



**Town and Country Planning Act 1990**

**PLANNING PERMISSION**

**Name and Address of Applicant**

Mr S Lee  
Newlands  
Stourport Road  
Great Witley  
Worcester  
WR6 6JP

**Name and Address of Agent (if any)**

T J Preece & Associates  
4 Lion Street  
Kidderminster  
Worcestershire  
DY10 1PT

**Part I - Particulars of Application**

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Date of Application: 6th May 2008

Application No: 08/00677/FUL

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Grid Ref: Easting: 375329 Northing: 266143

PROPOSAL: Erection of 2 detached houses with garages.

LOCATION: Land Adj Newlands Stourport Road Great Witley

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**Summary of Reasons for Approval**

This decision to grant planning permission takes into account the provisions of the Development Plan comprising the Regional Spatial Strategy, the Worcestershire County Structure Plan and the Malvern Hills District Local Plan and, 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.

D9 Density of Housing Development

CTC1 Landscape Character

CTC5 Trees, Woodlands and Hedgerows

DS01 The Location of Development

DS02 Sustainable Development

DS03 General Development Requirements

DS12 Housing in Category 1-4 Settlements

QL01 Design of New Development

QL21 Landscaping

QL24 Landscape Character

## 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 the following condition(s) (if any):

- 1 The development to which this permission relates must be commenced not later than the expiration of three years from the date of this permission.

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

- 2 Prior to the commencement of development samples and trade descriptions of the external facing materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved detail.

Reason: To ensure that the new materials are in keeping with the surroundings in accordance with Policies DS3 and QL1 of the Malvern Hills District Local Plan.

- 3 Before any work on the site commences a scheme of landscaping (which shall include the planting of native species hedgerows and walnut tree standards) 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 in accordance with Policies DS3 and QL24 of the Malvern Hills District Local Plan and Policy CTC1 of the Worcestershire County Structure Plan.

- 4 Prior to the commencement of development details of the boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a plan at a minimum scale of 1:500 detailing the position of all proposed boundary treatment and annotated or accompanied by a schedule specifying the type, height, composition and appearance of boundary treatment throughout the site. The approved boundary treatment shall be erected before the development is first brought into use and thereafter retained in that form, notwithstanding the provisions of Schedule 1, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification)

Reason: In the interests of residential and visual amenity in accordance with Policies DS3, QL1 and QL5 of the Malvern Hills District Local Plan and Policy CTC1 of the Worcestershire County Structure Plan.

- 5 Prior to the commencement of development, details of sustainability measures (including energy, waste, recycling and water management) to be incorporated into the design of the unit hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and retained thereafter.

Reason: To ensure sustainability measures are taken into account in the development in accordance with Policies QL1 and DS3 of the Malvern Hills District Local Plan.

- 6 Prior to the first occupation of the dwellings to which this consent applies and at all times thereafter the windows marked "X" on the approved plans shall be glazed with obscure glass only. Details of the type of glass to be used shall be submitted to and approved in writing by the Local Planning Authority before it is fitted.

Reason: In order to protect residential amenity in accordance with Policy DS3 of the Malvern Hills District Local Plan.

- 7 Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy DS3 of the Malvern Hills District Local Plan.

- 8 Prior to the occupation of the development hereby approved the driveway and/or vehicular turning area shall be consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority at a gradient not steeper than 1 in 8.

Reason: In the interests of highway safety in accordance with Policy DS3 of the Malvern Hills District Local Plan.

- 9 Any new access gates and shall be made to open inwards only.

Reason: In the interests of highway safety in accordance with Policy DS3 of the Malvern Hills District Local Plan.

- 10 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 during the construction of the development hereby approved.

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of Highway Safety in accordance with Policy DS3 of the Malvern Hills District Local Plan.

- 11 Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and such provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interests of highway safety in accordance with Policy DS3 of the Malvern Hills District Local Plan.

- 12 Demolition/ground works/construction work shall not take place outside the following hours:

Monday to Friday 07.30-19.00 hrs

Saturdays 07.30-13.00hrs

Reason: There shall be no such work on Sundays or Public Holidays

Reason: To protect the residential amenities of the area in accordance with Policies DS3 and QL26 of the Malvern Hills District Local Plan.

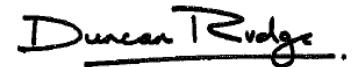
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting that Order with or without modification), no new windows or other openings shall be made in the external elevations of the building and no additions,

extensions or external alterations shall be made without planning permission being granted by the Local Planning Authority.

Reason: To ensure the character and appearance of the building is maintained to protect the amenities of the area in accordance with Policies DS3 and QL1 of the Malvern Hills District Local Plan.

- 14 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, such scheme shall incorporate sustainable urban drainage techniques. 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 in accordance with Policies DS3 and QL27 of the Malvern Hills District Local Plan and Policy CTC 8 of the Worcestershire County Structure Plan.



Date: 1st October 2008

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 862151 to check.

01905 25121 آپ انگریزی میں مدد چاہتے ہیں۔ نسلیاتی رسائی [Ethnic Access] سے رابطہ کریں فیلپونہ [Urdu]  
ইহাংকি ভাষার বিষয়ে সাহায্য চান – এথনিক অ্যাকসেস্ [Ethnic Access] এর সঙ্গে যোগাযোগ করুন, টেলিফোন: 01905 25121 [Bengali]  
'Necessita de ajuda com o seu Inglês? – contacte Ethnic Access Tel.: 01905 25121' [Portuguese]  
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**This document is also available in large print upon request**

**T J Preece & Associates  
4 Lion Street  
Kidderminster  
Worcestershire  
DY10 1PT**

**TOWN & COUNTRY PLANNING ACT 1990 (SECTION 78)**

**Right of Appeal against decision of the Local Planning Authority**

1. If the applicant is aggrieved by the decision(s) of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the First Secretary of State in accordance with Section 78 of the Town & Country Planning Act 1990 within six months of the date of this notice (appeals must be made on a form which is obtainable from the Planning Inspectorate, address shown below). The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

If you wish to appeal against this decision then you should write to:

**Planning Inspectorate Customer Support Unit Temple Quay House 2 The Square Temple Quay  
BRISTOL BS1 6PN**

You should ask for a set of appeal forms and when you have completed these you should send one copy of the appeal form to:

**The Planning Officer Malvern Hills District Council The Council House Avenue Road  
MALVERN Worcs WR14 3AF**

The second copy of the appeal form should be returned to the Planning Inspectorate in Bristol

2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town & Country Planning Act 1990.
3. In certain circumstances a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.