



Application for a new or amended right of way over land under the jurisdiction of the Malvern Hills Trust

Please note: Easement applications are considered at meetings of the Board's Land Management Committee. The Committee meets on the second Thursday in January, April, July and October. Applications must be received at least four weeks prior to the next meeting to be considered at that meeting.

Name of agent	Fisher German LLP
Address of applicant/ agent	Fisher German LLP, Global House, Hindlip Lane, Worcester, WR3 8SB
Telephone number	07788412186
Email address	Matthew.Barker@fishergerman.co.uk
Address of property to which the application relates (please also attach map showing location)	Land to the east of Mill Lane Malvern WR14 3QT Map reference – 4783_117 sheet 1 and sheet 2



Is the application for a new easement or a change of use of an existing easement?	<ol style="list-style-type: none">1. Change of use and enlargement of existing easement2. Change of use of existing to provide potential emergency access (to be used very infrequently) and a new pedestrian connection
Number of properties for which the easement is requested	Development of up to 180 dwellings
Proposed use of easement (residential, business or agricultural)	Residential
Description of easement being requested e.g. length, width, type of surfacing Please note MHT will not usually allow easements to be surfaced with tarmac and would normally limit the width of easements to 2.75 metres	<u>Main site access</u> Length – 22m Width – 9.5m (2m wide paving and 5.5m wide carriageway) Type of surface – tarmac to mirror road surface <u>Potential Emergency Access and internal path connection</u> Length – 39m Width – 3.7m Type of surface – compacted gravel
Has this route been used previously for vehicle access? If yes, please state the type and length of use	<p>As detailed above, this application relates to two easements, the first reflects an enlargement and change of use to an existing easement which currently serves Mill Lane providing access to a mixture of residential, commercial, and agricultural uses and their associated vehicular movements.</p> <p>The second easement currently provides access to an agricultural field. It is proposed that this use is</p>



	<p>changed to provide for emergency access and an additional pedestrian connection.</p> <p>Based on historic aerial photography both access points have been in place for 75+ years</p>
<p>Have you contacted any of the neighbouring property owners regarding your plans? If yes please state which properties</p>	<p>Neighbouring property owners have not been contacted directly regarding the proposals. However, the South Worcestershire Development Plan (SWDP) Review identifies the site as a preferred option for development, within the SWDP Review Preferred Options Consultation (concluded 16th December 2019). The document was made publicly available on the SWDP webpage; in addition, a public exhibition event for the Plan was held at The Lyttleton Rooms, Malvern on the 20th November 2019 (2-8pm)</p>



If the easement relates to a new development or a change of use, please give as much detail as possible regarding the new development/new use in the box below (continue on separate sheet if necessary).

The change of use of easements requested are to support the emerging residential allocation of land to the south of Guarlford Road as part of the SWDP review.

The present SWDP was adopted in February 2016 and the South Worcestershire Councils (SWC's) are required, by regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) to complete a review of the plan every five years.

The SWDP Review will cover the period to 2041 and will allocate further land for houses, jobs, and retail. It will also set out planning policies for making decisions on new development proposals up to the year 2041.

The settlement of Malvern is a significant and very sustainable town within the South Worcestershire and rightly the correct location for considered levels of growth in both housing and employment land. The emerging spatial strategy for South Worcestershire recognises this fact within emerging SWDPR Policy 2.

Whilst the SWDP review also outlines proposals for 2 new settlements and a substantial expansion of the settlement of Rushwick to support the growth of South Worcestershire, the need for other, existing settlements, to support additional growth for the extended plan period up to 2041 is clear within SWDPR Policy 2, with Malvern defined as an 'urban area 2' where small urban extensions would be appropriate.

The land to the South of Guarlford Road has been identified as a proposed allocation of up to 180 dwellings within the emerging South Worcestershire Development Plan Review and this is supported by the comments of the Malvern Hills AONB Environs Landscape and Visual Sensitivity Study (2019) which state that ...'*Housing should be located only to the north or in the field south west of the sewage works. To the north it must be separated and screened from the Common and associated houses to the north, with extensive open space and trees to complement the Common's character. Field boundaries to the east should be reinforced with tree belts to form a screen to the east and link into the sewage works woodland. The field boundaries to the south west field should also be strengthened. The existing trees and ponds within the area should be retained to help form part of the GI'*...

The proposed allocation is therefore supported by the Council's own evidence base and additional site-specific evidence has also been prepared to support this phase 1 easement application.



