### Part B – Please use a separate sheet for each representation

<table>
<thead>
<tr>
<th>Name or Organisation</th>
<th>Malvern Hills Science Park Ltd</th>
</tr>
</thead>
</table>

3. To which part of the SWDP does this representation relate?  
- Paragraph  
- Policy  
- SWDP3  
- Proposals Map  

*If your comment does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.*

4. Do you consider the SWDP is legally compliant?  
- YES ✓  
- NO |  

Please give details of why you consider the SWDP is not legally compliant. Please be as precise as possible.  
N/A  

5. Please set out what change/s you consider necessary to make the SWDP legally compliant, having regard to the issue/s you have identified above. You will need to say why this change will make the SWDP legally compliant. It will be helpful if you are able to put forward your suggested revised working of any policy or text. Please be as precise as possible.  
N/A  

6. Do you consider the SWDP to be sound?  
- YES |  
- NO ✓  

If you consider the DPD is unsound is this because it is **not:**  
1. Justified ✓  
2. Effective ✓  
3. Consistent with national policy ✓  
4. Positively prepared ✓
7. Please give details of why you consider the DPD is unsound. Please be as precise as possible. If you wish to support the soundness of the DPD, please also use this box to set out your comments.

Sub-sections C and G of policy SWDP3 are considered to be unsound because they do not reflect the availability of land at the Malvern Hills Science Park (MHSP) for further phases of high-tech/R&D employment development.

As requested in MHSP Ltd’s representations to Policy SWDP52, the SWDP could be rendered sound by allocating land at MHSP, as well as the adjoining Dytecna site for further phases of high-tech/R&D development, and this allocation should be reflected in Policy SWDP3. In summary, policy SWDP3 is considered to be unsound because:

- It is not positively prepared as it does not meet objectively assessed employment requirements relating to the South Worcs High Quality Business Corridor, and does not provide sufficient certainty/confidence to MHSP Ltd that further phases will be supported by Malvern Hills District Council – this is important in making decisions on expansion, particularly in relation to funding.
- It is not justified because a more reasonable alternative would be to allocate MHSP (and the adjoining Dytecna site) for further phases of employment development.
- It is not consistent with national policy in the NPPF as it fails to ensure that sufficient land of the right type is available to support the growth of MHSP (para. 7) and fails to proactively drive and support economic development and respond positively to wider opportunities for growth (para. 17). Of particular relevance is NPPF para. 21 which states that LPAs should “plan positively for the expansion of clusters or networks of knowledge-driven, creative or high-tech industries”.

8. Please set out what change/s you consider necessary to make the DPD sound, having regard to the test you have identified at 6 above, where this relates to soundness. You will need to say why this change will make the DPD sound. It will be helpful if you are able to put forward your suggested revised working of any policy or text. Please be as precise as possible.

It is requested that Policy SWDP3 be revised as follows:

- In Table 4a (under Sub-section C) the “area subtotal” for “Malvern Hills (excluding WWA)” should be increased to 40.5ha to include the land available at MHSP for further phases of employment development.
- In Table 4e (under Sub-section G) the employment figure for “Urban Capacity Allocations” in Malvern Hills District should be increased to 9.5ha. The District and South Worcestershire totals should be increased accordingly to include the land available at MHSP for further phases of employment development.

The above amendments would render Policy SWDP3 sound as it would then be positively prepared (to help deliver sustainable economic growth at an important high-technology cluster), justified (having regard to the land available at MHSP/Dytecna for further phases of development) and consistent with national policy in the NPPF (which strongly promotes sustainable economic growth and, in particular, the expansion of high-tech clusters).

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support / justify the representation on legal compliance and / or soundness and the suggested change(s) necessary to make the plan sound, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.
After this stage, further submissions will only be made at the request of the Inspector, based on the matters and issues he / she identifies for examination.

9. If your representation is seeking change, do you consider it necessary to participate at the oral part of the examination?

[ ] NO I do not wish to participate at the oral examination  [✓] YES I wish to participate at the oral examination

10. If you wish to participate at the examination, please outline why you consider this to be necessary

MHSP is a site of strategic economic importance in South Worcestershire and attendance at the Examination is necessary to present the full case for the requested allocation and policy amendments.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in the oral part of the examination

Signature  [ ]  Date  22/02/13

Information withheld under Data Protection Act 1998
### Part B – Please use a separate sheet for each representation

**Name or Organisation**  
Malvern Hills Science Park Ltd

3. To which part of the SWDP does this representation relate?

<table>
<thead>
<tr>
<th>Paragraph</th>
<th>Policy</th>
<th>SWDP7</th>
<th>Proposals Map</th>
</tr>
</thead>
</table>

*If your comment does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.*

4. Do you consider the SWDP is legally compliant?

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

Please give details of why you consider the SWDP is not legally compliant. Please be as precise as possible.

