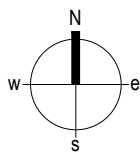




0 10 20 30 40 50m
1:1250 SCALE BAR (UNITS = METRES)



SITE LOCATION PLAN

Client
Mr and Mrs Tsang

Site Address
May Link
132 Worcester Road
Malvern Link Worcs WR14 1SS
Title
LOCATION PLAN

Scale (A4 sheet)	Date	Drawn by
1:2500	SEP 23	MT

Drawing number
2196-01

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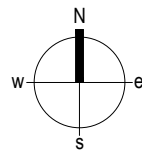
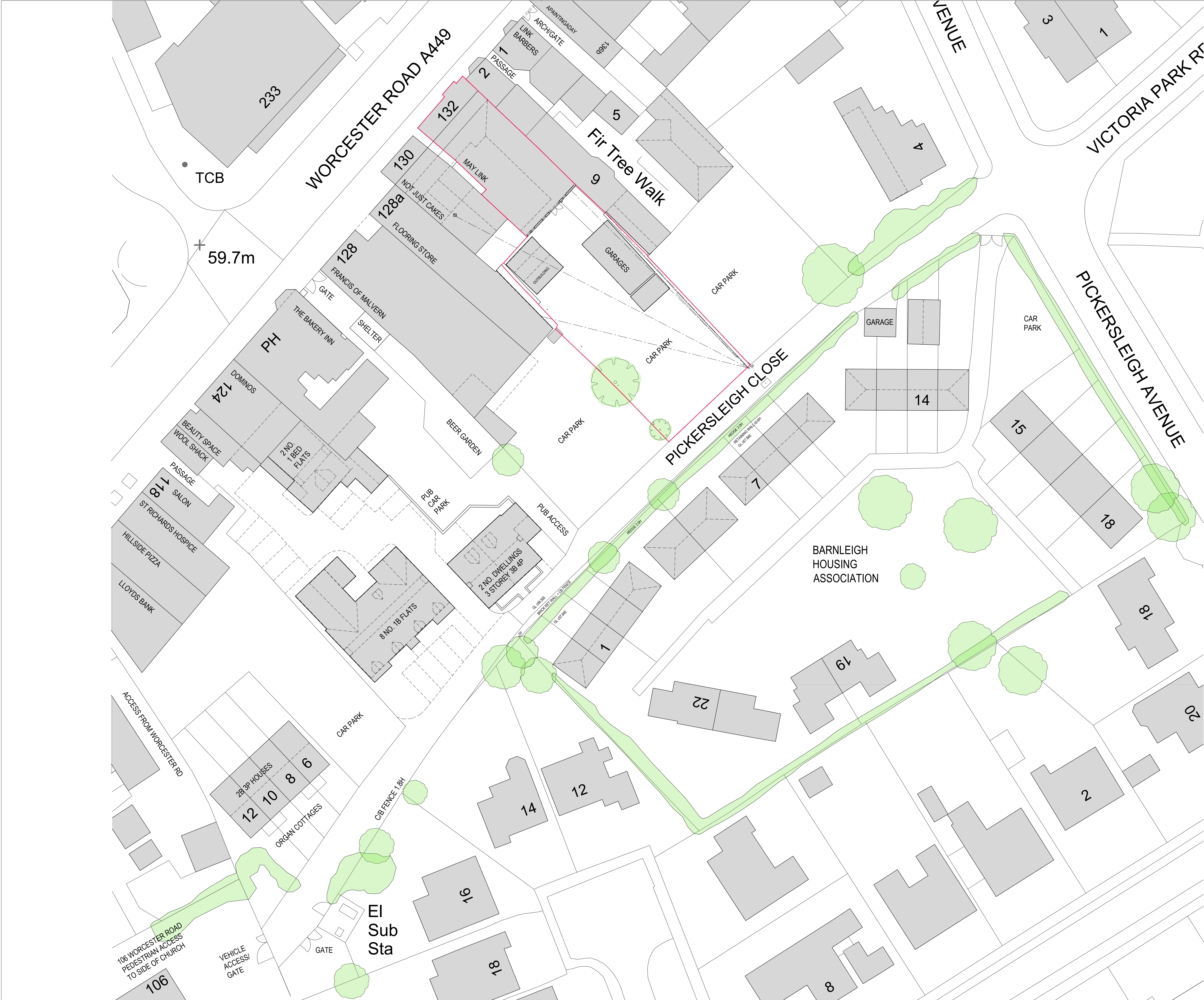
ARCHITECTURE - CONSERVATION - INTERIOR DESIGN

The Studio, Ivy House, Chapel Lane, Ombersley, WR9 0DT
design@taylorandcoarchitects.co.uk

01905 621600

taylorandcoarchitects.co.uk

RIBA



BLOCK PLAN AS EXISTING

0 5 10 25m
1:250 SCALE BAR (UNITS = METRES)

Dimensions: This drawing is suitable as a base drawing for construction, but all dimensions must be checked on site prior to commencement of works. All dimensions are in millimetres.

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AMENDMENTS

Rev ---,---,-----

Client

Mr and Mrs Tsang

Site Address

May Link
132 Worcester Road
Malvern Link Worcs WR14 1SS

Title

BLOCK PLAN AS EXISTING

Scale (A4 sheet)

1:250

Date

SEP 23

Drawn by

MT

Drawing number

2196-03

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RIBA 

WORCESTER ROAD A449



BLOCK PLAN AS PROPOSED

Dimensions: This drawing is suitable as a base drawing for construction, but all dimensions must be checked on site prior to commencement of works. All dimensions are in millimetres.

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AMENDMENTS

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Client

Mr and Mrs Tsang

Site Address

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132 Worcester Road
Malvern Link Worcs WR14 1SS

