

5k E/12/0190/B - Unauthorised erection of an entrance gate to development at Crosier Place, St John Street, Hertford, SG14 1RX

Parish: HERTFORD

Ward: HERTFORD CASTLE

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 cessation of the unauthorised use.

Period for compliance: 1 month.

Reasons why it is expedient to issue an enforcement notice:

1. The gates introduce an unattractive and fortified appearance detrimental to the overall design of the site, disconnecting it from the approach via St Johns Street. The development is thereby harmful to the appearance and character of the Conservation Area and contrary to local plan policies ENV1, ENV3 and BH6 of the adopted East Herts Local Plan April 2007.
2. When closed, the gates would create an unwarranted barrier to movement that would be detrimental to the use of site by pedestrians, cyclists and the disabled. It would thereby be contrary to Policies TR1 and TR4 of the East Herts Local Plan Second Review April 2007, the objectives of the local transport plan to encourage the use of sustainable transport modes as well as the provisions of the National Planning Policy Framework (para 35 and 69).
3. The gates have not been justified on security grounds and would be more likely to create social division and add to the perceived fear of crime contrary to the provisions of the National Planning Policy Framework (para 58 and 69).

_____(019012A.CA)

1.0 Background:

- 1.1 The site is shown on the attached OS extract. It lies at the northern end of St Johns Road, about 85 metres north of Railway Street. Crosier Place is a new residential development on the site formerly occupied by the Stenoak Tool Company.

E/12/0190/B

- 1.2 Planning permission was granted for the demolition of the redundant industrial building and the erection of thirteen town houses, under application number 3/10/0793/FP, on 2nd August 2010. This development is now complete.
- 1.3 Further planning permission was applied for under application number 3/12/0135/FP for the addition of two metre high gated access to the front of the site. This was refused by officers under delegated powers on 9th April 2012 for the reasons detailed above and also because insufficient information had been submitted about the level of noise likely to arise from the operation of the gates.
- 1.4 On 22nd June 2012 a complaint was received by officers that the access gate was being installed at the site. This was confirmed by a site visit by the enforcement officer who also noted that the developers' web site was advertising the properties with a "remote controlled electrically operated security gate at the front of development". The gate in question is a single black painted steel sliding gate
- 1.5 The enforcement officer spoke to the developer who stated that it was the intention of the company to appeal against the refusal of planning permission and that the gate was currently tied back. However, tied back or not, officers' consider that the gate represents unauthorised development.
- 1.6 Members may recall that provisions contained in the Localism Act 2011 state that if an enforcement notice is served during the period in which a planning refusal may be appealed then no appeal against that notice may be made under ground a) (that planning permission should be granted). Accordingly the early service of an enforcement notice in this case would be likely to reduce both the Authority's and developers' costs.
- 1.7 As the properties are currently being sold to members of the public, officers also consider that the early service of an enforcement notice would effectively inform prospective purchasers of the current breach of planning control.
- 1.8 Photographs of the site will be available at the meeting.

2.0 Planning History:

- 2.1 The most relevant planning history for the site can be summarised as follows:

E/12/0190/B

3/09/1556/LC	Demolition of existing industrial unit.	Approved.
3/09/1555/FP	Proposed demolition of existing redundant industrial unit and replacement with a development of 14 no. town houses.	Refused.
3/10/0793/FP	Demolition of existing redundant industrial building and replacement with a development of 13 no. town houses with associated parking and gardens.	Approved.
3/12/0135/FP	Addition of 2 metre high gated access to the front of the site.	Refused.

3.0 Policy:

3.1 The relevant saved policies of the adopted Local Plan in this matter are:-

ENV1	Design and Environmental Quality.
ENV3	Planning Out Crime – New Development
ENV24	Noise Generating Development
BH6	New Developments in Conservation Areas
TR1	Traffic Reduction in New Developments
TR4	Travel Plans

3.2 The National Planning Policy Framework is also of relevance to the consideration of this proposal.

4.0 Considerations:

4.1 The main considerations in this matter relate to the adverse impact of the gate on the design of the site and the wider conservation area in which it lies. The gate disconnects the development from the community in which it lies and gives a fortified appearance to it. Such a small gated community is likely to create social division between the existing community and the residents of this new development; additionally its appearance is also likely to add to an increased fear of crime in the area.

4.2 The gates are considered by officers to be likely to discourage pedestrians, cyclists and those with physical disabilities from using sustainable means of transport.

4.3 Insufficient information was submitted with the planning application 3/12/0135/FP for officers to assess the impact of any noise on the

E/12/0190/B

amenity of existing residents in St Johns Street. No further information has been submitted to the Council since then.

5.0 Recommendation:

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