N/A

5. Please set out what change/s you consider necessary to make the SWDP legally compliant, having regard to the issue/s you have identified above. You will need to say why this change will make the SWDP legally compliant. It will be helpful if you are able to put forward your suggested revised working of any policy or text. Please be as precise as possible.

N/A

6. Do you consider the SWDP to be sound?

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

If you consider the DPD is unsound is this because it is **not**:

1. Justified
2. Effective
3. Consistent with national policy
4. Positively prepared
7. Please give details of why you consider the DPD is unsound. Please be as precise as possible. If you wish to support the soundness of the DPD, please also use this box to set out your comments.

Policy SWDP7 is considered to be unsound because Sub-section C fails to acknowledge that economic viability is an important material consideration in assessing the need for developer obligations/contributions relating to infrastructure provision.

Paras. 173-177 of the NPPF concern “Ensuring viability and deliverability” and para. 173 states that “plans should be deliverable” and that development should not be subject to policy burdens that threaten viability. Policy SWDP7, as worded, stipulates that development will be required to provide/contribute towards infrastructure, as well as community benefits, but does not acknowledge that such requirements need to be balanced against viability considerations. Without this, there is no flexibility in the policy and there is a risk that developments will be unreasonably refused planning permission. This is particularly relevant to science park developments, such as future phases of MHSP, where scheme viability can often be marginal.

Having regard to the above, Policy SWDP7 is considered to be unsound because:

- It is not consistent with national policy in the NPPF (para. 173); and
- It is unlikely to be effective as it risks the delivery of developments which have marginal viability over the plan period. It is therefore insufficiently flexible to deal with changing circumstances.

8. Please set out what change/s you consider necessary to make the DPD sound, having regard to the test you have identified at 6 above, where this relates to soundness. You will need to say why this change will make the DPD sound. It will be helpful if you are able to put forward your suggested revised working of any policy or text. Please be as precise as possible.

It is requested that Sub-section C of Policy SWDP7 be reworded as follows:

“Development will be required to provided, or contribute towards, the provision of infrastructure needed to support it and related community benefits, subject to ensuring that the development remains viable and deliverable”.

The above amendment would render Policy SWDP7 sound as it would be consistent with national policy in the NPPF and it would be effective as it would be sufficiently flexible to deal with every proposal on its merits.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support / justify the representation on legal compliance and / or soundness and the suggested change(s) necessary to make the plan sound, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will only be made at the request of the Inspector, based on the matters and issues he / she identifies for examination.

9. If your representation is seeking change, do you consider it necessary to participate at the oral part of the examination?

☐ NO I do not wish to participate at the oral examination  ☐ YES I wish to participate at the oral examination
10. If you wish to participate at the examination, please outline why you consider this to be necessary

N/A

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in the oral part of the examination

Signature

[Information withheld under Data Protection Act 1998]

Date 22/02/13
Name or Organisation: Malvern Hills Science Park Ltd

3. To which part of the SWDP does this representation relate?
   Paragraph   Policy   SWDP8   Proposals Map

*If your comment does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.*

4. Do you consider the SWDP is legally compliant?
   YES  NO

*Please give details of why you consider the SWDP is not legally compliant. Please be as precise as possible.*

N/A

5. Please set out what change/s you consider necessary to make the SWDP legally compliant, having regard to the issue/s you have identified above. You will need to say why this change will make the SWDP legally compliant. It will be helpful if you are able to put forward your suggested revised working of any policy or text. Please be as precise as possible.

N/A

6. Do you consider the SWDP to be sound?
   YES  NO

*If you consider the DPD is unsound is this because it is not:*
   1. Justified   ☑️
   2. Effective   ☑️
   3. Consistent with national policy
   4. Positively prepared   ☑️
7. Please give details of why you consider the DPD is unsound. Please be as precise as possible. If you wish to support the soundness of the DPD, please also use this box to set out your comments.

The reference in Sub-section C of Policy SWDP8 to land release at MHSP being restricted to B1(b) is considered to be unsound for the following reasons:

1. It does not reflect the site’s planning history and existing lawful use; the planning permissions for Phases 1, 2 and 3 all include conditions which restrict the Use Class to B1, as opposed to specifically B1(b) (planning permissions attached). These phases are now fully completed and occupied and MHSP continues to operate as a successful science park so it is unclear why it is necessary to include a more restrictive B1(b) allocation.

