



Town and Country Planning Act 1990 (as amended)

DECISION NOTICE

HCC Application No: 6/0966-07 CM521

Description & Location of Development:

APPLICATION FOR USE OF LAND FOR RECYCLING OF BUILDERS' WASTE ON LAND AT BURNSIDE, HERTFORD RD, HATFIELD.

**To: Peters Brothers Ltd
Burnside
Hertford Road
Hatfield
Herts**

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 21st Feb 2008 (received with sufficient particulars on 21st February 2008) including the supporting statement which accompanied the application and the plan(s)/drawing(s) numbered: JEC.196/D/10A and AT/192/01A dated 21 February 2008, subject to the nineteen conditions which are detailed in the attached schedule with the reasons for their imposition.

Dated: day of..... 2008

**Signed:
DEVELOPMENT CONTROL MANAGER**

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Department 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 Department 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

The Department for Communities and Local Government 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 Department for Communities and Local Government 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 Department for Communities and Local Government does not refuse to consider appeals solely because the local planning authority based its decisions on a direction given by him.

Purchase Notices

If either the local planning authority or the Department for Communities and Local Government refuses permission to develop land or grants it 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 Department for Communities and Local Government 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 – 19 ATTACHED TO PLANNING PERMISSION ISSUED UNDER APPLICATION REF. 6/0966-07 CM521 FOR USE OF LAND FOR RECYCLING OF BUILDERS WASTE ON LAND AT BURNSIDE (PETERS BROTHERS LTD), HERTFORD ROAD

1. Permitted operation

This Planning Permission shall relate only to the area outlined in red on the Site Location Plan 1:1250 scale drawing ref. AT/192/01 A (Peters Brothers Ltd), hereinafter referred to as 'the Site'.

Reason: To define the area to which this Planning Permission relates.

2. Permitted development operations

Other than is permitted under the terms of this planning permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995, or any enactment that may revise or replace the Order, planning permission shall be obtained for the erection of any building, fixed plant, fixed machinery or structures on the land. Other than is hereby permitted under the terms of this planning permission, the written approval of the Waste Planning Authority shall be obtained prior to placing on site any portable buildings or structures for the purposes of the development hereby permitted.

Reason: To minimise the adverse impact of operations on the surrounding countryside in terms of visual intrusion and to help maintain the openness the Green Belt.

3. Maintenance of equipment

The only plant and machinery to be used on site shall be that specified in the application unless otherwise agreed in writing by the Waste Planning Authority. All plant, machinery and equipment shall be maintained to a good standard of repair at all times.

Reason : In the interests of amenity.

4. Noise Levels

The rating level of the noise emitted from the Site shall not exceed the background level (LA90, T), without the Site operating, by more than 5 dB at any time, or an absolute limit of 55dB(A) at any noise sensitive use outside this application site or B.P.Mitchell land (application no.6/0734-08). The measurements and assessments should be carried out in

Dated: day of..... 2008

Signed:
Development Control Manager

SCHEDULE OF CONDITIONS NUMBERED 1 – 19 ATTACHED TO PLANNING PERMISSION ISSUED UNDER APPLICATION REF. 6/0966-07 CM521 FOR USE OF LAND FOR RECYCLING OF BUILDERS WASTE ON LAND AT BURNSIDE (PETERS BROTHERS LTD), HERTFORD ROAD

accordance with BS 4142: 1997 (or any updated version of this standard). This requires a reference time interval of 1 hour during the daytime.

In addition, the noise emitted from the Site shall not exceed a maximum level (LAFmax) (in terms of Fast response) of 60 dB(A), when determined at any noise sensitive use outside the application site.

Reason: To minimise the adverse impact of operations on local and residential amenity.

5. Dust

The operator shall, at all times during the duration of the development, ensure that areas outside the boundary of the site are not affected by dust nuisance resulting from the operations hereby permitted. This shall include (but without prejudice to the foregoing) the following steps as appropriate:

- a) the use of water bowsers, or by other means, to dampen the working and tipping areas, soil storage areas and haul roads;
- b) the use of best working practice to minimise the emission of dust during the loading, deposit and screening of materials and in relation to soil handling and stockpiling of soils;
- c) the enclosure and maintenance of plant and machinery likely to give rise to dust emissions, in accordance with best working practice where required;

Reason: To protect the amenities of the locality from the effects of dust arising from the operations.

Dated: day of..... 2008

Signed:
Development Control Manager

SCHEDULE OF CONDITIONS NUMBERED 1 – 19 ATTACHED TO PLANNING PERMISSION ISSUED UNDER APPLICATION REF. 6/0966-07 CM521 FOR USE OF LAND FOR RECYCLING OF BUILDERS WASTE ON LAND AT BURNSIDE (PETERS BROTHERS LTD), HERTFORD ROAD

6. Litter

A management scheme for the control of litter on the Site and in the land adjoining the Site, shall be implemented in full for the duration of the development and shall be agreed by the Waste Planning Authority.

Reason: To safeguard the visual and ecological amenities of the area.

7. Vehicle movement restriction

Unless otherwise agreed in writing by the Waste Planning Authority, there shall be no more than 30 vehicle movements (15 in, 15 out) at the site in any one weekday and no more than 20 vehicle movements (10 in 10 out) on Saturdays.

Reason: To minimise the adverse effects upon the free and safe flow of traffic along the public highway in the vicinity of the site and to enable the Waste Planning Authority to monitor the operations.

8. Register of vehicles and loads

Written records of all vehicles movements and loads relating to the development on Site shall be kept by the Site operator and made available for inspection by the Waste Planning Authority upon request.

