



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant

Name and Address of Agent (if any)

H2 Land Ltd
Barley House
Cedar Drive
Snitterfield
Stratford Upon Avon
Warks

Part I - Particulars of Application

Date of Application: 8th August 2008

Application No: 08/01237/FUL

Grid Ref: Easting: 385116 Northing: 249182

PROPOSAL: 2 No. detached dwellings.

LOCATION: Baptist Chapel Church Street Kempsey

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.

DS16 Development and Flood Risk

CN06 Efficient Use of Land for Residential Development

DS01 The Location of Development

DS02 Sustainable Development

DS03 General Development Requirements

DS11 Rural Settlements

DS12 - Housing In Category 1-4 Settlements

QL01 Design of New Development

QL0 Walls, Gates, Fences or Other Means of Enclosure

QL21 Landscaping

QL27 Foul Drainage

QL28 Surface Water Drainage

CTC1 Landscape Character

CTC8 Flood Risk and Surface Water Drainage

D9 Density of Housing Development

SD1 Prudent Use of Natural Resources

SD2 Care for the Environment

SD4 Minimising the Need to Travel

SD8 Development in Sustainable Rural Settlements

T1 Location of Development

CF4: The reuse of land and buildings for housing

WD1: Targets for Waste Management in the Region

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 Before development commences, samples and trade descriptions of the external facing materials to be used in the construction of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

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 Notwithstanding the provisions of Part 1, Class A, B, C, and D of the Town and Country Planning (General Permitted Development) Order, 1995 (as amended) (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 dwelling(s) and no additions, extensions or external alterations shall be made without planning permission being granted for such works.

Reason: To safeguard the character and appearance of the development and residential amenity in accordance with Policies DS3, QL1 and CN9 of the Malvern Hills District Local Plan.

- 4 Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (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 dwellinghouse as such; (other than those expressly authorised by this permission) and no erection or provision of a container for the storage of oil for domestic heating shall take place within the site of this dwelling without planning permission being granted for such works.

Reason: To bring any future development or proposed change within garden of the dwelling(s) under planning control to mitigate flood risk, safeguard the character and appearance of the area and residential amenity in accordance with Policies DS3, QL1, CN9, QL24, DS16 of the Malvern Hills District Local Plan and Policy CTC1 of the Worcestershire County Structure Plan.

- 5 Finished floor levels of the proposed dwellings shall be set no lower than 15.17m AOD (600mm above the 14.57m AOD 1947 flood level) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the dwellings are of a height appropriate to the site and mitigate flood risk in accordance with Policies DS3, QL1 and DS16 of the Malvern Hills District Local Plan.

- 6 No development or demolition shall commence 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 the construction of the development.

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

- 7 Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no fence, gate, wall or other means of enclosure shall be erected within the curtilage of the dwelling hereby approved; (other than those expressly authorised by this permission).

Reason: In the interests of visual amenity in accordance with Policies DS3, QL1 and QL5 of the Malvern Hills District Local Plan.

- 8 Before any work commence on site, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include a plan detailing the disposition of planting, cross referenced to a schedule listing the species, size and number of plants proposed. The approved scheme shall be carried out and completed within one year of the 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.

Reason: To ensure the environment of the development is improved and enhanced in accordance with Policies DS3 and QL21 of the Malvern Hills District Local Plan and Policy CTC1 of the Worcestershire County Structure Plan.

- 9 Before development commences, 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 detailing the position of all proposed boundary treatments and annotated or accompanied by a schedule specifying the type, height, composition and appearance of boundary treatment proposed. 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 visual and residential 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.

- 10 Before any works commence, details of the means of disposal surface water shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a plan showing the position and extent of any soakaway. The approved surface water drainage system shall be implemented in accordance with the approved details before the new dwelling hereby permitted is first occupied or brought into use and shall thereafter be retained in that form.

Reason: In order to safeguard against pollution in accordance with Policies DS3, DS16, QL26 and QL28 of the Malvern Hills District Local Plan.

- 11 Before development of the new dwellings commence, the construction of the vehicular accesses shall be carried out in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority, at gradients not steeper than 1 in 12.

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

- 12 Notwithstanding the details shown on the approved ground floor plans, no dwelling shall be occupied until its parking area has been consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority and these areas shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: To ensure satisfactory parking is available before the dwellings are occupied in accordance with Policy DS3 of the Malvern Hills District Local Plan.

- 13 Prior to their installation, details of the solar panels to be installed on the south facing roof slope of each dwelling hereby approved including a manufacturers specification with overall dimensions shall be submitted to and approved in writing by the Local Planning Authority. The solar panels shall be installed before the dwellings are first occupied.

Reason: To ensure that In accordance with Policies DS3, QL1 and QL30 of the Malvern Hills District Local Plan and Policy CTC1 of the Worcestershire County Structure Plan.

- 14 The first floor window in the west facing elevation of the dwelling on Plot 2 shall be a purpose made, non opening window apart from any top hung light and shall be fitted with obscure glass and retained in that form for the lifetime of the development.

Reason: In order to avoid overlooking and protect the privacy enjoyed by occupiers of the neighbouring property in accordance with Policy DS3 of the Malvern Hills District Local Plan.

- 15 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 building(s) 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.

- 16 Demolition/ground works/construction work shall not take place outside the following hours: Monday to Friday 07.30-19.00 hrs and Saturdays 07.30-13.00hrs. There shall be no such work on Sundays or Public Holidays.

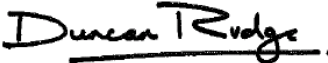
Reason: To protect residential amenity in accordance with Policies DS3 and QL26 of the Malvern

- 17 Before any works commence, a plan indicating the extent of any proposed hard surfaces (to be completed before the dwellings are first occupied) accompanied by details of their composition and means of drainage, shall be submitted to and approved in writing by the Local Planning Authority. The means of drainage of any approved hard surfaces shall incorporate sustainable drainage principles.

Reason: To mitigate the risk of creating or exacerbating a flooding problem in accordance with Policies QL27 and QL28 of the Malvern Hills District Local Plan.

- 18 Notwithstanding the detail shown on the approved drawings for Plot 1, a specification detailing the proposed materials and finished colour, accompanied by a plan and elevation drawing at a scale of 1:10 of the means of enclosure of the balcony shall be submitted to and approved in writing by the Local Planning Authority. The balcony shall be completed in accordance with the approved details before the dwellings are first occupied.

Reason: In the interests of visual amenity in accordance with Policies DS3 and QL1 of the Malvern Hills District Local 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 سے رابطہ کریں ٹیلیفون: [Ethnic Access] رسائی نسلیاتی میں مدد چاہتے ہیں۔ آپ انگریزی میں مدد چاہتے ہیں۔ [Urdu]
ইহাংকি 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

**H2 Land Ltd
Barley House
Cedar Drive
Snitterfield
Stratford Upon Avon
Warks
CV37 0LJ**

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.