

Malvern Hills District Council

Planning & Infrastructure



Planning Ref: 21/01268/FUL
Telephone: 01684 862314

Please ask for : Lee Walton
e-mail: lee.walton@malvern hills.gov.uk

16 February 2022

HH (Hallow 3) Limited
Mactaggart and Mickel Homes
C/O Mr Mark Gay
Dominion Court 39 Station Road
Solihull
B91 3RT

Dear Mr Gay

Applicant Name: HH (Hallow 3) Limited
Proposal: Erection of 55 dwellings and associated works.
Location: Land At (Os 8280 5865), Greenhill Lane, Hallow

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 8280 5865), Greenhill Lane, Hallow

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 Lee Walton Principal Planning Officer on 01684 862314 or by email to lee.walton@malvern hills.gov.uk.

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.

Please be aware, you will be liable to pay Community Infrastructure Levy to Wychavon District Council as CIL collecting authority on commencement of development of this planning permission. The liability notice together with further information will follow shortly.

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

Lee Walton

Lee Walton
Principal Planning Officer
lee.walton@malvern hills.gov.uk

PLANNING APPROVAL NOTICE

TOWN AND COUNTRY PLANNING ACT 1990

Approval - Full planning permission

Application No: 21/01268/FUL

Parish: Hallow CP

Agents Address:

HH (Hallow 3) Limited
Mactaggart and Mickel Homes
C/O Mr Mark Gay
Dominion Court 39 Station Road
Solihull
B91 3RT

Applicants Address:

HH (Hallow 3) Limited
Mactaggart and Mickel Homes
C/O Mr Mark Gay
Dominion Court 39 Station Road
Solihull
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Part I – PARTICULARS OF APPLICATION

Statutory Start Date: 28 July 2021

Location: Land At (Os 8280 5865), Greenhill Lane, Hallow

Proposal: Erection of 55 dwellings and associated works.

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. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless where required or allowed by other conditions attached to this permission, the development hereby approved shall be carried out in accordance with the information provided as part of the application, including the Resubmission Statement (October 2021) as well as the following plans -

Site Location Plan PL01

Site Layout PLO3C

Site Levels Sheet One SL_1

Site Level Sheet Two SL_2

Boundaries Plan PL04A

Materials Plan PL05A

Affordable Housing Plan PL06A

Adoption Plan PL08A

Waste Management Plan PL09

PROW Plan PL10

Parking Dimensions Plan PL11

Site Sections PL12A

Street Elevations PL15A

Garages PL25

HHA1 Maisonettes CT PL30A

1B Bungalow PL31A

A2 – Plans PL32A

A2 – Elevations PL33A

A2 Type 2 – Elevations PL52

A3 PL51A

A3 Type 2 Elevations PL53

Lulsley PL34A

Stanton – Elevations PL36 A

Stanton Plan PL35

Stratford – Plan PL37A

Stratford – Elevations PL38A

Fairford PL39A

Avon CT PL40A

Harcourt CT – Elevations PL44A

Harcourt CT – Plans PL43

Hallow – Plans PL45A

Hallow – Elevations PL46A

Bourton – Elevations PL48A

Bourton – Plans PL47

Hanwell CT – Elevations PL50A

Hanwell CT – Plans PL49

Henley – Plans PL54

Henley – Elevations PL55

Bungalow - PL56A 2B

Bungalow elevations - PL57A 2B

Access & Associated Works SK06E

Landscape Sheets 1 to 4 HAY23267-11B

General Engineering Layout Plan SK04D

Tree Protection Plan HAY23267-03D.

Drainage Strategy Layout Plan SK01D,

Flood Route Exceedance Layout Plan SK05D

Reason: To define the permission.

3. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall 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. These may be provided as a set of method statements for reptiles and amphibians, birds, badgers, bats (lighting during construction.

