

Item No 04:-

19/03648/FUL

**Manor Fields Court
Burford Road
Lechlade
Gloucestershire
GL7 3ET**

Item No 04:-

Retention of fencing with a section to be reduced in height and proposed planting at Manor Fields Court Burford Road Lechlade Gloucestershire GL7 3ET

Full Application 19/03648/FUL	
Applicant:	Mr D Potheary
Agent:	Mr E G Ducker
Case Officer:	Ed Leeson
Ward Member(s):	Councillor Steve Trotter Councillor Stephen Andrews
Committee Date:	12th August 2020
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Design and Impact on the Character of the Area
- (b) Impact on Highway Safety

Reasons for Referral:

The reasons for referral are that this is a particularly sensitive and prominent site at the northern approach to Lechlade and the application should be refused on the basis of its impact upon the street scene. Given the form of the boundary accepted as part of 12/00528/OUT, and the close board fence's mass not being typical of the local street scene, the current application would be unlikely to have been approved given the impact upon a main entrance to the town.

1. Site Description:

The site relates to a parcel of land to the front of a detached residential property, Manor Fields Court, which was granted permission to become part of the property's residential curtilage in January 2019 (application reference 18/03313/FUL). Although the dwelling was not part of the larger residential development of Old Railway Close (application references 12/00528/OUT and 14/04198/REM), the area now incorporated into the property's residential curtilage was.

The site occupies a corner plot and is located within the built settlement of Lechlade directly to the east of the A361 and south of the highway serving Old Railway Close, within the Development Boundaries defined for Lechlade.

The application site is not within the Cotswolds AONB or within a Conservation Area and there are no listed buildings nearby.

There is a Tree Preservation Order on an area of trees on the opposite side of the A4361 (ref. 06/00048/TPO). Due to the highway in-between these trees and the application site, there would be no impact from the development on them.

2. Relevant Planning History:

19/01430/FUL - Retention of fencing to be reduced in height. Withdrawn 01.10.2019.

18/03313/FUL - Change of use of land to residential curtilage. Permitted 07.01.2019.

18/00397/FUL - Formation of vehicular access. Permitted 01.11.2018.

17/02331/FUL - Erection of rear extension to garage. Permitted 04.12.2017.

16/03460/COMPLY - Compliance with conditions 5 (sample materials), 7 (sample natural stone walling), 8 (sample artificial stone walling), 9 (sample render walling), 18 (landscape management plan), 19 (details of play equipment), 20 (hard landscaping materials) and 21 (acoustic fence

details) - Reserved matters application pursuant to Outline Planning Application 12/00528/OUT for the layout, appearance, scale and landscaping of 61 residential dwellings together with associated infrastructure, including revised levels to A361. Permitted 24.08.2017.

15/02933/COMPLY - Outline application for residential development of up to 61 dwellings and other associated works including removal of existing bridge (all matters reserved except access) - compliance with conditions 12 (Colour), 13 (Colour) and 14 (Design). Permitted 25.09.2015.

15/00167/COMPLY - Compliance with conditions 7 (access), 9 (cycles), 10 (parking), 11 (footway), 12 (cms), 13 (surface water), 14 (contamination), 17 (water supply) and 21 (ecology) - Outline application for residential development of up to 61 dwellings and other associated works including removal of existing bridge (all matters reserved except access). Permitted 06.08.2015.

14/04198/REM - Reserved matters application pursuant to Outline Planning Application 12/00528/OUT for the layout, appearance, scale and landscaping of 61 residential dwellings together with associated infrastructure, including revised levels to A361. Permitted 10.06.2015.

12/00528/OUT - Outline application for residential development of up to 61 dwellings and other associated works including removal of existing bridge (all matters reserved except access). Permitted 16.08.2012.

3. Planning Policies:

TNPPF The National Planning Policy Framework
EN2 Design of Built & Natural Environment
INF4 Highway Safety
NPLTD1 D1 : Design Principles

4. Observations of Consultees:

Highways Authority

Gloucestershire County Council Highways Authority were consulted due to the development being in close proximity to the passing highway however no comments were received.

