

Application Number	23/00290/FUL
Site Address	Northwick Road Allotments, Marion Close, Worcester WR3 7LT
Description of Development	Proposed erection of replacement fencing and gates at different access points of the existing Northwick Road allotments.
Expiry Date	27th July 2023
Applicant	Alan Breen- Worcester City Council
Agent	As applicant
Case Officer	Ros Vaux-Harvey
Ward Member(s)	Claines Ward
Reason for Referral to Committee	Worcester City Council Application
Web link to application	Planning application: 23/00290/FUL - Worcester City Council
Recommendation	The Corporate Director - Planning and Governance recommends that the Planning Committee grants planning permission pursuant to Regulation 3 of The Town and Country Planning General Regulations 1992 (as amended) subject to the conditions set out in section 9 of this report.

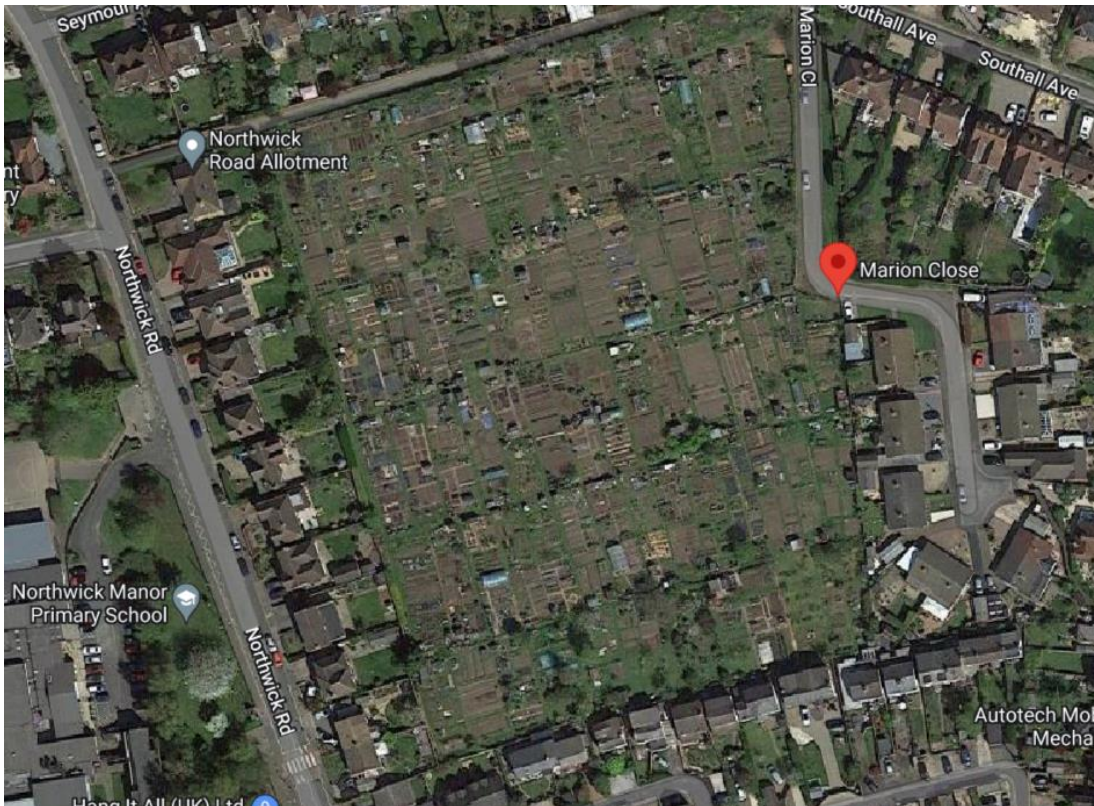
1. Background

- 1.1 The application was validated on 5th April 2023 and a decision was due by 31st May 2023. An extension of time for the determination of the application has been agreed until 27th July 2023 to allow determination by the Planning Committee.
- 1.2 The application has been referred to the Planning Committee as the applicant is Worcester City Council.