Reason: To enable the Waste Planning Authority to monitor site operations.

Dated: day of 2008

Signed:
Development Control Manager

SCHEDULE OF CONDITIONS NUMBERED 1 – 19 ATTACHED TO PLANNING PERMISSION ISSUED UNDER APPLICATION REF. 6/0966-07 CM521 FOR USE OF LAND FOR RECYCLING OF BUILDERS WASTE ON LAND AT BURNSIDE (PETERS BROTHERS LTD), HERTFORD ROAD

9. Landscaping

Full details of a landscaping scheme (to supplement details shown on plan no. JEC.196/D/10A) shall be submitted to the Waste Planning Authority for approval within two months of the date of this permission. The scheme shall include details of species, siting, specification and programme for all soft landscaping and fencing of all non-operational areas of the site as well as a programme of hedge planting to the front boundary to Hertford Road. All landscaping forming part of the approved scheme shall be implemented within the first available planting season (Autumn 2008) 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 : In the interests of visual amenity and to help maintain the openness of the Green Belt.

10. Hours of operation

Unless otherwise approved in writing by the Waste Planning Authority no operations shall be carried out for the purpose of development on Sundays, Public Holidays or except between the hours of:

6.30 - 18:30 hours Monday to Friday
6:30 - 14:00 hours Saturdays

Reason: To minimise the adverse impact of operations on the surrounding area in terms of noise, traffic generated and general disturbance.

11. Lighting

Details of all external lighting including intended hours of use shall be submitted to the County Planning Authority within two months of the date of this Notice, for written approval. Once approved, the scheme shall be implemented in full for the duration of the development.

Reason: To ensure that there are no adverse impacts on local amenity with regard to light pollution.

Dated: day of..... 2008

Signed:
Development Control Manager

SCHEDULE OF CONDITIONS NUMBERED 1 – 19 ATTACHED TO PLANNING PERMISSION ISSUED UNDER APPLICATION REF. 6/0966-07 CM521 FOR USE OF LAND FOR RECYCLING OF BUILDERS WASTE ON LAND AT BURNSIDE (PETERS BROTHERS LTD), HERTFORD ROAD

12. Limit on throughput of tonnage of material

The amount of material brought into (and out of) the site per year shall not exceed 25,000 tonnes.

Reason : To avoid the overdevelopment of the site.

13. Wheel wash and drainage

Full details of new wheel and chassis washing equipment and drainage shall be submitted to the Waste Planning Authority within two months of the date of this permission. The equipment and drainage shall be installed in accordance with the approved details within six months of the date of this permission to ensure that no commercial vehicle exits the site onto the public highway unless its wheels and its underside chassis have been cleaned.

Reason: To prevent mud and debris being deposited on the road in the interest of highway safety.

14. Restriction on height of stockpiles

No materials shall be stocked or deposited within the cartilage of the site to a height exceeding 1.5 metres above ground level. Storage of materials will only be permitted in areas identified for such use on the approved plan.

Reason: In the interest of visual amenities of the area.

15. Yard area to be hardsurfaced

Full details of a scheme for the hardsurfacing of the operational yard area shall be submitted to the Waste Planning Authority for approval within two months of the date of this permission. The scheme shall be implemented in accordance with the approved details within six months of the date of this permission.

Reason : In the interests of tidy site operation and to avoid mud being carried to the highway.

Dated: day of..... 2008

Signed:
Development Control Manager

SCHEDULE OF CONDITIONS NUMBERED 1 – 19 ATTACHED TO PLANNING PERMISSION ISSUED UNDER APPLICATION REF. 6/0966-07 CM521 FOR USE OF LAND FOR RECYCLING OF BUILDERS WASTE ON LAND AT BURNSIDE (PETERS BROTHERS LTD), HERTFORD ROAD

16. Car Parking Layout

Full details of a car parking layout and the hard surfacing of the non-operational area of the site shall be submitted to the Waste Planning Authority for approval within two months of the date of this permission. The spaces shall be constructed and marked out to the satisfaction of the Waste Planning Authority within six months of the date of this permission.

Reason : In the interests of good site management.

17. Occupation of the dwellinghouse restricted

The occupation of the dwellinghouse (Burnside Cottage) shall be limited to persons currently or last employed on the site.

Reason : In the interests of the residential amenity of the occupiers.

18. Restricted use of offices

The offices shall only be used in connection with Site use as approved in this application and for no other purpose (including any other purposes in Class A2 or B1) of the Schedule to the Town and County 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).

Reason: To avoid the overdevelopment or inappropriate use of the site.

19. Highway access improvements

Full details of a scheme to improve the junction of the access of the site onto Hertford Road shall be submitted to the Waste Planning Authority within 2 months of the date of this permission. The works shall be implemented in accordance with the approved details within 6 months of the date of this permission.

Reason : In the interests of highway safety.

Dated: day of..... 2008

Signed:
Development Control Manager

Footnote

This application has been determined having regard to the relevant policies of the Development Plan i.e.:

Hertfordshire Waste Local Plan 1995 – 2005 (Adopted January 1999)

WP1 Sustainable Development
WP2 Need for waste management facilities
WP33 Landscape intrusion
WP34 Impact on landscape features of local importance
WP35 Nature Conservation
WP43 Traffic

Welwyn Hatfield District Plan 2005

SD1 Sustainable Development
R5 Waste management
R11 Biodiversity and development
R17 Trees, woodland and hedgerows
D8 Landscaping

Dated: day of 2008

Signed:
Development Control Manager