

Werneth Area Committee

29th November 2021

DEVELOPMENT APPLICATIONS

Report of the Corporate Director for Place Management and Regeneration

ITEM 1

DC/080160

SITE ADDRESS

Romiley Allotments (Birch Avenue) Birch Avenue
Romiley Stockport SK6 4EL

PROPOSAL

Erection of fencing.

INFORMATION

These applications need to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants [and those third parties, including local residents, who have made representations] have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Development and Control has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

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ITEM 1

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| Application Reference | DC/080160 |
| Location: | Romiley Allotments (Birch Avenue) Birch Avenue Romiley Stockport SK6 4EL |
| PROPOSAL: | Erection of fencing. |
| Type Of Application: | Full Application |
| Registration Date: | 02.07.2021 |
| Expiry Date: | 20210827 |
| Case Officer: | Karyn Clarke |
| Applicant: | Stockport Metropolitan Borough Council |
| Agent: | |

DELEGATION/COMMITTEE STATUS

Werneth Area Committee – application received more than four letters of objection.

DESCRIPTION OF DEVELOPMENT

Erection of fencing.

SITE AND SURROUNDINGS

The site comprises the north eastern boundary of the Romiley Allotments site which abuts Tangshutt Fields. A footpath leading from Compstall Road to the north runs parallel to the boundary through the recreation area of Tangshutt Fields. The site boundary is made of mature vegetation of shrubs and trees. The allotment site has an existing dilapidated fence amongst the bushes/shrub. Access on foot and by vehicles is taken from Birch Avenue to the west of the site.

The site is bounded by woodland trees to the north and south and the allotments to the west and the open recreational area of Tangshutt Fields. Tangshutt's meadow to the east and the woodland to the south of the allotment site form part of the Local Nature Reserve (LNR) which was declared by Stockport Council in 2010.

Residential properties on Lyme Grove and Birch Avenue bound the allotment site to the west.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004") requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan includes-

- Policies set out in the Stockport Unitary Development Plan Review adopted 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document adopted 17th March 2011.

The site lies in the Green Belt and is also designated as being within a Landscape Character Area (Goyt Valley). A green chain runs to the south and to the north east to Tanghsutt Fields. A Local Nature Reserve (LNR) is designated to the east and south. The following policies are therefore relevant in consideration of the proposal:-

Saved policies of the SUDP Review

GBA1.1 - Extent of Green Belt;
 GBA1.2 - Control of Development in the Green Belt;
 LCR1.1 -Landscape Character Areas;
 NE1.1 – Sites of special Nature Conservation Importance;
 NE1.2 - Sites of Nature Conservation Importance;
 NE3.1 - Protection and Enhancement of Green Chains;

LDF Core Strategy/Development Management policies

CS8 Core Policy 'Safeguarding and Improving the Environment';
 Development Management Policy SIE-1 'Quality Places';
 Development Management Policy SIE-3 "Protecting Safeguarding and Enhancing the Environment";

National Planning Policy Framework

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 19th February 2019 replaced the previous NPPF (originally issued 2012 & revised 2018). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

N.B. In respect of decision-taking the revised NPPF constitutes a "material consideration".

[National Planning Policy Framework.](#)

Para.1 *"The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied"*.

Para.2 *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”.*

Para.7 *“The purpose of the planning system is to contribute to the achievement of sustainable development”.*

Para.8 *“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) an economic objective*
- b) a social objective*
- c) an environmental objective”*

Para.11 *“Plans and decisions should apply a presumption in favour of sustainable development.*

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

Para.12 *“.....Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.*

Para.38 *“Local planning authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible”.*

Para.47 *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible,*

and within statutory timescales unless a longer period has been agreed by the applicant in writing”.

Para.137 “The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.

Para.138 “Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;*
- to prevent neighbouring towns merging into one another;*
- to assist in safeguarding the countryside from encroachment;*
- to preserve the setting and special character of historic towns; and*
- to assist in urban regeneration by encouraging the recycling of derelict and other urban land”.*

Para.141 “Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land”.

Para.147 “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.

Para.148 “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

*Para.149 “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
(b)- the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*

Para.219 “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.

Planning Practice Guidance

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

RELEVANT PLANNING HISTORY

NONE

NEIGHBOUR'S VIEWS

The application was advertised by a site and press notice. A total of 7 residential properties were consulted and 10 responses have been received raising the following issues:

Concerns over proximity and height of proposed fencing to fencing to adjacent residential gardens which in turn could block movement of animals and amphibians; Impact from design to street views from Lyme Grove;

Although no objection to the fence, it should be located from the allotment side to protect the public from a building site, and ensure for less impact on the hedgerows and trees and less disturbance to wildlife.