Landscape Officer

Comments incorporated within Officer's Assessment

5. View of Town/Parish Council:

Lechlade Town Council objects to the application for the following reasons:

- i. The revised submission drawings are almost un-readable, lack detail and are un-dimensioned, and there is very little information about the height or type of fence indicated on the drawings.
- ii. There is very little information about the height or type of fence indicated on the drawings.
- iii. The proposal to reduce the height of the timber fencing and to add more Leylandii is unacceptable and is in contravention of our Neighbourhood Plan Policy D1, regarding views at the entrance to Lechlade.
- iv. The application contradicts Section 2.1 'Design and Character of New Development' of the Lechlade on Thames Neighbourhood Plan and is contrary to the original essence of the Outline permission.
- v. A more acceptable solution would be removing the existing fence and replacing the Leylandii with a new natural species hedge to be maintained at no more than 1.2m height. This would help natural biodiversity and conform with the street scene to preserve the amenity of this key entrance to Lechlade.
- vi. Install a temporary chain fence providing security to the property while the natural native species hedge is growing (to be removed after 5 years) preferably with 0.9m high Cotswold stone wall.

vii. A low Cotswold stone wall would be sympathetic to other developments in the town and the properties at the entrance to Old Railway Close.

6. Other Representations:

5 objection comments have been received since the scheme reverted to the original proposal, with 6 objection comments received prior to this amendment. A summary of the objection reasons are as follows. Please note the full comments can be viewed on the application.

- i. Low Cotswold dry stone walling would be better, along with more attractive landscaping
- ii. The plans are unclear, lack detail or clarity and the text is mostly unreadable
- iii. There are no reference points/ datum level provided on plans
- iv. The proposal does not comply with The Lechlade on Thames Neighbourhood Plan
- v. The fencing is aesthetically detrimental, not in keeping and not appropriate in this location
- vi. Loss of amenity land/ open space and lack of uniformity with opposite side of the road
- vii. Enclosing this land is overdevelopment
- viii. The style and material of fencing is not sympathetic to traditional Cotswold styles or recognise the local character and Lechlade values
- ix. The planting is not characteristic or sympathetic of the local area
- x. Existing trees along Old Railway Close are out of control, overhanging the path and impeding the access to the path which is potentially a health and safety hazard to pedestrians
- xi. The existing Leylandii were planted without permission
- xii. This application directly conflicts with Condition 3 of Planning Consent 18/03313/FUL
- xiii. The close proximity of the fence and the conifers to the highway will potentially adversely impact highway safety
- xiv. No evidence is provided to confirm highway visibility splays are not prejudiced or sight lines compromised
- xv. The land enclosed by this fence was designated as shared open space in the Outline and subsequent reserved matters approvals
- xvi. The open space characteristic was never revised and should be retained in order to conform with the approved Neighbourhood Plan Policy

7. Applicant's Supporting Information:

Drawings

8. Officer's Assessment:

Background and proposal

This application is for the retention of unauthorised fencing traversing the property's boundary to the north and east. Approximately 26m of the fencing along Old Railway Close is proposed to remain at its current height of 1.8m, with the remainder being reduced to a height of between 1m and 1.4m. It is also proposed that a small number of Leylandii are planted behind a section of the fencing along the property's driveway, to match the Leylandii which exists behind much of the fencing already.

An initial application (ref. 19/01430/FUL) was submitted following an enforcement investigation (ref. 18/00046/BCN) which related to the unauthorised fencing subject to this application, in addition to the extension of the residential curtilage of Manor Fields Court (granted permission under application ref. 18/03313/FUL) and other matters relating to the Old Station Site residential development that are not considered relevant to this application (application refs. 12/00528/OUT and 14/04198/REM).

The application was withdrawn prior to the current application being submitted with an amended scheme including post and rail fencing in the place of the existing unauthorised fencing. This scheme could not be agreed upon, and the original proposal of retaining the fencing and reducing it in height was reverted to.

The land which has been granted permission to be used as residential curtilage was previously part of the residential development at the Old Station Site and was indicated to be left open with 0.6m Knee Rail Fencing enclosing the front of the grassed area to the front of Manor Fields Court. This area also included some soft landscaping. The Knee Rail Fencing was not implemented and the fencing subject to this application was implemented instead.

Condition 3 of planning permission 18/03313/FUL removed Permitted Development rights for "planting, fences, gates, walls or other means of enclosure" within the application site and so any further planting etc. would require an application submission.

