

Planning Ref: 20/01206/FUL
Telephone: 01684 862424

Please ask for : Emma Worley
e-mail: emma.worley@malvern hills.gov.uk

9 September 2020

Mr David Addison
AddisonRees Planning Consultancy
Ltd
41 Sentinel Close
WORCESTER
WR2 5FA

Dear Mr Addison

Applicant Name: Mr Paul Brooks
Proposal: Demolish existing cottage and construction of replacement bungalow
Location: The Old Coal Yard, Windmill Lane, Stoulton, Worcester, WR7 4RP

I am writing to let you know the outcome of your Planning application, under the Town and Country Planning Act 1990 for the proposal detailed above at The Old Coal Yard, Windmill Lane, Stoulton, Worcester, WR7 4RP

We have **Approved** your application, subject to the conditions set out in the attached Approval notice.

If you have any questions about our decision, please contact Emma Worley Development Manager (Planning) on 01684 862424 or by email to emma.worley@malvern hills.gov.uk.

Please note, before starting works it is important to check your approval to see if there are any pre-commencement condition/s or condition/s that need to be discharged. This means there may be further information we require before works can start.

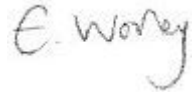
If you do have conditions that need discharging, we always advise that this is done well in advance as this will help in preventing unnecessary delays to the proposed works being started.

If so, there is a charge of £116.00 per request or £34.00 on 'householder applications' (but there is no fee for Listed building consent applications). The application form can be found on www.wychavon.gov.uk/planning-conditions-and-fees. If you do not have access to the internet, a paper copy of the form can also be located at our main reception at the Civic Centre, Pershore for you to complete.

If you are unhappy with any of the conditions attached to your Approval, you can appeal to the relevant Secretary of State. Information on how to do this can be found on the Approval Notice.

Please note, if you have not done so already, it is advisable to contact [South Worcestershire Building Control](http://SouthWorcestershireBuildingControl) on 01684 862223, (Mon-Fri 9-5) or email: mail@southworcestershirebuildingcontrol.gov.uk to check if Building Regulations are required for your proposed works.

Yours sincerely

A handwritten signature in black ink that reads "E. Worley". The signature is written in a cursive style with a large, looped 'E' and a trailing flourish.

Emma Worley
Development Manager (Planning)
emma.worley@malvern hills.gov.uk

PLANNING APPROVAL NOTICE

TOWN AND COUNTRY PLANNING ACT 1990

Approval - Full planning permission

Application No: 20/01206/FUL

Parish: Drakes Broughton and Wadborough

Agents Address:

Mr David Addison
AddisonRees Planning Consultancy Ltd
41 Sentinel Close
WORCESTER
WR2 5FA

Applicants Address:

Mr Paul Brooks
Allsetts Farm
Broadwas
WORCESTER
WR6 5NS

Part I – PARTICULARS OF APPLICATION

Statutory Start Date: 24 June 2020

Location: The Old Coal Yard, Windmill Lane, Stoulton, Worcester, WR7 4RP

Proposal: Demolish existing cottage and construction of replacement bungalow

Part II - PARTICULARS OF DECISION

Wychavon District Council hereby give notice that 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 1 hereof in accordance with the application and plans submitted subject to the following conditions (if any):-

CONDITIONS AND REASONS

1. The development hereby permitted shall be begun before 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. Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information (including details on the proposed materials) provided on the application form and the following plans/drawings/documents –

- Location Plan (amended)
- Proposed Site Plan (amended)
- Proposed Floor Plans and Elevations

Reason: To define the permission.

3. The Development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

REASON: In the interests of highway safety.

4. The Development hereby approved shall not be occupied until an area has been laid out within the curtilage of the dwelling for the parking of 2 cars at a gradient not exceeding 1 in 8. This area shall thereafter be retained for the purpose of parking a vehicle only.

REASON: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

5. The Development hereby permitted shall not be first occupied until sheltered and secure cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

REASON: To comply with the Council's parking standards.

6. Prior to the occupation of the dwelling hereby approved the renewable or low carbon energy generating facilities set out in the Energy Statement to be incorporated as part of the development to generate at least 10% of the predicted energy requirements of the development shall be provided. The facilities shall remain operational for the lifetime of the development.

Reason: To ensure the proposed development includes sufficient renewable/low carbon energy generating facilities to comply with Policy 27 of the South Worcestershire Development Plan 2016.

7. Demolition, clearance or construction work and deliveries to and from the site in connection with the development hereby approved shall only take place between the hours of 08.00 and 18.00hrs Monday to Friday and 08.00 and 13.00hrs on a Saturday. There shall be no demolition, clearance or construction work or deliveries to and from the site on Sundays or Bank Holidays.

Reason - To preserve the amenities of the locality in accord with Policy SWDP21 of the South Worcestershire Development Plan.

8. The Development hereby approved shall not be brought into use until the visibility splays shown on drawing 'Proposed Site Plan' have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.

REASON: In the interests of highway safety.

9. Before the first occupation of the development hereby permitted a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed before the first occupation of the development hereby permitted.

Development shall be carried out in accordance with the approved details.