Concerns over installation of the fencing for Phase 2 to the Local Nature Reserve and may harm to the existing hedgerow.

Following the amendment of the application the same properties were re-consulted and a further letter was received from a previous objector reiterating the following: The fence siting will still impact on residents where it abuts garden boundaries due to design and height and in turn impact on movement of wildlife; Consideration should be given to residents and not just the narrow interest of the allotment society.

CONSULTEE RESPONSES

Highway Engineer

I raise no objection to this application, noting that the fencing should not affect the public highway, the site's access or other access routes within the vicinity of the site (notably the cycle path adjacent to the site's eastern boundary).

Nature Development Officer

Having considered the available information, I have the following comments to make:

Site Context

The site is located off Birch Avenue in Romiley. The application is for erection of perimeter fencing.

Phase 1 of the scheme is for fencing along the east boundary of the allotments. Phase 2 (subject to funding) is for the south and west boundaries of the allotments.

Legislative and Policy Framework

Nature Conservation Designations

The site itself has no nature conservation designations, legal or otherwise. Tangshutts Local Nature Reserve (LNR) is located immediately adjacent to the application site (along the east, south and west boundaries). No works would encroach in the LNR and the proposed works are highly localised in nature – works will be confined to the existing fence line and will be kept behind the existing fence. I would therefore not envisage any significant adverse impacts on the designated site as a result of the proposals provided that a sensitive method of working (to ensure no encroachment in the LNR) as implemented during works.

Legally Protected Species

Many trees have the potential to support roosting bats. All species of bats and their roosts are protected under UK (Wildlife and Countryside Act 1981 (as amended)) and European legislation (The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019). The submitted information with the application states that no tree loss would be required to accommodate the proposals.

Trees, hedgerows and vegetation can offer suitable nesting habitat for breeding birds. All breeding birds and their nests are legally protected by the Wildlife and Countryside Act 1981 (as amended). Information submitted with the application states that any cutting back of the hedgerow will be kept to a minimum and any created and all existing gaps within the hedgerow will be planted up with native species. Precautionary working measures (such as pre-works breeding bird survey) should be adopted to prevent disturbance to nesting birds.

Precautionary working measures should be adopted during works to prevent any disturbance to mammals which may pass through the site. And provision for wildlife access should be provided with gaps at the base of the fence.

Paragraph 016 of the Natural Environment Planning Practice Guidance (<https://www.gov.uk/guidance/natural-environment#biodiversity-and-ecosystems>) states that the local authority should only request a survey if they consider there is a reasonable likelihood of a protected species being present and affected by development. Given the above, I would not consider it reasonable to request an ecology survey as part of the current application.

LDF Core Strategy

Core Policy CS8 Safeguarding and Improving the Environment

Biodiversity and Nature Conservation

3.296

DEVELOPMENT MANAGEMENT POLICY SIE-3

A) Protecting the Natural Environment

Protecting, Safeguarding and Enhancing the Environment

3.345, 3.347, 3.361, 3.362, 3.364, 3.366, 3.367 and 3.369

Stockport's Unitary Development Plan (Retained Policy)

NE1.1 SITES OF SPECIAL NATURE CONSERVATION IMPORTANCE

Development which would destroy or adversely affect, directly or indirectly, the natural or wildlife value of a SSSI, NNR or LNR will not be permitted unless there

is a justification for carrying out development in that particular area which overrides any harm to the substantial nature conservation value of these sites.

Recommendations:

The proposed works are considered to be of low risk to protected species and habitats provided that sensitive working measures are followed during works. As a precautionary measure an informative should be attached to any planning consent granted to state that the granting of planning permission does not negate the need to abide by the legislation in place to protect biodiversity. If at any time during works, evidence of protected species is discovered on site, all works must stop and a suitably experienced ecologist be contacted for advice.

All retained trees and hedgerow should be adequately protected from potential adverse impacts in accordance with British Standards and following advice from the Council Arboriculture Officer.

A condition should be used as part of any planning consent granted to state that all works will be kept outside the Local Nature Reserve boundary. A sensitive working method statement can be prepared to detail appropriate measures to be adopted on site to prevent potential impacts to ecologically sensitive features (trees, hedgerow, LNR) and wildlife.