It is noted that the Leylandii hedging to the rear of the fence within the recently extended residential curtilage was in situ prior to the residential curtilage application being submitted and granted and, as such, cannot be controlled by condition 3 of that planning permission. Additionally, any conditions that may be attached to this planning permission, if granted, would not give control over the existing planting.

(a) Design and Impact on the Character of the Area

Section 12 of the NPPF sets out criteria for achieving well-designed places, with paragraph 127 requiring that planning policies and decisions should ensure that developments: "will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; create places ... with a high standard of amenity for existing and future users."

In addition, paragraph 130 states "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development."

Policy EN2 asserts that developments will be permitted provided they accord with the Cotswold Design Code (Appendix D), and that "proposals should be of design quality that respects the character and distinctive appearance of the locality."

D.9 of Appendix D states that "Careful study should be made of the context of any new development. Each site will have its own characteristics, and a specific landscape or townscape setting. Any proposed development should respond to this."

D.55 says "Modern, incongruous forms of boundary treatment should be avoided, especially in prominent locations. These include close-boarded and other forms of modern timber fencing".

It goes on to say "Within traditional street scenes and to front gardens lower forms of traditional boundary treatments should be maintained, so as not to obscure the frontages of buildings and result in uncharacteristic high enclosure to the road. Privacy should be established using planting."

Policy D1 of the Lechlade-on-Thames Neighbourhood Plan (LNP) outlines four Design Principles, stating that "applications for new development will only be permitted where these: a) Respect views into and out of the Town; b) Would not adversely affect the character of the town; c) Conform to the Cotswold Design Code or its successor document; and d) Conform to the character of the local area as set out at Appendix 7." Policy D1 was developed to safeguard the character of the area to ensure that the design and character of new development conforms to that of the town.

Area 5 is the approach from Burford which is flat and typified by pasture and former mineral workings that have created nature reserves within open pasture and trees. It is clear from this

description that the character identified relates more specifically to the approach toward the edge of the settlement and does not typify the current application site or its immediate surroundings.

The subtext of Policy D1, however, sets out that new development must take its reference from the best examples in the immediate locality. In particular development should reflect the materials, scale, mass and architectural rhythm of the immediate area and character of the Town as a whole.

The fence subject to this application has been constructed from vertical close-boarded timber panels that have not been treated. There are examples of similar fencing within the immediate locality, with the most prominent of note sited on the opposite side of the main road to Manor Fields Court spanning approximately 100m at a height of 1.8m-2m along the highway. The existence of this fencing, much of which would appear to have been in situ for at least 10 years, makes it difficult to argue that the fencing style and material are not sympathetic to the locality as they are similar in all aspects. In addition, 1.8m high fencing has been approved within the Old Railway Close development site, a length of which is directly attached to that which is subject to this application, matching it completely. Taking this into account, it is clear that timber fencing is, and has been for some time, a contextual aspect of the immediate site and is not considered to represent an incongruous feature here.

Although clearly on a prominent route into the town, the site is not considered to be located within a visually sensitive area. Whilst the loss of openness to the front of the site would create less symmetry to the entrance of Old Railway Close, it is not considered to have a detrimental impact on the immediate vicinity which consists of a busy A-Classified road bordered on the opposite side by the aforementioned timber fencing, and in close proximity to a petrol station.

The application site accommodates a corner plot and the land has been amalgamated into Manor Fields Court as part of its residential curtilage. It would therefore be expected that some form of boundary treatment is introduced providing a level of privacy, which this proposal would do.

It is noted that, as outlined in the LND, in many areas of the town, "the character is reinforced through the established building set back and arrangements of front gardens, walls, railings or hedges" however it is not considered that Manor Fields Court fully conforms to this description due it being set back from the highway around 20m and accessed by a separate road to the main highway. As such, the introduction of fencing around the site's boundary is not considered to be in contradiction to this. In addition, the fencing would not screen any features of historical or architectural significance, with Manor Fields Court being a residential dwelling constructed in the late 1980s/ early 1990s.

The height of the fencing across the frontage is proposed to be reduced which would help in alleviating the loss of openness somewhat. Whilst there would remain the Leylandii, which is a species that would not tend to be recommended for landscaping, its lesser degree of permanence and softer impact is considered to assuage this loss on the immediate area and street scene.

