Malvern Hills District Council
Planning & Infrastructure

Planning Ref: M/24/00216/FUL
Telephone: 01684 862438

Please ask for : [redacted]
e-mail: [redacted]

4 June 2024

Mr [redacted]

Dear [redacted]

Applicant Name: [redacted]
Proposal: Change of use of transport yard for erection of workshop/light industrial/storage units, Classes E (g) and B8, Associated Parking and Landscaping
Location: Storage Land To Rear Of, Rear Of Laugherne Villa, Martley

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 Storage Land To Rear Of, Rear Of Laugherne Villa, Martley

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 [redacted] Planning Officer on 01684 862438 or by email to [redacted]

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 £145.00 per request or £43.00 on 'householder applications' (but there is no fee for Listed building consent applications). The application form can be found at Planning Conditions and Fees - Malvern Hills District Council. **If you do not have access to the internet, a paper copy of the form can be provided to you by calling on 01684 862221.**

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** 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

[redacted]

[redacted]

Planning Officer

[redacted]

Malvern Hills District Council
Planning & Infrastructure

PLANNING APPROVAL NOTICE

TOWN AND COUNTRY PLANNING ACT 1990

Approval - Full planning permission

Application No: M/24/00216/FUL

Parish: Martley CP

Agents Address:

Mr [redacted]

Applicants Address:

[redacted]

Part I – PARTICULARS OF APPLICATION

Statutory Start Date: 6 March 2024

Location: Storage Land To Rear Of, Rear Of Laugherne Villa, Martley
Proposal: Change of use of transport yard for erection of workshop/light industrial/storage units, Classes E (g) and B8, Associated Parking and Landscaping

Part II - PARTICULARS OF DECISION

Malvern Hills 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. No part of the development hereby approved shall be occupied/brought into use until the bird and bat box feature(s) of the submitted "Enhancement of Shelter for Native Wildlife as part of Extension Scheme" have been implemented on site in accordance with the approved details.

   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.

3. 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:

   • 23-464-Loc-001 – Location Plan

- 23-464-Loc-002 – Visibility Splay – Survey of Existing Access
- 23-464-Loc-003 – Site/Block Plan
- 23-464-PL-001 – Proposed Floor Plan
- 23-464-PL-002 – Proposed Elevations (1 of 2)
- 23-464-PL-003 – Proposed Elevations (2 of 2)
- Planning Statement
- Water Management Statement
- Enhancement of Shelter for Native Wildlife as part of Extension Scheme
- Highway Assessment.

Reason: To define the permission.

4. Before the first use/occupation of 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.

5. The Development hereby approved shall not be occupied until the visibility splays shown on Drawing 23-464-Loc-002 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 and in accordance with Policies SWDP4 and SWDP21 of the South Worcestershire Development Plan.

6. The Development hereby approved shall not be occupied until the Applicant has submitted to and had approval in writing from the Local Planning Authority a Travel Welcome Pack promoting sustainable forms of access to the development. The pack shall be provided to each employee at the point of their commencement.

Reason: To reduce vehicle movements and promote sustainable access in accordance with Policies SWDP4 and SWDP21 of the South Worcestershire Development Plan.

7. No development shall take place until a percolation test has been carried out in accordance with BRE Digest 365, or such other equivalent guidance as may be agreed in writing by the Local Planning Authority. The results of the percolation test shall be submitted to and agreed in writing by the Local Planning Authority. If the percolation test results show that ground

conditions are unsuitable for some, or all, types of infiltration device then an alternative method of surface water disposal will need to be submitted for approval. The agreed recommendations shall be implemented in full prior to the first occupation of the development.

Reason: To ensure that the development is properly drained, avoiding flood risk and pollution in accordance with Policies SWDP 28, 29 & 31 of the South Worcestershire Development Plan.

8. 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.

9. Any forklift trucks associated with any B8 use shall utilise white noise / broadband reversing beepers.

Reason: To protect the amenities of neighbouring properties from noise nuisance and to accord with Policies SWDP21 and SWDP31 of the South Worcestershire Development Plan

10. The units shall be used for light industrial and storage uses within use classes Classes E (g) and B8 and for no other purpose, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The site is in close proximity to residential dwellings where the addition of further B2 uses could have a detrimental impact on the amenities thereof and to ensure compliance with policies SWDP21 and SWDP31 of the South Worcestershire Development Plan.

11. The development hereby permitted shall not be operate outside the following hours:

08:00 to 18:00 Monday-Friday
09:00-13:00 on Saturdays
no operations on Sundays and Bank Holidays.

Reason: To ensure the proposal preserves residential amenity and to prevent unacceptable noise pollution to the detriment of human health contrary to policy SWDP31 of the South Worcestershire Development Plan.

NOTES TO APPLICANT

1. The applicants attention is brought to the comments of WCC Footpaths and the comments of the Hereford & Worcester Fire Service and the listed obligations within those comments.

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.

Signed:

[redacted]
Head of Development Management

Date: 4 June 2024

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 or 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 condition, 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 www.gov.uk/appeal-planning-decision). 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 www.gov.uk/appeal-planning-decision or for Householder Applications www.gov.uk/appeal-householder-planning-decision). 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 Council House, Avenue Road, Malvern, WR14 3AF

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 M/24/00216/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 M/24/00216/FUL along with your contact details and the intended start date for the development. Alternatively complete the following form and return it to Planning Enforcement, Malvern Hills District Council, PO BOX 2036, Pershore, WR10 9EH.

Development Details

Planning Reference: M/24/00216/FUL
Proposal: Change of use of transport yard for erection of workshop/light industrial/storage units, Classes E (g) and B8, Associated Parking and Landscaping
Location: Storage Land To Rear Of, Rear Of Laugherne Villa, Martley

Intended Start Date:

Contact Details

Name: ……..

Address: .....

……

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Telephone: …… Mobile: ……..

Email:……

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