

**E/09/0040/B - Unauthorised installation of two generators at BP filling station, Rush Green, Hertford, SG13 7SH**

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**Parish:** HERTFORD

**Ward:** HERTFORD - KINGSMEAD

**RECOMMENDATION**

That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised development from the land.

Period for compliance: 28 days

Reasons why it is expedient to issue an enforcement notice:

1. The unauthorised installation of two generators, by reason of their size, siting, form and design is out of keeping with and detrimental to the design and appearance of the existing buildings, contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
2. The unauthorised installation, by reason of their size, siting, form and design do not respect the amenity of occupiers of neighbouring properties and fails to ensure that their environment is not harmed by noise and disturbance, contrary to ENV1 of the East Herts Local Plan Second Review April 2007.

\_\_\_\_\_ (004009B.GD)

**1.0 Background**

- 1.1 On the 18<sup>th</sup> April 2008 an application (Ref: 3/08/0733/FP) was received seeking planning permission for amendments to the Rush Green BP filling station, following the grant of planning permission under reference 3/05/0605/FP for the following: -

“The redevelopment of the site to provide new filling station and forecourt, (including canopies, pumps and underground tanks), new sales building, car wash, other car care facilities, landscaping and other associated works”.

- 1.2 The application reference 3/08/0733/FP was granted permission on the 2<sup>nd</sup> July 2008.

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- 1.3 During the redevelopment of the site the connection to the electricity grid was cut and as the connection was outside the site and the land owners refused access to contractors to repair the damage, generators were sited behind the sales building to give power during the redevelopment stage.
- 1.4 However, the redevelopment has been completed but the land owner of the adjacent land still refused access to complete the repair. Whilst negotiations continue the generators remain on site.
- 1.5 Officers have been advised that this is a temporary situation; however, the planning agent is unable to give a timescale for their removal, and the generators continue to result in complaints of noise and disturbance from nearby residents.

## **2.0 Planning History**

- 2.1 Reference 3/05/0605/FP for the redevelopment of the site as referred to above.

Reference 3/08/0733/FP for minor alterations to the above permission.

## **3.0 Policy**

- 3.1 Policy ENV1 of the East Herts Local Plan Second Review April 2007 is relevant in this case.

## **4.0 Considerations**

- 4.1 The unauthorised installation of two generators, which in planning terms can be viewed as large containers, are by reason of their size, siting, form and design out of keeping with and detrimental to the design and appearance of the existing buildings, contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007. They are sited close to residential properties and whilst screened by fencing to the residential properties they can be viewed from the roundabout and from the slip roads to and from the A10 dual carriageway.
- 4.2 The unauthorised developments do not respect the amenity of occupiers of neighbouring properties and fail to ensure that their environment is not harmed by noise and disturbance, contrary to ENV1 of the East Herts Local Plan Second Review April 2007. Environmental Health has received complaints from local residents about the disturbance caused by reason of noise and a noise abatement notice has been served. Officers are currently checking if the notice has been complied with.

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4.3 It is considered that if the repair could be undertaken the generators could be removed; however until the negotiations are completed these generators could remain on site for many months, and their presence is causing considerable concern to the local residents.

### **5.0 Recommendations**

5.1 It is therefore recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the removal of the unauthorised development.