

Planning Committee: 3rd April 2023

ITEM 2

PROPOSAL: RETENTION OF FENCING/GATING OF LAND

LOCATION: THE OLD CRANE HIRE YARD (WALTON FIELDS FARM), WALGROVE ROAD, WALTON, CHESTERFIELD FOR P TURNER ERECTIONS LTD.

Local Plan: Unallocated, within the built up area

Ward: Walton

1.0 CONSULTATIONS

Ward Members	No comments received
Local Highways Authority	No objections to the proposal. Condition recommended requiring gates to open inwards only.
Environmental Health	Comments on mitigation detail to prevent noise from the movement of the gates
Derbyshire Wildlife Trust	Comments received – see report.
CBC Estates	Estates notified of application and are aware of boundary matters.
Representations	23 objections were received in response to the notification process from 8 properties and 2 objections were submitted with no address provided. 1 letter was received from the neighbouring landowner regarding the boundary, the letter was neither objecting or supporting the application.

2.0 THE SITE

2.1 The site subject of this application is broadly rectangular in shape with access taken onto Walgrove Road at the turning head. The site is bound by residential dwellings on Walgrove Road to the north and west and residential dwellings on Ashdown Drive to the south. The eastern boundary of the site is bound by Northwood Tissue. The site

was previously occupied by Walton Fields Farm and associated outbuildings. The derelict remains of the farmhouse and buildings are evident on site situated towards the southern boundary. Aerial imagery of the site shows the storage of three large cranes on site from approximately 1999 to 2020.

2.2 A few small portacabin buildings are currently present on site and have been subject of vandalism. The site has recently been cleared of vegetation and soft landscaping with works underway to clear waste and fly tipped rubbish from the site. Fencing has been installed on site and is the subject of this application (see section 4.0 of report for detail)

2.3 The application site is within the defined Built up Area and is unallocated on the Chesterfield Borough Council adopted local plan policies map 2018-2035.



Extract of submitted location plan ©

Aerial photograph taken from Google maps ©

3.0 **SITE HISTORY**

3.1 No relevant site history

4.0 **THE PROPOSAL**

4.1 The application seeks retrospective consent for the installation of fencing and gates on the site. Planning permission is required for gates and fencing exceeding 2m in height or exceeding 1m in height adjacent to the highway as set out in The Town and Country Planning (General Permitted Development) (England) Order 2015. Extract of relevant legislation copied below for reference.