Considering the setting of the site and the immediate landscape, although the frontages of the properties on the opposite side of Old Railway Close are set back with low Cotswold stone wall and soft landscaping, the fencing does not significantly impact the outlook of properties within the vicinity in terms of visual amenity, and is not considered to be detrimental to the character of the area taking into account its setting and local context. In addition, its retention here is not considered to amount to an overdevelopment of the site as it is not considered excessive in terms of its impact on local amenity or character due to its harmonisation with adjacent existing fencing.

For clarity, whilst approved plans for the Old Station Site development indicated the area to be open space, the area was not approved as, or intended to be, a designated public open space; the 600mm knee-high rail restricting public access onto this piece of land. The Council holds no control over its use which is now part of the residential curtilage of Manor Fields Court.

Whilst it is noted that objections refer to the impact on the open views into and out of the town, considering the location of the site within a residentially built-up area of the town, and not within the countryside or on the town's edge, the fencing would not have an impact on these views.

It has been established that the existing Leylandii in question are not, and never have been, unauthorised or in breach of planning control and do not, therefore, require regularisation through being added to this application.

The application does, however, include the addition of a small number of Leylandii behind a section of fencing traversing part of the property's driveway. This proposed planting is required as part of the application as the addition of Condition 3 to 18/03313/FUL has removed permitted development rights for 'planting, fences, gates, walls or other means of enclosure' without the Local Planning Authority's consent. Although Leylandii is not typically a species that would be encouraged in landscaping proposals, there exists the Leylandii within the site behind the fencing, in addition to established Leylandii along the entrance to Old Railway Close which was an established bush/ treeline prior to the Old Station Site development having been granted.

The existing Leylandii did not require consent or planning permission to be implemented as there were no conditions on either the Outline planning permission (12/00528/OUT) or the Reserved Matters permission (14/04198/REM) which specify that planting cannot be incorporated in this location and the removal of Permitted Development rights for planting, fences, gates, walls or other means of enclosure on the 18/03313/FUL application for 'Change of use of land to residential curtilage' would not have a bearing on this planting as it was carried out before that application was determined on 07.01.2019.

Whilst the addition of a more native species is preferable, it is considered that the proposed planting of Leylandii along the small section of fencing toward the south of the site is acceptable as it would be a continuation of the existing Leylandii. Informal consultation with the Landscape Officer resulted in the recommendation that a condition is added to restrict the Leylandii's height to no more than 2m. This would ensure it is maintained as a hedgerow and not a tree belt and would hopefully provide the drive for the rest of the Leylandii to be maintained in the same way so it looks uniform around the boundary.

It should be noted that the existing planting could not be controlled by the addition of a condition to the decision notice of this application, as it does not form of part of this application.

Although the matter of the Leylandii forming part of the boundary has previously been raised as a concern, it is not considered that this does not change the conclusion that the Leylandii is not unauthorised and does not require regularisation. Planting, in and of itself, does not require permission unless permitted development rights have been removed prior to the planting being implemented which, in this case, they had not.

The boundary treatment is formed by the fencing that has been erected, whereas the Leylandii is set behind this. The fencing forms an intervening feature between the highway and the Leylandii, and as such there is no reason why this planting would be subject to planning control. Notwithstanding this point, the formation of a boundary through planting would not require planning permission other than if permitted development rights had been removed.

Reference has been made to Condition 3 of application 18/03313/FUL in the various objection comments. It is noted that the reason stated for attaching Condition 3 to that application is "In the interest of highway safety and public amenity of the site, in accordance with Cotswold District Local Plan Policies EN2 and INF 4 and Sections 9 and 12 of the NPPF". The contents of that report states that "it is considered reasonable and necessary in the interests of highway safety and amenity of the area to remove the permitted development rights, so as to preclude the erection of any fencing, walls or planting. Thereby, maintaining the open character and appearance of the site." Having discussed the matter with the Officer for that application, the condition was attached to ensure that no new fence/planting would intercept the visibility onto the carriageway, thereby, precluding highway safety implications for vehicles entering and egressing from the site. This condition did not exercise any control of the existing Leylandii hedge that was present prior to the application being determined, as this did not fall within the Council's control. Having regard for 'public amenity', the Officer advised me that it, in this instance, relates to the safe use of the carriageway and other road users.

