

Reference:	17/00055/BC4	
Ward:	Victoria	
Proposal:	Erect boundary fence (Amended Proposal)	
Address:	Southend Bowls Club, 7 Tunbridge Road, Southend-on-Sea, Essex SS2 6LT	
Applicant:	Mr Peter Lovett (Southend Bowls Club)	
Agent:		
Consultation Expiry:	17/02/17	
Expiry Date:	15/03/17	
Case Officer:	Ian Harrison	
Plan Nos:	Location Plan, Site Plan and Bowl-1	
Recommendation:	GRANT PLANNING PERMISSION	



## **1 The Proposal**

1.1 Planning permission is sought for the erection of a new fence at the east boundary of the Southend Bowls club site. This is materially different for the existing fence at the site.

1.2 The side boundary of the site was formerly demarked with a 0.5 metre tall retaining wall above which was a hedge that extended for 49 metres along the east boundary of the site. The hedge has been removed and replaced with a fence that measures 1.8 metres tall above the existing 0.5 metre high retaining wall, with gravel boards measuring 0.28 metres tall. This gives a total boundary treatment height of approximately 2.58 metres. The recent planning application with reference 16/01249/FUL sought retrospective planning permission for the retention of the fence but that application was refused for the following reason:

*“The boundary fence is detrimental to the character and visual amenities of the area by reason of its excessive height and length which render its appearance incongruous and out of keeping in the streetscene contrary to the National Planning Policy Framework (NPPF), Core Strategy DPD Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance), Policy DM1 of the Development Management DPD and the Design & Townscape Guide (SPD1).”*

1.3 This application seeks permission for an alternative boundary enclosure that would see a 1.4 metre tall fence (with concrete posts and gravel boards) positioned on the raised ground level, set back 0.5 metres from the back edge of the brick retaining wall. The fence and concrete posts would be painted. Planting would be provided in front of the fencing in the form of 125 ‘Little Red Robin’ (Photinia) plants.

1.4 In support of the previous application the applicant included letters that set out that the former hedge was a maintenance burden, was encroaching into the public highway and was causing an electric fence to ‘short’ which allowed foxes onto the rink.

## **2 Site and Surroundings**

2.1 The application site comprises a large plot of land accommodating a bowling green, a two storey clubhouse and vehicle parking area lying to the west side of Tunbridge Road approximately 50m from its junction with Carnarvon Road to the south. The Council has a freehold interest in the land which is the subject of a long lease in favour of Southend Bowls Club.

2.2 Public amenity land exists to the west of the application site, a doctor’s surgery exists to the south and all other neighbouring properties are in residential use.

## **3 Planning Considerations**

3.1 The main considerations in the determination of this application are the principle of the development, design and impact on the streetscene, impact on residential amenity of neighbouring residents and traffic and highways issues.

## 4 Appraisal

### Principle of Development

**National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; Development Management DPD Policies DM1, DM3 and DM15 and the Design and Townscape Guide SPD1 (2009)**

- 4.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD Policies KP2, CP4 and CP8. Paragraph 56 of the NPPF states; *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* Paragraph 64 of the NPPF states; *“that 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.”*
- 4.2 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development.
- 4.3 The proposed development would be ancillary to an existing use of land and does not represent a change of use of land. As such, subject to the following detailed considerations, it is considered that no objection should be raised to the principle of a new boundary treatment.

### Design and Impact on the Character of the Area

**National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, Development Management DPD Policies DM1 and DM3 and Design and Townscape Guide.**

- 4.4 In the Council’s Development Management DPD, policy DM1 states that development should “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”
- 4.5 The boundary enclosure proposed would be a timber fence with concrete gravel boards supported by concrete posts which would be set 0.5 metres back from the footpath which is demarked by an existing low wall. It was previously determined that a 1.8 metre tall fence at an elevated position and immediately adjacent to the highway was excessive and that this, together with the substantial length of the fence, rendered its appearance incongruous and out of keeping in the streetscene.

- 4.6 The repositioning of the fence, its reduction in height by 0.4 metres and the introduction of soft landscaping in front of the fence to soften and partially mitigate its visual impact is considered to be an appropriate solution that addresses the concerns that were raised previously.
- 4.7 The proposed boundary enclosure would not have the same dominating visual impact as the fence that has been erected and it is considered that the addition of planting would be of benefit to the site. It is unfortunate that the former hedge at the boundary of the site has been removed, but it is considered that this represents an acceptable alternative form of enclosing the site. The length of the fence is unavoidable in this scenario, but it is considered that the visual impact as proposed is not as significant and therefore the proposal can be found acceptable.

#### **Impact on Residential Amenity.**

##### **National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Development Management DPD Policies DM1 and DM3 and Design and Townscape Guide.**

- 4.8 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Policy DM1 of the Development Management DPD also states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 4.9 Notwithstanding the visibility of the proposed fence from within neighbouring sites, due to the separation distance between the fence and the neighbouring residential properties it is considered that the fence would not cause an increased sense of enclosure or a loss of light, privacy or outlook at any residential property to an extent that would justify the refusal of the application.

#### **Highways and Transport Issues:**

##### **National Planning Policy Framework, Policy KP2, CP4 and CP3 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM15 and the Design and Townscape Guide.**

- 4.10 The fence that is proposed would not restrict visibility splays within the public highway and would have no implications for parking. It is therefore considered that no objection should be raised on those grounds.

#### **Community Infrastructure Levy**

- 4.12 The development that has occurred is not CIL liable.

## **Conclusion**

- 4.13 For the reasons set out above, it is considered that the fence that is proposed can be found to be visually acceptable and would not cause material harm to the character and appearance of the site and the streetscene of Tunbridge Road. It is therefore considered that the proposal addresses the reason for the refusal of application 16/01249/FUL and should be found acceptable.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework
- 5.2 DPD1 Core Strategy Policies and KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance)
- 5.3 Development Management DPD Policies DM1, DM3 and DM15
- 5.4 Community Infrastructure Levy Charging Schedule
- 5.5 Design & Townscape Guide 2009 (SPD1).

## **6 Representation Summary**

### **Highway Authority**

- 6.1 No objection is raised to the proposal.

### **Public Notification**

- 6.2 27 neighbours were notified of the application and a site notice was posted at the site. One letter of objection has been received which objects on the grounds that, although the proposals are better, the dark paint over such a large area is overpowering.

## **7 Relevant Planning History**

- 7.1 Permission was granted for an entrance porch under the terms of application 86/0872.
- 7.2 Planning application 16/01249/FUL which sought retrospective permission for a fence at the site was refused for the reasons set out above.

## **8 Planning Recommendation**

### **8.1 Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:**

**01. The development hereby permitted shall begin not later than three years from the date of this decision.**

**Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.**

**02. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Site Plan and Bowl-1**

**Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.**

**03. The soft landscaping shown on the submitted plan (as described in the description of development within the application form) shall be planted during the first planting season after the erection of the fence hereby approved unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.**

**The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.**

### **Informative**

**1. You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.**

**2. Please note that the Local Planning Authority would wish to see the alteration of the conservatory to match the plans hereby approved within six months of the permission hereby granted. If the conservatory is not adapted within this timescale, the conservatory may be the subject of enforcement action.**