



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Head of Planning

Date: 28 June 2016

Subject: Enforcement Report

Author of Report: Abby Wilson

Summary:

Unauthorised erection of a fence enclosure at Unit B Old Station Drive, S7 2PY

Reasons for Recommendations

Enclosure does not benefit from permitted development rights and as such the enclosure is unauthorised. The enclosure is in conflict with UDP policies MU8, M11, G10 and G17

Recommendations:

That authority be given to the Director of Regeneration and Development Services or Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the additional fence enclosure..

The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Background Papers:

Category of Report: OPEN

ENFORCEMENT REPORT

ERECTION OF AN UNAUTHORISED FENCE AT UNIT B OLD STATION DRIVE

1. PURPOSE OF REPORT

- 1.1 To inform committee members of a breach of the Planning Regulations and to make recommendations on any further action required.

2. BACKGROUND

- 2.1 Old Station Drive is a no-through road off Archer Road in S7.
- 2.2 The site is located in a Mixed Use Area as identified in the Unitary Development Plan (UDP). The Road leads to the rear deliveries entrance of Tesco Extra supermarket. There are several industrial units on Old Station Drive including haulage companies and car repairs. There is also an NHS office and clinic and a residential use at the entrance to Old Station Drive. To the rear of the site lies a main rail route and the road sits between the two large supermarkets Sainsbury's supermarket on Archer Road and Tesco Extra on Abbeydale Road.
- 2.3 The Sheaf Valley Walk runs along the side of Tesco Extra and joins a section of Old Station Drive south west of Unit B approximately 30 metres away from the related site. The walk has been illustrated on the attached plan.
- 2.4 The industrial units are generally enclosed by metal palisade security fencing ranging from 1.75m and 3 metres in height. The open palisade offers uniformity along the street and offers transparency for highway users.
- 2.5 In addition to this palisade, the unit known as Unit B has added a corrugated solid screening with a wooden frame for rigidity. The screening is 3 metres in height along the fenced areas and 2.5 metres at the gate. It has been attached to the inside of the original 1.7m metre high palisade with the wooden frame fronting the highway. The additional fence screening encloses the North elevation fronting the highway, the west elevation bordering a neighbouring unit and the rear of the site. The east elevation neighbouring Unit D, is as existing. The

additional fence screening is untidy in appearance and due to its height and solid screen, draws attention to the unit along a road which is generally tidy and uniform in appearance.

- 2.6 The site is occupied by ADS Scaffolding, storing scaffolding equipment and company vehicles. By the nature of the business, little activity takes place on the site.
- 2.7 ADS Scaffolding were initially contacted in 2013 and later in 2014 with regards to removing the fence following a complaint regarding the appearance of the fence. It transpired that the fence height was increased to prevent further thefts from the yard. It was explained that they could apply to increase the height of the fencing with an alternative proposal, using for example palisade to an increased height, similar to fencing at neighbouring units. No further correspondence response was received..

3 ASSESSMENT OF BREACH OF CONTROL

- 3.1 Enclosures over 1 metre in height at the highway and over 2 metre in height at any other location do not benefit from permitted development rights and as such the enclosure is unauthorised.
- 3.2 The site is located within the Archer Road Mixed Use Area, MU8, as defined within the UDP.
- 3.3 Unitary Development Plan Policy M11 states new development be well designed and of a scale and nature appropriate to the site; and comply with policies for the Built and Green environment, as appropriate. The fence enclosure is of poor design and is out of keeping with the tidy appearance of the street.
- 3.4 Policy MU8 is concerned with the open spaces adjoining the river which is particularly important for the riverside walk.
- 3.5 The Sheaf Walk forms part of a Green link in the city protected under Policy G10, Green Network, which states that the green links will be enhanced by encouraging development that increases their value for wildlife and recreation. Development is carefully considered surrounding green links to enhance recreational use and the close proximity and appearance of the fence enclosure is detrimental to the visual amenities of the riverside walk. Since the complaint was received, deciduous vegetation has grown overhanging the highway. The vegetation mitigates some of the visual harm of the enclosure at the front elevation during spring and summer months however the vegetation is a temporary feature that could be removed at anytime, and has less impact during winter months.

3.6 G17 states as part of the development of the Green Network , all rivers and streams will be protected and enhanced for the benefit of wildlife and where appropriate, for public access and recreation.

