



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant

Mr D Habershon
21 Prince Rupert Avenue
Powick
Worcs WR2 4PZ

Name and Address of Agent (if any)

Dean-Walker Bateman Architects
Solcum House
Drakelow Lane
Wolverley
Kidderminster
Worcs DY11 5RU

Part I - Particulars of Application

Date of Application: 6th August 2008

Application No: 08/01144/FUL

Grid Ref: Easting: 377954 Northing: 245406

PROPOSAL: Residential development of 7 No. houses.

LOCATION: Priory Corner Woodshears Road Malvern

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.

DS03 General Development Requirements

QL01 Design of New Development

QL07 New Development in Conservation Areas

CN01 Dwelling Mix

CN06 Efficient Use of Land for Residential Development

DS02 Sustainable Development

QL08 Demolition of Buildings in Conservation Areas

QL24 Landscape Character

QL21 Landscaping

CN12 Provision of Public Open Space

DS18 Planning Obligations

ST03 Parking, Servicing and Commuted Parking Requirements

SD2 Care for the Environment

SD3 Use of Previously Developed Land

SD4 Minimising the Need to Travel

CTC1 Landscape Character

CTC5 Trees, Woodlands and Hedgerows

CTC19 Areas and Features of Historic and Architectural Significance

CTC20 Conservation Areas

D9 Density of Housing Development

T1 Location of Development

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, or within an alternative timescale which has previously been agreed in writing by the Local Planning Authority, 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, or within an alternative timescale which has previously been agreed in writing by the Local Planning Authority, a scheme of landscaping to include hard landscaping, levels and surface materials 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

- 4 Prior to the commencement of the development, or within an alternative timescale which has previously been agreed in writing by the Local Planning Authority, a detailed plan showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to define the permission and ensure that the dwellings are of a scale and height appropriate to the site in accordance with Policies DS3 and QL1 of the Malvern Hills District Local Plan.

- 5 A specification for the treatment of all hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority before building or other operations start, or within an alternative timescale which has previously been agreed 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 Policies DS3 and QL1 of the Malvern Hills District Local Plan.

- 6 Prior to the commencement of development, or within an alternative timescale which has previously been agreed in writing by the Local Planning Authority, 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.

- 7 All rainwater guttering and down pipes shall be cast iron or such other metal finish as may be approved in writing by the Local Planning Authority, and of a profile and finish which shall be approved in writing by the Local Planning Authority prior to installation on site.

Reason: To safeguard the character and appearance of this building of architectural and historical interest in accordance with Policies QL1 and QL10 of the Malvern Hills District Local Plan and Policy CTC19 of the Worcestershire County Structure Plan.

Reason: To preserve or enhance the character of the conservation area in accordance with Policy QL7 of the Malvern Hills District Local Plan and Policy CTC20 of the Worcestershire County Structure Plan.

- 8 The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Local Planning Authority and these areas shall thereafter be retained and kept available for those users at all times.

Reason: In the interests of Highway safety and to ensure the free flow of traffic using the adjoining Highway in accordance with Policy DS3 of the Malvern Hills District Local Plan.

- 9 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.

- 10 No demolition, site clearance or building operations shall be commenced until an Arboricultural Method Statement is submitted including details of protective fencing of at least 2 metres in height, (or other suitable alternative which accords with BS5837:2005 and previously approved in writing by the Local Planning Authority), has 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 fastigate 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 with Policies DS3 and QL22 of the Malvern Hills District Local Plan.

- 11 No materials including soil shall be stored, or temporary buildings erected beneath the canopy of any tree and no alteration of ground levels shall occur beneath the canopy of any tree to be retained.

Reason: To prevent unnecessary damage to trees in accordance with Policies DS3 and QL22 of the Malvern Hills District Local Plan.

- 12 Before development commences, a sample panel of the stonework, brickwork, type of pointing and the mortar to be used for any new walls shall be erected on site and approved in writing by the Local Planning Authority. The sample panel shall thereafter be kept on site for reference until the stonework/brickwork is completed. In addition, the piers and entrance gates shall be constructed in accordance with the approved plans and shall be retained in that form thereafter.

Reason: To preserve or enhance the character of the conservation area in accordance with Policy QL7 of the Malvern Hills District Local Plan.

- 13 Development shall not commence until foul and surface water drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with these approved details before the dwelling is occupied.

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.

- 14 No development shall begin until a scheme for the provision of off-site education facilities has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the education needs of new residents arising from this development are provided for locally in accordance with Policy IMP1 of the Worcestershire County Structure Plan and the adopted Supplementary Planning Document - Developer Contributions and Planning Obligations and Policy DS18 of the Malvern Hills District Local Plan.

- 15 No development shall begin until a scheme for the provision of off-site sport, recreation and open space facilities has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the sport, recreation and open space needs of new residents arising from this development are provided for locally in accordance with Policy IMP1 of the Worcestershire County Structure Plan and Policy CN12 of the adopted Malvern Hills District Local Plan.

- 16 No development shall begin until a Renewable Energy Plan (REP) has been submitted to and approved in writing by the Local Planning Authority. The REP shall include details of sufficient on-site renewable energy production to reduce Carbon Dioxide emissions by at least 10% from the energy use of the buildings hereby approved. It shall demonstrate that all renewable energy options and energy conservation measures have been explored, and that for each option, carbon emission calculations, a feasibility study including details of the system sizes, locations, costs and carbon savings have been undertaken. The approved scheme shall be implemented concurrently with the development and shall thereafter be retained

Reason: To reduce carbon dioxide emissions in accordance with Policy QL1 of the Malvern Hills District Local Plan, PPS22 - Renewable Energy, Draft PPS1 Supplement - Climate Change, and the District Council's - Developer Contributions and Planning Obligations SPD.

- 17 Prior to start of the construction of the dwellings hereby permitted, the existing dwelling shall be demolished.

Reason: In order to maintain the character of the area in accordance with Policies DS3 and QL1 of the Malvern Hills District Local Plan.

- 18 Prior to the commencement of development, or within an alternative timescale which has previously been agreed in writing by the Local Planning Authority, elevational drawings at a minimum scale of 1:20 and plan and vertical sectional drawings at a minimum scale of 1:2 of all external joinery details, including eaves details, 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 preserve or enhance the character of the conservation area in accordance with Policy QL7 of the Malvern Hills District Local Plan.

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order, 2008 (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.

- 20 Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellings as such, or the maintenance, improvement or other alteration of such a building or enclosure; (other than those expressly authorised by this permission) shall take place within the site of this dwelling without the submission and approval of a planning application made to the Local Planning Authority.

Reason: To bring any future development of this site under planning control to safeguard the character and appearance of the area in accordance with Policies DS3, QL7 and QL24 of the Malvern Hills District Local Plan.

INFORMATIVES

- 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 application site of any works pertaining thereto.
- 2 Drainage arrangements shall be provided to ensure that surface water from the driveway and/or Vehicular turning area does not discharge onto the Public Highway. No drainage or effluent from the proposed development shall be allowed to discharge into any Highway drain or over any part of the Public Highway.
- 3 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, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 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 آپ انگریزی میں مدد چاہتے ہیں۔ نسلیاتی رسائی [Ethnic Access] سے رابطہ کریں۔ ٹیلیفون: [Urdu]
ইংরেজি ভাষার বিষয়ে সাহায্য চান - এথনিক অ্যাকসেস [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]
“如需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

**Dean-Walker Bateman Architects
Solcum House
Drakelow Lane
Wolverley
Kidderminster
Worcs DY11 5RU**

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.