It is noted that the report indicates the condition is also added to maintain the open character and appearance to the front of the site and this has been taken into consideration. Notwithstanding this point, the fencing has been considered and assessed and it is not considered the loss of this open character is harmful to local amenity because its height and design are acceptable to its visual context.

It is noted that an objection comment refers to the lack of reference point or datum levels on the submitted plans to establish the height of the fencing should the application be permitted. Whilst this is noted, Officers do not consider it proportionate requiring datum points to be marked on plans for an application to retain and reduce the height of existing fencing when the land levels are not considered to significantly alter within the site or within the fence's location. Additionally, it is considered disproportionate to attach a condition requiring the submission of a datum point survey.

A number of comments referred to the submitted drawings being considered un-readable, lack detail and un-dimensioned with very little information about the height or type of fence indicated on the drawings. It is considered that the plans are adequately labelled and are to a recognised scale. As the application is for fencing, it is considered the level of detailing is acceptable.

Third-party comments have made reference to the land enclosed by the fencing being designated as shared open space in the Outline and subsequent reserved matters approvals, however, it is confirmed that it was not approved as a public open space. Further, the land has been granted a change of use to be incorporated into Manor Fields Court's domestic curtilage.

Taking into account the emphasis that the local policies place on the site's context, local character and landscape setting, although the proposal would see the loss of an open space and is a modern form of boundary treatment, it is not considered to be incongruous or detrimental to the character of the area. Therefore, on balance, the development is considered to comply with Section 12 of the NPPF, Local Plan Policy EN2 and Policy D1 of the Lechlade Neighbourhood Plan.

(b) Impact on Highway Safety

Due to the location of this fencing on land in close proximity to a main highway and vehicular junctions, assessing its impact on highway safety is considered necessary.

Section 9 of the NPPF relates to promoting sustainable transport and outlines considerations for development affecting highways and transport and states that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety..".

Local Plan Policy INF 4 (Highway Safety) states that development will be permitted that is well integrated with the existing transport network within and beyond the development itself, avoiding severance of communities as a result of measures to accommodate increased levels of traffic on the highway network. It seeks to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and avoids street clutter. The policy also requires regard for the Manual for Gloucestershire streets.

Although no visibility splays have been submitted as part of this application, it is evident that the visibility splays approved with the application for a new vehicular access (ref. 18/00397/FUL) and the visibility splays on plans required to satisfy condition 7 of 14/04198/REM for the new junction for the Old Railway Close development (ref. 15/00167/COMPLY) would not be compromised by this fencing.

The fence is sited 3m back from the edge of the A361 which allows sufficient visibility for vehicles and cyclists passing the application site, as well as entering and leaving the junction to Old Railway Close. Further, there is ample visibility for pedestrians using the footpaths in the immediate vicinity.

It is therefore accepted that, as the fencing would not be within the 2.4 metre distance from the carriageway edge, Officers are satisfied that this would provide an acceptable relationship with the Burford road and Old Railway Close junction, and accord with the specifications set out in the Gloucestershire County Council Manual for Streets.

Additionally, although GCC Highways Authority was consulted, they did not provide any comments on the application.

As already outlined, the reason stated for attaching Condition 3 includes "In the interest of highway safety" which, it is noted, takes into account the advice from the Highway Officer who supported the use of condition to prevent planting adjacent to the highway.

Whilst this is taken into account, it is clear that the location of the fencing - which is not shown on the approved plans for application 18/03313/FUL which permitted the amalgamated the area of land into the property's residential curtilage - provides enough distance between it and the edge of the highway such that visibility splays are not compromised.

It is clear that the addition of the condition was valuable in that it could inhibit a future tangible boundary being implemented in the instance the current application is refused and the fencing removed, to ensure no further planting is incorporated which could encroach toward the highway and become a visibility, and safety, issue.

Taking the above into account, Officer's consider that there is no reason to suggest that the proposal is unacceptable having regard for its impact on highway safety and the proposal is considered to accord with Section 9 of the NPPF and Local Plan Policy INF4, and the specifications outlined within the Gloucestershire County Council Manual for Streets.