2. A B1(b) allocation has the potential to be overly restrictive in attracting high-tech/R&D businesses to MHSP. Whilst the primary use of science parks must be B1(b), many high-tech/R&D businesses may actually require offices (B1(a)) and light industrial premises (B1(c)). A prime example is the current outline planning application for Phase 4 which will comprise an office and laboratory building (ref. 13/00124/OUT). This has been applied for as a B1 building as the final mix of floorspace is to be determined and it reflects the specific requirements of existing occupiers who require expansion space in the form of offices and laboratories. The view is taken that a B1(b) restriction may therefore stymie the expansion and growth of MHSP, which is an important aspect of the Worcestershire Economic Strategy in relation to the aim of “technology-led growth”.

3. MHSP Ltd is in public ownership (Worcestershire County Council, Malvern Hills District Council and Worcestershire Chambers of Commerce) and is managed as a science park. As such, all businesses attracted to the site are vetted to ensure they qualify as high-tech/R&D companies before they are granted leases. This management therefore ensures that the science park remains primarily B1(b) (but with wider office and light industrial premises on offer) and it should not, therefore, be necessary for the planning system to be overly restrictive in controlling its use; a B1 use restriction will be totally sufficient in this case.

Having regard to all of the above, the B1(b) restriction is considered to be unsound because:

- It is not justified as the existing buildings at MHSP have an open B1 Use Class and the restriction would not be the most appropriate strategy in terms of facilitating the growth and expansion of the high-tech/R&D cluster; indeed, it is more likely to have the reverse effect as businesses may not be attracted to the site and existing firms may not be able to expand.
- It will not be effective as it may actually risk the sustainable growth and expansion of MHSP and will not be sufficiently flexible.
- It is not positively prepared in meeting MHSP’s growth aspirations, which are a fundamental part of the Worcestershire Economic Strategy.
8. Please set out what change/s you consider necessary to make the DPD sound, having regard to the test you have identified at 6 above, where this relates to soundness. You will need to say why this change will make the DPD sound. It will be helpful if you are able to put forward your suggested revised working of any policy or text. Please be as precise as possible.

It is requested that Sub-section C of policy SWDP8 be revised as follows:

“To support the aims of the Worcestershire Economic Strategy, land at the Malvern Hills Science Park and Malvern Technology Centre (QinetiQ), as shown on the Proposals Map, will only be released for primarily high-tech/research and development uses. It is recognised that offices and light industrial development will be required by high-tech/R&D companies and such uses will also be supported where they can be shown to be ancillary to the site’s primary R&D use. This is to ensure the provision …”

The above amendments would render Policy SWDP3 sound as it would more closely reflect the lawful use of MHSP and will facilitate its sustainable growth (justified), would be flexible (effective) and positively prepared in terms of delivering sustainable growth.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support / justify the representation on legal compliance and / or soundness and the suggested change(s) necessary to make the plan sound, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will only be made at the request of the Inspector, based on the matters and issues he / she identifies for examination.

9. If your representation is seeking change, do you consider it necessary to participate at the oral part of the examination?

☐ NO I do not wish to participate at the oral examination ☑ YES I wish to participate at the oral examination

10. If you wish to participate at the examination, please outline why you consider this to be necessary

MHSP is a site of strategic economic importance in South Worcestershire and attendance at the examination is necessary to present the full case for the requested allocation of MHSP and the requested policy amendments.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in the oral part of the examination.

Signature

Information withheld under Data Protection Act 1998

Date 22/02/13
MALVERN HILLS DISTRICT COUNCIL

PLANNING PERMISSION

Town and Country Planning Act, 1990

Name and Address of Applicant
Malvern Hills Science Park Ex.
Comm

Name and Address of Agent (if any)
Design Works Services Ltd
6 The Hughes
22 Swan Street
Warwick
CV34 4BJ

Part I - Particulars of Application

Date of Application: 11/12/97
Application No. MH 97/1591

Grid Ref: 78754522

Part demolition of existing building and development of new innovation centre with associated car parking. DBRA Site adj. to, Geraldine Road, Malvern.

Part II - Particulars of Decision

The Malvern Hills District Council hereby give notice 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 I hereof in accordance with the application and plans submitted subject to the following conditions:

1. The development must be begun not later than the expiration of five years beginning with the date of this permission.
2. The development hereby approved shall be carried out only in complete accordance with the submitted plans, as amended by plans received on 19 July and 10 September 1998 except where otherwise stipulated by conditions attached to this permission.
3. Samples and/or Trade descriptions of materials to be used externally on walls and roofs shall be submitted to and approved in writing by the Local Planning Authority before any work on the site commences.
4. The premises shall only be used for purposes within Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987.