2. The site and surrounding area

2.1 This application site relates to a Worcester City Council managed allotment site located off Marion Close within in the "Northwick" area of Worcester.

The allotment site accommodates 118 leased plots, and currently benefits from various types of boundary treatments including low level fencing and dense hedgerow. A police report was produced in October 2020 highlighting a spate of thefts from sheds and recommendations to improvements to security.



3. The proposals

3.1 The proposal is for at three locations (see below proposed site plan); northwest pedestrian entrance, northeast vehicle and pedestrian entrances and east pedestrian entrance the following:

- Erect 1.8-metre-high PVC coated green weldmesh fencing fixed to new concrete posts at all 3 locations.
- Erect 1.8-metre-high lockable vehicle and pedestrian gates at north east and east entrances
- Erect 1.8-metre-high lockable pedestrian gate at north west entrance.
- Erect 1.8-metre-high green weldmesh fencing and extension posts along the existing low level fence line along Marion Close.

The proposals originally included a new vehicle entrance including dropped kerb for vehicle access and 1.8 metre vehicle gates off Marion Close, this has now been removed from the application.

3.2 The application is accompanied by a full set of plans and details of the proposed fencing/gates.

3.3 Proposed Plan



Existing low pedestrian gate and fencing in northwest corner of site to be taken out and replaced with a new 1.8m pedestrian gate and 1.8m fencing.



Existing low vehicle gate and fencing in northeast corner of site- to be replaced with 4m x 1.8 m high vehicle gate with keypad entry lock (increased width required for deliveries of manure etc). To the right of the vehicle gate a 1.2m x 1.8m pedestrian gate with keypad lock entry and 1.8 m green galvanised fencing to continue either side of the gates.



Existing low pedestrian gate on east side to be replaced with 1.8-metre-high pedestrian gate and fencing.



Raise low fence line along Marion Close to 1.8 metre high using Green Weldmesh fencing on extension posts.



3.4 In accordance with Article 15 (7) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), full details of the application have been published on the Council's website. As such, Members will have had the opportunity to review the submitted plans and documents in order to familiarise themselves with the proposals prior to consideration and determination of the application accordingly.

4. Planning Policy

4.1 The Town and Country Planning Act 1990 ('the Act') and the Town and Country Planning General Regulations 1992 (as amended) establish the legislative framework for consideration of this application. Section 70(2) of the Act requires the decision-maker in determining planning applications/appeals to have regard to the Development Plan, insofar as it is material to the application/appeal, and to any other material consideration. Where the Development Plan is material to the development proposal it must therefore be taken into account. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application/appeal to be determined in accordance with the Plan, unless material considerations indicate otherwise.

4.2 The Development Plan for Worcester now comprises:

- The South Worcestershire Development Plan (SWDP) which was adopted February 2016, and;
- The Worcestershire Waste Core Strategy, which was adopted on December 2012.

South Worcestershire Development Plan

4.3 The following policies of the SWDP are considered to be relevant to the proposal:

SWDP 21 – Design
SWDP 38- Green Space

Supplementary Planning Documents

4.4 The following Supplementary Planning Documents are relevant to the application proposals:

- **Design Quality SPD**

- 4.5 The Design Quality SPD was adopted on 5th March 2018. The document encourages high standards of design for development proposals in accordance with the aims and interests that the NPPF seeks to protect and promote in this regard. The Design Quality SPD is consistent with the planning policies in the SWDP.

Other material considerations include:

National Planning Policy Framework 2021 (NPPF)

- 4.6 The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

National Planning Practice Guidance (NPPG) and National Design Guide

- 4.7 The Government also publishes National Planning Practice Guidance (NPPG) to complement the NPPF that has been revised and updated in the meantime and comprises, amongst other matters, Air quality, Design, Housing and economic land availability assessment, Noise, Travel plans, Transport assessments and statements in decision-taking, Flood risk and coastal change, Use of planning conditions, Flexible options for planning permissions, and Planning obligations. Similarly in October 2019 the Government has published the National Design Guide.

