D.C.4

Town Planning
Ref. No. 4/0624/83

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mobil Oil Co Ltd
Albion House
Littlegate Street
Oxford

Demolition of existing buildings: erection of self-service petrol filling station canopy and single storey building at Three Horseshoes Service Station (ex-Leverstock Motors) Leverstock Green Road, Hemel Hempstead

Brief description and location of proposed development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 10th May 1983 and received with sufficient particulars on 11th May 1983 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

1. In the opinion of the local planning authority, the proposed development will generate increased traffic movements which would be a potential hazard on adjacent highways.

2. The proposed development by reason of its design and appearance would be unsympathetic to the character of existing nearby development and, due to its prominent location, would be detrimental to the amenities of the surrounding properties and the environment of the locality.

Dated 21st day of July 1983

Signed

Chief Planning Officer

P/D.15

NOTE

(1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.

(2) 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 Secretary of State for the Environment, in accordance with section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). The 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. The 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 to 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.

(3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment 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 development which has been or would be permitted, he may serve on the District Council 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 1971.

(4) 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 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 169 of the Town and Country Planning Act 1971

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PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL

Ref.				Ack.	
C.P.O.	GTN 2074	D.C.	B.C.	Admin.	File

T E Sutherland Esq
Solicitor
Mobil House
54/60 Victoria Street
LONDON
SW1E 6QB

CHIEF EXECUTIVE'S DEPT
19 NOV 1984
File ref. 4/0024/83
Referred to CPO 19/11
Cleared

Your reference Estates/PNCK
Received 19 NOV 1984 4/0624/83
Our reference T/APP/A1910/A/83/2625 and 7600/P5
Comments
Date 16 NOV 84

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
TWO APPEALS BY THE MOBIL OIL COMPANY LTD
APPLICATION NOS:- 4/0024/83 and 4/0624/83

1. As you know, I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeals. These appeals are against the decisions of the Dacorum District Council, to refuse planning permission for firstly, the demolition of existing buildings and reconstruction with new forecourt, canopy, sales building and car wash (application No. 4/0024/83, appeal ref: T/APP/A1910/A/83/2625/P5) and secondly, the demolition of existing buildings and reconstruction with new forecourt, canopy and sales building (application No. 4/0624/83, appeal ref: T/APP/A1910/A/83/7600/P5) at the Three Horseshoes Service Station, Leverstock Green Road, Hemel Hempstead. I held a local inquiry into these appeals on 22 and 23 November 1983.

2. The appeal site for both appeals comprises an existing petrol filling station situated on the north-eastern side of Leverstock Green Road. The filling station is served by 2 entrances from the road which lead to a long island with petrol pumps on the forecourt. A building containing a small shop and a former car sales showroom, now vacant, stands behind the forecourt and extends to the south-eastern boundary of the site. Another building for vehicle servicing and repairs stands behind the forecourt and adjoins the northern boundary. A driveway between these 2 buildings runs down from the forecourt to a parking area behind the car sales building.

3. On the first review of the County Development Plan approved in 1971, the appeal site lies within an area allocated for primarily residential purposes, with land to the south-east allocated for primarily shopping purposes and land opposite allocated for public open space. Leverstock Green Road and Bedmond Road are each shown as a primary route. On the non-statutory review plan entitled "Hertfordshire 1981" approved by the County Council in 1972, Bedmond Road is shown as a Distribution Road, Leverstock Green Road retains its designation as a Primary Route and primarily residential notation has been extended to the south-east over the former shopping area.

4. The Dacorum District Plan, having been certified as being in accordance with the approved Structure Plan, was first placed on deposit in January 1981. A public inquiry into objections was held in July 1981 and a further inquiry was held in July 1982 to hear objections to proposed modifications. The Inspector's report was received in December 1982 and a formal adoption of the District Plan by the Council is expected in the near future.

5. From my inspection of the site and its surroundings and consideration of the evidence given at the inquiry and all other representations made, including representations made following the inquiry and those referred to me by Mr Robert B Jones, MP, I have come to the conclusion that the main issues for both these appeals are firstly, the effect of the proposed development on the character, appearance and amenities of the surrounding area and secondly, the effect of the proposals on the hazards for traffic using Leverstock Green Road.

