



Town and Country Planning Act 1990 (as amended)

DECISION NOTICE

Application No: 3/1124-15 (CM0091A)

Description & location of development:

**INERT WASTE RECYCLING FACILITY INCLUDING ASSOCIATED
STOCKPILING, MAINTENANCE INFRASTRUCTURE, ACCESS AND
LANDSCAPING**

**AT: LAND OFF BIRCHALL LANE, COLE GREEN, WELWYN GARDEN CITY,
HERTFORDSHIRE**

**To: Mr Benjamin Harvey
Iceni Projects
Flitcroft House
114-116 Charing Cross Road
London
WC2H 0JR**

**In pursuance of its powers under the above Act and the Orders and Regulations
for the time being in force thereunder, the Council hereby GRANTS planning
permission for the development proposed in your planning application dated 14th
May 2015, subject to the plans and documents forming part of the application,
and subject to the TWENTY- FOUR conditions in the schedule forming part of
this notice**

Dated:

Signed:

14th February 2016

TEAM LEADER, DEVELOPMENT MANAGEMENT

Appeals to the Secretary of State

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 under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at: <https://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

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

Dated:

4th February 2016

Signed:



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Time limit

1. The development as described in the application shall be commenced within three years of the date of this notice.

Reason: to comply with section 91(1)(a) of the Town and Country Planning Act which provides for planning permission to be granted subject to a condition that the development to which it relates shall be begun within a specific time.

Accordance

2. The development described in this notice shall be carried out in accordance with the following plans and documents; and any documents approved subsequently by the Local Planning Authority under other conditions attached to this permission:

- BPM01 10-01 Rev A Proposed Site Layout
- BPM01 10-02 Proposed Floor Plan – Level 00
- BPM01 10-03 Proposed Floor Plan – Level 01
- BPM01 10-04 Proposed Roof Plan
- BPM01 20-01 Rev B Proposed sections
- BPM01 30-01 Rev A Proposed Elevations 1
- BPM01 30-02 Rev A Proposed elevations 2
- CSa/2457/103 Rev C Landscape Proposals
- RMA-RC11441 Flood Risk Assessment (27th April 2015)
- RMA/LC1441_1 Cole Green FRA LLFA Letter (22nd June 2015)
- Entran Ltd Transport Statement (May 2015)
- Entran Ltd Noise Assessment (01 May -2015)
- Entran Ltd Air Quality Assessment (05 May 2015)
- Icen Projects Planning Statement (May 2005)
- Sol Environment Design and Access Statement (30 April 2015)
- Sol Environment Sustainability Statement (April 2015)
- CSa Environmental Planning Landscape and Visual Assessment (01 May 2015)
- Ecology Solutions Ecological Assessment (April 2015)
- Ecology Solutions Great Crested Newt Survey (June 2015)
- Ecology Solutions Mitigation Strategy: Plan ECO3: (15 December 2015)
- EAME Environmental Assessment (Phase 1) (April 2015)
- Archaeology and Planning Solutions Heritage Assessment (24 May 2015)

Reason: to ensure that the development is carried out in accordance with the planning permission and the provisions of s96A Town and Country Planning Act 1990.

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Hours of operation

3. All wastes management operations at the site shall take place within the following hours only:

07:30 to 18:00hrs Monday to Friday

07:30 to 14:00 hrs on Saturdays

No work is permitted on Sundays or bank holidays.

No waste material may be accepted or processed on the site outside of the above hours.

Reason: in the interests of residential amenity

Inert waste

4. Only inert waste from demolition and excavation sources is permitted to be accepted, stored and processed at the site.

Reason: to minimise the environmental impact of operations at the site.

Restrictions on use of buildings

5. The proposed buildings shown on drawing referenced BPM01 10-01 Rev A shall be used solely for the purposes of repair maintenance and storage of plant and equipment used in connection with the waste processing operations at the site, and no other purpose.

No maintenance is permitted outside the hours specified in condition 3 above.

Reason: in the interests of residential amenity and because the construction of new buildings constitutes inappropriate development in the Green Belt. The buildings are justified for the purposes of essential repair maintenance and storage of plant and equipment used in connection with the waste operation only.

Alterations to access

6. Within one month of the date of this notice, details of the proposed alterations to the existing access off Birchall Lane shall be submitted to the local planning authority for approval.

Reason: in the interest of highway safety.