5. Planning History

- 5.1 The site has not been the subject of any previous planning applications.

6. Consultations

- 6.1 Formal consultation, including display of site notices, has been undertaken in respect of the application. The following comments from statutory and non-statutory consultees and interested third parties have been received in relation to the original and amended proposals and are summarised as follows:

Neighbour and other third-party comments-

Two third party responses were received raising the following objections/comments:

Visual Impact

The proposed new 1.8M high fencing, vehicle access gates and pedestrian access gates are inappropriate for a domestic setting. The allotments are set within a suburban environment and any improvements must be in a complimentary aesthetic that is not detrimental to the local environment. The current mesh fencing is backed by a mature native hedgerow and trees which blend in with the local environment. The proposal is completely alien to the environment.

The premise of the application is unclear, if the increased height of fence is being introduced for security it is a flawed argument as the natural hedge to the north has many gaps due to excessive trimming over the years and negates the effectiveness of any secure fencing elsewhere.

Access

The application does not provide sufficient detail for the vehicle access points as reported by the Highways Officer in her comments.

The drawings do not show the proposal in any clarity, the drawing submitted shows the vehicle access located further down Marion Close than the current access which is not feasible. The applicant must provide further details of the access points for vehicles and the effects upon the footpath, streetlighting and junction with the carriageway. The application should not have been validated by the authority without the inclusion of details in regard to the vehicle access impact.

Traffic, access and egress from both Marion Close and the current gated access to the allotment cause considerable disturbance at present which has resulted in some damage to parked vehicles. Any change to the vehicle access to the allotments must be detailed fully prior to any consideration of the application, the current submitted proposals do not provide this.

A further vehicle access is proposed at the south end of the eastern boundary to Marion Close. This is currently a radius curve to the road with a verge. Any access in this location would involve extensive works to form drop kerbs, footway crossings and would also involve the removal and relocation of a streetlamp, all of which will be disruptive in such an inconvenient location for a vehicle access which has limited manoeuvrability and visibility.

The disruption to the immediate area must be taken into consideration when undertaking any works. The streets around the area are used by residents, allotment users and is heavily used in mornings and early evenings by individuals parking and dropping off children to Northwick Primary school. Consideration of the traffic disruption during any works must be considered as the street is currently overwhelmed and any closure or reduction to the parking levels at Marion Close will impact on the street in further areas.

A traffic report should have been included with the application to justify the need and requirement for the new proposals and also to understand the impact of any works on the local area. The application should not have been validated by the authority without this report.

Ecology and Biodiversity

There are no ecology surveys submitted with the application. The works would have great impact on the ecology and biodiversity of the area and reports of the impact and any mitigation should be included. The allotments feature a great deal of natural activity including bats, birds, fox, badger and small mammals, insects (including pollinators and butterflies), ecology reports must be submitted with the application for consideration. The application should not have been validated by the authority without these reports.

The works would appear to require the existing mesh fence and concrete posts to be removed against the footpath. There is an existing native hedgerow and bramble row behind this mesh fence which will be destroyed by any works. This is a haven for wildlife. The proposed access to the south of Marion Close would also involve the removal of a grassed verge and hedgerow. This is a self-depreciating action as the impact of the fencing installation will drastically reduce the natural pollinating insects to the allotments.

There are 3 trees to the eastern boundary which will be affected by the works, no details of this are included in the application. Should these trees be removed then additional trees should be replanted to ensure the current biodiversity is maintained. The positions, species should be shown on the submitted drawings for consideration by the authority landscaping officer as part of a landscaping scheme.

The Works

The proposed works, if approved, will be intrusive to the locality. The immediate area to the proposed fencing works would need to be securely fenced for the works to be undertaken and materials and welfare to be located. This will result in the footpath to Marion Close being restricted in an unsafe manner or closed completely which would not be acceptable as this is the only footpath access for this street. Should the verge opposite be used for storage of materials that further ecological consideration for the impact must be considered.