Title

BLOCK PLAN AS PROPOSED

Scale (A4 sheet)	Date	Drawn by
1:200	SEP 23	MT

Drawing number

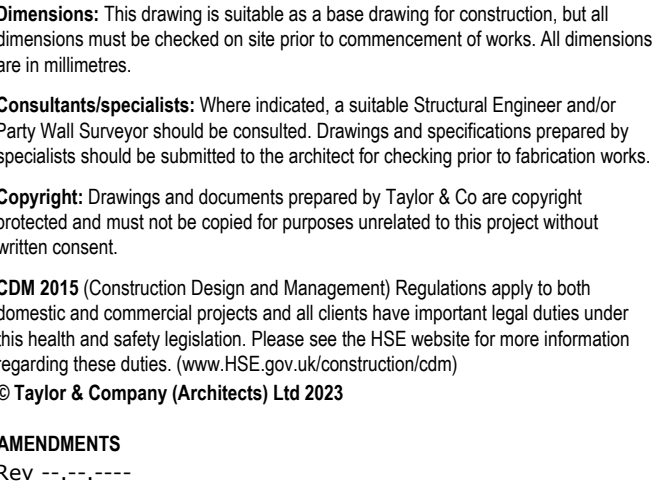
2196-13

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taylorandcoarchitects.co.uk

RIBA



Client
Mr and Mrs Tsang

Site Address
May Link
132 Worcester Road
Malvern Link Worcs WR14 1SS

Title
SITE PLAN AS PROPOSED

Scale (A4 sheet)	Date	Drawn by
1:250	SEP 23	MT

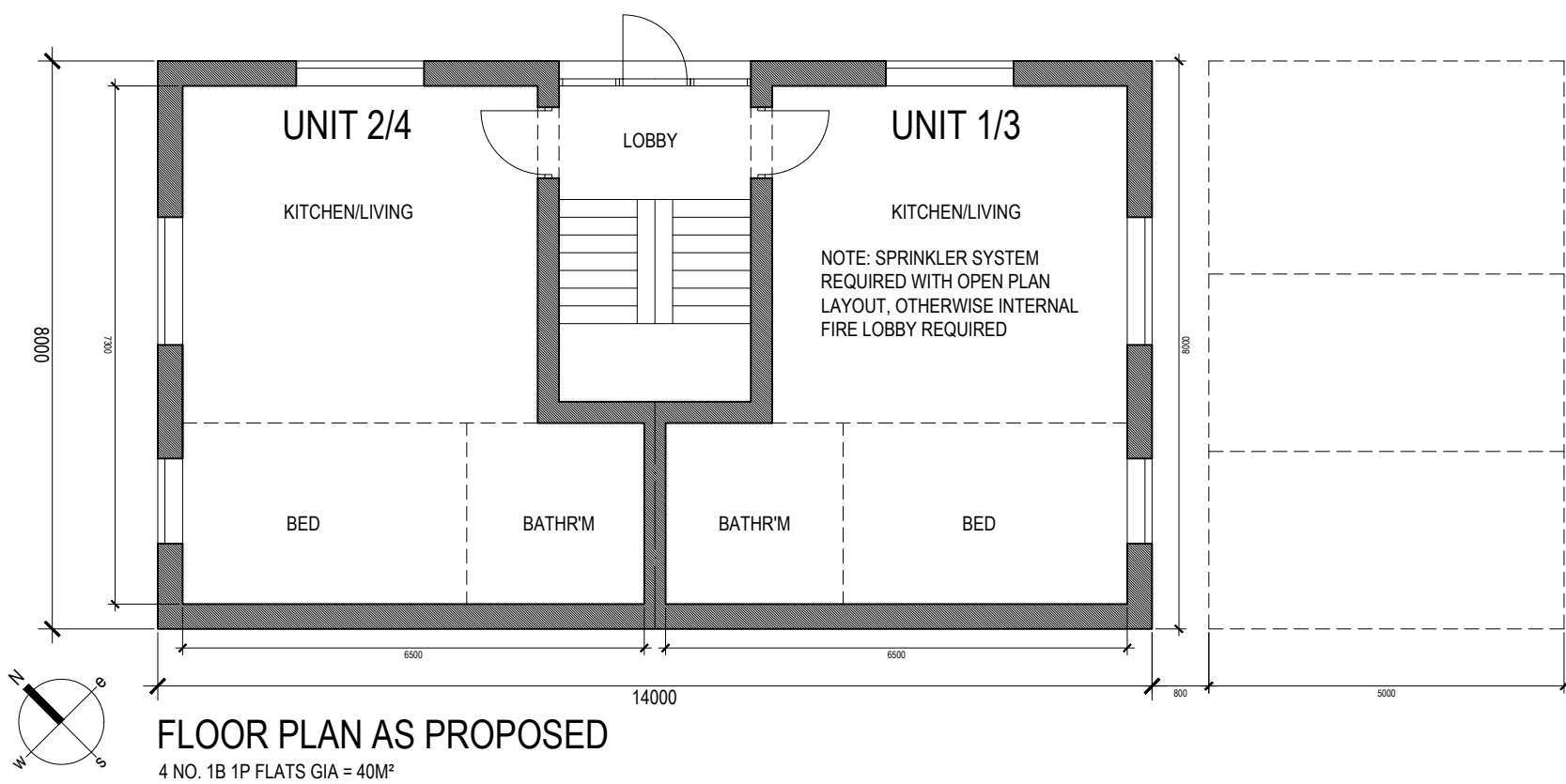
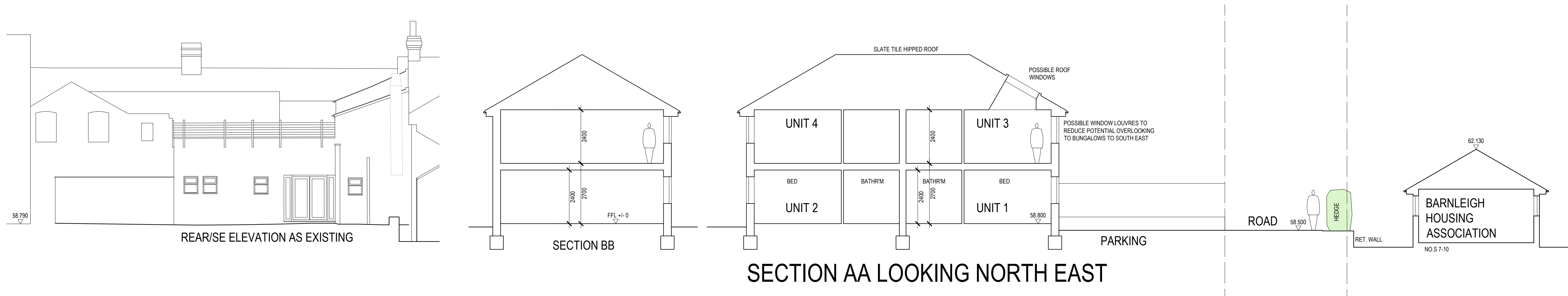
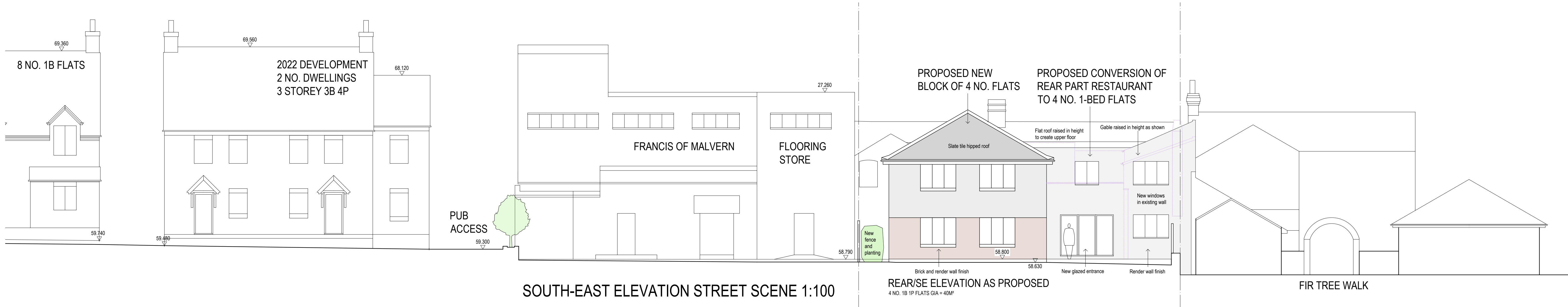
Drawing number
2196-14

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RIBA 



Dimensions: This drawing is suitable as a base drawing for construction, but all dimensions must be checked on site prior to commencement of works. All dimensions are in millimetres.