6. On the first issue, you explained the details of the 2 proposals, both of which included the "starting gate" layout for serving vehicles with fuel. The first proposal (application No. 4/0024/83) provided a shop, a car wash and 3 islands each with 2 pumps, one of which would supply diesel fuel. The second proposal (application No. 4/0624/83) did not have a car wash and the diesel pump was also omitted. The landscape area was, however, increased and the shop was relocated away from the south-eastern boundary and had no rear door.

7. In your view, the location of the new canopy in both cases would provide an open aspect to the site, allowing views through to the rear unlike the present filling station. Bearing in mind the adjacent 2 and 3-storey modern buildings, the impact of the canopy on the street scene would be minimal. The proposals would not adversely affect the amenities of the area. A substantial planning gain would occur, with car sales, car-servicing, workshops and sales of vehicle spare parts disappearing. The removal of the car wash facility and diesel pump and an increase in landscaped area in the second proposal offered further major planning gains.

8. I observed that the White Horse public house constructed in accordance with a planning permission granted in 1965/66 lies to the north-west of the appeal site with a 2-storey part some distance from the road behind a single-storey section which extends up to a forecourt with benches and tables. A parade of purpose-built shops, with a 3-storey block to the rear is situated to the south-east of the site, behind a substantial parking area. I understand that this block was built in accordance with a planning permission granted in 1964/66. I consider that the appeal site therefore forms part of an area of development on the north-eastern side of Leverstock Green Road which is modern in character and appearance.

9. In each proposal, the fascia of the new canopy would be slightly nearer to the highway than the existing canopy. This forward part would be only about 8.8 m in length, however, compared with the length of some 15.8 m of the existing canopy, which has an overall height of about 4.3 m. Consequently whilst the new canopy would have an overall height of 5 m, it seems to me that because of its reduced width, this new canopy would have no significant adverse effect on the appearance of this part of Leverstock Green Road.

10. Although the Council argued that each of the proposals would result in unduly prominent development, in my opinion the existing filling station conveys a strong impression of an almost continuous building running at the rear of the forecourt. In each of the proposals, the shop building would be considerably less in floor area than the existing buildings which would be removed. In application No. 4/0024/83 the car wash would be at the rear of the site. With the "starter-gate" layout of pumps, I consider that each of your schemes would therefore give a pleasing open aspect to the site, when viewed from Leverstock Green Road and the surrounding area.

11. The Grade II Listed Building of Leverstock Green Farm House is located on the south-western side of Leverstock Green Road, together with older dwellings which also extend to the north-west. These dwellings are of attractive appearance but they are well separated from the road by a wide grass verge, with several trees. The Leather Bottle public house and other older dwellings lie to the south-east of the shopping centre. Consequently, when viewed from the south and south-east across Leverstock Green or along Leverstock Road, in my opinion this older

development does not intrude noticeably on the views of the appeal site set between the public house and the shopping centre. I consider that neither of the proposals, set in a group of modern developments, would therefore adversely affect the visual qualities and settings of the older buildings in the neighbourhood of the appeal site. With the landscaping envisaged within the site, it is my opinion that neither of the proposed filling station schemes would be materially detrimental to the character and appearance of the surrounding area.

12. At night the canopy would be illuminated in each case by lights facing upwards on the supporting columns, but the canopy fascia would not be illuminated, a feature which could be secured by a condition on a planning permission. The houses facing the site are set back from the carriageway behind a wide grass verge on the south-western side of the road. Having regard to the hours of operation suggested, which could also be covered by a condition, it is therefore my opinion that the amenities at present enjoyed by residents in the above dwellings, or indeed in the area around the site, would be unlikely to be adversely affected.

13. On the second issue, you explained that at present the filling station on the appeal site sold about 530,000 gallons of petrol per year. The total number of vehicular movements to and from the site was about 56 in the peak hour. This was generally in agreement with the theoretical flow of some 60 vehicles per hour (vph) calculated from your company's research on filling stations with attendants at the pumps, as was the case here. Both applications were based on estimated sales of about 700,000 gallons of fuel per year but the first application (4/0024/83) included sales of some 40,000 gallons of diesel fuel. With the introduction of self-service pumps, the average purchase per customer usually rose from 4.8 gallons to 5.1 gallons. The estimated peak flow generated by the proposals would then be 38 vph entering and leaving the site, a total of 76 vehicle movements in the peak hour.

