



**Town and Country Planning Act 1990 (as amended)**

**DECISION NOTICE**

**HCC Application No: 3/0104-07**

**Site Ref No: 859**

**List letter : 569.1**

**Description & location of development:**

**APPLICATION FOR THE USE OF THE FORECOURT FOR STAFF, VISITOR AND OPERATIONAL PARKING AND USE OF WESTERN PART OF THE SITE FOR THE SITING OF BALER AND LORRY AT B & T MOTOR SALVAGE, COLE GREEN SERVICE STATION, THE OLD COACH ROAD, COLE GREEN, HERTS SG14 2NL**

**To: Barker Parry Town Planning Ltd  
33 Bancroft  
Hitchin  
Herts  
SG5 1LA**

**In pursuance of its powers under the above Act and the Orders and Regulations for the time being in force thereunder, the Council hereby PERMITS the development proposed by you in your application dated 5<sup>th</sup> January 2007 including the supporting statement which accompanied the application and plan numbers GDP/1 and GDP/2 (bearing date stamp of 5th January 2007), subject to the conditions numbered 1 - 9 set out in the attached schedule.**

**Dated: ..... day of ..... 2007**

**Signed:.....**

**DEVELOPMENT CONTROL MANAGER**

## **TOWN AND COUNTRY PLANNING ACT 1990**

Appeals to the Secretary of State for Communities and Local Government.

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Customer Support Section, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or from the Planning Inspectorate's website at [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

The Department for Communities and Local Government (DCLG) can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The DCLG need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the DCLG does not refuse to consider appeals solely because the local planning authority based its decisions on a direction given by him.

Appeals can also be submitted online via the Planning Casework Service. Go to [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs) and click on 'Planning Casework Service' in the navigation box on the left of the screen.

### **Purchase Notices**

If either the local planning authority or the DCLG refuses permission to develop land or grants is subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

### **Compensation**

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the DCLG on appeal or on reference of the application to her.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

**SCHEDULE OF CONDITIONS NUMBERED 1 - 9 ATTACHED TO PLANNING APPLICATION NO. 3/0104-07**

**Application for the use of the forecourt for staff, visitor and operational parking and use of the western part of the site for the siting of baler and lorry at B & T Motor Salvage, Cole Green Service Station, The Old Coach Road, Cole Green, Herts SG14 2NL**

- 1. The development hereby permitted shall be begun before the expiration of six months of the date of this permission.**

Reason : To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2. Details of a landscaping scheme shall be submitted to the Waste Planning Authority for approval within 1 month of the date of this permission. The scheme shall include details of species, siting, specification and programme for hard and soft landscaping (to include fencing) of all frontage areas shown hatched on attached plan no. B & T 1. All landscaping forming part of the approved scheme shall be implemented within the first available planting season (Autumn 2007) and shall be subject to a five year programme of maintenance. Any new tree or shrub which dies or is severely damaged within 5 years of planting shall be replaced during the next available planting season.**

Reason: To improve the appearance of the site in the interests of visual amenity.

- 3. The forecourt of the premises (area shown hatched on attached plan no.B & T 2) shall only be used for the parking of staff, customer and operational vehicles (i.e. vehicles displaying company livery or in the control of the applicant) and for no other use.**

Reason: In the interests of visual amenity and highway safety.

**Dated:** ..... day of ..... 2007      **Signed:**.....  
DEVELOPMENT CONTROL MANAGER

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4. Full details of a layout of proposed parking for vehicles on the forecourt (area shown hatched on attached plan no. B & T 2) shall be submitted to the Waste Planning Authority for approval within 1 month of the date of this permission. The approved parking area shall be constructed, surfaced and marked out to the satisfaction of the County Planning Authority within 5 months of the date of this permission.

Reason: In the interests of visual amenity and highway safety.

5. There shall be no parking/storage or loading/unloading of operational vehicles ( i.e vehicles displaying company livery or in the control of the applicant) on the land to the front of Forge Cottage and the parts building shown hatched on attached plan no.B & T 3 at any time.

Reason: In the interests of visual amenity.

6. There shall be no parking/storage or loading/unloading of any operational vehicles (i.e. vehicles displaying company livery or in the control of the applicant) on The Old Coach Road within a 200 metre zone from the Public Footpath adjacent to Forge Cottage in an easterly direction and within a 300 metre zone in a westerly direction from the Public Footpath at any time.

Reason: To avoid obstruction of the highway and to safeguard the amenities of adjacent occupiers.

Dated: .....day of ..... 2007 Signed:.....  
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7. **The proposed baler and associated lorry/equipment shall only be used between 9.00 and 17.00 hours on a Thursday or Friday and if the days of the week are to be changed then this must be agreed in writing with the Waste Planning Authority prior to any change.**

Reason: In the interests of residential amenity.

8. **Unless otherwise approved in writing by the Waste Planning Authority, no working or operational activity shall be carried out on the premises (area shown hatched on attached plan no. B & T 4 ) outside of the following times:**

**07.00 hours to 18.00 hours Monday to Friday  
07.00 hours to 13.00 hours Saturday  
and no working on Sundays or Bank Holidays.**

Reason: In the interests of residential amenity.

9. **Between the hours of operation as defined in Condition 8, the noise levels (LAeq) (1 hour), arising from site operations shall not exceed the LA90 (1hour) values (measured when the site is not operational) at any noise sensitive property by more than 10dB(A) and shall not in any event exceed 55dB (LAeq) (1 hour), freefield at any noise sensitive property in the vicinity of the site.**

Reason: To minimise the adverse impact of noise generated by the operations on the nearest noise sensitive properties.

**Dated: ..... day of ..... 2007**

**Signed:.....  
DEVELOPMENT CONTROL MANAGER**

The policies referred to in the determination of the application are as follows:

**Hertfordshire Structure Plan Review 1991 -2011 Adopted 1998**

Policy 1 Sustainable Development

Policy 5 Green Belt

Policy 29 Traffic on Rural roads

Policy 43 Landscape Conservation Areas

Policy 55 Waste Management

Policy 57 Potentially polluting development and location of pollution sensitive development

**The Waste Local Plan 1995 - 2005 adopted January 1999**

WP1 Sustainable Development

WP2 Need for Facilities

WP33 Landscape Intrusion

WP40 Noise

WP43 Traffic

**East Herts Local Plan**

Policy 1 - Sustainable Development

Policy GBC3 - Appropriate Development in the Green Belt

Policy GBC15 - Landscape Character and Landscape Conservation Areas

Policy ENV5 - Landscaping