This easement application pack comprises of:

- Indicative Masterplan
- Ecological Impact Assessment inclusive of –
 - Botanical Survey Report
 - Bat Survey Report
 - Preliminary Roost Assessment – Trees
 - Badger Survey Report
 - Badger Survey Plan
 - Great Crested Newt Survey Report
- Biodiversity Net Gain Assessment and metric calculator
- Landscape and Visual Impact Assessment
- Access Appraisal
- Arboricultural Impact Assessment
- Arboricultural Survey Report
- Illustrative access drawings sheet 1 and 2

The documents listed above have been produced to assist in the assessment of the phase 1 process.

An indicative masterplan is also provided with this submission to indicate the possible development that may flow from the grant of easement. The opportunities of this development are seen to be –

- The existing hedgerows, trees and ponds around and within the Site should be retained where possible, to create an attractive development as well as to continue serving as valuable ecological features and routes.
- Green corridors should be incorporated throughout the development to link the various areas of open space, including the trees and ponds within the Site.
- There is the opportunity for a second access off Guarlford Road, which will serve only emergency vehicles, pedestrians, and cyclists.
- The Site is bound by public footpaths to the east and west, and the layout should seek to create pedestrian links between the development and the adjoining footpath network, to encourage walking to local destinations, and also recreational walking within the adjoining countryside.
- The southern part of the Site, which cannot be developed for housing, should serve as a large new area of green infrastructure, to provide new wildlife habitat, as well as recreational opportunities for new and existing residents. A children's play area will further enhance the recreational opportunities within the development.



- The retention of the hedgerows, trees and ponds, offer the opportunity to create green pockets and links within the new development. These green areas should be linked by green corridors within the development, to serve as movement routes for wildlife. Recreational footways should also be provided here, to allow easy movement through the development for pedestrians.
- The new homes should face onto the green pockets and corridors, to create an attractive outlook to the development, which celebrates its specific character and features.
- The proposed attenuation basin (as part of the SuDS) should be designed and planted to create an attractive landscape feature, enhance biodiversity and habitat on the Site, and also condition the surface water run-off before discharging it off-site.

Regarding biodiversity, the Biodiversity Net Gain Assessment, compiled on the basis of the indicative development plan, establishes a 44.1% net gain in habitat units between the existing and proposed site. The proposed site would therefore significantly exceed emerging 10% targets for biodiversity net gain.

Based on the above, the indicative masterplan establishes the vision for the development based on –

- Providing up to 180 new dwellings, offering a range of dwelling types, sizes and tenures.
- Vehicular access off Guarlford Road along the northern extension of Mill Lane, and a further emergency vehicle, pedestrian access within the north east of the Site, also off Guarlford Road.
- Provision of 9.21 hectares of publicly accessible green infrastructure, to promote active lifestyle and a sense of wellbeing through the provision of new public open space and recreational routes.
- Creation of a high quality, sustainable new neighbourhood that integrates successfully within the existing settlement fabric of Malvern and the wider countryside.
- The provision of a new children's play area and recreational walking routes, to promote an active and integrated community.
- Creation of a place that is accessible to everyone, which makes everyone feel comfortable, safe and secure, and a place where people want to live.