To protect breeding birds, no tree pruning or vegetation pruning/clearance works should take place during the bird nesting season (which is generally between 1st March and 31st August inclusive), unless it can be demonstrated that nesting birds are not present and/or suitable mitigation measures are in place. A pre-works survey should be carried out by an ecologist (or other suitably qualified person) immediately prior to any such works in the bird nesting season. The pre-works survey should be carried out no more than 48 hours in advance of works commencing. This can be secured by condition.

To protect badgers which may pass through the site any excavations should be backfilled or covered overnight. Or alternatively a scaffold board be placed in to create a ramp allowing any badgers to escape.

Biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). Information submitted with the application states that native hedgerow planting will be carried out to gap-up the existing hedgerow. This is welcomed and this can be secured via an appropriately worded landscaping condition.

It is proposed to provide minimum of two hedgehog gaps on each elevation of the proposed fence (130mm across). This is welcomed to maintain habitat connectivity for wildlife. It is also recommended that on the south and west elevations (phase 2 of the fence) the dimensions of these gaps are increased (minimum 200mm x 200mm) to also allow passage also. These locations will be selected to reduce the likelihood of dogs also potentially entering the allotment via these gaps (i.e. located away from the park in discrete areas).

Arboricultural Officer

Having viewed the details submitted as part of a planning application consultation I have the following comments to make:

Legislative and Policy Framework

Conservation Area Designations

The proposed development is not within or affected by a conservation Area.

Legally Protected Trees

There are no legally protected trees within this site or affected by this development.

Stockport's Core Strategy DPD

CS – 8 Biodiversity and Nature Conservation

SIE-1 Development Management

SIE-3 Protecting, Safeguarding and enhancing the Environment

3.345/3.346/3.347

Stockport's Unitary Development Plan (Retained Policy)

NE1.1 SITES OF SPECIAL NATURE CONSERVATION IMPORTANCE

NE1.2 SITES OF NATURE CONSERVATION IMPORTANCE

NE3.1 PROTECTION AND ENHANCEMENT OF GREEN CHAINS

Recommendations:

The construction site footprint predominantly sits within the informal grounds of the site and the proposed new developments will potentially have a minimal impact on the trees/hedges on site. Arboriculture information has been supplied as part of the planning application to show the location of the existing trees and where applicable which trees could be retained to increase the amenity levels of the site with all retained trees protected by fencing and replacement planting details.

There is no arboriculture concerns over the proposed scheme, due the low impact and proposed improvements on trees/hedges on the site from the construction works and proposed landscaping works.

The proposed landscaping has been addressed through the proposed plans to allow enhancements and consideration for new trees on and the local provenance and improved amenity and interest, with this in mind the following species should be considered; *Quercus robur* 'Fastigiata' (Upright Oaks) or *Ilex aquifolium* varieties (Variegated Holly) if any opportunity allows for the increase tree cover for the residential site.

In principle the design will potentially not have a negative impact on the trees on site and within neighbouring properties, therefore it could be accepted in its current format.

The following conditions would be relevant to any planning application relating to the site if it was minded to approve against the arboriculture comments;

Condition Tree 1

No existing tree within the site shall be cut down, topped, lopped, uprooted, wilfully damaged or wilfully destroyed without the prior written approval of the local planning authority, with the exception of those indicated otherwise on the approved plan. Any hedgerows, woody plants or shrubbery removed without such consent or dying or being severely damaged or being seriously diseased, within 5 years of the development commencing, shall be replaced within the next planting season with trees of such size and species as may be approved in writing by the local planning authority.

Condition Tree 2

No development shall take place until all existing trees on the site except those shown to be removed on the approved plans, have been fenced off in accordance with BS 5837:2012 "Trees in relation to construction - Recommendations". The fencing shall be retained during the period of construction and no work, excavation, tipping or stacking of materials shall take place within any such fence during the construction period.

Condition Tree 3

No development shall take place until details of all proposed tree planting, including the intended dates of planting, have been submitted to and approved in writing by the local planning authority. All tree planting shall be carried out in accordance with the approved details prior to the development being brought into use

ANALYSIS

Policy Principle – Green Belt

The site is allocated within the Green Belt, as defined on the UDP Proposals Map. As such, assessment of the proposal against the provisions of the NPPF and saved policies GBA1.2 and GBA1.5 is required.