Continued over....

Date: 15.10.98
Director of Planning Services

Brunel House, Portland Road, Malvern, Worcs, WR14 2TB (see Notes overleaf)

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, bylaw, order or regulation. In particular consent may be required under The Building Regulations - please tel: 01684 862165 to check.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order Revoking or re-enacting that Order with or without modification), no new windows or other openings shall be made in the external elevations of the building and no additions, extensions or external alterations shall be made without the prior written consent of the District Council as Local Planning Authority.

6. Details of a scheme for the diversion of the existing sewer within the application site or its accommodation within the building works, shall be submitted to and approved in writing by the Local Planning Authority.

7. No floodlighting shall be placed or erected on the exterior of the building, or within the application site, without the prior written consent of the Local Planning Authority.

8. Details of a scheme of exterior lighting for the building and its parking area shall be submitted to and approved in writing by the Local Planning Authority before the building is first used.

9. Before any work on the site commences a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out concurrently with the development and completed within one year of substantial completion of the development. Any trees or shrubs dying or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted. The landscaping planting required to be carried out shall thereafter be retained and maintained in accordance with the approved scheme.

10. The landscaping scheme shall make provision of tree planting around the northern and eastern boundaries of the site.

11. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

12. The car parking areas shown on the approved plan shall be implemented prior to the building first being used for business purposes or in accordance with an alternative scheme agreed as part of further phases of the development.

13. Details of facilities for cycle parking shall be submitted to and agreed by the Local Planning Authority prior to the commencement of development. The agreed scheme shall be implemented prior to the first occupation of the building and shall be retained thereafter.

14. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the amended deposited plans received Drawing No. 1352.10C, received 10 September 1998 have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and these areas shall thereafter be retained and kept available for those uses at all times.

15. The development shall not begin until wheel cleaning apparatus has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and which shall be operated and maintained throughout the construction period of the development hereby approved.

Continued over...
The reasons for the conditions are:

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act, 1990.

2. To ensure adherence to the approved plans, in the interests of a satisfactory form of development.

3. To ensure that the new materials harmonise with the surroundings.

4. The Local Planning Authority wish to control the specific use of the land/premises, in the interest of local amenity.

5. In order to protect the amenity of adjacent buildings.

6. In order to avoid pollution of the land.

7 & 8. In order to minimise light pollution.

9. To ensure the environment of the development is improved and enhanced.

10. In the interests of the amenity of the area.

11. To enable expert investigation of this site of archaeological interest during the excavation of the site.

12. In order to ensure adequate parking for the development.

13. In order to secure proper facilities for alternative means of travel to the site.

14. In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

15. To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

NOTE:

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the site or any works pertaining thereto.
Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant

Malvern Hills Science Park Ltd

Name and Address of Agent (if any)

Rubicon Design Ltd
70 William Tarver Close
Warwick
CV34 4UF

Part I - Particulars of Application

Date of Application: 26th September 2000
Application No: 00/01077/FUL

Grid Ref: Easting: 378734 Northing: 245211

PROPOSAL: Three storey B1 office building as phase 2 innovation centre

LOCATION: Malvern Hills Science Park Geraldine Road Malvern

Part II - Particulars of Decision

The Malvern Hills District Council hereby give notice 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 I hereof in accordance with the application and plans submitted subject to the following conditions:

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

   Reason: Required to be imposed pursuant to Section 91 (1) of the Town and Country Planning Act 1990.

2. Samples and/or Trade descriptions of materials to be used externally on walls and roofs shall be submitted to and approved in writing by the Local Planning Authority before any works on the site commences.

   Reason: To ensure that the new materials harmonise with the surroundings.

3. The development hereby approved shall be carried out only in complete accordance with the submitted plans, as amended by plans received on 23.11.00 except where otherwise stipulated by conditions attached to this permission.
Reason: To ensure adherence to the approved plans, in the interests of a satisfactory form of development.

Before any work on the site commences a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out concurrently with the development and completed within one year of substantial completion of the development. Any trees or shrubs dying or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted. The landscaping/planting required to be carried out shall thereafter be retained and maintained in accordance with the approved scheme.

Reason: To ensure the environment of the development is improved and enhanced.

No building shall be erected within 5 metres of the public foul sewer which crosses the site.

Reason: In order to protect the public foul sewerage system.