4.2

Part 2, Minor Operations, Class A – gates, fences, walls etc

Permitted development

A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

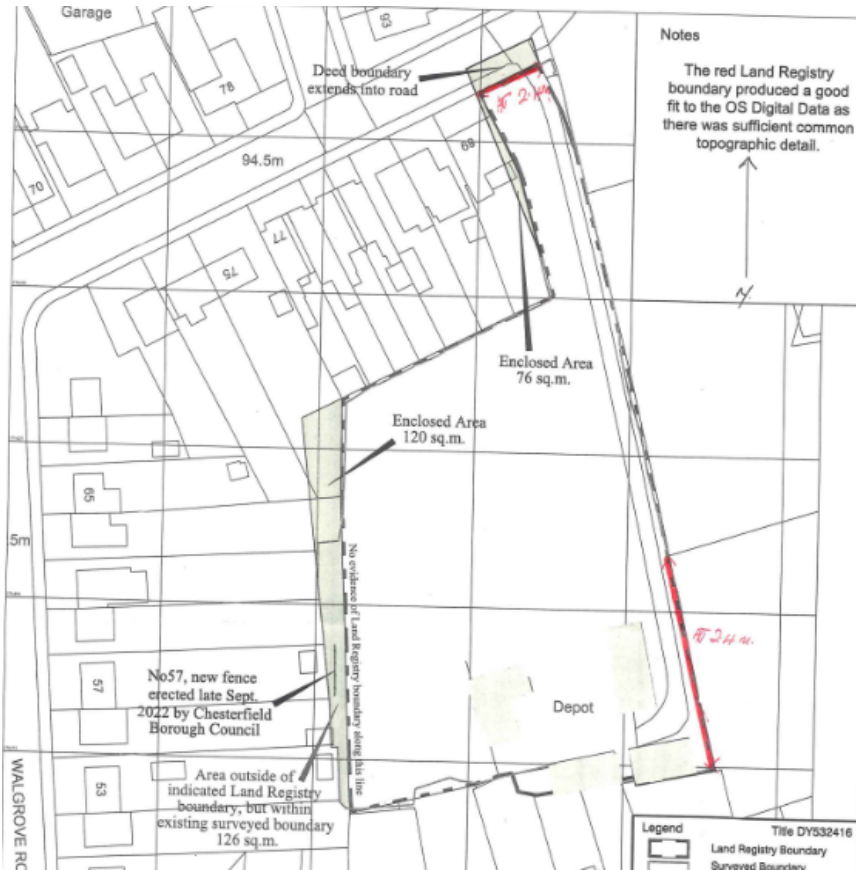
Development not permitted

A.1 Development is not permitted by Class A if—

- a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—*
 - i. for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;*
 - ii. in any other case, 1 metre above ground level;*
- b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;*
- c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or*
- d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.*

4.3

It is important and necessary to set out the parameters of this application and scope of the works under consideration. The application is solely considering the metal palisade fencing and gates at the northern boundary on the frontage with Walgrove Road and the metal palisade fencing in the south eastern corner of the site. The palisade fencing in both locations measures approximately 2.4m in height and therefore requires planning permission. The location of the fencing subject of the application is indicated on the submitted 'boundaries and fence location plan' with the areas of fencing illustrated in red (see extract copied below)



Extract of submitted boundaries and fence location plan ©



Photographs of fencing and gates on the frontage with Walgrove Road



Photographs of fencing in the south eastern corner of the site

4.4

Additional fencing has been installed on site consisting of post and wire fencing which does not exceed 2m in height. The remaining fencing on site is therefore permitted development and is not the subject of this application. The applicant has been informed of the relevant permitted development rights and is aware that any fencing installed on the remaining boundaries must not exceed 2m in height otherwise a further application for planning permission will be required (see photographs below to illustrate).



Post and wire fencing on the western boundary



Post and wire fencing on the eastern boundary

5.0 CONSIDERATIONS

5.1 Planning Policy

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.2 Chesterfield Borough Local Plan 2018 – 2035

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design

5.3 National Planning Policy Framework

- Part 12. Achieving well-designed places
- Part 15. Conserving and enhancing the natural environment

5.4 Principle of Development

5.4.1 The application is for minor works for the retrospective installation of palisade gates and fencing which is acceptable in principle (CLP1 and CLP2) subject to further consideration of design and appearance, residential amenity, impact on protected species, landscaping, highway safety (CLP14, CLP16, CLP20 and CLP22).

5.5 Design and Appearance of the Proposal

Relevant Policies

5.5.1 Local Plan policy CLP20 states '*all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.*'

All development will be expected to:

- a. *promote good design that positively contributes to the distinctive character of the borough, enriches the quality of existing places and enhances the quality of new places;*
- b. *respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials*
- c. *be at a density appropriate to the character of the area whilst not excluding higher densities in and close to designated local, district and town centres;*
- d. *contribute to the vitality of its setting through the arrangement of active frontages, accesses, and functions, including servicing;*
- e. *ensure that the interface between building plots and streets and also the boundaries of development sites and their surroundings are attractive and take account of the relationship between public and private spaces;*
- f. *provide appropriate connections both on and off site, including footpath and cycle links to adjoining areas to integrate the development with its surroundings;*
- g. *provide adequate and safe vehicle access and parking;*
- h. *provide safe, convenient and attractive environment for pedestrians and cyclists;*
- i. *preserve or enhance the landscape character and biodiversity assets of the borough;*
- j. *be designed to be adaptable and accessible for all;*
- k. *have an acceptable impact on the amenity of users and neighbours;*
- l. *be designed to be safe and secure and to create environments which reduce the potential for crime;*
- m. *minimise the impact of light pollution;*
- n. *be able to withstand any long-term impacts of climate change*