9. Conclusion:

For the reasons outlined above, on balance, the proposal is considered to comply with all national guidance and the relevant policies of the Development Plan. As such, officers recommend the planning application for approval subject to the recommended conditions that would require the reduction in the height of the fence, control its appearance and the height of the associated planting.

10. Proposed conditions:

1. Within 3 months of the grant of permission, the fencing hereby permitted to be reduced in height, shall be reduced in height in accordance with the elevation plan, and thereafter maintained.

Reason: To comply 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 approved shall be carried out in accordance with the following drawing number(s): Site Location Plan (dated 27.08.2019), Block Plan (revised 18.03.2020) and Elevation Plan (dated 18.03.2020).

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

3. The timber fencing shall not be treated in any way and shall be left to weather and silver naturally and shall be permanently retained as such thereafter.

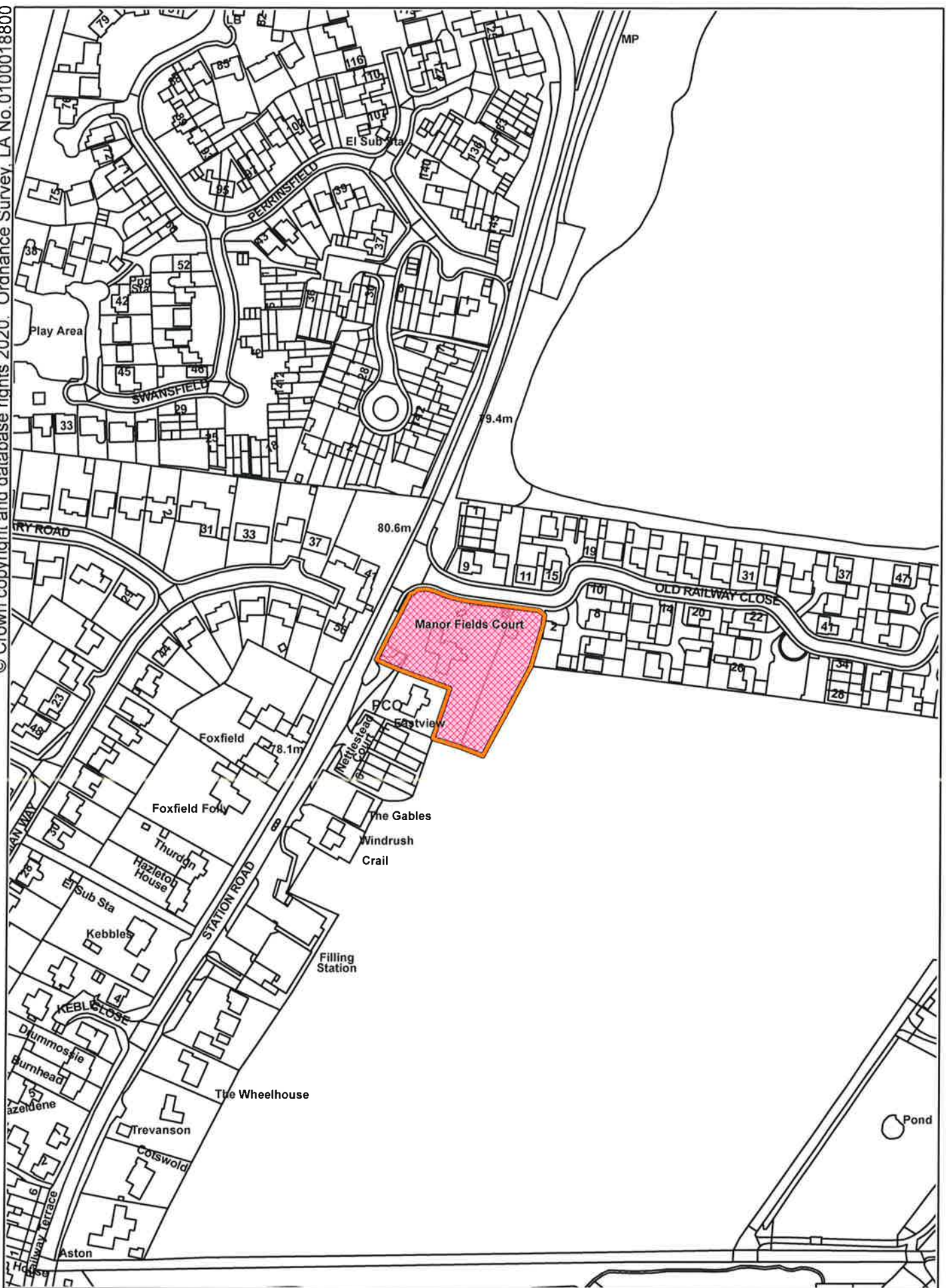
Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

4. The planting hereby approved shall be implemented by the end of the planting season immediately following the completion of the development.