Prior to the commencement of development approved by this permission, full details of all foul and surface water drainage systems shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first use of the buildings hereby permitted and shall be retained thereafter.

Reason: To allow proper consideration of the proposed foul and surface water drainage systems.

The premises shall be used for Class B1 as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any other provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order with or without modification.

Reason: This use only is permitted and other uses within that Use Class may not be acceptable to the Local Planning Authority in this location.

Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority before the building(s) is occupied. Development shall be carried out in accordance with the approved details. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) there shall be no other external illumination of the development.

Reason: To safeguard local amenities.

The car parking areas shown on the approved plan shall be implemented prior to the building first being used for business purposes or in accordance with an alternative scheme agreed as part of further phases of the development.

Reason: In order to ensure adequate parking for the development.

Date: 19th December 2000

Corporate Director (Planning Services)

Brunel House Portland Road Malvern Worcs WR14 2TB (See Notes Attached)
Malvern Hills District Council

Name and Address of Applicant
Malvern Hills Science Park Limited

Name and Address of Agent (if any)
Rubicon Design Limited
70 William Tatner Close
Warwick
CV34 4UF

Part I - Particulars of Application

Date of Application: 31st July 2003
Application No: 03/01235/FUL

Grid Ref: Easting: 378734  Northing: 245211

PROPOSAL: Erection of 2/3 storey building for office/laboratory use (Phase III)

LOCATION: Information withheld under Data Protection Act 1998

Summary of Reasons for Approval

This decision to grant planning permission takes into account the provisions of the Worcestershire County Structure Plan, The Malvern Hills District Local Plan and, where applicable, the Leominster District Local Plan (Tenbury Wells Area), in particular, the key policies set out below, and all other material considerations. It was considered that, on balance, the development was generally in accordance with the Development Plan and was not outweighed by any other material consideration.

Employment Policy 2 which presumes against redevelopment or change of use of existing industrial or commercial uses to non-industrial/commercial uses.

Employment Policy 12 regarding B1 office development.

D26 Office Development (Class A2 and Class B1)

D19 Employment Land Requirements

SD2 Care for the Environment

SD3 Use of Previously Developed Land

SD4 Minimising the Need to Travel

SD6 Location of Development in Urban Areas

SD7 A Sequential Approach to the Location of Development
Transport Policy 3 regarding pedestrian and cyclist provision

Transport Policy 4 regarding traffic calming requirements.

Transport Policy 8 which requires car parking, manoeuvring and service area provision to meet standards.

Transport Policy 11 concerning the impact of highway modifications on existing features of the natural and built environment.

Strategic supply of employment land.

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**Part II - Particulars of Decision**

The Malvern Hills District Council hereby give notice 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 I hereof in accordance with the application and plans submitted subject to the following conditions (if imposed):

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

   Reason: Required to be imposed pursuant to Section 91 (1) of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out only in complete accordance with the submitted plans, except where otherwise stipulated by conditions attached to this permission.

   Reason: To ensure adherence to the approved plans, in the interests of a satisfactory form of development.

3. Samples and/or Trade descriptions of materials to be used externally on walls and roofs shall be submitted to and approved in writing by the Local Planning Authority before any works on the site commences.

   Reason: To ensure that the new materials harmonise with the surroundings

4. A specification for the treatment of all hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority and no building(s) shall be occupied before the hard surfaced areas have been constructed as approved.

   Reason: The treatment of the hard surfaced areas is an essential element in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters in accordance with Housing Policy 17 & Conservation Policy 2 of the MHDLP.

5. Before any work on the site commences a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out concurrently with the development and completed within one year of substantial completion of the development. Any trees or shrubs dying or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted. The landscaping/planting required to be carried out shall thereafter be retained and maintained in accordance with the approved scheme.
Reason: To ensure the environment of the development is improved and enhanced.

6 None of the existing trees and/or hedgerows on the site (other than those specifically shown to be removed on the approved drawings) shall be felled or otherwise removed or destroyed without the prior consent in writing of the Local Planning Authority.

Reason: To safeguard the amenity of the area.

7 No demolition, site clearance or building operations shall be commenced until a chestnut pale fence or other suitable alternative previously approved in writing by the Local Planning Authority not less than 2 metres in height shall have been erected around the trees to be retained, on a line concurrent with the perimeter of the crown on the trees (or in the case of fastigiate trees, in a position agreed in writing by the Local Planning Authority).

Reason: To secure the well being of the trees to be retained in accordance.

8 The destruction by burning of any materials shall not take place within 10 metres of the furthest extent of the canopy of the trees to be retained on the land or on land adjoining.