Considerations

5.5.2 The surrounding streetscene on Walgrove Road largely comprises of residential dwellings with a secure secondary access serving Northwood Tissue to the east of the site formed of a brick wall with metal green gates with anti-climb metal structures attached. The Northwood Tissue site provides a landscape buffer to the site and it appears from aerial imagery that the access to Walgrove Road is not actively used for vehicular traffic. The site is situated at the turning head of the road at the end of the row of properties. The retrospective works subject of this application are therefore predominately visible from Walgrove Road public highway.

5.5.3

The site was previously served by smaller metal gates and chain/mesh fencing (see Google streetview © photographs below)



Photographs of fencing and gates on the frontage with Walgrove Road in May 2011



Photographs of fencing and gates on the frontage with Walgrove Road in September 2022



5.5.4

The replacement palisade gate and fencing represents a change to the previous gate and fencing on the site. The new fencing is visually more prominent within the streetscene due to the design, height and colour. The applicant has set out the rationale for the new fencing which seeks to enclose the site and prevent trespass and vandalism.

- 5.5.5 The use of palisade fencing is not atypical for security purposes. The fencing on the frontage with Walgrove Road represents a relatively small extent of the overall site boundary. It is acknowledged that the development has an impact on the streetscene to mitigate the visual impact of the development it is recommended that a condition be imposed requiring the fencing to be painted dark green. Fence netting could also be installed to the rear of the fencing as a further visual screen.
- 5.5.6 The fencing in the south eastern corner of the site has a limited visual impact with restricted vantage points from the public highway therefore no further mitigation is required for this fencing.
- 5.5.7 Having consideration for the observations above the proposal is considered to be acceptable subject to conditions and would not cause significant adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the provisions of policy Local Plan policies CLP20.

5.6 Impact on Neighbouring Residential Amenity

Relevant Policies

- 5.6.1 Local Plan policy CLP14 states that '*All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts*'
- 5.6.2 Local Plan policy CLP20 expects development to '*k) have an acceptable impact on the amenity of users and neighbours;*'

Considerations

- 5.6.3 The Council's Environmental Health Officer reviewed the scheme and asked for further detail on mitigation to prevent noise from the movement of the gates. The applicant has stated that bolt holes will be installed to mitigate noise and it is therefore recommended that a condition be imposed requiring further details be submitted for a scheme of mitigation within a set period of time following the determination of the application, the mitigation scheme must then be installed in accordance with agreed details.
- 5.6.4 It is acknowledged that the fencing is visible from the public highway and nearby residential dwellings, however siting, design and scale of

the fencing and gates are considered to have a minimal impact on the amenity of the surrounding residential neighbours.

- 5.6.5 Having consideration for the observations above, subject to a condition requiring further details of measures to prevent noise from the movement of the gates, it is considered that the proposal will therefore accord with the provisions of Local Plan policies CLP14 and CLP20.