The NPPF addresses the national approach to Green Belt policy under the heading entitled 'Protecting Green Belt Land' and takes as its fundamental starting point the importance of maintaining 'openness' on a 'permanent basis'. Paragraph 137 of the NPPF confirms that '*The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*'. Paragraph 147 of the NPPF states that '*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 149 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt, except in a number of limited circumstances. Such circumstances include as an exception to inappropriate development within the Green Belt within Paragraph 149 b) of the NPPF '*the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*

'Saved UDP policy GBA1.2 states that within the Green Belt, there is a presumption against the construction of new buildings unless it is for certain specified purposes, including *'essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it'*.

The policy also states that *Forms of development other than new buildings, including changes in the use of land, will not be permitted unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. Proposals for the re-use of buildings will be assessed against the provisions of Policy GBA1.6.*

Policy LCR1.1 states that development in the countryside will be strictly controlled and will not be permitted unless it protects or enhances the quality and character of the rural area. The policy also requires that proposals protect or improve existing recreational land, not impede public access, protect or enhance the natural environment, conserve or enhance buildings which contribute to the character or history of the area and improve the appearance of the countryside by removing or screening unsightly development.

In view of the above it is considered that the erection of a fence within the allotments site is not considered to be inappropriate development and would accord with the provisions of Saved UDP policies GBA1.2 and LCR1.1 and Paragraph 149(b) of the NPPF.

Amended scheme

The scheme for consideration by Members has been amended whereby what is now proposed is the erection of a 2.4 metre high palisade fence with a rounded top design to be coloured green, and which is proposed to be erected along the northern eastern boundary (with Tangshutt Fields) and which can be seen on the attached plan.

The applicant has confirmed that the fence installation will take place from the allotments side of the boundary and the fence will now run along the back of the hedge (on the allotment side).

The applicant has also confirmed they no longer wish to proceed with 'Phase 2' of the originally submitted scheme, and this had been deleted from the proposal. Members should note that the 'Phase 2' part of the proposal, namely to erect a 2.4m high fence along the residential boundaries with properties to Hazel Avenue and Lyme Grove and the woodland area to the south is the element of the scheme which generated objections to the proposal. (a plan indicating Phase 2 is also appended to the report for Members' information). As such Members are asked to consider solely the proposal to erect fencing along the north eastern boundary.

In support of the application (as amended) the applicant has provided further information in support of their scheme:

The request for security fencing has come from Romiley Allotment Association Committee after a series of anti-social behaviour incidents in 2020/21. The site has become increasingly vulnerable to anti-social

behaviour, vandalism and theft. Details of the most recent incidents that have been reported to the police are given below:

3rd – 6th Dec 2020 – *the site was broken into several times over a period of a few days. It was also reported that bricks were thrown at the site and also at a neighbouring property causing damage.*

11th Jan 2021 – *allotments broken into resulting in damage to property and theft of items.*

26th Feb 2021 – *allotments broken into resulting in damage to property and theft of items.*

30th April 2021 – *allotments broken into resulting in damage to property and theft of items.*

24th September 2021 - *allotments broken into resulting in damage to property and theft of items.*

These repeated incidents are typical of the waves of ASB and vandalism that the allotments have been vulnerable to over a period of many years.

The site is most vulnerable on the northeast side of the allotment on the boundary with Tangshutt Fields. The majority of incidents have occurred with access being gained to the site through the existing poor quality fencing long this boundary.

This site is the largest allotment provision in the local area serving Romiley and beyond. It is important for its leisure users in promoting a healthy lifestyle, giving people the opportunity to exercise, to learn new skills, grow their own food and flowers, and to socialise with other residents. Allotments are an important leisure resource for local people and it's important that plot-holders feel safe at the site. Making the site secure so that plot-holders feel safe is a high priority.

The existing fencing is very poor. There was originally a chain link fence supported by concrete posts, but over many years this has been damaged and then supplemented with other fencing materials in order to secure the boundary. Corrugated metal, pieces of boarding, timber slats, metal mesh have been used. The hedge has grown through the fencings. While this fencing is mainly hidden from view from Tangshutts Field in summer, it is unattractive, susceptible to further damage and potentially unsafe. It's not appropriate for a greenspace area.

Palisade fencing is preferred over other fencing styles due to the sloping nature of the ground. Palisade fencing can be assembled to run parallel to the ground without the need for stepping or cutting panels to size. This will be particularly advantageous in this setting as it will make the installation less intrusive because it will require a reduced number of posts to be put in the ground

Design and Impact on visual amenity

The fence design proposes a palisade style at 2.4 metres in height with rounded tops known as 'round and notch blunt tops', and coloured in a powder coated finish of green (RAL 6005). The fence would run for a linear length of 105 metres and stop short of the boundary to the Air Cadets site to the north.

