web site <https://acp.planninginspectorate.gov.uk>). 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 13/00656/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, quoting 13/00656/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: 13/00656/OUT

Proposal: Outline planning application, including approval of access (appearance, landscape, layout and scale reserved) for a mixed-use development with local centre to the south of Worcester including demolition of existing buildings and the construction of up to 2204 dwellings including affordable housing (Use Class C3) and up to 14ha of employment land. The development to also include: Hotel (Use Class C1); Elderly Persons Accommodation (Use Class C2); Business (Use Classes E, B2 and B8); Retail, Financial and Professional Services, and Cafe and Restaurant (Use Class E); Pub and Drinking Establishment and Food Takeaway (Sui-generis); Non-Residential Institutions (including; Health (Use Class E(e)); Primary School (Use Class F1)); Assembly and Leisure (including: Indoor Leisure (Use Classes E and F2), Outdoor Sports and Leisure (Use Class F2)); Landscape, Public Realm, Open Space, Allotments and Orchards; Associated infrastructure and Off-site Highways Works, part of which is within the administrative district of Malvern Hills District Council/ Worcester City Council/ Wychavon District Council.

Location: Land to the South of the City of Worcester, Bath Road, Broomhall

Intended Start Date:

Contact Details

Name:

Address:

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Telephone: **Mobile:**

Email:.....

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