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 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 the development contributes to the conservation and enhancement of biodiversity within the site and the wider area in accordance with policy SWDP22 of the South Worcestershire Development Plan and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

4. No development shall take place until an ecological design strategy (EDS) addressing compensation and enhancement measures has been submitted to and approved in writing by the local planning authority. The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason - To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area in accordance with policy SWDP22 of the South Worcestershire Development Plan and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

5. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority within 3 months of the commencement of the development. The content of the LEMP shall include the following.
 - a) Description and evaluation of 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 minimum five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally

approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason - To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area in accordance with policy SWDP22 of the South Worcestershire Development Plan and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

6. On completion of works the development shall be inspected by a qualified ecologist and a statement of conformity shall be submitted to the Local Planning Authority to confirm the mitigation, compensation and enhancement measures for biodiversity have been successfully implemented in accordance with the details approved under this condition.

Reason - To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area in accordance with policy SWDP22 of the South Worcestershire Development Plan and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

7. Prior to occupation, a "lighting design strategy for biodiversity" for areas shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and other 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 (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.

All external 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 the development contributes to the conservation and enhancement of biodiversity within the site and the wider area in accordance with policy SWDP22 of the South Worcestershire Development Plan and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

8. (A) No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1) The programme and methodology of site investigation and recording.

2) The programme for post investigation assessment.

3) Provision to be made for analysis of the site investigation and recording.

4) Provision to be made for publication and dissemination of the analysis and records of the site investigation.

5) Provision to be made for archive deposition of the analysis and records of the site investigation.

6) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

(B) The development shall not be occupied 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 (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of the National Planning Policy Framework 2012 (as amended) and SWDP 6 & 24 of the South Worcestershire Development Plan 2016.

9. Notwithstanding the submitted Landscape Proposals (HAY23267-11B Sheets 1 to 4), no development hereby permitted shall take place above slab level until a revised landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The revised Landscape Proposals shall include details including, but not limited to, the following:
- (i) Consideration of supplemental orchard tree planting to enhance hedgerows,
 - (ii) Substantial additional hedging throughout the scheme
 - (iii) Hedgerow boundary heights throughout the site shall be submitted to and agreed in writing by the Local Planning Authority
 - (iv) full particulars to show the proposed pond (as indicatively shown on drawing HAY23267-11B Sheet 4.
 - (v) Provision shall be made for dog litter bins within the site, related to the alignment of the rights of way.

The planting scheme(s) shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

For a period of five years after completion of the planting scheme, the trees, hedges and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority, and any trees or shrubs that cease to grow shall be replaced by trees and shrubs of similar size and species, as may be approved in writing by the Local Planning Authority.

Reason: To ensure the environment of the development is safeguarded and enhanced in accordance with Policy SWDP 21 and 25 of the South Worcestershire Development Plan.

10. The Development hereby approved shall not be occupied until the internal layout, parking and turning facilities have been provided as illustrated on Drawing Ref: 10122/PL11.

Reason: To ensure conformity with submitted details.

11. The Development hereby permitted shall not be first occupied until sheltered, secure, and accessible cycle parking associated with the residential apartment blocks, to comply with the Council's adopted 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.

12. The Development hereby permitted shall not be first occupied until proposed dwellings have been fitted with electric vehicle charging points. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council

Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

REASON: To encourage sustainable travel and healthy communities. The Development hereby permitted shall not be first occupied until proposed dwellings have been fitted with electric vehicle charging points. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

REASON: To encourage sustainable travel and healthy communities.

13. The Development hereby approved shall not be occupied until the applicant has submitted a Travel Plan in accordance with the County Council guidelines in writing 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 a minimum of 5 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.

14. The Development hereby approved shall not commence until a Construction Environmental 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; and
- 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.

15. No works in connection with site drainage shall commence until a SuDS management plan which will include details on future management responsibilities, along with maintenance schedules for all SuDS features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. The approved SuDS management plan shall be implemented in full in accordance with the agreed terms and conditions and shall be managed and maintained in accordance with the approved maintenance plan and thereafter.

Reason: To secure acceptable arrangements without detriment to existing and future residents, further to Policy SWDP 21 and SWDP 29.

16. Notwithstanding the submitted Drainage Strategy, no development shall commence until detailed design drawings for surface water drainage have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To secure acceptable arrangements without detriment to existing and future residents, further to Policy SWDP 21 and SWDP 29.

17. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution, further to Policy 28 and 29 of the South Worcestershire Development Plan.

18. Prior to the commencement of the development a Water Management Statement, setting out water efficiency measures and confirming that the daily non-recycled water use per person will not exceed 110 litres per day, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the first occupation of the development and retained thereafter.

Reason: To ensure sustainability measures are taken into account in the development in accordance with Policies SWDP 21 and SWDP 30 of the South Worcestershire Development Plan.

19. Ground works/ construction work shall not take place outside the following hours:

a. Monday to Friday - 07.30-18.00 hrs

b. Saturdays - 08.00-13.00 hrs.

c. There shall be no such work on Sundays or Public Holidays.

Reason: To protect the residential amenities of the area in accordance with Policy SWDP21 of the South Worcestershire Development Plan (February 2016).

20. Details of renewable and/or low carbon energy generation measures shall be submitted to and agreed by the Local Planning Authority. However, unless otherwise agreed in writing by the Local Planning Authority, such measures shall include the provision of Air Source Heat Pumps to all new homes, with at least 5% of the predicted energy requirements of the development also being met through the use of photo-voltaic cells. The details to be submitted shall also include details of the construction materials to be used in the proposed development with the aim of minimising the use of primary non-sustainable materials, details of waste (for landfill) storage and the separation and storage of recyclable materials and an implementation timetable for the proposed measures.

Reason - To ensure the development supports the delivery of low carbon/renewable energy and safeguards natural resources in accordance with policy SWDP27 of the South Worcestershire Development Plan.

21. Prior to the first occupation of any of the dwellings hereby approved, details of superfast broadband facilities or alternative solutions to serve the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority. The submitted details shall include an implementation programme. The facilities shall be provided in accordance with the approved details.

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

22. Unless otherwise agreed in writing with the Local Planning Authority, the legal process under the TCPA s257 Diversion Order, required to secure completion of the footpath order for the diversion, extinguishing the current lawful public right of way(s) and seeking up-grade to bridleway shall be completed before the development's construction is completed.

Reason: To ensure the public rights of way are not obstructed

24. Prior to first occupancy of the development hereby approved full details to show a basket ball hoop, with associated supporting structure, designed specifically for the use of older children (indicatively aged between 10-14 years old), shall be submitted to and approved in writing by the Local Planning Authority, and thereafter provided for on site. The equipment shall indicatively be located adjacent to the existing Locally Equipped Area of Play at Pinchfield Gardens.

Reason: To encourage physical and social well-being, further to Policy SWDP21.

25. There shall be no street lighting unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of darker skies further to policy SWDP21 and SWDP 22.

26. Prior to the commencement of development the developer will engage with Hallow Parish Council representatives to discuss problems and concerns that may arise during the construction phase and to provide a system for the reporting of potential non-compliance, to ensure anticipated concerns associated with the build can be raised ahead of the site's development. Such concerns would include but need not be exhaustive:

- There shall be no parking of site vehicles or machinery in Greenhill Lane, the Ladygo stores layby, or Browne's Way.

- Details shall be provided for dust suppressants and dirt management, and associated protection fencing/ screens to be provided during the construction phase, including attention given to the impact on occupants of Myrtle Cottage.

Reason: To encourage good communications and planning between the developer and local community during the construction phase and help to reduce some of the impacts for near neighbours, further to Policy SWDP21

27. There shall be no access to Greenhill Lane for construction traffic at any time during the construction phase. The path access to the site from Greenhill Lane shall provide no access for site workers from this path off Greenhill Lane.

Reason: In the interests of neighbour amenity further to Policy SWDP21

NOTES TO APPLICANT

1. 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, Ringway Infrastructure Service who can be contacted by email worcestershirevehicle.crossing@ringway.co.uk.

