

Application Number	23/00309/FULL
Site Address	Hillborough Allotments, Stanley Road, Worcester WR5 1BJ
Description of Development	Proposed erection of replacement fence and vehicle gate on the Southern perimeter and entrance at Midland Road and the erection of concrete posts and fence on the Northern perimeter adjacent to Byfield Rise.
Expiry Date	28th July 2023
Applicant	Alan Breen- Worcester City Council
Agent	As applicant
Case Officer	Ros Vaux-Harvey
Ward Member(s)	Cathedral Ward
Reason for Referral to Committee	Worcester City Council Application
Web link to application	Planning application: 23/00309/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 valid on 11th 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 28th 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 Stanley Road and adjacent to the B4205 Midland Road. The allotment site accommodates 54 leased plots. The site currently benefits from various types of boundary treatments including fencing and dense hedgerow, parts of the existing fencing has dilapidated and therefore is not serving their required purpose. This proposal is to replacement the existing dilapidated fencing to improve the security measures to the site.



3. The proposals

- 3.1 The proposal is for the erection of a replacement 1.8 metres high green powder coated weldmesh fencing on the Southern perimeter (Stanley Road) and entrance at Midland Road, a replacement 1.6 metres high green powder coated vehicle gate on Stanley Road entrance and the erection of concrete posts, and 1.8 metres high green powder coated weldmesh fencing on the Northern Perimeter adjacent to Byfield Rise.
- 3.2 The application is accompanied by a full set of plans, details of the proposed fencing/gates and an Arboricultural Method Statement.
- 3.3 Proposed Plan



Existing low level vehicle gate and fencing in Southwest corner of site to be replaced with 1.8-metre-high gates and green powder coated fencing.



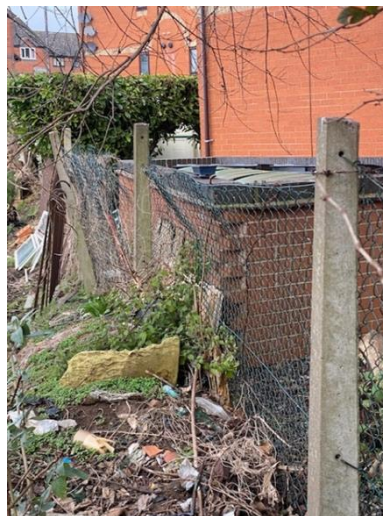
Proposed 1.8 m high vehicle gate.



Existing fencing on Southern boundary- concrete posts to be retained and new green powder coated weldmesh fencing to be installed including weldmesh across concrete top to further improve security.



Existing fencing on Northern boundary (adjacent to Byfield Rise)- Railings, chainlink, and posts to be removed and replaced with new 1.8m green powder coated weldmesh fencing.



Proposed replacement fencing



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) established 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**

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)

- 4.5 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

- 4.6 The Government also publish National Planning Practice Guidance (NPPG) to compliment 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-

One third party response received requesting for details of the proposed fencing/gates. These were supplied to the respondent by the case officer.

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

Worcestershire County Council Public Right of Way Team:

The proposal appears to be adjacent to a public right of way as recorded on the Definitive Map.

The public right of way is Worcester parish footpath WR-710. It would appear that the replacement fence will not affect the footpath in a new way, however, as the works are immediately adjacent and bordering the path on the southern stretch, it's important that the applicant notes its general obligations to the path and does not affect (diminish) its 2 meters width, drawing attention to the timescales needed in closing the path to maintain public safety during the installation if that looks a likely requirement. It should be noted that, under section 34 of the Road Traffic Act 1988, any person who, without lawful authority, drives a motor vehicle on a public right of way commits an offence.

The applicant should make themselves satisfied that they, and anyone else who may use public rights of way for private vehicular access in connection with the development, has a right to do so. They may wish to seek legal advice on the matter. The County Council is responsible for maintaining rights of way to a standard suitable for their usual public use.

We have no objection to the proposals provided that the applicant notes the above and observes the following general obligations to Public Rights of Way:

- The Public safety of those using the right of way must be ensured at all times. (Inclusive of build phase)
- There must be no diminution in the width of the rights of way available for use by the public. (Inclusive of the build phase)
- Building materials must not be stored on the rights of way.
- Vehicle movements and parking are to be arranged so as not to unreasonably interfere with the public's use of the rights of way.
- No additional barriers are to be placed across the rights of way. No stile, gate, fence or other structure should be created on, or across, a public right of way without written consent of the Highway Authority.

Worcestershire County Council Highways:

There is no objection from Highways to the proposed erection of a replacement fence as described above and the proposed vehicle gate on the southern perimeter is noted. However, the access from Stanley Road is a publicly maintained divorced footway and a public right of way (WR-710) and the proposed vehicle gate on the track should be set back a minimum of 5m rather than 4m as shown, to enable a vehicle to pull clear of the footpath whilst the gate is opened. It is noted that Public Rights of Way have provided a separate comment with no objection.

Worcester City Council Landscape Officer:

Has a detail elevation/photo been submitted of the fencing type? Could it be powder coated green or black to be more sensitive to the setting? No boundary vegetation should be removed for the installation which should either lie inside or outside the fence undisturbed. If there are any gaps this would be an opportunity to fill them with native shrubs/trees to conserve the green surroundings of the allotments and sustain biodiversity. Post holes should be hand dug near trees so that roots are avoided.

