

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	13/09/2023
Planning Manager / Team Leader authorisation:	ML	13/09/2023
Planning Technician final checks and despatch:	JJ	13/09/2023

Application: 23/01020/FUL **Town / Parish:** Tendring Parish Council

Applicant: Mr Neelesh Kumar

Address: Tendring Meadows Care Home Heath Road Tendring

Development: Erection of 2 metre high metal fence to perimeter of front and side boundary with the highway (retention of).

1. Town / Parish Council

Tendring Parish Council Tendring Parish Council would like to strongly object to this application to erect a 2m fence around Tendring Meadows Care Home for the following reasons:-

The current fencing is constructed from grey corrugated steel laid vertically. It is 2m at the front of the property and 1.5m at the side. The application states that the fencing is dark green and is 2m along the full perimeter with a horizontal pattern. This type of fencing does not match the hedge opposite. It would be appropriate in an industrial or urban setting but certainly not in a rural village, contravening SPL3.

The limited roadside space will not allow for successful planting without encroaching on what is already a narrow pavement. Tendring District Council's Tree Officer has suggested a minimum of 1metre as appropriate ,thus the fence should be repositioned . The noise amplification from vehicles due to the nature of the surface is also causing a problem for residents living opposite the site.

The fence has resulted in restricted visibility from the T junction adjoining the property from Tendring Road onto Heath Road. This is a major concern as there has already been one fatality at that spot in the past. Customers of the local shop are reluctant to use this junction due to decreased visibility.

The property is preceded by a curve in the road and there are concerns that any vehicle losing control on that bend would hit the fence and would certainly be in more danger of harm or fatality than if they had hit the hedge which was previously ripped out by the owners. This hedge was an area for wildlife to flourish and its removal has saddened many villagers.

The Parish Council and villagers have voiced their dismay at the erection of this totally unsuitable fencing and would urge the Planning committee to dismiss this application and enforce the immediate removal of this monstrosity and replacement with a more suitable, appropriately positioned and environmentally favourable boundary.

2. Consultation Responses

Tree & Landscape
Officer
03.08.2023

The position, design and colour of the existing fence fronting Heath Road are such that it is a prominent and incongruous feature in its setting.

The fencing is not in keeping with the character or appearance of the locality and consequently it has a negative impact on the appearance of the public realm.

In terms of potential planting to screen the fence when viewed from the highway (Heath Road) the site plan shows an area between the fence and the footway in which new planting could be carried out. However, the current width of the metalled surface of the footway is approximately 1.5m wide which covers the whole area of land between the highway kerb and the fence. This does not allow any room for new planting if the fence is to be retained in its current position.

To achieve a satisfactory relationship between the boundary fence and the public realm and to minimise the harm to the appearance of the local environs it will be important to secure soft landscaping to screen the fence.

Therefore, it appears that to provide sufficient space for new planting without encroaching onto highway land and to achieve a satisfactory relationship between the boundary fence and the public realm the fence should be set back at least 1m from the back edge of the footway to create a 1m wide strip of land on which new planting can be carried out.

The applicant will need to establish the position of the boundary between their land and the highway to ensure that there is no encroachment onto highway land.

The fencing on the eastern boundary adjacent to the highway (Heath Hospital Road) appears to allow sufficient space for new planting to be carried out. However, it will be necessary for the applicant to establish the position of the boundary between their land and the highway to ensure that there is no encroachment onto highway land by either: the erection of the fence or new soft landscaping.

ECC Highways Dept
14.08.2023

The information submitted with the application has been assessed by the Highway Authority and conclusions have been drawn from a desktop study with the observations below based on submitted material. An earlier site visit was undertaken in conjunction with another planning application. It is noted that the proposal is to replace a temporary boundary feature with a permanent structure along the perimeter of the development, considering these factors:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1: Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the

construction period in the interest of highway safety in accordance with policy DM1.

2: Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

3: Prior to the commencement of any works, the applicant shall obtain a Highway Boundary Plan from ECC Highway Records to establish the line of the highway boundary to the front and side of the development. Email address: Highway.Status@essexhighways.org

Reason: To establish the extent of the publicly maintainable highway and to avoid any part of the fence encroaching onto the public highway and to preserve the integrity of the highway in accordance with Policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

3. Planning History

91/01436/FUL	Alterations and extensions to former hospital to be used as Nursing Home and change of use from staff accommodation to part staff accommodation and part office	Approved	18.02.1992
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96/00060/FUL	(Tendring Meadows, The Heath, Tendring) Conversion of former nurses residential accommodation to form one dwelling house	Refused	19.06.1996
02/02406/FUL	Installation of private sewerage treatment plant	Approved	14.02.2003
04/01475/OHL	Overhead powerline.	Determination	24.08.2004
93/00772/FUL	Retention of extension for nursing home to provide new kitchen and laundry facilities	Approved	24.08.1993
21/01236/TPO	1 No. Ash - fell as damaged and starting to die and decay.	Approved	23.08.2021
23/00782/WTPO	1 No. London Plane - cut overhanging branches.	Approved	05.07.2023
23/01020/FUL	Erection of 2 metre high metal fence to perimeter of front and side boundary with the highway (retention of).	Current	

4. Relevant Policies / Government Guidance

NATIONAL:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

LOCAL:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021):

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022):

SPL1 Managing Growth

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

Supplementary Planning Guidance:

Essex Design Guide

Local Planning Guidance:

Essex County Council Car Parking Standards - Design and Good Practice

Neighbourhood Plan

The site is located within an area that is not subject of any emerging or adopted Neighbourhood Plan.