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AMENDMENTS
Rev ---,---,-----

Client
Mr and Mrs Tsang

Site Address
May Link
132 Worcester Road
Malvern Link Worcs WR14 1SS

Title
SECTIONS AND ELEVATIONS
AS PROPOSED

Scale (A4 sheet)	Date	Drawn by
VARIES	SEP 23	MT

Drawing number
2196-15

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RIBA

JOB 2196 DESIGN AND ACCESS STATEMENT – PRELIMINARY

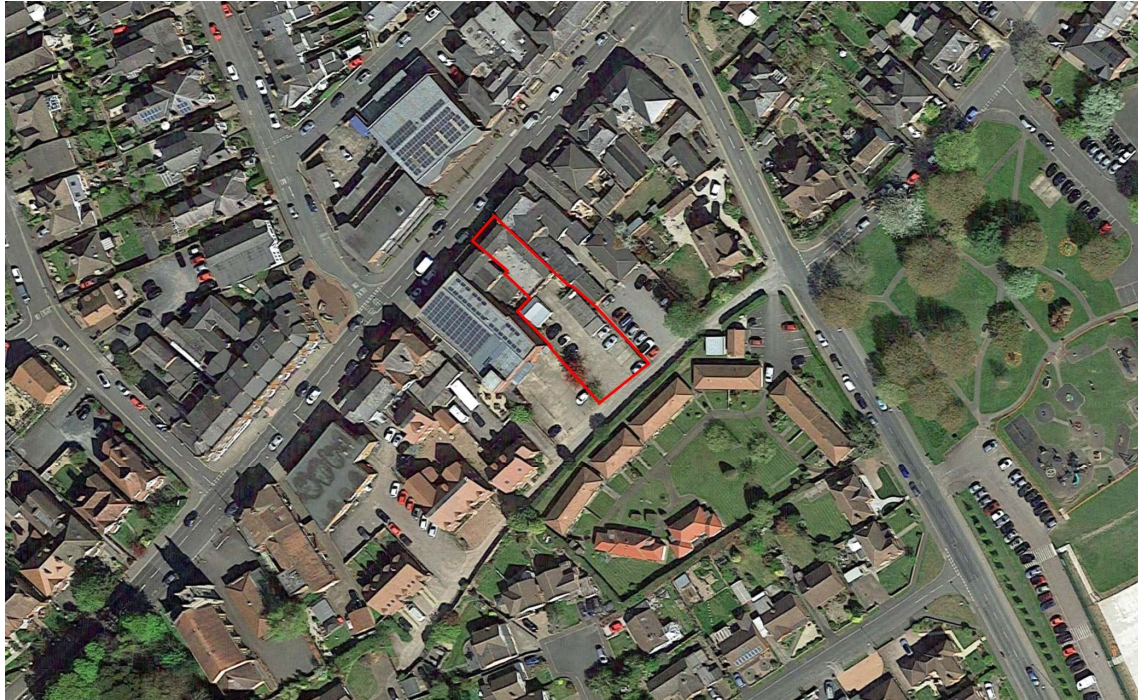
Site Address: **May Link 132 Worcester Road Malvern Link Worcs WR14 1SS**

Applicant: Mr and Mrs Tsang

PROPOSED DEVELOPMENT

- Part-conversion of restaurant to 4 No. 1-bed flats
- Demolition of rear garages and outbuilding
- Erection of new block of 4 No. flats to rear of restaurant

SITE PHOTOGRAPHS



AERIAL PHOTOGRAPH SHOWING SITE CONTEXT



AERIAL PHOTOGRAPH OF SITE



VIEW FROM ROAD LOOKING WEST TO SITE.



VIEW FROM ROAD LOOKING NORTH-WEST TO SITE CAR PARK AND GARAGES



VIEW FROM ROAD LOOKING NORTH TO SITE



VIEW FROM WORCESTER ROAD LOOKING SOUTH TO RESTAURANT ENTRANCE

SITE AND DESCRIPTION

The application site is located in Malvern Link to the south side of Worcester Road and comprises a restaurant to the north-west side, with a large rear car park containing garages and an outbuilding to the south-east side. The building was originally a Victorian terraced house which has been extended over time to both the front and to the rear with single-storey flat roof additions.

The surrounding area is characterised by a variety of types and sizes of building, with a mixture of commercial uses including shops, food outlets, pubs and hairdressers. These buildings are typically 2-storey, often with the upper floor used as residential accommodation, including the application site, which contains a lettable flat above the restaurant.

The restaurant is part of a terrace of buildings which all extend deeply back from the frontages facing onto the main road, including No.130 to the south side, which is occupied by several businesses including 'Not Just Cakes', and 'Fir Tree Walk' to the north side. This collection of businesses includes a barbers and toy shop facing onto the road, with various food outlets set further back to the rear which are accessed through a central passage.

The buildings to the south side of the A449 typically have dual access, from the north side off the main road, and also from the south side via Pickersleigh Close. There are also number of passageways between the buildings for pedestrian access.

The wider surrounding area in Malvern Link is predominantly residential in character. To the south of the site and accessed from Pickersleigh close is a 1930s development of terraced bungalows belonging to Barnleigh housing Association. These dwellings are built close to the boundary with Pickersleigh close and are set at a lower ground level, with the result that the bungalow eaves are at eye level when viewed from the car park, with the rear walls mostly screened from view by a 2m high boundary hedge. Further to the south is Russell Drive, a mixture of 1960's bungalows and two-storey dwellings. To the north of the main road the area comprises mainly older Victorian and Edwardian dwellings.

In recent years, there has been substantial residential development on the land to the rear of the commercial buildings along this section of Worcester road. At the far end of Pickersleigh Close and to the rear of No's 112-114 is a 2009 residential development comprising 4 No. 2-storey terraced dwellings. Due for completion this year is a larger development comprising 10 flats and 2 dwellings on land to the rear of and attached to No. 124. Two of these flats are formed by conversion of the rear part of No. 124 (Domino's Pizza).

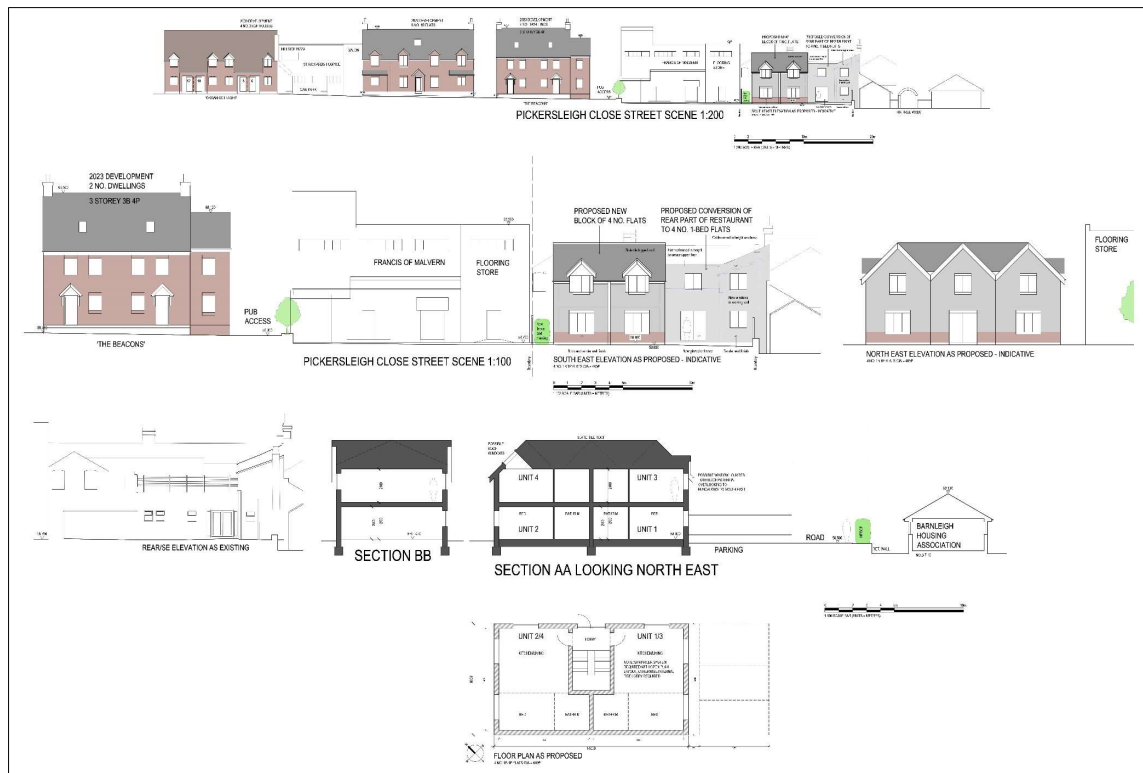
The application site is irregular in shape with the rear land/car park attached to the restaurant also extending behind adjoining building No. 130. The restaurant is c10m wide x 23m long with a ground floor area of 222m²; the car park is 16m wide x 36m long with an area of 575 m². The garages have total area of 64m², the outbuilding is 34m². Overall, the site is 59m long with an area of 797m².