Worcester City Council Arboricultural Officer:

There is a Tree Preservation Order (TPO137) to the north of the site (within Byfield Rise). This contains a Willow tree (T2 within the order) which is situated on the northern boundary of the site. The proposed fence line does pass through the rooting area of this tree as well as other similar sized trees within this area.

The fence line to the south does also have trees within the vicinity but these are at distances not to be a constraint to the proposals.

Although the works to install the fence are reasonably limited, excavations close to trees (especially if protected through a TPO) could have unacceptable impacts if not carried out in an appropriate manner. To ensure installation works close to trees are carried out to an agreed method a short Arboricultural method Statement should be submitted. This information can be requested as a planning condition.

Further comment received upon receipt of Arboricultural Method Statement being submitted:

Method statement acceptable condition to be included for works to be carried out in accordance to the statement.

7. Planning Assessment

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 replacement fencing and installation of a new vehicle access gate along the Southern boundary and replacement fencing to the Northern boundary. The proposal is designed to improve the security, aesthetics and facilities for the tenants at Hillborough Allotment Site. In the past 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 improve the visual aesthetics.

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 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. 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.
- 7.5 In terms of the existing context, the application site is made up of various types of boundary treatments including dense vegetation/hedgerow a low-level metal vehicle gate and dilapidated wire mesh fencing with concrete posts. The proposals include the retention of the existing vegetation/ hedgerow the removal of the dilapidated boundary treatments and low-level vehicle gate with its replacement of a higher-level gate and power coated fencing. This will result in an increase of security to the site and will help in deterring feature crime to the area, the proposals will also provide a more visually appealing boundary treatment rather than the existing run-down fencing.
- 7.6 In terms of overall design, I consider the proposal accords with the relevant expectations of Policy SWDP 21 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

- 7.7 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 with the Green Space allocation, stating that;
- 7.8 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.

7.9 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 and to provide an improvement to the visual aesthetics to the neighbouring residential amenity of the adjacent neighbouring properties. Therefore, the proposals are considered to comply with the relevant requirements of policies SWDP 38.

Highways and Public Right of Way

7.10 The proposals include the removal of an existing low level vehicle gate and replacement with a 1.8-metre-high gate, on the Southern Boundary off Stanley Road. As part of the application process Worcestershire County Council were consulted on the proposals who advised that they have no objections in principle, however, the access from Stanley Road is a publicly maintained divorced footway and a public right of way and therefore the proposed vehicle gate on the track should be set back a minimum of 5m rather than 4m as originally shown this is to enable a vehicle to pull clear of the footpath whilst the gate is opened. The applicant has been made aware of this and is in agreement to this effect is recommended.

7.11 Paragraph 100 of the NPPF states that Planning policies and decisions should protect and enhance public rights of way and access, the replacement fence will not affect the footpath in a new way, however, as the works are immediately adjacent and bordering the path on the southern stretch, it's important that the applicant notes their responsibilities when carrying out works near to a Public Right of Way. WCC Public Rights of Way team were consulted upon the application and have advised that they have no objections to the proposals providing they follow the general obligations in relation to a public right of way, the applicant have been informed of these obligations and an informative will be added to any approval confirming these.

Ecology, Landscape and Trees

7.12 The Councils Landscape Officer advised that they had no objections to the proposals however, no boundary vegetation should be removed for the installation which should either lie inside or outside the fence undisturbed and if there are any gaps this would be an opportunity to fill them with native shrubs/trees to conserve the green surroundings of the allotments and sustain biodiversity. 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. In response to these comments 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. 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.

7.13 The Councils Tree Officer advised that there is a Tree Preservation Order to the north of the site. The order contains a willow tree, and the proposed fence line passes through the root protection area of this tree as well as other similar sized trees within this area.

The works to install the fence are considered to be reasonably limited however, excavations close to trees (especially if protected through a TPO) could have unacceptable impacts if not carried out in an appropriate manner. Therefore, to ensure installation works close to trees are carried out to an agreed method a short Arboricultural Method Statement was requested and submitted this was reviewed by the tree officer who confirmed that he had no further objections providing that the contents of the method statement are adhered to.

A condition is recommended to this effect.

The proposals do not result in harm to ecology or trees that cannot be mitigated or controlled by way of suitable conditions.

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 visual aesthetics of the area the materials 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
Block 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 2015 (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 proposed access gates have been set back 5 metres from the adjoining footpath edge and made to open inwards only.

Reason: In the interests of highway and public safety and to conform to with policy SWDP 4 of the SWDP and the Worcestershire Streetscapes Design Guide.

5. The development hereby approved shall be carried out in accordance with the submitted and approved Arboricultural Method Statement.

Reason: To ensure that the existing trees and shrubs are not subject to damage either as a result of works carried out on site or during the carrying out of such works in accordance with policies SWDP21 and SWDP25 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

Informatives:

At all times during the development the applicant observes the following general obligations to Public Rights of Way:

1. The Public safety of those using the right of way must be ensured at all times. (Inclusive of build phase)
2. There must be no diminution in the width of the rights of way available for use by the public. (Inclusive of the build phase)
3. Building materials must not be stored on the rights of way.
4. Vehicle movements and parking are to be arranged so as not to unreasonably interfere with the public's use of the rights of way.
5. No additional barriers are to be placed across the rights of way. No stile, gate, fence or other structure should be created on, or across, a public right of way without written consent of the Highway Authority.