14. In reply the Council stated that peak hour flows along the A414 past the appeal site were of the order of 2,000 vph, compared with a theoretical capacity of some 1,700 vph. Congestion occurred in the vicinity of the appeal site, being aggravated by traffic turning into and out of side roads. Queues of vehicles of 200-250 m regularly occurred in the morning peak hour, whilst in the evening peak hour, the eastbound queue was often about 400 m in length.

15. In my opinion, the Council conceded, however, that the proposals would be unlikely to lead to an increase in the volume of traffic using the A414 during the day. Whilst your traffic survey showed flows now of about 1,850 vph at peak hours, in 1979 flows in the vicinity of the site had been of the order of 2,000 vph. I consider, however, that you rightly argued that the practical capacity of the A414 could accommodate even these higher peak hour flows. I noted that it was not disputed that outside the peak hours, flows along the A414 were of the order of 1,000 vph, and possibly a little above this figure.

16. With the range of goods to be sold in the shop restricted to motorists accessories, spare parts and generally as suggested by the Council in accordance with a condition on a planning permission, it seems to me that the shop itself in each of the proposals, would not attract a significant number of customers each day, especially on weekdays and in the peak hours. It is my opinion that the overwhelming majority of customers in the shop would also have purchased fuel. I also consider that the number of vehicles using the car wash in the peak hours, particularly the morning peak hours, would be very small.

17. The Leverstock Green Village Association argued that each of the proposals would lead to a considerable increase in the number of vehicles entering the appeal site, based on the maximum capacity of the proposed pumps. In my judgement such a large increase is unlikely to occur, however, in view of the time required for a

driver to put fuel into his vehicle and then pay for it before leaving and also the competition from other filling stations. Furthermore the level of existing sales from the 4 pumps, even though in a different layout to that proposed, would appear to show that the Village Associations method of calculating customers per day is of doubtful validity.

18. Although reference was also made to the effect of sales promotion campaigns, it seems to me that these are widespread and run by many large companies. I consider that the competition from other filling stations should again ensure that such promotion features, whilst possibly giving some temporary increase in the number of customers, would be unlikely to lead to any significant and permanent increase in the traffic movements to and from the appeal site over and above that which you have forecast.

19. I consider that your estimate of a flow of about 38 vehicles into and out of the filling station during the peak hour is therefore reasonable, giving a total of some 76 vehicle movements in the morning peak hour. You estimated that there would be an additional 5 vehicles turning right into the site and an additional 4 vehicles turning right out of the site in the peak hour, for both proposals. It seems to me that these predicted flows were not disputed by the Council. Considerably higher volumes of turning traffic to and from Malmes Croft are accommodated by the traffic flowing along the A414 in the peak hour. Although traffic queues are formed on the A414 at this time it is accordingly my opinion that the additional right turning and also left turning movements likely to be generated by the 2 schemes would be accommodated by the traffic flows on the A414 at peak hours without any material increase in congestion or delay for the traffic on the A414.

20. Furthermore you propose to introduce a one-way system of vehicle movement through the site, with the entrance at the northern end. I consider that such a system, with signs, which could be secured by a condition on a planning permission, would be likely to be obeyed by virtually all vehicles using the filling station. Consequently in my view vehicles entering and leaving the filling station would be more easily accommodated in the flow of traffic along the A414. The elimination of the present confusing situation, whereby both accesses can be used for entrance and exit, would be likely to benefit highway safety. The entrance to the site would also then be approximately 50 m from the Malmes Croft junction which would give an adequate stagger distance between this highway junction and the entrance to the filling station. I am supported in this view by the advice of Appendix 12 of Department of Transport Advice Note TA20/81.

21. Although I have had regard to the advice of Development Control Policy Note No. 9, I am satisfied that the vehicular crossings at the entrance and exit would be adequate in width particularly bearing in mind the proposed one-way system through the site, a feature which is also supported by Development Control Policy Note No. 9. It is also my opinion that each of the 2 layouts would provide sufficient parking space for vehicles waiting to use the fuel pumps and also for the car wash in application No. 4/0024/83.