Reason: To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy EN2.

5. The planting hereby approved shall be maintained at a height of no more than 2 metres.

Reason: To ensure that the planting is maintained as a hedgerow and not a tree belt which would thereby achieve the objective of Cotswold District Local Plan Policy EN2.



MANOR FIELDS COURT BURFORD ROAD LECHLADE

Scale: 1:2500

Organisation: Cotswold District Council

Department:

Date: 31/07/2020



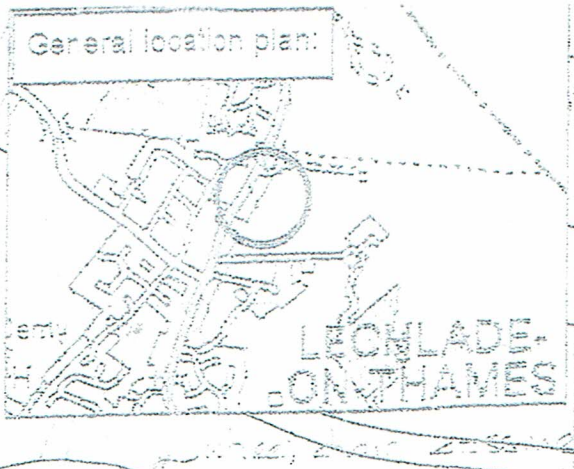
COTSWOLD
DISTRICT COUNCIL





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force line where timber fence retained but reduced in height
 extra timber fence known as allowed
 existing allowed timber fence.

o Block Plan
 o Manor Fields Court
 o dtd dated 27.03.20
 Revised 18.03.2020

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Gloucestershire
 Highway Records
 Gloucestershire County Council
 8 Pine Walk, Gloucester, GL1 3TH
 www.gloucestershire.gov.uk
 highway.records@gloucestershire.gov.uk