PROPOSED DEVELOPMENT

The restaurant, like many other high-street businesses, is no longer profitable. The applicants intend to sell the building and site and wish to explore the possibility of residential conversion and development, which would give the site a long-term sustainable use.



PROPOSED BLOCK PLAN SHOWING SITE CONTEXT



PROPOSED SECTIONS AND ELEVATIONS

ASSESSMENT, EVALUATION, DESIGN, LAYOUT, SCALE, APPEARANCE

The main aims are to create an attractive, high-quality, residential development which is suited in size, scale and appearance to the site and surrounding area, and appropriate to the needs of the local housing market, with no adverse impacts to the adjoining businesses and to the surrounding area.

The flats would have multiple potential uses, providing affordable accommodation for purchase or rental, possibly for housing association use, and could also be used as retirement properties.

The proposed conversion of the rear area of the restaurant to 4 No. flats will give the redundant restaurant a new, long term sustainable use, and will improve the appearance of the rear of the building by removing the large commercial flue and timber railings. This proposed development will not entail an increase in the existing building footprint and would only require raising the flat roof level by c2m, up to the height of the original building eaves, an alteration which will not substantially change the appearance of the rear of the building. The front area of the restaurant facing the main road will be retained for commercial use. The upper floor is already used as lettable accommodation and would be retained for the same use.

The proposed development of new block of 4 No. flats in what is presently a large, disused car park with redundant garages and an outbuilding, will make efficient use of the site and will be in keeping with a pattern of residential development to the rear areas of the commercial buildings which has been established in recent years further along Pickersleigh Close.

A modest development of 4 No.1-bed flats is proposed. This building will be of suitable size and scale for the site; it will be substantially set back from the south boundary with the road and set away from the west side boundary with No. 128a. New planting strips are proposed to both sides of the site. A traditional building design is proposed which will be in keeping with both the existing buildings and the recent residential developments. The design will incorporate features to prevent potential overlooking to the south – see below.

To make way for the new flats, redundant garages and an outbuilding with a combined footprint of 98m² will be demolished. The proposed new building footprint is 112m², therefore the overall increase in GEA at ground level is 14m².

DESIGN, MATERIALS AND CONSTRUCTION

The south-east elevation has been carefully designed with a lowered eaves (and lowered internal ceiling height) and dormer windows to the first floor to reduce the roof height and size and mass of the building when viewed from the south side, and to be similar in appearance to the new flats and dwellings under construction. The mass of the north-east entrance elevation is broken up with the triple roof gables, and the positioning of rainwater pipes.

Walls and roof: Brick and render is proposed for the walls, again to break up the mass of the elevation and improve visual contrast and appearance. Alternatively, the plinth brickwork brickwork could be in a contrasting colour brickwork to the upper walls. A hipped/pitched slate-tile roof is proposed to match the nearby buildings.

SITE CAPACITY

The site is of sufficient size to accommodate the proposed development with suitable access, parking, cycle and bin storage and amenity space without being a cramped development, with suitable space left between the new buildings and the boundaries.

IMPACT ON NEIGHBOURING LAND, VISUAL AMENITY AND PRIVACY

The proposed development will not result in loss of amenity to neighbouring buildings and their users in terms of being overbearing or causing overshadowing/loss of light.

The building has been designed to minimise the roof height and building mass and volume while achieving the required space standards and internal usability. This has resulted in a building which is much smaller than the residential development recently approved and

presently under construction – the proposed roof ridge height will be 3.6m lower than the nearby 3-storey dwellings and 1.8m lower than the adjacent block of flats. Similarly, when viewed from the south side, the proposed building is 8m wide, much less than the dwellings (13.5m wide) and the block of 8 flats (16m wide). This will result in a building which is suitably sized to the site, equal in height to the existing retained site buildings beyond and subservient in size to the adjacent 1960's commercial building occupied by 'Francis of Malvern'.

There is potential overlooking from the new flats to the rear windows of the housing association bungalows No's 7-10 to the south. Due to the c750mm difference in ground level and the existing 2m high hedge, the bungalow windows are mostly obscured from view from the site at ground floor level. To prevent potential overlooking from the upper floors of new development, the south-facing windows could be obscure glazed up to eye level, or the windows could be at high level with additional rooflights provided. The proposed separation distance between the existing bungalow and the new flats is 16m which is less than the typical guideline distance but substantially more than the 10m separation distance that has been permitted for the new dwellings under construction.

A 14m separation distance is proposed between the flats formed by conversion of the rear of the restaurant, and the new block of flats. There is potential overlooking to/from these proposed dwellings; as above this issue could be solved with obscure glazing or high-level windows at first floor level, and additional roof windows if required for overhead lighting and ventilation which will not create overlooking.

No windows are proposed to the south-west side flank wall facing onto the car park to No's 128/130. Windows to the north-east elevation will overlook the car park to 'Fir tree Walk' but will not overlook any buildings. The dwelling further east, No. 4, is 37m distant and would not be impacted.

ECOLOGY, WILDLIFE, BIODIVERSITY

There is an existing tree to the west boundary which would be removed, but the proposals will include additional planting and landscaping to the boundaries, particularly to the east side, all to specialist design to increase animal habitat and biodiversity as much as is feasible. Possibly the new flat roof to the flats formed by conversion could be a Sedum/planted roof providing additional space for wildlife habitat.

SPACE STANDARDS

The minimum required floor area as set out below for a 1-Bed flat is 37-39m²; the proposed flats will be 40-41 m² and therefore exceed this standard.

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		

EXTRACT FROM DCLG 'TECHNICAL HOUSING STANDARDS – NATIONALLY DESCRIBED SPACE STANDARDS'

HIGHWAYS, TRAFFIC GENERATION AND PARKING

The proposed development will result in a small increase in traffic to Pickersleigh Close, but it is anticipated that vehicles will only be used occasionally given the close access to amenities and to the train station.