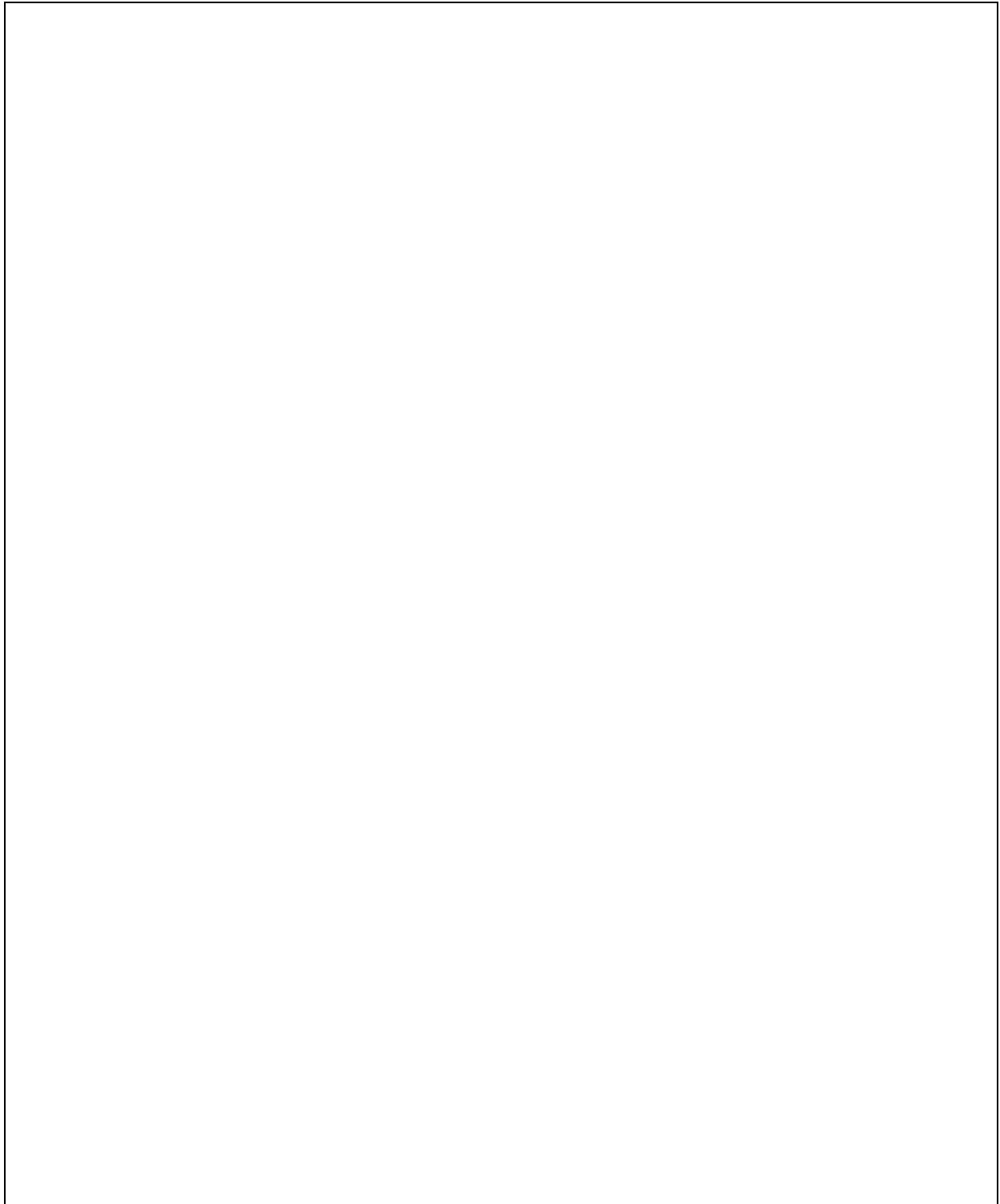


- Create an area of Malvern which reflects the local vernacular and local built heritage, to build a sense of place and identity.
- Create an appropriate transition to the adjoining countryside, and attractive edge to the settlement.

I trust the above provides clarity regarding the development aspirations for the site as well as an overview as to how we have arrived at our conclusions on the form and scale of the development.



Malvern Hills Trust




www.malvernhills.org.uk / 01684 892002
Malvern Hills Trust, Manor House, Grange Road, Malvern, Worcestershire WR14 3EY

Malvern Hills Trust is the working name of Malvern Hills Conservators. Registered charity no.515804. Vat No. GB 275 8803 21



Please tick to confirm that you have enclosed the following:

CHEQUE FOR THE APPLICATION FEE (PLUS VAT AT 20%) See Appendix 1 for table of fees	Paid via bank transfer
Map showing location of property to which the easement relates	N/A
Map showing route of proposed easement	Included
Photographs showing the location of the proposed easement	Included
If the easement relates to a new development, any plans/drawings of the development	Included

Signature of applicant	
Date	



	26.11.2020
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Appendix 1 Easement application fees

N.B. The application fee is required to cover the costs incurred by MHT in processing the application. If an easement is granted, applicants will also be required to pay (a) the legal and professional fees incurred in drawing up the Deed of Grant and any fee required for the grant of the easement.

The figures given below are the minimum fee. If legal or other professional advice is required in order to properly consider the application, the cost of this advice must be met by the applicant. Applications will not be considered by MHT until the application fee and any other costs have been paid by the applicant.

If you are uncertain which fee category your application falls into please contact us on 01684 892002.

Type of overground easement requested	Minimum application fee
Amendment to route of existing easement	£100 (plus VAT & legal/other costs)
Confirmatory grant of prescriptive easement	£75 (plus VAT & legal/other costs)
New agricultural easement	£100 (plus VAT & legal/other costs)
New easement for single dwelling	£200 (plus VAT & legal/other costs)
Change of use of existing easement	£200 (plus VAT & legal/other costs)
New easement for small commercial development	£200 (plus VAT & legal/other costs)
New easement for >1 and <10 dwellings	£400 (plus VAT & legal/other costs)
New easement for >10 dwellings	£750 (plus VAT & legal/other costs)
New easement for >50 dwellings	£1,000 (plus VAT & legal/other costs)
New easement for large commercial development	£1,000 (plus VAT & legal/other costs)

Data Protection

The personal information provided on this form will be securely held and is subject to the provisions of the General Data Protection Regulations. The information is confidential and will only be used in connection with this application. This will include sharing the information with MHT's legal advisors. For further information on Malvern Hills Trust's privacy policy please see the website www.malvern hills.org.uk