22. The Leverstock Green Village Association submitted that the proposed layby would be inadequate and substandard. I noted, however, that the County Council, as highway authority, has raised no objections to the layby you propose for each scheme. Although the approach and exit splays would utilise the entrance and exit crossing to the site, I do not regard this feature as unsatisfactory. A bus would be able to draw clear of the carriageway.

23. I also found from the later representations that about 7 buses per hour use the bus-stop in front of the site. The Village Association assessed the use of

this stop by buses as being only about 10 minutes in any hour. The Village Association was, however, concerned that when 2 buses arrive together at this stop, the entrance to the site would be blocked. But it seems to me that this occurs with the present bus stop and highway layout. Furthermore, the 4-hour check quoted by the Village Association revealed that 2 buses arrived together on only 2 occasions. I consider therefore that the evidence shows that the bus stop is used throughout the day only to a limited extent with 2 buses arriving together at this stop on very few occasions throughout the day. Whilst the entrance to the filling station would be blocked at such times, the rearmost bus would be able to pull off the carriageway to some extent, giving adequate visibility to the north-west for a vehicle leaving the filling station. It is therefore my opinion that the proposed layby would be satisfactory for each proposal, that adequate visibility would be available for vehicles leaving the site and that no material increase in hazards or delay for traffic using Leverstock Green Road would be likely to arise as a result of the proposed layby.

24. The Council argued that at present a bus stopping in front of the site created gaps in the eastbound flow of traffic. This allowed cars to leave the filling station and join the traffic stream on the A414. I take the view, however, that this stationary bus must reduce visibility to the north-west for a vehicle leaving the filling station by the southern exit and that eastbound vehicles on the A414 are likely to endeavour to overtake the stationary bus, particularly outside peak hours. Consequently it seems to me that vehicles leaving the filling station are exposed to a significant danger. Although there may be occasions when a bus would not pull completely clear of the carriageway, the provision of the layby should nevertheless ensure adequate visibility to the north-west along the A414 at all times in my opinion for a vehicle emerging from the appeal site. Consequently there would be no increase in hazards for vehicles leaving the site or travelling along the A414, indeed it appears to me that present hazards would be reduced.

25. The Council was concerned that the diesel fuel pump in the first application (No. 4/0024/83) would attract large goods vehicles to the site, with resultant hazards and congestion created when these vehicles entered or left the site. You explained however, that this diesel fuel pump would be intended to serve only light commercial vehicles and the increasing number of cars with diesel engines. I understand that it is expected that an Order prohibiting heavy goods vehicles from passing through the area of St Albans will be brought into operation before the end of the financial year 1983/84. This Order will cover the area to the north-east of the A414 in the vicinity of the appeal site and also the A414 to the south-east of Bedmond Road. Bedmond Road and the A414 past the appeal site do not lie however, within the area of the above Order.

26. As this proposed Order would affect through traffic in my opinion the number of heavy goods vehicles using the A414 is likely to decrease. Nevertheless the Council's traffic survey shows that heavy goods vehicles travel along Bedmond Road. It seems to me therefore that a reduced flow of heavy goods vehicles will use the A414 past the appeal site. I accept that the height of the canopy and the siting of the diesel fuel pump would discourage heavy goods vehicles from using the site but a tanker can enter the site. Filling stations serving diesel fuel would not however, be available within the area covered by the above Order for heavy goods vehicles with no destination within the Order area. It is my opinion that it would therefore be advisable to prohibit the use of the site by heavy goods vehicles by displaying suitable signs, which could be secured by an appropriate condition on a planning permission.

27. The Council contended that the additional vehicle turning movements to and from the appeal site would increase the hazards for traffic using the A414. Heavy goods vehicles manoeuvring in and out of the site when calling for diesel fuel would exacerbate these dangers, in the second application (No. 4/0624/83).

With 11 accidents during the past 3 years up to 31 August 1983 and another more recent accident in the length between Green Lane and Bedmond Road, this part of the A414 now met the criteria of the County Council for being regarded as an accident 'black' site.