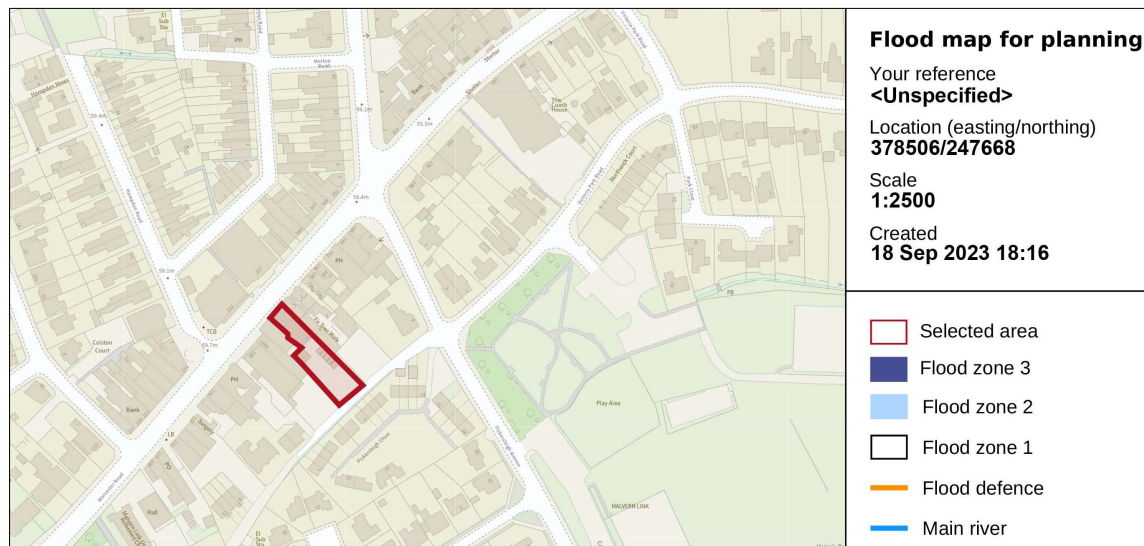
8 No. parking spaces are provided (1 per flat) with full sized parking bays and suitable space for reversing and turning.

Secure, covered cycle storage is provided for 8 bicycles.

Within the site, a 4.2m wide access is provided, suitable for fire engine access.

The existing concrete surfacing will be replaced with a water-permeable hardstanding surface such as a pavior system or Grasscrete/cellular system which will improve site appearance and reduce risk of localised flooding.

FLOOD RISK



ENVIRONMENT AGENCY FLOOD MAP EXTRACT.

Site is in Flood Zone 1 – Low risk of flooding

SUSTAINABILITY/ENERGY GENERATION:

- PV panels roof mounted with suitable lithium-ion battery storage.
- LED lighting throughout
- Roof surface water collected to water butts or underground tank below lawn for reuse.

AMOUNT

	Area	External Dimensions
Site area	797m ²	59m x 10/16m
Restaurant area	222m ² GEA approx.	23m deep x 10m wide
Car park area	575m ²	36m deep x 16m wide
Garages to be demolished	64m ²	13x5m
Outbuilding to be demolished	34m ²	6x5.5m
New block of 1-Bed flats	112m ² GEA 97 m ² GIA	14x8m
	Flats 40m ²	
Restaurant Conversion	111m ² GEA 99 m ² GIA	11x10m
1 No. cycle stores	Storage for 8 bikes	
8 No parking spaces		2.5x5.0

ACCESS

- **Pedestrian access:** Close to all required amenities and train station and bus links
- **Car access:** Close to employment areas and amenities, Worcester and Malvern, M5
- **Car parking:** 1 No. parking space for each flat with EV charging point
- **Cycle storage:** 1 No. Secure, covered storage sheds - 1 bicycle space to each unit

CONCLUSION

The recent residential developments to the rear of the commercial buildings in this part of Malvern Link have made suitable use of what is redundant land to meet the strong demand and urgent need for affordable housing in this area. The proposed development is in keeping with this established pattern of development and would contribute to the required local housing supply.

The flats would have flexible usage as affordable accommodation for purchase, rental, possible housing association use, and would be attractive to both young buyers as starter homes and as retirement properties.

The proposed development meets the requirements for sustainable development in all respects – economic growth, social inclusion and environmental protection.

The development will have an economic benefit to the area providing local employment for construction, site management and maintenance. Residents will use local shops, food outlets and amenities. This will also improve social inclusion to the area. The proposed boundary planting scheme will improve wildlife habitat, with the possibility of additional planting to the new flat roof to the existing building.

On the basis of the points outlined above and the indicative design scheme provided, we hope that the proposed development will be supported.

INTERNAL CONSULTATION

TO: Clare Bull - Planning

FROM: Hannah Phelan – Housing

OUR REF: 23/00057/AFF

DATE: 13 December 2023

PLANNING REF: M/23/01337/PA

Description: Proposed part conversion of restaurant to four one bed flats and erection of new block of 4 flats to the rear of the restaurant

Location: 132 Worcester Road, Malvern, WR14 1SS

Applicant: Mr and Mrs Tsang

Case Officer: Clare Bull

REPLY TO D.C. REQUEST

This application proposes part conversion of restaurant to four one bed flats and the erection of a new block of four flats to the rear of the restaurant.

The application site falls within Malvern which is not a Designated Rural Area.

The Council's document titled 'formal position with respect to affordable housing and tariff style developer contributions following the publication of National Planning Policy Framework' states that outside of the Designated Rural Areas, on sites of 9 dwellings or less and where the site area is less than 0.5ha, no affordable housing contributions will be sought.

Therefore, there will be no requirement to provide affordable housing.

Malvern Hills District Council

Communities and Housing



PRE-APPLICATION REPORT

Reference	M/23/01337/PA
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Site Address	132 Worcester Road, Malvern, WR14 1SS
--------------	---------------------------------------

Application Type	Pre Application Advice	Receiving Officer	Clare Bull
Date Received	19 September 2023	Parish	Malvern CP
Map Reference	(E)378506	(N)247667	Ward Councillors

Applicants Name and Address	Agents Name and Address
Mr and Mrs Tsang	Mr Mike Taylor Taylor & Co Architects C/O The Studio, Ivy House Chapel Lane Ombersley Droitwich Spa WR9 0YG

Description of Development

Proposed part conversion of restaurant to four one bed flats and erection of new block of 4 flats to the rear of the restaurant.

Planning History

74/00488/FUL. Change of use from office to tea room and erection of prefabricated building . 132 Worcester Road, Malvern, Worcestershire, WR14 1SS. APL. Jul 17 1974

80/01850/FUL. Erection of rear extensions to property. 132 Worcester Road, Malvern, Worcestershire, WR14 1SS. APL. Sep 18 1980

88/03170/FUL. Restaurant extension. 132 Worcester Road, Malvern, Worcestershire, WR14 1SS. APL. Jan 3 1989

89/02422/ADV. 1 Projecting sign. 1 Fascia Sign. 1 Free standing sign. 132 Worcester Road, Malvern, Worcestershire, WR14 1SS. APL. Oct 16 1989

91/00945/ADV. Shop sign . 132 Worcester Road, Malvern, Worcestershire, WR14 1SS. APL. Sep 9 1991

Site Constraints

CIL - Main Urban Area
Conservation Area 25m buffer: Malvern Link
Surface Water: 1 in 1000 extent.
SWDP 6: Conservation Area
SWDP 2: Development Boundary
SWDP 5: Urban
SWDP 10: Primary Shopping Frontage
SWDP 10: Shopping Centres
Neighbourhood Plan