Reason: To prevent unnecessary damage to trees.

9 No materials of whatsoever nature shall be stored, or temporary buildings for use in connection with the construction of the development shall be erected beneath the canopy of any tree which is to be retained.

Reason: To prevent unnecessary damage to trees.

10 There shall be no alteration of the ground level beneath the canopy of any tree to be retained.

Reason: To prevent unnecessary damage to trees.

11 Prior to the commencement of development approved by this permission, full details of all foul and surface water drainage systems shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first use of the buildings hereby permitted and shall be retained thereafter.

Reason: To allow proper consideration of the proposed foul and surface water drainage system.

12 There shall be no open air operation of plant, machinery or equipment outside of the building other than during the construction of the development).

Reason: To safeguard the amenity of the area in accordance with Employment Policies 3 & 4 of the Malvern Hills District Local Plan of the Leominster District Local Plan.

13 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the surface areas to be drained.

Reason: To prevent pollution of the water environment.

14 The premises shall be used for Business purposes only within Class B1 of the Town and Country Planning Use Classes Order 1987.

Reason: To ensure that the use hereby permitted is not harmful to the character of the surrounding residential area.
The development hereby permitted shall not be brought into use until the access, turning areas, and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

Prior to the building hereby approved being occupied, details of cycle parking facilities shall be submitted to and approved by the local planning authority. The agreed facilities shall be retained thereafter.

Reason: In the interests of sustainability.

Prior to the development hereby approved being occupied, a travel plan shall be submitted delivering sustainable transport objectives including measures to reduce car usage, measures to increase the use of public transport, walking and cycling for employees and visitors to the premises, along with the provision and promotion of transport links within Malvern.

Reason: To ensure that the development accords with the sustainability objectives of the Development Plan, particularly Policy T1, RST14 and SD4 of the Worcestershire County Structure Plan and the guidance contained within PPG 13 "Transport".

Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority before the building hereby approved is occupied. The development shall be carried out in accordance with the approved details and no other external lighting shall be erected within the site.

Reason: To safeguard local amenities.

Details of the specification of the heating and ventilation system, including noise predictions, shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The agreed scheme together with any noise control measures, shall be implemented prior to the occupation of the building and retained thereafter.

Reason: On order to avoid a noise disturbance to the occupiers of nearby residential properties.

No construction work (including demolition or site clearance works or the delivery of materials) shall take place within the application site, other than between the hours of 7am to 7pm Mondays to Fridays, and 7am to 1pm on Saturdays, with no such working on Sundays or Public Holidays.

Reason: In order to protect the residential amenity of nearby residential properties and in accordance with Employment Policy 12 of the Malvern Hills District Local Plan.

INFORMATIVES

The Applicant's attention is drawn to the requirement that, in all cases where an Agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be designed by the developer of the site in accordance with the design brief issued by the Highway Authority and their design shall include any necessary amendments to the existing system.

The attention of the applicant is drawn to the need to keep the highway free from any mud or other deleterious material emanating from the site or any works pertaining thereto.

The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary
There is increasing concern over the problem of 'sky-glow' caused by artificial lighting on towns and cities. Astronomical observations have been severely affected in recent years and there is a growing lobby to curtail lighting which emits light above the horizontal. Highway Authorities pay due regard to this problem when specifying new highway lighting and recommend that all proposals for exterior lighting should also comply with this requirement.

**THIS PLANNING PERMISSION DOES NOT AUTHORISE THE APPLICANT TO CARRY OUT WORKS WITHIN THE PUBLICLY MAINTAINED HIGHWAY** and the County Council's Highways Partnership Manager: Mr M J Davis, Hatherton Lodge, Avenue Road, Malvern, WR14 3AG (Telephone 01684 892722), shall be given at least 28 days notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.

Date: 4th May 2005

Development Control Manager (Planning Services)

The Council House Avenue Road Malvern Worcs WR14 3AF  (See Notes Attached)

**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 consent may be required under The Building Regulations - please Tel: 01684 862165 to check.
Please return by **5.00pm** on the **22nd February 2013** to:
South Worcestershire Development Plan Team,
Orchard House,
Farrier Street,
Worcester
WR1 3BB
or
contact@swdevelopmentplan.org

Please complete a separate form for each representation you wish to make

This form has two parts:

**Part A:** Personal Details

**Part B:** Your representations.

- Please complete Part B of this form for each representation you wish to make. You do not need to complete Part A more than once, but please ensure you state your name or organisation as applicable at the top of each Part B form you submit.
- Please refer to the attached guidance notes on making representations so that they address issues of legal compliance and/or soundness.