5.7 Biodiversity Including Impact on Trees and Protected Species

Relevant Policies

- 5.7.1 Local Plan policy CLP16 states that *'The council will expect development proposals to:*
- *protect, enhance and contribute to the management of the borough's ecological network of habitats, protected and priority species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a local wildlife site or priority habitat; and*
 - *avoid or minimise adverse impacts on biodiversity and geodiversity; and*
 - *provide a net measurable gain in biodiversity*

Considerations

- 5.7.2 The application site is not subject to any specific landscape allocation or tree preservation order. It is noted that trees/ soft landscaping have been removed as part of general site clearance. The removal of the trees/landscaping is not subject to planning control and can be commenced without the need for planning permission.
- 5.7.3 The Council's Tree Officer visited the site and undertook a Tree Evaluation Method for Preservation Orders (TEMPO) assessment. The assessment and scoring concluded that the trees/hedgerows on site did not merit the imposition of a Tree Preservation Order.
- 5.7.4 Concerns raised by neighbours (see detail in representations sections of report) regarding potential impact on protected species including badgers and clearance of the site during nesting season. Representations refer to a complaints made to the Derbyshire Police Wildlife Crimes Officer, Planning Enforcement Team of Chesterfield Borough Council and the Derbyshire Wildlife Trust. Potential offences under wildlife protection legislation would be addressed through the relevant police. This application solely relates to the installation of the

sections of fencing and gates which require planning permission (as set out in section 4.0 of the report). The main impact on protected species arising as a result of the installation of fencing requiring planning permission.

- 5.7.5 The Derbyshire Wildlife Trust reviewed the scheme and confirmed residents have reported badger activity on the site. It is understood that investigations were undertaken and no sett was identified. There is potential for use of the site for foraging and recommendations were made to the landowner for badger gaps to allow access. The Derbyshire Wildlife Trust stated that best practice would be gaps of 200 mm wide by 300 mm high should be sufficient (in accordance with Natural England Advice Note TIN026).
- 5.7.6 The applicant subsequently provided a plan showing the location of a badger gap in the eastern boundary the provision of a second gap on the western boundary should fencing be installed in this location.
- 5.7.7 Subject to condition requiring the badger gaps be installed in accordance with the submitted plan, the development accords with the requirements of CLP16 and the NPPF.

5.8 Highway Safety

Relevant Policies

- 5.8.1 Local Plan policy CLP20 expects development to *'g) provide adequate and safe vehicle access and parking'*
- 5.8.2 Local Plan policy CLP22 states that *'Development proposals will not be permitted where they would have an unacceptable impact on highway safety'*

Considerations

- 5.8.3 The Local Highways Authority reviewed the scheme and provided the following comments; *'The proposal seeks the retention of fencing and access gates associated with The Old Crane Hire Yard. Prior to the erection of the fencing / gates the site previously had fencing and access gates in the same location on the turning head of Walgrove Road, therefore, the proposal is considered to be acceptable. The Highway Authority has no objections to the proposal.'* A condition was recommended requiring gates to open inwards only.

5.8.4 The development therefore will not have an adverse impact on highway safety. Subject to a condition requiring the gates to open inwards the development complies with the requirements of CLP20 and CLP22.

6.0 REPRESENTATIONS

6.1 The application has been publicised by neighbour notification letters and site notice.

- 23 objections were received in response to the notification process from 8 properties and 2 objections were submitted with no address provided.
- 1 letter was received from the neighbouring landowner regarding the boundary, the letter was neither objecting or supporting the application.

6.2 The main concerns raised are summarized below, full representations are available to read on the website.

- Reasons for objection – noise, policy, traffic or highways, visual, residential amenity
- Design and appearance of gates/fencing
 - Not in keeping with the street and are too high. Impacting the view/outlook from the window and visible above eye level of door
 - Gates are not in keeping with a residential property with a severe physical appearance, oversize height, visual eye sore grossly inappropriate for a residential street
 - surrounding properties also are affected due to the aesthetics to the street, which has already been compromised by the gates from the factory. The adjacent Factory gates, whilst also unsightly and tall, are a rear entrance for an industrial site and more appropriate for that purpose.
 - The original gates, whilst also ugly and in a poor condition, were at least green/rust in colour and blended into the then leafy backdrop, alongside Factory gates also green in colour. An alternative fencing and gate system that is appropriate to the location, of a legal height for a residential zone, in keeping with site-use (i.e. not industrial) and of building/boundary fence or wall materials (such as brick, wood) would be far more palatable to other residents.