A working method statement must be included with the application so that any impact on the local area can be considered. The application should not have been validated by the authority without this.

The following **statutory and non-statutory responses** have been received:

Worcester City Council Landscape Officer:

No objections to the proposals however caution should be taken when digging post holes or clearance for surfacing/fence lines re wildlife such as slow worms and other species present in the allotment. An assessment ought to be carried out if necessary, so that any wildlife present is not adversely affected.

Worcestershire County Council Highways:

Original comments:

There is no objection in principle to the proposed erection of a replacement fence and gates on the existing Northwick Road Allotments site however further details are required.

The submitted plan indicates 3 existing points of pedestrian access (northwest entrance, northeast entrance and east entrance) plus 2 points of vehicular access (northeast and east) and whilst there is an existing gated access to the northeast, the plan indicates that this will be amended and this should be clarified.

Also, further details are required of the proposed vehicle access to the east and from a Highways point of view, the access should be centrally located in this section, away from the neighbouring site access. This will necessitate the relocation of the existing street lighting column which has not been shown on plan. The access width must be confirmed as a minimum of 3.2m for vehicular use and any gates must be set back at least 2 metres from the edge of the carriageway. The first 5 metres of the access measured from the edge of carriageway must be surfaced in a bound material and works in the highway to facilitate access must be carried out by WCC contractors, Ringway.

The applicant should be requested to address the above points and show the details on a clear and dimensioned plan for Highways to review and the Highway Authority therefore, submits a deferral until the required details have been provided.

Further comments received from the Highways Officer post removal of new access off Marion Close and clarification on the proposed gates in the northeast location:

Further to the deferral, the applicant has submitted revised details to clarify that, at the north-east Entrance, the existing gate will be replaced with a 4m x 1.8m galvanised weldmesh gate with keypad entry lock plus a 1.2m x 1.8m galvanised weldmesh pedestrian gate with keypad entry to the right. The proposed 1.8m galvanised weldmesh fencing will continue either side of the pedestrian and vehicle gates along the boundary of the site as indicated. However, at the east entrance, the

previously proposed vehicular access has been removed from plan, with only the 1.8m x 1.2m pedestrian gate retained as existing and there is No objection from Highways.

It is noted that there is an existing dropped kerb to serve the north-east Entrance plus double yellow lines to protect it however as the access will be in use for 'deliveries of manure etc usually by means of a tractor/trailer', the first 5 metres of the access should be surfaced in a bound material to prevent mud and other detritus from entering the highway.

7. Planning Assessment

7. The Principle of Development

- 7.1 The application site is located within Green Space land on the outskirts of the City Centre. The proposal is for erection of 1.8 metres high fencing and at all three locations, the erection of 1.8-metre-high lockable vehicle and pedestrian gates at the north-east and east entrances and the erection of 1.8 metre pedestrian gate at the northwest entrance. The proposal is designed to improve the security and facilities for the tenants at Northwick Allotment Site. The site has suffered with thefts of produce and damage to sheds and tenants' property, the proposed improvements are considered to improve the existing insufficient security measures and provide a wider gated access to allow for deliveries of manure etc which are usually via a tractor/trailer.

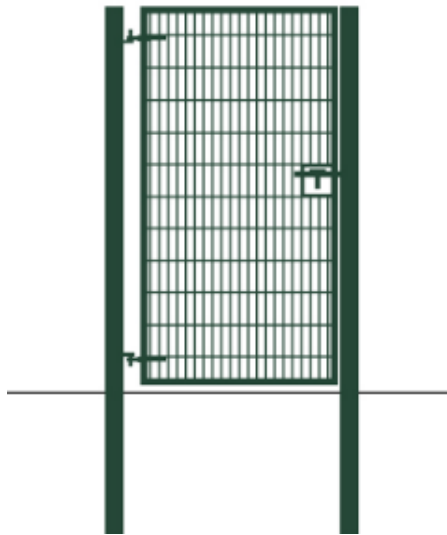
Example of proposed fencing 1.8m height



Example of proposed vehicle gate- 4m x 1.8m.