2. 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, items such as street lighting and structures, etc.
3. Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority.
Temporary Direction Signs
This consent does not authorise the erection of temporary direction signs on the public highway. Should the applicant wish to direct traffic to the development site they should seek the consent of the Highway Authority. All temporary directional sign proposals should be submitted to the Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP. No signs should be erected without the consent of the Highway Authority.
4. 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 Construction Management Plan 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.
The following information is provided to alert the applicant to other highway matters that will need to be addressed if a planning consent is granted, and they wish to offer highway, drainage, and street lighting for adoption.
Additional information relating to the future adoption of highway, drainage, and lighting infrastructure
5.
 - S38 schemes may also be subject to RSA's, where considered appropriate by WCC.
 - S38 adoptable highways must have appropriate turning facilities in accordance with the WCC Standards.
 - Shared spaces would require WCC adoptable street lighting and Hallow is not within a WCC street lighting zone.
 - Horizontal vertical or horizontal deflection traffic calming features require WCC adoptable street lighting and Hallow is not within a WCC

- All site-specific ecology measures must be shown on a site clearance plan and copies of appropriate ecology related approvals, consents and licences must be provided.
- The horizontal and vertical alignment will need to be designed in accordance with WCC standards further comments will be provided when detailed drawings have been submitted as part of the S38/278 review process.

• All structures within the highway or within 4 yards of the highway will need to achieve WCC/Jacobs structure approval and this includes STW adoptable drainage structures. All structure design checking costs incurred are to be covered by the developer.

Drainage Comments

- WCC will not adopt highways which have private pipes within them.
- What is the proposed storm drainage strategy for this development? WCC will not permit connections to existing highway storm drains.
- If the site storm water outfalls into the attenuation feature shown on plan WCC will only consider adoption of highways if highway drains discharge into a STW adopted pipe(s). Private management company arrangements are not an acceptable alternative.
- The developer would need to have secured a S104 Agreement to adopt the proposed storm drainage system before WCC will consider adopting any highways.
- WCC will not accept private storm or foul sewer pipes in highways subject to S38/278 Agreements.
- Any works affecting the drainage ditch may require approval and consent of the following so they will all need to be consulted:
 - a. South Worcestershire Land Drainage Partnership
 - b. Lead Local Flood Authority
 - c. Environment Agency
- The developer will need to ensure that no surface water flows from private land onto the existing highway.
- All site-specific measures must be shown on a site clearance plan and copies of appropriate ecology related approvals, consents and licences must be provided.

6. The Highway Authority acknowledges the Applicants response that Hallow operates a "Dark Skies" policy and therefore street lighting is not proposed. However, as stated with the Highway Authorities response (19/10/2021) the main access to the proposed development interfaces with the A443 Hallow Road which has recently been lit to accommodate a proposed zebra crossing for pupils at the local primary school (installed towards the end of October 2019).
Consequently, the Developer should employ a suitably qualified lighting engineer to carry out an assessment of the existing lighting provision and how it is affected by the proposed development. Direct liaison with WCC's street lighting department is recommended as part of this assessment to understand the aims of the original lighting design, as it is understood that this was a particularly sensitive issue. The assessment shall comply with all requirements of WCC's Street Lighting Design Guide.
7. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/ agents in a positive and proactive manner by;
 - offering a pre-application advice service, and
 - as appropriate updating applications/ agents of any issues that may arise in the processing of their application and where possible suggesting solutions.
 In this case there were further consultation and revised drawings received that have resolved earlier concerns. The planning application seeks an acceptable form of development consistent with the requirements of relevant policies and material considerations. The proposed development would provide housing within a sustainable location without causing demonstrable harm to the landscape character, visual amenity, residential amenity, biodiversity, or highway safety.
8. Clean Water Comments: Severn Trent Water Ltd. have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team as detailed below to assess their proposed plans for diversion requirements.

9. The legal diversion of the affected PROWs under the TCPA S257 Diversion can be dealt with via <https://www.malvern hills.gov.uk/planning/other-planning-services/footpath-diversions>

Signed:

A handwritten signature in black ink, appearing to be a stylized 'G' followed by a long horizontal stroke.

Head of Planning Services

Date: 16 February 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 to 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 21/01268/FUL. 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 21/01268/FUL 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: 21/01268/FUL

Proposal: Erection of 55 dwellings and associated works.

Location: Land At (Os 8280 5865), Greenhill Lane, Hallow

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>