Is the development CIL Liable ? No

Relevant Development Plan Policies

South Worcestershire Development Plan (SWDP) – adopted 2016

Policy SWDP 1 - Overarching Sustainability Principles
Policy SWDP 2 - Development Strategy and Settlement Hierarchy
Policy SWDP 4 - Moving Around South Worcestershire
Policy SWDP 5 - Green Infrastructure
Policy SWDP 6 - Historic Environment
Policy SWDP 7 - Infrastructure
Policy SWDP 13 - Effective Use of Land
Policy SWDP 14 - Market Housing Mix
Policy SWDP 15 - Meeting Affordable Housing Needs
Policy SWDP 21 - Design
Policy SWDP 22 - Biodiversity and Geodiversity
Policy SWDP 24 - Management of the Historic Environment
Policy SWDP 25 - Landscape Character
Policy SWDP 26 - Telecommunications and Broadband
Policy SWDP 27 - Renewable and Low Carbon Energy
Policy SWDP 28 - Management of Flood Risk
Policy SWDP 29 - Sustainable Drainage Systems
Policy SWDP 30 - Water Resources, Efficiency and Treatment
Policy SWDP 38 - Green Space
Policy SWDP 39 - Provision for Green Space and Outdoor Community Uses in New Development
Policy SWDP 62 – Implementation

The Waste Core Strategy for Worcestershire - Adopted Waste Local Plan 2012-2027

WCS 1 - Presumption in favour of sustainable development
WCS 17 - Making provision for waste in all new development

Malvern Town Neighbourhood Plan

MSD1 - Promoting and Achieving Sustainable Development
MD1 - Building Design and Accessibility
MG3 - Woodland Trees and Hedgerows
MD2 - Landscaping and Public Realm
MD3 - Microgeneration
MT3 - Electric Vehicle Charging Points
MI1 - High Quality Communications Infrastructure
MH1 - Housing Mix
MH2 - New Residential Development within the Development Boundary
MT1: Town Centre and District Centres Car Parking

Relevant Supplementary Planning Guidance/Documents

South Worcestershire Developer Contributions Supplementary Planning Document
Affordable Housing Supplementary Planning Document (October 2016)
Worcestershire Local Transport Plan 4 – Streetscape Design Guide
Strategic Housing Land Availability Assessment
Worcestershire Strategic Housing Market Assessment
Malvern Link Conservation Area Appraisal and Management Strategy (January 2009)
Malvern Town Neighbourhood Plan Visual Study

Other Relevant Planning Documents

Wildlife and Countryside Act 1981
Town and Country Planning Act 1990 (as amended)
Human Rights Act 1998
Section 17 of the Crime and Disorder Act 1998
Planning and Compulsory Purchase Act 2004
Natural Environment and Rural Communities (NERC) Act 2006
The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)
The South Worcestershire Design Guide Supplementary Planning Document (March 2018)
The Conservation of Habitats and Species Regulations 2010
Community Infrastructure Levy Regulations 2010 (as amended)
Equality Act 2010
Flood and Water Management Act 2010
Localism Act 2011
Strategic Housing Land Availability Assessment 2011
Worcestershire Strategic Housing Market Assessment 2012
Growth and Infrastructure Act 2013

Relevant Government Policy

National Planning Policy Framework (as amended)
Planning Practice Guide

Consultation

The council continues to work towards faster decision making and fewer refusals of permission. If consultation is fundamental to our response we will consult where possible. Please note that some external consultees charge separately for pre-application consultation.

It is recommended that the following bodies are consulted:

- County Highway Authority
- Worcestershire Regulatory Services (noise)

You are also advised to carry out public consultation with the local community (Parish Council and adjoining neighbours) prior to submitting any application.

Not contacting key consultees before making a formal planning application could result in a decision on the application being significantly delayed and/or refused.

Site Description and Proposed Development

This proposal relates to a restaurant and its associated outbuildings, outside space and parking area. The site is located within the commercial area of Malvern Link, adjacent to the Worcester road. The site is also within the Malvern Link Conservation Area. Part of the upper floors of the main building are currently already within residential use. The site is also located within the district shopping area for Malvern as set out within the SWDP and the Primary Shopping Frontage.

The main building within the site sits adjacent the highway and consists of a two storey property finished in brick and render, which includes a single storey flat roof section to the front which includes a shop frontage and a larger flat roof single storey extension to the rear. The upper elevation at the front includes windows of historic character, and the pitched roof includes a chimney. The outbuildings located to the rear and includes flat roofed garages and a pitched roof

building, the remainder of the site is laid to hardstanding, and vehicular access is from the rear of the site

The surrounding area includes a mix of uses, with commercial properties lining the Worcester road, some with flats above, with further houses and flats located to the south.

Proposed Development

This enquiry relates to the proposed change of use and alteration of part the existing restaurant building to provide 4 flats of 2 floors, the removal of the existing outbuildings and the construction of a new 2 storey apartment building to the rear of the restaurant building to provide 4 further flats. Details submitted advise *'The flats would have multiple potential uses, providing affordable accommodation for purchase or rental, possibly for housing association use, and could also be used as retirement properties.'*

In respect of the existing restaurant building, plans show the existing shop frontage would be retained and part of the front of the building retained for commercial use. Some of the existing first floor of the main building would be retained for residential use as a flat. The roof level of the existing flat roof part at the rear of the building would be raised by around 2 metres (to match the eaves height of the existing two storey part) to provide 2 storeys to include 4 flats. There would be no increase in footprint of the original restaurant building.

A new apartment building would be constructed at the rear of the main building and this would include 4 flats set over 2 floors. Plans show the building would have a footprint of 8 x 14 metres and include a slate roof with dormer windows and a brick and render finish to the elevations.

Information submitted sets out that the existing restaurant is no longer profitable.

Five Year Housing Land Supply

The current position with respect to housing supply and delivery is an important factor when determining whether policies for the locational strategy and provision of housing (i.e. SWDP2) are to be considered out of date and consequently whether Paragraph 11d of the NPPF (the so called 'tilted balance') is to be engaged in the determination of an application for housing. Footnote 8 to Paragraph 11 of the NPPF is clear that where a Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites, or where the Housing Delivery Test (HDT) indicates that the delivery of housing has been substantially below (less than 75% of) the housing requirement over the previous three years, policies for the provision of housing are to be considered out of date.

Insofar as past delivery is concerned, the latest HDT results for England (April 2021) were published by the MHCLG in January 2022. This sets out a Plan-wide figure for South Worcestershire confirming delivery at 155%; well above the 75% threshold. This means that there are no consequences for decision-taking in South Worcestershire as a result of housing delivery.

As the SWDP is now more than five years old, the NPPF at Paragraph 74 requires the 5YHLS calculation to be based on the output of the Standard Method calculation as opposed to the adopted SWDP annual housing requirement.

The South Worcestershire Councils (SWCs) reviewed their 5 Year Housing Land Supply position for 2022. In the light of recent appeal decisions, the SWCs are now proposing to adopt an individual district approach for the 5 Year Housing Land Supply calculation. In respect of Malvern Hills in a recent planning appeal decision dated 14 August 2023 (ref: APP/J1860/W/22/3313440), Land At (OS 8579 4905), south of Post Office Lane, Kempsey, the Planning Inspector determined that the Council were unable to demonstrate a 5YHLS. The inspector concluded that the Malvern Hills District Council could demonstrate only around a 3.7 year supply of housing land.

