



**Town and Country Planning Act 1990**

**PLANNING PERMISSION**

**Name and Address of Applicant**

Severn Vale Homes Ltd  
Morningside  
11a Graham Road  
Malvern  
Worcs WR14 2HR

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

Design Build  
Morningside  
11a Graham Road  
Malvern  
Worcs  
WR14 2HR

**Part I - Particulars of Application**

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Date of Application: 27th August 2008

Application No: 08/01251/FUL

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Grid Ref: Easting: 379045 Northing: 245736

PROPOSAL: Demolition of existing commercial and domestic accommodation and outbuildings and erection of 4 semi detached and 1 detached dwelling.

LOCATION: Site At 26 Upper Chase Road Malvern Worcestershire

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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.

CF4: The reuse of land and buildings for housing

D9 Density of Housing Development

SD4 Minimising the Need to Travel

CTC1 Landscape Character

CTC8 Flood Risk and Surface Water Drainage

IMP1 Implementation of Development

DS01 The Location of Development

DS02 Sustainable Development

DS03 General Development Requirements

DS05 Housing sites within the Malvern urban area

DS18 Planning Obligations

CN01 Dwelling Mix

CN06 Efficient Use of Land for Residential Development

QL01 Design of New Development

QL0 Walls, Gates, Fences or Other Means of Enclosure

QL24 Landscape Character

QL27 Foul Drainage

QL28 Surface Water Drainage

QL19 Protection of Wider Biodiversity

QL20 Creation of Habitats

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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 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 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, 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 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.

- 5 Prior to the commencement of the development hereby approved, a specification (including methodology and programme of implementation) for the enhancement of biodiversity through the provision of features including bat boxes and gaps in the brickwork shall be submitted to and approved in writing by the Local Planning Authority. The works so approved, shall be carried out in accordance with the approved programme of implementation.

Reason: To enhance biodiversity on accordance with Policies QL19 and QL20 of the Malvern Hills District Local Plan.

- 6 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.

- 7 Prior to the first occupation of the development hereby approved the driveways 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.

- 8 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.

- 9 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.

- 10 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.

- 11 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.

- 12 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 windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations of the dwellings hereby approved.

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

- 13 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.

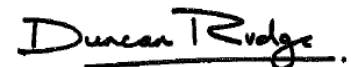
Reason: In order to protect residential amenity in accordance with Policy DS3 of the Malvern Hills District Local Plan.

### **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 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.

- 3 The applicant's attention is drawn to the bat Survey submitted with the application, particularly the comments at paragraphs 5.5 and 6.1 regarding demolition works. Should any protected species be discovered during demolition works, work upon the site should stop immediately and a qualified ecologist be contacted.



**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.**

آپ انگریزی میں مدد چاہتے ہیں۔ نسلیاتی رسائی [Ethnic Access] سے رابطہ کریں فلیفون: 01905 25121 [Urdu]  
ইহুৱেজি ভাষাৰ বিষয়ে সাহায্য চান – এথনিক্‌ 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]  
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**This document is also available in large print upon request**

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Morningside  
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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.