The requirements for proposing a palisade fence by the applicant are noted and the issue of security for the safeguarding of the allotments and the benefits they bring to the local community are accepted and which are also material to the determination of this application.

The amended siting of the fence behind the existing hedgerow along the allotments boundary with Tangshutt Fields is considered acceptable. The design of the fence using the rounded tops as opposed to the triple spiked claw type is also welcomed and considered a more suitable and acceptable design in such a location when viewed against the backdrop of trees and hedgerow. The existing greening and trees will allow for the mostly screening of the fence and its green colour will allow for it to blend in. In addition, the applicant will 'plug' any existing gaps in the hedgerow with replacement planting as well as further tree planting enhancements based, which would be secured through a landscaping condition. Overall the appearance and siting is considered acceptable and would accord with CS policies CS8 and SIE-1.

Ecology

The detailed comments received to the proposal from the Council's Nature Development Officer are contained within the Consultee Responses section above.

The officer notes that the site itself has no nature conservation designations, legal or otherwise. Tangshutts Local Nature Reserve (LNR) is located immediately adjacent to the application site (along the east, south and west boundaries). No works would encroach in the LNR and the proposed works are highly localised in nature – works will be confined to the existing fence line and will be kept behind the existing fence, and as such would not envisage any significant adverse impacts on the designated site as a result of the proposals provided that a sensitive method of working (to ensure no encroachment in the LNR) are implemented during works.

The applicant has confirmed that they proposes to include for two gaps to be created along the north east boundary of the allotments and Tangshutt Fields as recommended by the Nature Development Officer to provide 'Hedgehog access'. The gaps will be 13cm wide and 21cm tall to allow for hedgehogs to pass through the fence line. This will be achieved by shortening one of the palisade slats so it does not overhang the lower horizontal rail. As phase 2 is no longer part of this proposal there is no requirement to provide the other gaps recommended by the nature development officer.

The recommendations made by the Officer can be dealt with by condition or an informative in terms of protected species such as bats, breeding birds, ensuring works are undertaken outside of the LNR, biodiversity enhancements and

securing trenches during construction and gaps in fencing in perpetuity for mammals such as hedgehogs.

In the absence of objections from the Nature Development Officer and subject to conditional control, it is considered that any potential harm resulting from the proposed development to protected species, biodiversity and the ecological interest of the site could be appropriately mitigated and compensated. As such, the proposal complies with Saved UDP policies NE1.1, NE1.2, and NE3.1, and Core Strategy DPD policies CS8 and SIE-3.

Trees and Landscaping

Arboricultural details and landscaping proposals have been submitted in support of the application. The detailed comments received to the proposal from the Council Arboricultural Officer are contained within the Consultee Responses section above.

The officer raises no objection noting there are no arboriculture concerns over the proposed scheme, due the low impact and proposed improvements on trees/hedges on the site from the construction works and proposed landscaping works and that the proposed landscaping has been addressed through the proposed plans to allow enhancements and consideration for new trees.

In view of the above, in the absence of objections from the Arboricultural Officer and subject to conditional control, the proposal is considered acceptable in terms of its impact on trees, in accordance with Core Strategy DPD policies SIE-1 and SIE-3.

Other matters

Whilst the neighbour objections raised are noted, the scheme has been amended significantly, removing the previously proposed fencing along the residential boundaries with Lyme Grove and the boundary at the head of the cul-de-sac to Lyme Grove and the woodland to the south. The above demonstrates that, on the basis of the revised submitted details and site plan and subject to conditional control, the proposed development, could successfully be accommodated on the site and, the proposal is considered to comply with Saved UDP policies NE1.1, NE1.2, and NE3.1, and Core Strategy DPD policies CS8, SIE-1 and SIE-3.

SUMMARY

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 8 of the NPPF establishes three dimensions to sustainable development – economic, social and environmental and indicates that these should be sought jointly and simultaneously through the planning system.

It is considered that the design, height and siting of the proposed fence could be accommodated without causing undue harm to the green belt, landscape character area nor harm to the local nature reserve.

In the absence of objections from relevant consultees and subject to conditional control, the proposal is considered acceptable with regard to the issues of impact on trees and protected species and ecology.

In view of the above, in considering the planning merits of the proposal against the requirements of the NPPF, the proposal is considered to represent sustainable development. On this basis, notwithstanding the objections raised to the proposal, in accordance with the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application is recommended for approval.

RECOMMENDATION

GRANT.