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

This application seeks planning permission for erection of 2-metre-high metal fence to perimeter of front and side boundary with the highway (retention of).

Upon the officers site visit the works had already been carried out and completed.

The site is an existing care home facility with a large building and surrounding grounds. Prior to the erection of the proposal the boundaries of the site comprised of a vast amount of planting and some areas of wooden fencing.

The photographs provided from the agent show the boundary prior to installation of the fence and detail temporary metal fencing. The photos also show the planting which had been removed prior to the installation of the new fence.

Assessment

Visual Impact

The application site comprises of a detached building currently used as a care home. The building is sited on a large plot with elevations serving Tendring Road and Heath Road. The site is located outside of the development boundary with the building previously being predominantly screened by a vast amount of planting along its boundaries.

The proposed fencing has been erected along the site's boundaries down Heath Road and Tendring Road and is a highly noticeable feature, which replaces the planting which used to be in situ in this location.

The fencing currently in situ is 2m in height and is constructed from grey metal boards with most of it being sited hard up to the boundary shared with the public pavement. The plans provided indicate minor landscaping to be planted in some areas in front of the fence, however, this is limited, and it is unclear if this will encroach onto highway land. In many areas there is no planting shown in front of the fence as this will be unachievable due to its close relationship with the boundary.

Consequently, the siting of the fencing appears as a prominent and noticeable feature within Tendring Road and Heath Road and in the absence of little landscaping to soften its appearance appears as an intrusive feature to the character and appearance of the site's countryside setting.

It is therefore considered that the proposed fencing, by virtue of its siting along a prominent boundary of the site and incongruous materiality results in an inappropriate form of development within the street scene, detrimental to visual amenity and the overall character of the area contrary to the aforementioned national and local policies.

The Council's Tree and Landscape officer has reiterated these concerns and has highlighted them through the consultation process.

Highway Safety

The proposal is clear of the highway and has no adverse impact on the parking facilities or access of the site.

The ECC Highways team have been consulted and provide no objections to scheme if conditions are imposed regarding storage of building materials, boundary planting to be 1m back from the highway and the submission of a boundary plan prior to commencement of the works.

Residential Amenity

The proposal has not been constructed along or close to neighbouring boundaries and therefore does not result in a significant loss of amenity to occupiers of nearby sites.

Other considerations

Tendring Parish Council have provided objections to the proposal and 10 Letters of objection have been received from local residents raising the below concerns;

- Proposed fence results in poor visibility for users of the highway.
- Prominent feature which is out of keeping with the area and rural landscape
- Materials will not age well and will fall into disrepair
- Set a precedent for future proposals nearby
- The existing hedgerow has been removed adding to the harmful appearance from the fence.
- Loss of habitat.

Conclusion

The proposal therefore conflicts with national and local policy as detailed above and results in a significant harmful impact to the appearance/ character of the area and rural landscape and is therefore recommended for refusal.

6. Recommendation

Refusal - Full

7. Reasons for Refusal

- 1 The National Planning Policy Framework attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. 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.

Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Adopted Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires that all new development (including changes of use) should make a positive contribution to the quality of the local environment and protect or enhance local character. Section A of this policy states requests that new buildings, alterations and structures are well designed and maintain or enhance local character and distinctiveness and Section B requests that the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials.

Policy PPL3 states the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance.

The application site comprises of a detached building currently used as a care home. The building is sited on a large plot with elevations serving both Tendring Road and Heath Road.

The fencing currently in situ is 2m in height and is constructed from grey metal boards with most of it being sited hard up to the boundary shared with the public pavement. The plans provided indicate minor landscaping to be planted in some areas in front of the fence, however, this is limited, and it is unclear if this will encroach onto highway land. In many areas there is no planting shown in front of the fence as this will be unachievable due to its close relationship with the boundary.

Consequently, the siting of the fencing appears as a prominent and noticeable feature within Tendring Road and Heath Road and in the absence of little landscaping to soften its appearance appears as an intrusive feature, which is harmful to the character and appearance of the site's countryside setting.

It is therefore considered that the proposed fencing, by virtue of its siting along a prominent boundary of the site and incongruous and stark metal materiality results in an inappropriate form of development within the street scene, significantly detrimental to visual amenity and the overall character of the area, which is contrary to the aforementioned national and local policies.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

0017-A-001
0111-A-200