7. The buildings hereby approved shall not be occupied until the alterations to the existing access required under Condition 6 (above) have been constructed.

Reason: in the interest of amenity and highway safety.

Lorry movements

8. There shall be no more than 170 lorry movements (85 in, 85 out) using the access on Birchall Lane in any one working day. The operator shall keep written records of vehicles movements to/ from the site for inspection by the Local Planning Authority on request.

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Reason: in the interest of highway safety and to minimise the impact upon free and safe flow of traffic on the highway.

Wheel washing

9. The highway shall be kept free of mud and debris at all times. All commercial vehicles shall have wheels and chassis thoroughly cleaned before exiting the site to prevent material being deposited on to the highway.

Reason: in the interest of highway safety.

Entrance gates

10. Within one month of the date of this notice details of the entrance gates shall be submitted for approval by the Local Planning Authority. The gates shall be installed in accordance with the details approved by the Planning Authority prior to occupation of the buildings hereby approved.

Reason: in the interest of highway safety.

Internal access road – metalled surface

11. The buildings hereby permitted shall not be occupied until the length of the internal haul road between the wheel washing facility and the public highway has been constructed with a metalled surface in accordance with the details approved by the Local Planning Authority under condition 12. Thereafter the surface of the haul road shall be maintained and kept free of mud and debris using a truck mounted sweeper.

Reason: to prevent the deposit of mud onto the road and in the interest of highway safety.

Internal access – specification

12. Within one month of the date of this notice a detailed specification for the construction of the new internal haul road required under condition 11 (including drainage) shall be submitted to the Local Planning Authority. The haul road shall be maintained in accordance with the approved specification in perpetuity.

Reason: to ensure the haul road provided is suitable for heavy traffic; in the interests of highway safety

Access

13. Once constructed, the re-configured access to Birchall Lane approved as part of this application shall be the only vehicular access to the site, and no alternative access may be provided.

Reason: in the interests of highway safety.

Tree protection

14. All trees and hedgerows within and adjoining the site shall be protected in accordance with British Standard BS 5837 2012 throughout the

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construction and retained thereafter. Any tree that dies within five years from the date of the commencement of development shall be replaced with a suitable specimen (approved in writing in advance by the Local Planning Authority) with the first available planting season.

Reason: to ensure all existing trees are protected from damage, and in the interests of visual amenity and biodiversity.

Ecology

15. The development shall be carried out in accordance with the mitigation and enhancement measures described within the approved ecological report (Ecology Solutions - Ecological Assessment (April 2015)). The proposed mitigation and enhancement measures therein shall be fully enacted within 1 year of this permission and retained and maintained in accordance with the ecological report thereafter. Monitoring visits must take place 2 and 5 years following planting. Any planting that dies within five years shall be replaced with a suitable specimen (approved in writing in advance by the Local Planning Authority) with the first available planting season.

Reason: To conserve suitable habitats and enhance biodiversity in accordance with aims of the NPPF (paragraphs 109 & 118)

16. The construction of the buildings hereby approved shall not be commenced until newt fencing has been erected in the locations shown on drawing Ecology Solutions Plan ECO3: Mitigation Strategy (15 December 2015) and thereafter retained as part of the development. Great Crested Newt population surveys shall be undertaken 2 and 5 years following first occupation of any of the buildings. Within one month of the completion of the Great Crested Newt surveys a report shall be prepared and submitted to the Local Planning Authority proposing measures, including timescales, to maintain the favourable conservation status of the Great Crested Newt population in the immediate vicinity of the site, as described in Ecology Solutions Ecological Assessment (April 2015). The measures shall be completed in accordance with the report.

Reason: to minimise the potential impact upon populations of Great Crested Newts in the vicinity of the site.

Method of working

17. The buildings hereby permitted may not be used until a detailed working method statement has been submitted to and approved in writing by the local planning authority, details to include: areas for tipping, material storage and processing, broad locations for mobile processing plant (screeners, loading shovels, excavators), drawings showing vehicle tracking within the site and the location of stockpiles (with maximum heights indicated). The site shall be managed strictly in accordance with the approved method of working at all times.

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Reason: to ensure the proper management of the site; to enable the site to be managed efficiently; to minimise conflict between vehicles and people; and to minimise the impact upon the Green Belt.