Please note that when representations are submitted only Part B of the form will be published. Contact details on Part A will not be published
# PART A

## How we will use your details

The personal information you provide on this form will be processed in accordance with the requirements of the Data Protection Act 1998. It will be used only for the preparation of local development documents or any subsequent statutory replacement. However, your name and representations will be made publicly available when displaying and reporting the outcome of the consultation stage, and cannot be treated as confidential. Other details including your address and signature will be treated as confidential.

In agreeing to the holding of your information you are giving permission for your details, held on the database, to be shared between the three local authorities. If you have any concerns or queries relating to this process, please contact 01905 722233.

I agree that the contact details and any related responses can be held by the planning service departments of the three South Worcestershire local authorities. I understand that they will only be used in relation to the plan making process as required by the Planning and Compulsory Purchase Act 2004 and other planning-related legislation.

<table>
<thead>
<tr>
<th><strong>1. Personal Details</strong>*</th>
<th><strong>2. Agent’s Details (if applicable)</strong></th>
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</thead>
<tbody>
<tr>
<td><em>If an agent is appointed please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.</em></td>
<td></td>
</tr>
<tr>
<td><strong>Title</strong></td>
<td>Mr</td>
</tr>
<tr>
<td><strong>First Name</strong></td>
<td>Alan</td>
</tr>
<tr>
<td><strong>Last Name</strong></td>
<td>White</td>
</tr>
<tr>
<td><strong>Job Title</strong> (if applicable)</td>
<td>Chief Executive</td>
</tr>
<tr>
<td><strong>Organisation</strong> (if applicable)</td>
<td>Malvern Hills Science Park Ltd</td>
</tr>
<tr>
<td><strong>Address Line 1</strong></td>
<td>c/o GVA</td>
</tr>
<tr>
<td><strong>Address Line 2</strong></td>
<td></td>
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<tr>
<td><strong>Address Line 3</strong></td>
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<td><strong>Address Line 4</strong></td>
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<td><strong>Telephone Number</strong></td>
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<td><strong>E-mail address</strong></td>
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</tbody>
</table>
Name or Organisation: Malvern Hills Science Park Ltd

3. To which part of the SWDP does this representation relate?
   Paragraph:  
   Policy:  
   SWDP52:  
   Proposals Map:  

   *If your comment does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.*

4. Do you consider the SWDP is legally compliant?
   YES:  
   NO:  

   Please give details of why you consider the SWDP is not legally compliant. Please be as precise as possible.
   N/A

5. Please set out what change/s you consider necessary to make the SWDP legally compliant, having regard to the issue/s you have identified above. You will need to say why this change will make the SWDP legally compliant. It will be helpful if you are able to put forward your suggested revised working of any policy or text. Please be as precise as possible.
   N/A

6. Do you consider the SWDP to be sound?
   YES:  
   NO:  

   If you consider the DPD is unsound is this because it is **not**:
   1. Justified:  
   2. Effective:  
   3. Consistent with national policy:  
   4. Positively prepared:  
   
   ✔️
MHSP Ltd wishes to object to Policy SWDP52 on the grounds that it does not explicitly allocate land at MHSP, and the adjoining Dytecna site, for further phases of employment development.

MHSP and its Future Expansion

MHSP Ltd is a partnership between Worcestershire County Council, Malvern Hills District Council and Herefordshire and Worcestershire Chamber of Commerce. The Company is responsible for managing MHSP – Worcestershire’s only science park – which opened in 1999. A site plan is attached.

MHSP provides modern and purpose-built accommodation for high-tech, research and development companies. To date, the 2ha science park has been developed in three phases with a range of accommodation being provided totalling 5,20 sq m. Phase 1 (“The Innovation Centre”) and 2 (“The Regional Technology Exchange”) provide space for "start-up/incubator" companies, with larger companies housed in Phase 3, which provides substantial “clean room” facilities.

MHSP, alongside the adjoining QinetiQ site, is an employment site of strategic significance being a key node within the South Worcs High Quality Business Corridor and lying in the Rural Regeneration Zone.

MHSP has proven to be highly successful and the Company is therefore pursuing a development strategy which seeks to expand the science park. In the short-term this proposes a final phase of development on the existing site to provide established companies with “grow-on” space. This will free-up floorspace within Phases 1-3 to attract additional start-up firms and ensure the continued success of MHSP and a significant contribution to the Malvern and Worcestershire economies. An outline planning application has been submitted for “Phase 4” (ref. 13/00124/OUT) which proposes an office and laboratory building of up to 2,700 sq m on the north-eastern quadrant which amounts to c.0.5ha. The Proposed Site Plan is attached.