- The fencing itself is mismatched with mixed steel fencing with wooden post and barbed wire. The visual result is simply appalling.
- In reference to the images supplied of the 2 green gates and brick walls, the commercial complex behind has built something appropriate for a residential setting. The only hint of security from a street view are the rotary spikes tops. A small section of palisade fencing, which is hidden behind properties to adjoin one brick wall, has been thought out with the residents visual aspect in mind as the colour used is green. This is in stark contrast to what has been installed by the applicant as she has not thought of the residents visual aspect and chosen the cheapest most garish colour in galvanised steel, which does not blend in with the surrounding
- Removal of trees to accommodate gates/fencing has had an adverse impact on the surrounding which is considerably less attractive to adjacent properties
- Residential amenity – noise/disturbance
 - gates are noisy when windy
 - gates/fencing have an adverse impact
 - The current status of the land is less visually pleasing due to the inconsistencies in the types of fencing and gates utilised and the manner in which the land was cleared.
 - The new fencing / gate installation appears to have been carried out in a way which shows little or no consideration to the surroundings
 - the site entrance is now a very ugly location that may attract unwanted activity and interest due to the type of fencing used, and stark frontage to the application site.
- Highway safety concerns
 - Length and narrowness
 - Debris washing out from site after rain events due to removal of grass cover to accommodate oversized gates
 - The installation of the fencing / gates saw the removal of a curb stone and Road sign. Little clean up of the roadway, pathways during and after the said installation.
 - The road is left in a state due to mud running off the track
 - It is only after concerned neighbours brought knowledge of these damaging vegetation operations (prior to fencing/gate erection) to the attention of the Wildlife Crimes Officer, Chesterfield Borough Council and the Derbyshire Wildlife Trust, that the applicant was contacted.

- Retrospective works and impact on protected species, wildlife, and trees
 - This application is retrospective and makes a mockery of the planning system. The application does not mention that extensive vegetation clearance was undertaken to enable the fencing works. Operations, using heavy machinery by contractors, removed vegetation (scrub, mature trees and hedgerow) without ecological survey and during the bird nesting season in 2022 - this was completed in advance of the erection of the extensive boundary fencing and entrance gates evidenced in the application documents. It is only after concerned neighbours brought knowledge of these damaging vegetation operations (prior to fencing/gate erection) to the attention of the Wildlife Crimes Officer, Chesterfield Borough Council and the Derbyshire Wildlife Trust, that the applicant conduct a survey in relation to protected species
 - Concerns raised regarding protected species on or in close proximity to the site. Introducing fencing will block access which is an offence
 - Protected species are present at the site and at land adjacent to the site. This is well known to myself, other neighbours. Without a Preliminary Ecological Appraisal, and possibly further ecological survey for protected habitats / species, in advance of the vegetation clearance operations, it won't now be known if protected and priority species have been impacted. A derelict stone farmhouse and other stone structures are present at the site, within dense vegetation, and have been for a long time. The initial ecological surveys would have identified if the structures had the potential to support protected or priority species such as bats or barn owl, and further surveys may have been necessary prior to operations that could lead to impacts and unlawful actions. The applicant has not provided any information with the retrospective planning application to allow Chesterfield Borough Council to make a decision regarding the erection of fencing that was enabled by the vegetation clearance operations. Surely a decision cannot be made on this application until this has been rectified?
 - Section 15 of the application form has been checked as 'Yes' for trees and hedges present on and adjacent the site. As part of this there has been removal and cutting of the western site boundary hedgerow, which may be an 'important' hedgerow under the Hedgerow Regulations 1997,

in part because the farmstead was in a more rural location, prior to development of the area, when the hedgerow was planted. Without the proper consideration of a tree and hedgerow survey, by Chesterfield Borough Council, that would have taken place had the applicant made a planning application PRIOR to these removal operations, the applicant may have removed part of an important hedgerow unlawfully, and again, has acted in contradiction to planning requirements. The presence of protected and priority species within the hedgerow, at a site that also comprised dense scrub habitats, may also have been impacted by the operations. The necessary surveys should have been undertaken prior to submission of a planning application.