The NPPF at paragraph 11d says that for decision-taking Local Planning Authorities should accord with the presumption in favour of sustainable development meaning:

“Approving development proposals that accord with an up-to-date development plan without delay; and where there are no relevant policies or the policies which are most important for determining the application are out of date, granting permission unless:

i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

Paragraph 74 requires that LPAs authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement, or against their local housing need where the strategic policies are more than five years old.

Paragraph 75 confirms that a five-year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement.

Malvern Hills District Council cannot currently demonstrate a five year housing land supply. Consequently, paragraph 11d is engaged and planning permission should be granted unless either of sub-paragraphs i or ii are relevant. This means that the so called 'tilted balance' is in effect when weighing the planning balance of the proposal. However, paragraph 12 of the NPPF does state that “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.”

In this instance the proposal is for 8 additional residential units, that there are modest of the development with regard to its contribution towards housing supply. Nevertheless, this benefit must be taken into consideration in weighing the planning balance.

Principle of the development

Policies SWDP 1 and SWDP 2 seek to direct development to locations most appropriate to the form and scale of development proposed. Policy SWDP 4(A) states that proposals must demonstrate that the location of development will minimise demand for travel and offer genuinely sustainable travel choices.

This proposal which relates to the provision of new residential development located within the settlement boundary of Malvern, and within the settlement boundary defined by the South Worcestershire Development Plan, a such it is considered to be locationally sustainable and acceptable in principle, subject to other local plan policy considerations.

I have consulted the councils housing team in relation to the proposal (in relation to housing mix and tenure) and will provide you with feedback when this is received.

As the site is located within the Malvern Town Neighbourhood Boundary, policy MH2: New Residential Development within the Development Boundary is also relevant. This policy states that

new infill housing development, and conversion, re-use or extension of an existing building for residential use, will be supported within the development boundary, provided it does not harm land that is of high environmental value, and does not significantly harm the amenity of adjacent residents and occupiers.

The site is within the primary shopping frontage for Malvern Hills district, however it is noted that an existing area to the front of the existing restaurant building would be retained for commercial use. Floor plans should be provided to show the extent that should be retained. If a reasonably sized unit is retained, I do not see that the conversion of the remainder of the building would be an issue with regard to the loss of commercial space.

It is noted that there have been a number of planning approvals for residential developments within the locality which are also located to the rear of the commercial properties along the Worcester Road. However, please be aware that these pre date the adoption of the Malvern Town Neighbourhood plan (although there have been more recent approvals which have sought amendments to the original consents).

The current proposal seeks a new apartment building on land that is currently used for car parking. In accordance with the Malvern Town Neighbourhood plan, this car parking area is subject to this policy MT1: Town Centre and District Centres Car Parking, this states:

A. Applications for development on land used for car parking within and adjacent to Malvern Town Centre and Malvern Link and Barnards Green District Centres as identified on Figure 5.6 and at Appendix 5.8 will be supported providing proposals include provision for replacement parking on an equivalent basis (unless it can be demonstrated this is not necessary) in terms of quantity, quality and accessibility along with the required provision for the proposed development.

The area to the rear of the commercial units in this area is subject to protection. Whilst other buildings have been constructed in the area and are in residential use, the principle of these developments was established prior to adoption of the Malvern Town Neighbourhood Plan.

In view of this any new application which sees the loss of the existing parking area is likely to be resisted unless evidence is provided to satisfy MT1 part A as set out above.

Design and Impact

The application site is situated within the Worcester Road North character area of the Malvern Link Conservation Area. This is in proximity to buildings of good architectural and historical interest, including the grade II listed range of farm buildings to Townsend House and the Former Methodist Chapel, both of which are identified in the Malvern Link Conservation Area appraisal as making a special contribution to the Conservation Area.

Policy SWDP21 seeks to permit development where the layout, scale, massing, density, materials and design of the proposal respect the character and quality of the area. The issue of design is addressed in Section 12 of the NPPF (2018). In particular, the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

In view of the location of the building within a Conservation Area, the planning (Listed Buildings and Conservation Areas) Act 1990 - Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 sets out that special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Policy SWDP6 also states that development proposals will be supported where they sustain or enhance the significance of heritage assets. Further to this, SWDP24 states that harm to or loss of the significance of heritage assets will normally be resisted. The specific historic environment

policies within the NPPF are contained within Section 16, paragraphs 184-202. The NPPF states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. In particular, paragraph 199 sets out that when considering the impact of a proposed development on the significance of a designated heritage asset (and this includes Conservation Areas), great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

Further to this, MTNP Policy MD1: Building Design and Accessibility sets out (amongst other things) that development proposals should demonstrate that they achieve high quality inclusive design and are fully integrated into the existing area in terms of design and accessibility. Policy MD2: Landscaping and Public Realm of the Malvern Town Neighbourhood Plan sets out amongst other things that to be supported development proposals must be fully integrated into, and contribute to, their landscape character and public realm setting, advising that development should give regard to the towns aesthetic.

The site is located within the Malvern Link Character Area as set out in the MTNP, the character of the area is provided by a good mix of residential areas with high quality Victorian and Georgian properties, views to the hills, and local influence with the use of Malvern stone as a building material. The character management principles for this are advise that development should seek to conserve, and where possible enhance, the distinctive historic character and appearance of the area.

In view of the design of the proposed development, I have no concerns that the proposal would appear incongruous or harmful in the locality.

Residential Amenity

SWDP21 also requires that development has no significant adverse effect on the amenities of neighbouring properties. The impact of new development upon neighbouring amenity is set out in paragraphs 127 and 180 of the NPPF. This seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings. Policy SWDP31 sets out that development proposals must be designed to avoid any significant adverse impacts from pollution on amongst human health and wellbeing, and this includes impact from noise.

Further to this, Policy MD1: Building Design and Accessibility of the Malvern Town Neighbourhood Plan sets out amongst other things that development proposals should be of an appropriate scale and mass to their surroundings and make efficient use of land whilst ensuring that the amenity of the area and neighbouring residents is not unacceptably adversely impacted.

Policy MH2 of the Malvern Town Neighbourhood Plan (New Residential Development within the Development Boundary) requires that development does not have a harmful impact on the amenity of adjacent residents and occupiers. In addition the SWDP design SPD gives guidance in respect of garden spaces, separation distances and design to ensure development does not result in any adverse impacts to future and neighbouring occupants in terms of amenity, overshadowing, overbearance, reduced light levels and privacy.

Existing neighbouring occupants

It is noted that the existing building includes residential space at first floor level. Any planning application should include floor plans for that unit to allow proper consideration of the impact of the development on light levels, or possible potential for overbearance for any future occupant of that unit.

I do have concerns that the proposed new units to the rear of the existing restaurant building would not be served by adequate levels of natural light, and would not have an acceptable outlook from all habitable rooms. I would suggest that this issue is carefully considered prior to any formal

submission of a planning application. Details submitted do not clearly show the proposed layout of those units as such it is not possible for me to fully consider this issue at this time.

It is also likely that upon submission of a planning application a site visit will be made to allow the case officer to consider the potential impacts of the scheme on any existing residential accommodation.

Whilst it can sometimes be acceptable for these type of units to be provided with limited outside space, there should be space for the storage of bins, as such this should be clearly shown on any submitted plans.

Future occupiers

The supporting statement sets out that all of the proposed units will exceed the minimum floor areas as required by the nationally prescribed space standards. However, units should also have adequate levels of natural light and outlook.

