



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant

Mr D Rogers
Martelai
Witley Road
Martley
Worcester
WR6 6PB

Name and Address of Agent (if any)

Part I - Particulars of Application

Date of Application: 5th August 2008

Application No: 08/01093/FUL

Grid Ref: Easting: 375107 Northing: 260420

PROPOSAL: Extend driveway to form a new entrance/exit on B4204.

LOCATION: The Noak Martley Worcester

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.

CTC1 Landscape Character

CTC19 Areas and Features of Historic and Architectural Significance

DS03 General Development Requirements

QL01 Design of New Development

QL0 Walls, Gates, Fences or Other Means of Enclosure

QL13 New Development Affecting the Setting of Listed Buildings

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 The new access shall be sited and laid out in accordance with the approved plan, Drg.No. 1461/1.

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

- 3 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.

- 4 Notwithstanding the details of the plans hereby approved, prior to the commencement of development elevational drawings at a minimum scale of 1:20 of the entrance gates, along with details of the proposed external finishes, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these approved details.

Reason: To safeguard the setting this building of architectural and historical interest and the character of the area in accordance with Policies QL1, QL13 and QL24 of the Malvern Hills District Local Plan and Policies CTC1 and CTC19 of the Worcestershire County Structure Plan.

- 5 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 submitted to and approved in writing by the Local Planning Authority.

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

- 6 The driveway 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.

- 7 Prior to the commencement of development, details of drainage shall be provided to ensure that surface water from the driveway does not discharge onto the public highway. No effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

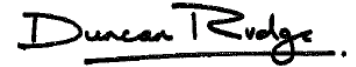
Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution

in accordance with Policy CTC8 of the Worcestershire County Structure Plan and Policies QL27 and QL28 of the Malvern Hills District Local Plan.

INFORMATIVES

- 1 This permission does not authorise the applicant to carry out works within the publicly maintained highway, since such works can only be carried out by the County Council's Approved Contractor, following the issue of a License under Section 184 and 278 of the Highways Act, 1980.

The applicant should contact Worcestershire County Council's Highways Network Control Manager, Environmental Services, County Hall, Spetchley Road, Worcester WR5 2NP (Tel: 0845 607 2005), regarding the issue of the necessary License authorising the access works to be carried out by the County Council's Approved Contractor at the applicant's expense.



Date: 30th September 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 سے رابطہ کریں ٹیلیفون: [Ethnic Access] نسلیاتی رسائی میں مدد چاہتے ہیں۔ آپ انگریزی میں مدد چاہتے ہیں۔ [Urdu]
ইংরেজি ভাষায় 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]
'Potrzebujesz pomocy z Angielskim - skontaktuj się z Ethnic Access Tel: 01905 25121' [Polish]
“如爾我們幫助你理解英文—聯繫 Ethnic Access (少數民族服務獲取組)·電話: 01905 25121” [Chinese]

This document is also available in large print upon request

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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.