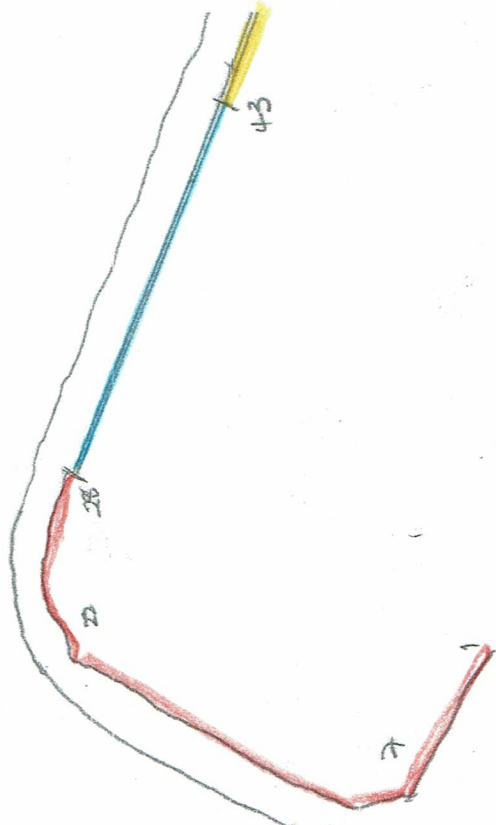
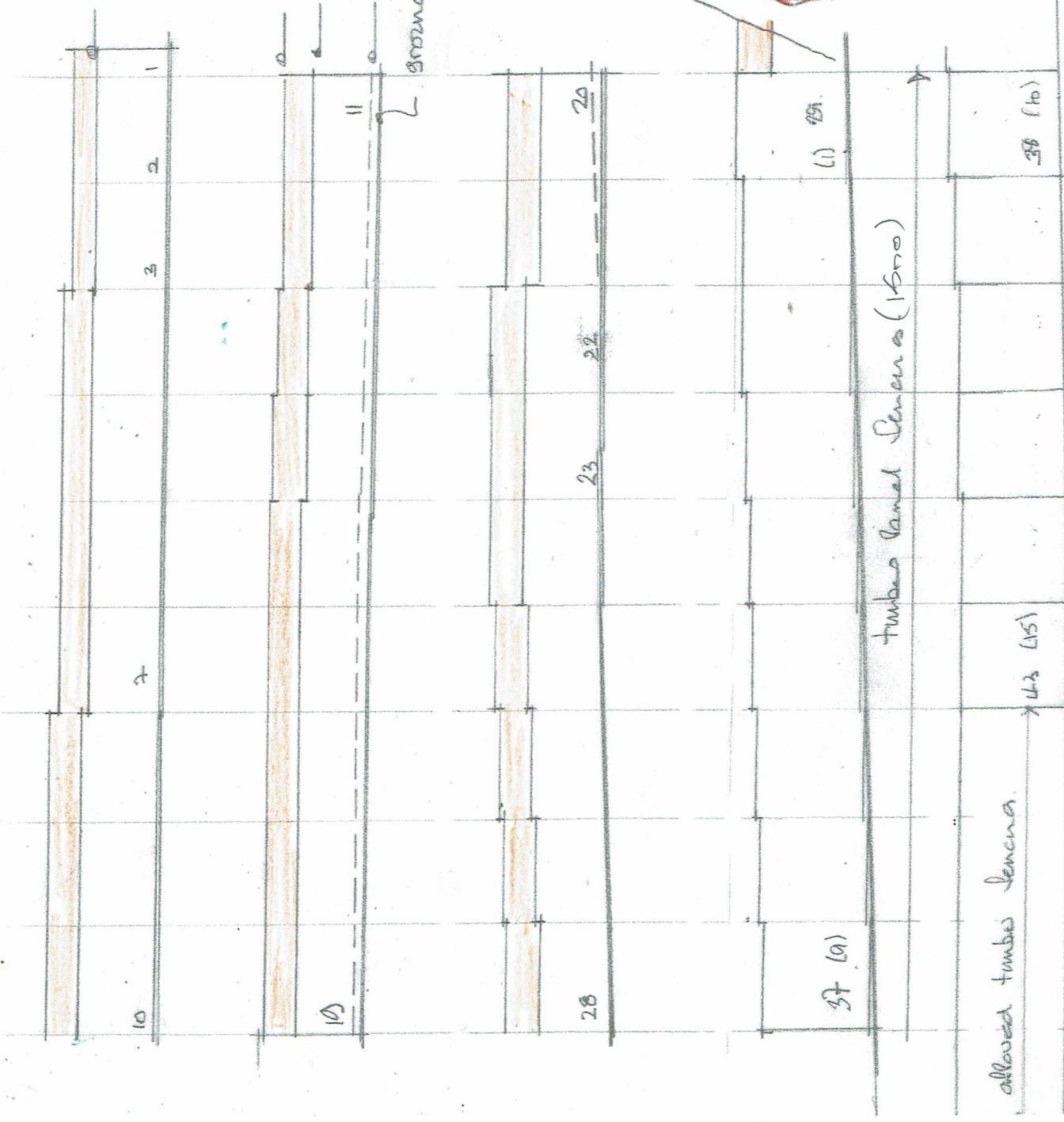
DRAWING NO: TA 242e
 DRAWN BY: Highway Records
 DATE: March 2018
 SCALE: 1:200

INFORMATION:
 Section 116 of the Highways Act 1980 Gfo Reference: 82/17/004
 Proposed extinguishment of all public highway rights (particular, equestrian, recreational) over part of highway 10A397 (Station Road Surford Road) adjacent to East New and Manor Fields Court in the parish of Lechlade.
 Proposed area over which the extinguishment will apply.
 For further information, please contact Highway Records on 01452 528577.

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Manor Field Court end.

existing to st fence.
new to line
road level.
ground level



works to Existing Timber fence
 Manor Field Court
 scale 1:100
 dra. dated 18/03/2020

start at 15 no panels

allowed timber fence.

timber panel fence (15m)

37 (a)

(1) 43

44 (10)

10

11

20

23

22

28

43

7

7

3

2

1

44 (15)