In looking at the proposed new building, all habitable rooms appear to be served by windows and by virtue of the positioning of the new building, would not be subject to any harmful levels of overbearance or overshadowing.

In addition in order to prevent concerns in respect of the nearby uses, I would suggest details are submitted to advise what the adjacent buildings are used for, this will help the council to consider if any noise attenuation measures, such as soundproofing are required within the new units.

Highways safety and parking

SWDP21 states that vehicular traffic from development should be able to access the highway safely and the road network should have the capacity to accommodate the type and volume of traffic from the development. Further, Policy SWDP4 states that proposals must demonstrate road safety. Paragraph 108 of the NPPF sets out that in assessing applications for development safe and suitable access to the site can be achieved for all users.

Policy MD1: Building Design and Accessibility of the Malvern Town Neighbourhood Plan sets out amongst other things that development proposals should create a safe and accessible environment for all highway users.

Policy MT3: Electric Vehicle Charging Points (of The Malvern Town Neighbourhood Plan) advises that proposals for all new development, including change of use, must, subject to technical feasibility and viability considerations, provide an electric vehicle charging point either in an active or passive form, with each car parking space to be provided in line with the adopted parking standards as a result of the development. Furthermore, to be supported the location and design of the EVCP must not detract from the visual appearance and character of the building and its surroundings.

The submitted plans show that 8 No. parking spaces are provided (1 per flat) with full sized parking bays and suitable space for reversing and turning as well as secure, covered cycle storage is provided for 8 bicycles. I would also suggest that a parking space is provided for the existing flat, in accordance with the parking standards set out below:

- 1 Bedroom Unit - 1 Space, 1 cycle space
- 2 – 3 Bedroom Units – 2 Spaces, 2 cycle spaces
- 4 – 5 Bedroom Units – 3 Spaces, 2 cycle spaces

I strongly recommend that you seek pre-application advice from County Highways, you can do so by visiting their website at https://www.worcestershire.gov.uk/info/20806/highways_pre-application_advice

Please note there is a charge for this service, the cost for which County Highways will be able to advise you.

Compliance with policy MT3 is also expected and could be secured by a planning condition, if not shown on the submitted plans.

Drainage and Flood Risk

Policy SWDP29 together with the Framework, requires that should, wherever possible, incorporate sustainable drainage systems (Suds) to help to retain water at or near its source, helping to prevent flooding, recharging groundwater resources, treating water pollution and enhancing the environment. Further to this

A water management statement should be submitted with your application. I note that you have advised that the existing concrete surfacing will be replaced with a water-permeable hardstanding surface such as a pavior system or Grasscrete/cellular system and that roof surface water collected to water butts or underground tank below lawn for reuse.

I have consulted the S W Land Drainage officer in relation to your proposal and will forward comments as soon as they are received.

Biodiversity and Protected Species

The Council has a duty to consider the potential impacts of any development on protected species and wider biodiversity in accordance with Policy SWDP22, the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc.) Regulation 1994, the Badgers Act 1992 as well as the Framework which set out measures for protecting and enhancing the natural environment.

A preliminary ecological appraisal should be submitted with your proposal and if this identifies the need for any additional surveys these should also be provided.

A biodiversity net gain assessment would be required to demonstrate a net gain can be achieved overall, with a preferable minimum gain of 10% in order to give it more weight as a benefit as part of the assessment of any formal application for planning permission.

Energy and Utilities.

Policy 27: Renewable and Low Carbon Energy states that *'all new developments [consisting of] one or more dwellings should incorporate the generation of energy from renewable or low carbon sources equivalent to at least 10% of predicted energy requirements, unless it has been demonstrated that this would make the development unviable'*.

Whilst you have set out that PV panels would be used, however it is recommended that an energy statement with calculations of predicted energy requirements is submitted with your proposals to detail how the proposal will meet the requirements of policy SWDP27.

Policy SWDP30 advises that all development proposals must demonstrate that there are or will be adequate water supply and water treatment facilities in place to serve the whole development.

Policy SWDP30 requires, in relation to new residential development that it is demonstrated that occupiers will use no more than 110 litres non-recycled water per person per day. As no

information has been submitted in this respect, it is considered a condition can be included to require the details for approval.

Policy SWDP26 requires new development to be provided with superfast broadband connectivity or alternative solutions where appropriate. Whilst no information has been provided in respect of this matter, the property is located in a sustainable location, and it is not anticipated there would be any difficulty in connecting the new dwelling with superfast broadband, or a similar alternative.

Details should be submitted with your application to detail how the proposal will comply with SWDP30 and SWDP26.

Conclusion

The principle of converting and extending the existing building to provide additional residential flats is considered acceptable, however I have concerns that the accommodation may not provide an acceptable standard of amenity. Further details are needed in relation to this issue to show that habitable rooms would have an acceptable level of natural light and outlook.

In terms of the proposed new building, evidence of how the proposal can comply with policy MT1: Town Centre and District Centres Car Parking is required, in particular, either replacement parking be provided (*unless it can be demonstrated this is not necessary*) in terms of quantity, quality and accessibility along with the required provision for the proposed development.

In view of this any new application which sees the loss of the existing parking area is likely to be resisted unless evidence is provided to satisfy MT1 part A as set out above.

Environmental Impact Assessment Regulations 2011

Screening of the development under the above Regulations is recommended/is not deemed necessary.

Validation requirements

The council needs you to provide several documents to be able to process your application. The documents you will need to submit with your application are as follows –

- Existing and Proposed Block Plan
- Proposed Site plan.
- Existing and Proposed Elevations and Floor Plans and roof plans
- Water Management Statement
- Energy statement
- Preliminary Ecological Appraisal
- Design and Access statement
- Planning Statement
- Preliminary Ecological appraisal

If you or your agent omits any of these documents, your application is likely to be delayed. It is worth noting that the required documentation listed above is not exhaustive and Planning Support may request additional information to support your application.

If you wish to seek pre-application advice from County Highways please visit their website at https://www.worcestershire.gov.uk/info/20806/highways_pre-application_advice

Please note there is a charge for this service, the cost for which County Highways will be able to advise you.

Planning Application Fee

Your planning application would require a fee payable to the council. Fees are set by the Government under the Fee Regulations 2012. Please see

https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf

I am aware that there are due to be changes to the fees coming December 2023.

Disclaimer

Our ability to provide a high quality service is very dependent on the quality of documents and depth of information submitted to us. We rely on applicants and agents to provide us with comprehensive documents, commensurate with the scale/complexity of the proposal to enable us to work with you.

The advice given by council officers in response to pre-application enquiries does not bind the council's decision-making or constitute a formal decision by the council as the local planning authority. However, we will give you the best advice possible based on the information that you provide, and with regard to relevant circumstances at the time. Any views or opinions expressed are given in good faith and to the best of our ability without prejudice to the formal consideration of any planning application following statutory public consultation.

The written advice provided will be considered by the council as a material consideration in the determination of a future related planning application, subject to the proviso that circumstances and information may change or come to light that may alter that position. In this regard the weight given to pre-application advice will decline over time.

Please be advised that delays between obtaining pre-application advice and the formal submission of a related planning application may lead to the pre-application advice becoming outdated, especially if new planning policies/guidance are adopted, new case laws are formed, or the surrounding context changes.

Confidentiality

The advice given will remain confidential until such time as a formal application is submitted pursuant to this advice where it will then become a public document.

Officer Contact: Clare Bull

Date: 23 November 2023