- Removal of mature trees and hedgerows particularly at boundaries as this would lessen the visual impact of the fencing and noise/airborne pollution from site activities. Removal represents a loss of appreciable carbon sink which would otherwise offset on-site industrial emissions which is counter to the Borough Councils Climate Change Action Plan
- Surveys of the land should be undertaken with access gaps and wildlife corridors. Cease clearance of trees and hedgerows until the end of the nesting period and consider the level of clearance necessary. A thick native hedgerow such as hawthorn or dog rose would be a deterrent to trespassers. Applicant should consider actions to mitigate habitat loss caused e.g. tree planting and nest boxes
- Future intended use of the site - if the long term plan for the site is to create an industrial development protection from noise/environmental pollutants for local residents offered by boundary vegetation could be significant. If the plan is to instead pursue a residential status and establish a housing development then the inclusion of mature trees and boundary hedgerows with an established wildlife population will likely add markedly to property prices and the overall character of the development. If the plan is to continue using the site for storage then the loss of a few feet of boundary land for the preservation of trees and inclusion of a wildlife corridor seems unlikely to have a great deal of impact, given the large amount of otherwise vacant space on the property
- Impact of house prices, loss of trees impacts house value, fencing/gates will impact house prices
- Boundary plan

- Submitted plans take in land which does not belong to applicant and includes neighbours land, council land and public highway
- submitted plans shows they own half the road and land in the gardens of Walgrove Road, this is unfounded and based on a coal map form 1836 which shows where the coal is not where the boundaries are. Further surveyors reports have been done and show the applicants plan is incorrect/obsolete
- The exact location of fencing may not be correct, as one of the submitted plans shows two different boundary lines - this has not been through the planning process to ensure the fencing location is correct, before being erected
- The fence at 57 is not a new fence erected as suggested, it was a pre existing fence however had new fence panels put in place to existing concrete posts in 2022. The fence was preexisting and has been in place for years. It was photographed in place in 2019 on Google Street View. The property is owned and managed by Chesterfield Borough Council so the fencing is highly unlikely to be encroaching on boundaries and appears to have been disregarded in the surveyed boundaries due to the belief that this had been recently erected which is not the case. I disagree with the need to have a fence over 2m in this area.
- Trespass/anti-social behaviour
 - neighbours who have lived in the area for many years have not know people trespassing and gaining access from the front of the property due to locked gates and barbed fencing.
 - No assets of value have been removed from property expect by the landowner.
 - Access to the site has been gained at the far end of the site due to a fallen stone wall which backed onto common land
 - The industrial look actually would attract anti-social behaviour due to the broken window affect, as the land is in a poor state with rubbish and looks abandoned and unsightly.
 - Photographs supplied with the application show vandalism and rubbish at site boundaries, that cannot have been made by persons entering the site by vehicle, as the previous Walgrove Road gates were locked, and vegetation was too dense to drive through. Locals know that sporadic vandalism at the site over the years has been a result of foot access from the east, to the rear of the Factory grounds, not Walgrove Road. The need therefore for such substantial

security gates and fencing at the Walgrove Road entrance is unclear, as the site seems to now constitute a derelict farmhouse and other structures, rubbish at boundaries, some retained trees and scrub, and bare earth where vegetation has been partially cleared. The scale and type of fencing/gate at this location is akin to an industrial premises or a compound - which the applicant's property is not.

- Additional structures installed adjacent to No 89 Walgrove Road, unacceptable impact on residents
 - To the side of the residential property a high fencing has been placed to prevent use of gate however this is approximately 1 ft over the existing property's gate and therefore is aesthetically affects the property and can be seen from the garden, conservatory and kitchen of the property impacting the value of the property.

