



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

**DECISION NOTICE**

**HCC Application No: 3/0025-08**

**Site Ref No: 859**

**Description & location of development:**

**APPLICATION TO VARY CONDITION NOS. 5 AND 7 AND REMOVE  
CONDITION NO.6 OF PLANNING PERMISSION 3/0164-07 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 variation of condition numbers 5 and 7 on planning permission no.3/0164-07 but does NOT AGREE to the request to remove condition no. 6 on planning permission no.3/0164-07 proposed by you in your application dated 7<sup>th</sup> November 2007, subject to the conditions numbered 1 - 10 set out in the attached schedule.**

**Dated: ..... day of ..... 2008**

**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 - 10 ATTACHED TO PLANNING APPLICATION NO. 3/0025-08**

**APPLICATION TO VARY CONDITION NOS. 5 AND 7 AND REMOVE CONDITION NO.6 ON PLANNING PERMISSION 3/0164-07 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 two months of the date of this permission.**

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

- 2. All landscaping forming part of the approved scheme shall be subject to a five year programme of maintenance. Any new tree, plant or shrub which dies or is severely damaged within 5 years of planting shall be replaced during the next available planting season to the satisfaction of the Waste Planning Authority.**

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

- 3. The approved parking area on the forecourt (area shown on plan no. B & T 2) of the premises shall be maintained and marked out to the satisfaction of the Waste Planning Authority.**

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

- 4. 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 ..... **2008**      **Signed:**.....  
**DEVELOPMENT CONTROL MANAGER**

**SCHEDULE OF CONDITIONS NUMBERED 1 - 10 ATTACHED TO PLANNING APPLICATION NO. 3/0025-08**

**APPLICATION TO VARY CONDITION NOS. 5 AND 7 AND REMOVE CONDITION NO.6 ON PLANNING PERMISSION 3/0164-07 AT B & T MOTOR SALVAGE, COLE GREEN SERVICE STATION, THE OLD COACH ROAD, COLE GREEN, HERTS SG14 2NL**

5. Only vehicles delivering parts to, or removing parts from the Parts Building (excluding all car transporters) shall park on the land to the front of the Parts Building within the area shown cross hatched on plan no. B& T/Parts 1. These vehicles shall remain in this location only for the time taken to deliver parts or remove parts and shall leave the site in a forward gear. For the avoidance of doubt, there shall be no stationing of any vehicle in this area at any time nor any parking of any vehicle outside the permitted hours of operation for the premises.

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.

7. 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 shown hatched on attached plan no. B & T/Parts 2 at any time.

Reason: In the interests of visual amenity.

8. The baler and associated lorry/equipment (used as part of the baling process) shall only be used between 09.00 and 12.00 hours Monday to Friday. Any change to these hours shall be agreed in writing with the Waste Planning Authority prior to any change.

Reason: In the interests of residential amenity.

Dated: ..... day of ..... 2008 Signed:.....

DEVELOPMENT CONTROL MANAGER

**APPLICATION TO VARY CONDITION NOS. 5 AND 7 AND REMOVE  
CONDITION NO.6 ON PLANNING PERMISSION 3/0164-07 AT B & T MOTOR  
SALVAGE, COLE GREEN SERVICE STATION, THE OLD COACH ROAD,  
COLE GREEN, HERTS SG14 2NL**

9. 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.

10. 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 ..... 2008

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