Levels

18. Detailed cross-section drawings showing the existing and proposed levels across the site, including the finished levels/ heights of the proposed buildings shall be submitted to and approved in writing by the local planning authority prior to commencement of the construction of the buildings. The development shall be carried out in accordance with the drawings approved under this condition.

Reason: to ensure the site levels are acceptable and to minimise the impact of the operation, including buildings and stockpiles, upon the openness of the Green Belt.

Limit on stockpiles

19. The proposed stockpiling/ storage areas shown on plan BPM01 10-01 Rev A located west of the maintenance/ storage buildings shall be used solely for the storage of material that has been processed at the site. No storage of feedstock, other material, plant or buildings is permitted on that part of the site unless agreed under the method of working condition.

Reason: to minimise the impact upon the Green Belt and in the interests of visual amenity.

Lighting scheme

20. Prior to the first use of the HGV parking area a detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of all external lighting proposed within the site (to include any free standing lighting and lighting fixed to buildings). The scheme shall incorporate measures to minimise light spillage to direct light downward. The lighting specification must provide the minimum energy use over the design lifetime. The lighting scheme shall be implemented in accordance with the approved scheme.

Reason: to minimise the visual impact of the development and in the interest of the protection of the Green Belt.

Noise

21. Within one month of the date of this notice a detailed noise mitigation strategy shall be submitted for approval by the Local Planning Authority. The noise mitigation strategy shall include measures designed to minimise noise at source together with mitigation proposals. The buildings hereby approved shall not be occupied until the noise mitigation strategy has been approved by the Local Planning Authority and the site shall be managed in accordance with the approved noise mitigation strategy at all times.

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Reason: to minimise noise generated by the operation of the site in accordance with best practice and to avoid noise giving rise to significant adverse impacts, to accord with the National Planning Policy Framework (paragraph 123).

Landscaping strategy

22. Prior to the first occupation of the buildings hereby permitted a detailed landscape strategy shall be submitted to and approved in writing by the Local Planning Authority, to include proposals to mitigate the visual impact of the development and enhance the landscape setting of the site. The landscape strategy shall further develop the landscape masterplan submitted as part of the application (CSa/2457/103 Rev C - Landscape Proposals) to include woodland planting on the southern side of the site adjoining the Cole Green Way and on the northern side of the site adjoining Birchall Lane. The approved strategy shall be implemented in full within the first available planting season. Any tree that dies within the first 5 years of planting shall be replaced with a suitable specimen that shall have first been approved by the Local Planning Authority.

Reason: to mitigate the effects of the development and enhance the landscape setting of the site, in accordance with Policy ENV2 Landscaping of the East Herts Local Plan Second Review 2007.

Dust Control

23. The operator shall, at all times for the duration of the development, ensure that areas outside the boundary of the site are not affected by dust nuisance. The following dust control measures shall be implemented on site:
- a) the use of water bowsters, or 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;
 - d) the temporary suspension of operations upon the request of the Local Planning Authority should, in their opinion, unacceptable levels of dust be produced as a result of the operations at the site which cannot be satisfactorily controlled. Operations shall only recommence when conditions allow without giving rise to unacceptable levels of dust.

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

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Surface water management

24. A detailed surface water management scheme detailing how surface water will be collected and disposed of within the site shall be submitted to the Local Planning Authority and implemented in accordance with the approved details prior to the first use of the buildings hereby permitted. The surface water management scheme shall give priority to the use of sustainable drainage systems (SuDS), including an allowance for climate change, and maximise the wider benefits of using SuDS in accordance with the considerations set out in Policy 12 of the Lead Local Flood Authority SuDs Policy Statement. The surface water management scheme shall detail how the SUDs features will be maintained and thereafter the SUDs features will be maintained in accordance with the approved details.

Reason: to mitigate the risk associated with discharging to a soakaway within a historic landfill that might otherwise pose a significant risk to controlled waters; to prioritise the use and best practice of SuDs in accordance with policy objectives set out in the NPPF (paragraph 103) and the Lead Local Flood Authority SuDs Policy Statement March 2015.

Footnote

In dealing with this application the Council has sought to work proactively with the applicant, in so far as practicable, seeking solutions to secure development that improves the economic, social and environmental conditions of the area, in accordance with the National Planning Policy Framework (paragraph 187). In this regard the Local Planning Authority has provided guidance on the relevant planning policy framework and documents comprising the development plan, including the relevant local plans, minerals local plan, waste core strategy, development management documents, and site allocations document.

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