Reason - To protect the amenities of properties and ensure the proposed development does not have an adverse effect on the character and appearance of the area in accordance with policies SWDP21 and SWDP25 of South Worcestershire Development Plan.

10. Prior to the construction of the walls of the bungalow hereby approved details of the materials to be used in the construction of the external surfaces of the bungalow shall be submitted to and approved in writing by the local planning authority. The details to be submitted shall include:

- facing bricks
- roofing materials

The development shall be carried out using the materials as approved.

Reason - To ensure that the new materials are in keeping with the surroundings and/or represent quality design in accordance with policy SWDP21 of the South Worcestershire Development Plan.

11. Prior to the first occupation of the dwelling hereby approved the existing existing dwelling (the left hand semi detached cottage, the footprint of which is shown as cottage 2 on the proposed site plan) shall be demolished in full and all materials resulting from the demolition shall be removed from the site.

Reason: To ensure development in the open countryside is controlled in accordance with policies SWDP2 and SWDP 18 of the South Worcestershire Development Plan.

12. Prior to the first use/occupation of the development hereby permitted, the details set out in the submitted Water Management Statement shall be fully implemented and remain thereafter.

Reason: To ensure that an appropriate sustainable drainage system is provided to serve the development in accordance with policy SWDP29 of the South Worcestershire Development Plan 2016.

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.
No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the Local Planning Authority, until requirements 1 to 4 below have been complied with:
 1. Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.
 2. Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 3. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
 4. Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings on site.

REASON

To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14. Within three months of the commencement of the construction works on the development hereby permitted, details of a bat roosting feature and bird nesting box] shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include an implementation timetable. The feature(s) shall be provided in accordance with the approved details and in accordance with the approved timetable.

Reason: To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area in accordance with policy SWDP22 of the South Worcestershire Development Plan.

15. Within one month of the completion of the construction of the dwelling hereby approved any caravan/mobile home sited on land which forms part of, or adjoins, the application site that is to be used for the accommodation of a person or persons employed in connection with the development, as set out under Part 5 Class A of the The Town and Country Planning (General Permitted Development) (England) Order 2015, shall be removed and the land restored to its former condition.

Reason - The siting of the caravan would constitute permitted development in accordance with the provisions of Part 5 Class A of the The Town and Country Planning (General Permitted Development) (England) Order 2015 providing it is used solely for the accommodation of a person or persons employed in connection with the said operations.

16. Before the commencement of any above ground works in association with the development hereby permitted a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:-

- (i) a plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread.
- (ii) a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas.
- (iii) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.
- (iv) a written specification outlining cultivation and other operations associated with plant and grass establishment.
- (v) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation/use of the development, whichever is the sooner.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure the proposed development does not have an adverse effect on the character and appearance of the area in accordance with policies SWDP21 and SWDP25 of South Worcestershire Development Plan.

NOTES TO APPLICANT

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, Ringway Infrastructure Service who can be contacted by email worcestershirevehicle.crossing@ringway.co.uk. The applicant is solely responsible for all costs associated with construction of the access.

2. Positive and Proactive Statement. No problems have arisen in dealing with this application. The planning application sought an acceptable form of development consistent with the requirements of relevant policies and material considerations. No amendments or alterations were therefore required and no further positive or proactive action was deemed necessary.
3. Work should avoid disturbance to nesting birds. Nesting birds are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000. The main nesting season lasts approximately from March to September, so work should take place outside these dates if at all possible.

However, birds can nest at any time and the site including any buildings should ideally be checked for their presence immediately before work starts.

4. Buildings are frequently used as roosting sites by bats. Bats and their 'roost' sites are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017, the latter of which deems them a European Protected Species. It is a criminal offence to deliberately kill or injure a bat, to disturb or destroy a bat roost or to obstruct an entrance to a roost. If evidence of bats is found, work should stop immediately and Natural England must be contacted on 0845 6003078 for advice on the best way to proceed. All contractors working on site should be made aware of the advice and provided with the relevant contact details.
5. The applicant's attention is drawn to the requirement to demolish the right hand semi detached cottage (cottage 1 on the proposed site plan) in order to implement the landscaping scheme as approved under condition 10 of planning permission 17/1066/FUL.

Signed:



Planning Services Manager

Date: 9 September 2020

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 this permission is not a Building Regulation Approval. Advice should be sought from the South Worcestershire Building Control on 01684 862223 to ascertain if approval is required under the Building Regulations for the proposed development. Failure to make a Building Regulations application, if required, prior to work commencing on site is an offence under Section 35 of the Building Act 1984 and may result in the authority taking further action.**

APPROVAL NOTICE

- Note 1.** Listed Building Consent
- Note 2.** Outline Planning Permission
Approval of Reserved Matters
- Note 3.** Planning Consent
- Note 4.** Consent to Display Advertisements
- Note 5.** Approved Plans

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. The relevant template and [further details are on GOV.UK](#).

Note 1. Note: Attention is drawn to Section 8(2)(b) of the Act the effect of which is that demolition may not be undertaken (despite the terms of any consent granted by the Local Planning Authority) until notice of the proposal has been given to the Royal Commission on Historical Monuments, Fortress House, 23 Savile Row, London W1X 1AB and the Commission subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it. A form of notice is enclosed, if appropriate.