3.7 The photographs, below, show the property in question and demonstrate the visual harm that is considered unacceptable in this area.

4. REPRESENTATIONS.

4.1 There has been one written complaint regarding the appearance of the fence from a tenancy on the road.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

5.2 Section 172 of the Act provides for the service of an enforcement notice (EN). In this case such a notice would require the removal of the corrugated screen fencing to make good the harm caused by the unauthorised development. There is a right to appeal to the Planning Inspectorate, against the service of an Enforcement Notice. However, it is considered that the Council would be able to successfully defend any such appeal.

6 EQUAL OPPORTUNITIES

6.1 There are no equal opportunity issues arising from the recommendations in this report.

7 FINANCIAL IMPLICATIONS

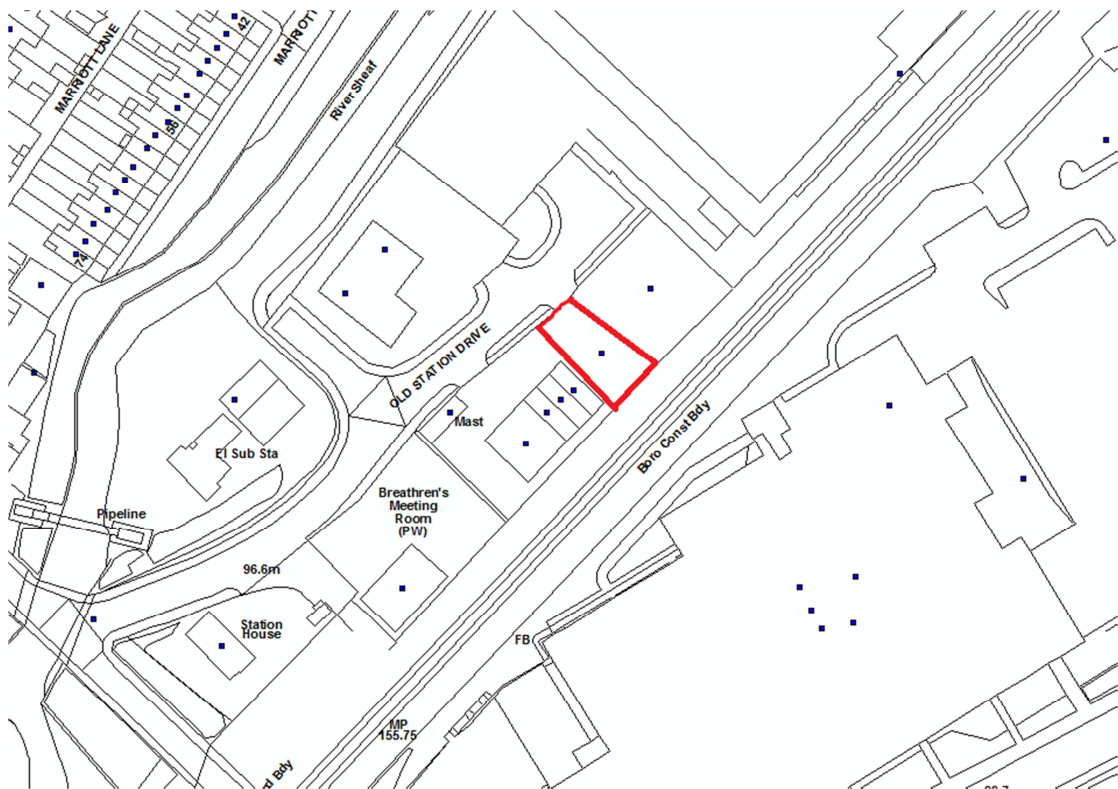
7.1 There are no additional financial implications expected as a result of this report. If an appeal is made against the enforcement notice, costs can be awarded against the Council if it is shown that they have behaved “unreasonably” in the appeal process, it is uncommon that this will happen. However, in the unlikely event compensation is paid, it would be met from the planning revenue budget.

8.0 RECOMMENDATIONS

8.1 That the Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised enclosure at Unit B Old Station Drive.

8.2 The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Site Plan



Site Photos



Figure 1 example of fencing on Old Station Drive



Figure 2 Elevation fronting highway



Figure 3 fencing in relation to Sheaf River Walk