In the medium to longer term, MHSP are hoping to expand onto adjoining land and this potentially includes the reuse and/or redevelopment of the adjoining Dytecna site (refer to attached plan) as well as the surplus land allocated at QinetiQ’s Malvern Technology Centre.

MHSP Ltd’s representations are submitted with the above development strategy in mind, to ensure that MHSP is able to expand with the full “in principle” support of SWDP policies.

The Need for an Explicit Allocation

Although MHSP is referred to in Policy SWDP52, it is not explicitly allocated for employment development (it is not shown on the Proposals Map) and MHSP consider that there is a compelling case for MHSP, and the adjoining Dytecna site, to be explicitly allocated in the SWDP (most logically under Policy SWDP52) for further phases of high-tech/R&D employment development. The reasons for this are as follows:

- It is important for MHSP Ltd to have “in principle” support in the SWDP, as the “primary material consideration”, for further phases of growth. This policy support will assist in making key investment and funding decisions.
The Employment Land Review (March 2006) recognised that MHSP and MTC are the only “genuine” high-tech sites in the sub-region and that businesses require modern and flexible space to expand (para. 5.30). The site proforma for MHSP also recognised that there is scope for “minor” intensification.

Both MHSP and Dytecna were allocated in the Malvern Hills Local Plan (“Site E3”) to provide 1.1ha of B1 employment development (Policies DS9 and DS10), to meet the development needs of the CTB in accordance with the WMRSS. The view is taken that a similar allocation should be carried forward into the SWDP given that land is available for a further phase of development at MHSP. We would suggest that the allocation should be for 0.5ha of B1 land having regard to the land available.

There are already numerous references in the SWDP to the importance of MHSP to the economy:

“…MHSP, the potential and continued success of which is important to Malvern’s future…” (para. 2, p.172)

“The continued success of MHSP in fostering and developing innovation…needs to be recognised and opportunities provided for those businesses to remain in the area and to grow and expand their premises…” (para. 6a, p.173)

In addition to the above, Policy SWDP8 actually (incorrectly) states that MHSP is “shown on the Proposals Map”.

Having regard to all of the above, it is considered that there is a compelling case to allocate land at MHSP and Dytecna for further phases of employment development.

As currently drafted, Policy SWDP52 is considered to be unsound because:

- It is not positively prepared in terms of meeting MHSP, and wider sub-regional, economic growth requirements
- It is not justified as there is a more reasonable alternative (allocating land at MHSP and Dytecna)
- It will not be effective in facilitating further phases of growth at MHSP
- It will not be consistent with national policy in the NPPF in terms of proactively driving and supporting sustainable economic developments (para. 17) and planning positively for the expansion of clusters of high-tech industries (para.21).

8. Please set out what change/s you consider necessary to make the DPD sound, having regard to the test you have identified at 6 above, where this relates to soundness. You will need to say why this change will make the DPD sound. It will be helpful if you are able to put forward your suggested revised working of any policy or text. Please be as precise as possible.

It is requested that Table 22 in Policy SWDP52 be amended as follows:

- The title of the table should be “Malvern Residential and Employment Sites”.
- The MHSP and Dytecna sites (identified on the attached plan) should be listed in the Table (with a site policy reference) as providing 0.5ha of land for B1 development (reflecting the land available within the MHSP site for the Phase 4 building).

As an alternative to the above, a specific policy could be provided for MHSP and Dytecna, along similar lines to SWDP53. These amendments would render Policy SWDP52 sound as it would then be positively prepared, justified, effective and consistent with national policy in the NPPF as it would facilitate further phases of growth at MHSP.
Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support / justify the representation on legal compliance and / or soundness and the suggested change(s) necessary to make the plan sound, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will only be made at the request of the Inspector, based on the matters and issues he / she identifies for examination.

9. If your representation is seeking change, do you consider it necessary to participate at the oral part of the examination?

☐ NO I do not wish to participate at the oral examination

☒ YES I wish to participate at the oral examination

10. If you wish to participate at the examination, please outline why you consider this to be necessary

MHSP is a site of strategic economic importance in South Worcestershire and attendance at the examination is necessary to present the full case for the requested allocation of MHSP and the requested policy amendments.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in the oral part of the examination.

Signature

Date 22/02/13

Information withheld under Data Protection Act 1998
Figure 1 Plan of Malvern Hills Science Park (Red) and "Dytecna" Site (Blue)