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse Listed Building Consent for the proposed works, or to grant consent subject to conditions, he may appeal to the relevant Secretary of State in accordance with paragraph 8 of Schedule 11 to the Town and Country Planning Act, 1990 within six months of the date on this decision notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate.) The relevant 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.

2. If listed building consent is refused or granted subject to conditions, whether by the Local Planning Authority or by the relevant Secretary of State 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 the carrying out of any works which have or would be permitted, he may serve on the district council in which the land is situated a listed building purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Note 2. 1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the relevant Secretary of State in accordance with Section 78 of the Town and Country Planning Act, 1990 within six months of the date on this decision notice. (Appeals must be made on a form which is obtainable from Customer Support, Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Tel: 0303 444 5000 or email: enquiries@planninginspectorate.gov.uk. Appeal forms and guidance can also be downloaded from web site <https://acp.planninginspectorate.gov.uk>.) The relevant 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 his power unless there are special circumstances which excuse the delay in giving notice of appeal. The relevant 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 granted by the Local Planning Authority, or could not have been granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (a) 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.

2. If permission to develop land is refused or granted subject to conditions whether by the Local Planning Authority or by the relevant Secretary of State and the owner of the land become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the 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 IX of the Town and Country Planning Act, 1990.

Note 3. 1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the relevant Secretary of State in accordance with section 78 of the Town and Country Planning Act, 1990 within six months of the date on this decision notice. (Appeals must be made on a form which is obtainable from Customer Support, Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Tel: 0303 444 5000 or email: enquiries@planninginspectorate.gov.uk. Appeal forms and guidance can also be downloaded from web site <https://acp.planninginspectorate.gov.uk>.) The relevant Secretary of State has power to allow a longer for the giving of a notice of appeal but he will not normally be prepared to exercise his power unless there are special circumstances which excuse the delay in giving notice of appeal. The relevant 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 granted by the Local Planning Authority, or could not have been so granted otherwise than subject of 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.

2. If permission to develop land is refused or granted subject to conditions whether by the Local Planning Authority or by the relevant Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and he claims that the land has become incapable 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 IX of the Town and 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 relevant 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 and Country Planning Act, 1990.

Note 4. (a) The regulations provide that every grant of express consent shall be for a fixed period which shall not be longer than 5 years from the date of grant of consent without the approval of the relevant Secretary of State and if no period is specified the consent shall have effect as consent for five years.

(b) It is a condition of this consent that before any advertisement is displayed on land in pursuance of the consent granted, the permission of the owner of that land or other person entitled to grant permission in relation thereto shall be obtained.

(c) A person who displays an advertisement in contravention of the regulation will be liable on summary conviction to a fine of £100 and in the case of a continuing offence to a fine of £50 for each day during which the offence continues after conviction.

(d) Where the Local Planning Authority grant consent subject to conditions, the applicant may by notice given in writing within 8 weeks of the date of receipt of this notice or such longer period as the Secretary of State may allow, appeal to the relevant Secretary of State, in accordance with Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992. The relevant Secretary of State is not required to entertain such an appeal if it appears to him having regard to the provisions of the regulations, that consent for the display of advertisements in respect of which application was made could not have been granted by the Local Planning Authority otherwise than subject to the conditions imposed by them.

Note 5. Applicants are reminded that they must adhere to the approved plans when carrying out the works authorised by this permission. If it is necessary to make further amendments they are requested to contact the Local Planning Authority prior to commencement of building operations at The Civic Centre, Queen Elizabeth Drive, Pershore, Worcs WR10 1PT

START NOTICE

IMPORTANT INFORMATION

It is your responsibility to comply with the terms of this decision notice. Please read the decision notice carefully and ensure that you understand the requirements of any conditions and have the relevant approved drawings and/ or documents.

If you do not understand any of these requirements please contact us quoting 20/01206/FUL. We can assist you by providing advice on what you need to do and when. Contact details can be found below.

Failure to comply with the terms of an approval could mean that the work you carry out is unauthorised and at risk of enforcement action. Please ensure that you give yourself sufficient time to meet the requirements of any conditions.

Conditions which require an applicant to submit further details to the Local Authority can take around 12 weeks to determine.

We recommend that you email planning.compliance@wychavon.gov.uk, quoting 20/01206/FUL along with your contact details and the intended start date for the development. Alternatively complete the following form and return it to Planning Compliance, Wychavon District Council, The Civic Centre, Queen Elizabeth Drive, Pershore, WR10 1PT.

Development Details

Planning Reference: 20/01206/FUL

Proposal: Demolish existing cottage and construction of replacement bungalow

Location: The Old Coal Yard, Windmill Lane, Stoulton, Worcester, WR7 4RP

Intended Start Date:

Contact Details

Name:

Address:

.....

.....

Telephone: **Mobile:**

Email:.....

All personal data held is processed in accordance with data protection law. For further information please see our website <https://www.wychavon.gov.uk/planning-development-management-privacy-notice>