Example of proposed pedestrian gate- 1.2m x 1.8m



Design and visual impact

- 7.2 The NPPF confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 7.3 Paragraph 126 of the NPPF highlights that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.4 The third-party objections (as detailed above) include concerns regarding the appropriateness of the 1.8 metre fencing in a domestic setting and concerns regarding its visual impact on the amenity of the local area. Comments were also raised about the requirement of the 1.8 metre fence for security purposes as the natural hedge to the north of the site has gaps and therefore the purpose of the new fencing is seen as flawed from a security aspect.
- 7.5 Clarification to the above comments were requested from the City Council Environmental Operations Project Manager who advised that the purpose of increasing the current 1.2m fencing to 1.8m is to provide a much-needed security provision to deter future thefts or acts of vandalism within the site in the future. The recommendations for improvements to security were made during a police report in October 2021. The proposed fencing is an increase in height of 600cm of the current fencing and the new fencing is made up of PVC coated green weldmesh with concrete posts, the existing hedgerow behind the fencing will not be removed. In relation to the comments raised regarding the gaps in the hedgerow to the north the project manager has confirmed that the current gaps are not the creation of excessive trimming but through unauthorised access, these gaps will be filled with shorter 1m euromesh fencing from the inside of the allotment site, this will allow for the mature hedge to fill in naturally.
- 7.6 Policy SWDP 21 – ‘Design’ is relevant and requires all new development to be of a high-quality design which integrates effectively with its surroundings, in terms of form and function, whilst also reinforcing local distinctiveness. Parts X and XIV are relevant when looking at this proposal.

- 7.7 Part X states that detailing and materials should be of high quality and appropriate to its context and Part XIV states that proposals should create a safe and secure environment and incorporate measures for crime reduction.
- 7.8 In terms of the existing context, the application site is made up of various types of boundary treatments including dense vegetation/hedgerow low-level metal vehicle/pedestrian gates and wire mesh fencing with concrete posts.
- 7.9 The proposals include the retention of the existing vegetation/ hedgerow the removal of the low-level boundary treatments and low-level vehicle gate with its replacement of a higher-level gates and green power coated fencing. The proposed fencing is considered acceptable in the current surroundings and will result in an increase of security to the site which will help in deterring future crime to the area.
- 7.10 In terms of overall design, I consider the proposal accords with the relevant expectations of Policy SWDP 21 of the SWDP and will provide a needed security measure to the site which will not unacceptably detract from the appearance or setting of the area.

Impact on Green Open Space

- 7.11 The site is located within the designated Green Space as shown within the proposals map of the South Worcestershire Development Plan. Policy SWDP 38 sets out the determining principles for proposals that fall within the Green Space allocation, stating that;

Proposals must demonstrate that:

B. Development of Green Space will not be permitted unless the following exceptional circumstances are demonstrated:

- i. The proposal is for a community / recreational use that does not compromise the essential quality and character of the Green Space; or
- ii. An assessment of community and technical need (using recognised national methodology where appropriate) clearly demonstrates that the Green Space is surplus to requirements; or
- iii. Alternative / replacement Green Space of at least equivalent value to the community has been secured in a suitable location.

- 7.12 In particular part B (i) of the policy states that the proposal must demonstrate that it is for a community / recreational use that does not compromise the essential quality and character of the Green Space. These proposals are to carry out essential maintenance work to the existing allotment site to improve the security provisions and facilities of its users the proposals are considered to be of a quality design and are not considered to compromise the character or quality of the Green Space. The proposals are therefore seen to comply with the relevant requirements of policies SWDP 38.