28. I noted, however, that many of the above accidents occurred some distance from the appeal site. Later representations submitted after the inquiry by the Leverstock Green Village Association referred to 3 more accidents following the inquiry but only one of these was in the vicinity of the appeal site. I find no conclusive evidence which indicates that any of these accidents were caused by or as a result of vehicles entering and leaving the appeal site. The accident in the vicinity of the appeal site appears to be the first in this location for a period of over 3 years. The volume of traffic using the A414 would be unlikely to increase as a result of either of the proposed schemes, which would themselves result in only a modest increase in the daily flows of vehicles to and from the appeal site under more controlled conditions than at present, with a one-way system through the site which would have adequate parking capacity. Traffic flows along the A414 would accommodate the flows to and from the proposed developments, even at peak hours, without any material increase in congestion or delay to other traffic in my opinion. As stated above I accept, however, that it would be advisable to prohibit the use of the diesel fuel pump in application No. 4/0024/83 by large goods vehicles

29. I consider that adequate forward visibility is available on the A414 for vehicles approaching the filling station from the north-west or south-east. The proposed bus layby would also provide adequate visibility along the A414 for vehicles emerging from the filling station. Bearing in mind the total flows likely to have been generated by the existing filling station and car sales operation, I am therefore satisfied that the additional number of vehicles entering and leaving the site as a result of the proposals would be unlikely to materially increase hazards and congestion for traffic using the A414 or lead to any significant increase in the accident rate in this part of the A414. I consider that I am supported in this judgement by the views of the County Council as highway authority which I understand has the section of the A414 between Green Lane and Bedmond Road in its list for consideration as an accident black site requiring remedial measures in the current financial year. The County Council has, however, raised no objections to either of the proposals for alterations to an existing filling station subject to the construction of a layby for buses.

30. A considerable number of objections to the proposed developments have been submitted, largely through the Leverstock Green Village Association. The concern of local residents for both the character and appearance of this pleasant area and for highway safety is fully appreciated. But in my opinion and for reasons previously stated, the character and appearance of the surrounding area would not be adversely affected by the redevelopment of a site which forms part of a relatively modern group of developments which in itself has a certain individual character and appearance but which does not adversely affect to any material extent the visual amenities of the other parts of the surrounding area.

31. The proposals would also be unlikely to lead to any increase in the volume of traffic using the A414. Consequently, additional hazards would not arise at the pelican crossing which is some distance from the appeal site, or at the junctions of Green Lane, Malmes Croft and Bedmond Road. I have considered all the representations received after the inquiry but I consider that there would be no significant increase in hazards or delay for traffic using the A414 as a result of the proposed redevelopment of this filling station, as envisaged by your company.

32. Local residents were concerned about the loss of car servicing facilities on the site. It seems to me, however, that this is not a relevant planning consideration in these appeals. The provision of car-servicing and repair

facilities on the site, apparently envisaged in application No. 4/0624/83 could lead in my opinion, however, to a significant and undesirable increase in the additional traffic movements to and from the appeal site. An appropriate condition on a planning permission would ensure, however, that such additional development could not be carried out without the consent of the planning authority.

33. Construction of the new bus layby is fundamental in overcoming objections on grounds of highway safety. I therefore propose to attach a condition to each planning permission requiring the construction of a layby to meet the requirements of the highway authority before either of the proposed developments is brought into use. The other conditions put forward by the planning authority relating to materials of construction, the one-way system, treatment of boundaries, sales from the shop and hours of opening were generally accepted by your company. I have also included those conditions which I have previously mentioned in relation to the prohibition of heavy goods vehicles, servicing and repair of vehicles, and the illumination of the canopy. I have, however, adapted the conditions suggested by the Council where necessary to accord with the current policies and practices of the Secretary of State for the Environment.

34. I have had regard for all the other matters given in evidence or revised in representations. I am satisfied, however, that these are outweighed by the considerations which have led to my decisions.

35. For the above reasons and in exercise of powers transferred to me, I hereby allow both appeals. I grant planning permission for the demolition of existing buildings and reconstruction with new forecourt, canopy, sales building and car wash in accordance with the terms of the application (No. 4/0024/83) dated 7 January 1983 and the plans submitted therewith, subject to the following conditions:-

1. The development hereby permitted shall be begun not later than 5 years from the date of this letter.

2. No work shall be started on the development hereby permitted until details of materials to be used externally shall have been submitted to and approved by the local planning authority.

3. Before work commences on the development hereby permitted, a scheme for the display of signs directing vehicles to enter the site at the north-west crossing only and leave at the south-east crossing only and prohibiting the entry of heavy goods vehicles shall be agreed with the local planning authority. Such signs shall be displayed at all times after the first occupation of any part of the development hereby permitted but nothing in this condition shall preclude the free use of the access to Leaside.