6.2

Officer comments

- **Design and appearance of gates/fencing – see section 5.5**
- **Residential amenity – noise/disturbance – see section 5.6**
- **Highway safety concerns – see section 5.8**
- **Retrospective works and impact on protected species, wildlife, and trees – see section 5.7**
- **Future intended use of the site – the works subject of this application relates solely to the retrospective fencing and gates on the site**
- **Impact of house prices, loss of trees impacts house value, fencing/gates will impact house prices – is a non-material planning consideration and therefore cannot be given weight in the determination of the application**
- **Boundary plan – the application solely relates to the fencing/gates on the northern boundary and in the south eastern corner of the site. Determining the location of the boundary and erection of additional fencing not subject of this planning application adjacent to the rear gardens on Walgrove Road and Ashdown Drive would be a private matter to be resolved between the relevant landowners.**
- **Trespass/anti-social behaviour – comments noted, representations refer to instances of trespass/anti-social behaviour**
- **Additional structures installed adjacent to No 89 Walgrove Road – structures installed reduced in height to below 2m and therefore do not require planning permission.**

7.0

HUMAN RIGHTS ACT 1998

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an Authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom
- 7.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.
- 8.2 The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application.

9.0 CONCLUSION

- 9.1 The proposal is considered to be acceptable subject to conditions and would not cause significant adverse impacts on the visual amenity and character of the area and will therefore accord with the provisions of policy Local Plan policies CLP20. subject to a condition requiring further details of measures to prevent noise from the movement of the gates, it is considered that the proposal will therefore accord with the provisions of Local Plan policies CLP14 and CLP20. Subject to condition requiring the badger gaps be installed in accordance with the submitted plan, the development accords with the requirements of CLP16 and the NPPF. The development therefore will not have an adverse impact on highway safety. Subject to a condition requiring the gates to open inwards the development complies with the requirements of CLP20 and CLP22.

10.0 **RECOMMENDATION**

10.1 It is therefore recommended that the application be **GRANTED** subject to the following:

Conditions

Approved plans and documents

1. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non material amendment.
 - Boundaries and Fence Location Plan (11.01.2023)
 - Green Paint document (received 13.03.2023)
 - Location of badger gaps (received 15.03.2023)

Reason - In order to clarify the extent of the planning permission for the avoidance of doubt.

Painting the fence

2. The fencing and gates subject of this application on the northern boundary fronting Walgrove Road highway shall be painted dark green within two months of the date of the decision in accordance with the submitted 'green paint' detail submitted on 13.03.2023.

Reason - To ensure a satisfactory external appearance of the development in accordance with CLP20 of the Local Plan

Inward opening gates

3. The gates subject of this application on the northern boundary fronting Walgrove Road highway shall open inwards only.

Reason – In the interests of highway safety and in accordance with Local Plan policies CLP20 and CLP22

Badger gaps

4. Badger gaps shall be installed on site in fencing in accordance with the submitted drawing 'Location of badger gaps' (received 15.03.2023). The gaps shall measure a minimum of 200 mm wide by 300 mm high, with no sharp edges. The badger gap shall be installed within 14 days and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of Local Plan policy CLP16.

Noise mitigation

5. A scheme for noise mitigation measures for the gates on the northern boundary fronting Walgrove Road highway shall be submitted to the Local Planning Authority for written approval including a schedule for implementation . The noise mitigation measures shall include a drop bolt receiver. The approved works shall thereafter be installed on site in accordance with the agreed schedule of implementation and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of residential amenity and in accordance with Local Plan policies CLP14 and CLP20.

Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. The buildings and landscaping have potential to support nesting birds. The active nests of all wild birds are protected under UK wildlife protection legislation. An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. No building demolition work should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.
3. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter which would be an offence under relevant regulations. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.