Impacts on access

- 7.13 During the consultation process comments were submitted that included objections to the originally proposed new access off Marion Close and concerns regarding changes to the current access, which in their opinion, already creates considerable disturbance at present with parking and traffic to the residents of Marion Close. In light of the response from the Highways Authority, it has been agreed that this element is withdrawn from the application. The proposals now show that the existing entry point will not substantially change but the gates will be widened to 4m and increased in height to 1.8m to allow safer deliveries of allotment materials, and an additional 1.2m wide pedestrian gate will be positioned to the right of the vehicle gate. The widening of the existing vehicle entry point is to allow safer deliveries and is not related to the frequency of use.

The Highways Authority raise no objections to the revised proposals subject to a condition regarding the access point being surfaced in a bound material to prevent mud and other detritus from entering the highway. The proposals are therefore considered to comply with the Worcestershire Streetscapes Design Guide.

Ecology and Biodiversity

- 7.14 Concerns have also been expressed regarding the proposed works and their impact on the ecology and biodiversity of the area. The Councils Landscape Officer has advised that there are no objections to the proposals, however, caution should be taken when digging post holes or clearance for surfacing/fence lines in relation to wildlife such as slow worms and other species present in the allotment. The Environmental Operations Project Manager has confirmed that there will be minimal impact to the ecology of the site, post holes will be dug by hand and vegetation clearance will only occur to allow fencing removal and installation. All areas will have a thorough walkover/inspection prior to the commencement of works. Some minor cutting back of vegetation along Marion Close will be required to allow access to each existing concrete post for installation of the new fencing, no trees will be removed to accommodate these works. It is therefore considered that the proposed works will have a minimal impact on the existing ecology of the site and the correct pre commencement inspections are in place before the works will commence.

Impact of amenity of residents whilst works are taking place.

- 7.15 Concerns were also raised regarding the impact on the local residents whilst the works took place this is in relation to the footpath on Marion Close being restricted or closed and the storage of materials. The Environmental Operations Project Manager has confirmed that a walking route will be maintained for pedestrians and distribution will be kept to a minimum. No materials will be stored on the footpath or carriageway.

8. Conclusion and planning balance

- 8.1 The NPPF identifies a series of the components that are considered critical to achieving sustainable development. As set out in the above policy assessment of the proposed development, it is considered that the proposal is in accordance with the requirements of the adopted development plan and material considerations relevant to the determination of the application.
- 8.2 The assessment of the proposal has identified an enhancement of security measures for a safe and secure environment and crime reduction. The proposals comply with the requirements of the NPPF and policies SWDP.38 and SWDP.21
- 8.3 The proposals of the replacement fencing, and vehicle gates will individually and collectively improve the security to the area the proposed materials are considered to be of a good quality and will integrate effectively with its surroundings. The proposals comply with the requirements of the NPPF and policy SWDP.21 of the local development plan.
- 8.4 Considering the above, and subject to the imposition of planning conditions, the proposed development is considered to be acceptable.
- 8.5 All comments received as part of the consultation process have been acknowledged and consider all material planning issues have been considered in the determination of this application. Having regard to the totality of the policies in the NPPF, it is considered that the proposed development is sustainable when looking at its social, economic and environmental credentials in the round.

9. Recommended Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out and completed in accordance with the following approved plans and associated documents and the specifications and recommendations contained therein, except where otherwise stipulated by conditions attached to this permission.

Location Plan
Proposed Plan

Reason: To ensure that the development is carried out in accordance with the approved plans and the development is retained as approved, in accordance with policies SWDP 21 of the South Worcestershire Development Plan.

3. The fencing and gates hereby approved shall be green power coated galvanised weldmesh fencing unless an alternative design is first submitted to and approved in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification). The fencing and gates shall be retained to that design and shall not be altered without Planning Permission first being obtained from the Local Planning Authority.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area in accordance with policies SWDP21 and SWDP38 of South Worcestershire Development Plan.

4. The Development hereby approved shall not be brought into use until the first 5 metres measured from the edge of the carriageway, has been surfaced in a bound material.

Reason: In the interests of highway safety.