4. The sales area within the building hereby permitted shall not be used for the sale of any item other than confectionery, soft drinks, tobacco, cigars, cigarettes, motorists' sundries such as road maps, anoraks, car polishes, gloves, oil, petrol additives, anti-freeze and de-icer and motor vehicle minor repairs and maintenance parts such as fan belts, light bulbs, wiper blades, points, spark plugs and petrol tank caps.

5. No motor vehicle hire or sale shall take place within the curtilage of the development hereby permitted.

6. Before work commences on the development hereby permitted, a scheme for the illumination of the site, including the canopy, shall be approved by the local planning authority.

7. Before any part of the development hereby permitted is first brought into use, a layby shall be constructed to meet the requirements of the highway authority in agreement with the local planning authority.

8. Before any part of the development hereby permitted is first brought into use, the arrangements for vehicle parking, circulation and manoeuvring shall be provided in accordance with a scheme agreed with the local planning authority and such arrangements shall be maintained at all times thereafter.

9. Before work commences on the development hereby permitted, a scheme for the treatment of boundaries and landscaping, including the erection of boundary walls and fences, shall be agreed with the local planning authority.

10. Before any part of the development hereby permitted is first brought into use, landscaping shall be provided and boundary walls and fencing shall be erected in accordance with a scheme to be agreed with the local planning authority.

11. The development hereby permitted shall be open only between the hours of 07.00 to 23.00 Monday to Saturday inclusive and between 08.00 to 22.30 on Sundays, Bank Holidays or other public holidays.

36. I also grant planning permission for the demolition of existing buildings and reconstruction with new forecourt, canopy and sales building in accordance with the terms of the application (No. 4/0624/83) dated 10 May 1983 and the plans submitted therewith subject to the following conditions:-

1. The development hereby permitted shall be begun not later than 5 years from the date of this letter.

2. No work shall be started on the development hereby permitted until details of materials to be used externally shall have been submitted to and approved by the local planning authority.

3. Before work commences on the development hereby permitted, a scheme for the display of signs directing vehicles to enter the site at the north-west crossing only and leave at the south-east crossing only shall be agreed with the local planning authority. Such signs shall be displayed at all times after the first occupation of any part of the development hereby permitted but nothing in this condition shall preclude the free use of the access to Leaside.

4. The sales area within the building hereby permitted shall not be used for the sale of any item other than confectionery, soft drinks, tobacco, cigars, cigarettes, motorists' sundries such as road maps, anoraks, car polishes, gloves, oil, petrol additives, anti-freeze and de-icer and motor vehicle minor repairs and maintenance parts such as fan belts, light bulbs, wiper blades, points, spark plugs and petrol tank caps.

5. No sale, hire, servicing or repairs of motor vehicles shall take place within the curtilage of the development hereby permitted.

6. Before work commences on the development hereby permitted, a scheme for the illumination of the site, including the canopy, shall be approved by the local planning authority.

7. Before any part of the development hereby permitted is first brought into use, a layby shall be constructed to meet the requirements of the highway authority in agreement with the local planning authority.

8. Before any part of the development hereby permitted is first brought into use, the arrangements for vehicle parking, circulation and manoeuvring shall be provided in accordance with a scheme agreed with the local planning authority and such arrangements shall be maintained at all times thereafter.

9. Before work commences on the development hereby permitted, a scheme for the treatment of boundaries and landscaping, including the erection of boundary walls and fences, shall be agreed with the local planning authority.

10. Before any part of the development hereby permitted is first brought into use, landscaping shall be provided and boundary walls and fencing shall be erected in accordance with a scheme to be agreed with the local planning authority.

11. The development hereby permitted shall not include nor shall it be extended to include the sale of diesel fuel.

12. The development hereby permitted shall be open only between the hours of 07.00 to 23.00 Monday to Saturday inclusive and between 08.00 to 22.30 on Sundays, Bank Holidays or other public holidays.

37. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of these permissions has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

38. The developer's attention is also drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

39. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Sir
Your obedient Servant

D.F. Binnion

D F BINNION BSc(Hons) CEng MICE DipTP MRTPI
Inspector

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