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Application Number:	20/02127/FUL
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Application Type:	Planning FULL
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Proposal Description:	Erection of a 6.4m mesh ball stop boundary fence
At:	Football Ground, Doncaster Road, Kirk Sandall

For:	Barnby Dun With Kirk Sandall Parish Council - Jill Samuels
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Third Party Reps:	48 representations in total 13 letters in opposition 35 letters in support.	Parish:	Barnby Dun With Kirk Sandall Parish Council
		Ward:	Stainforth and Barnby Dun

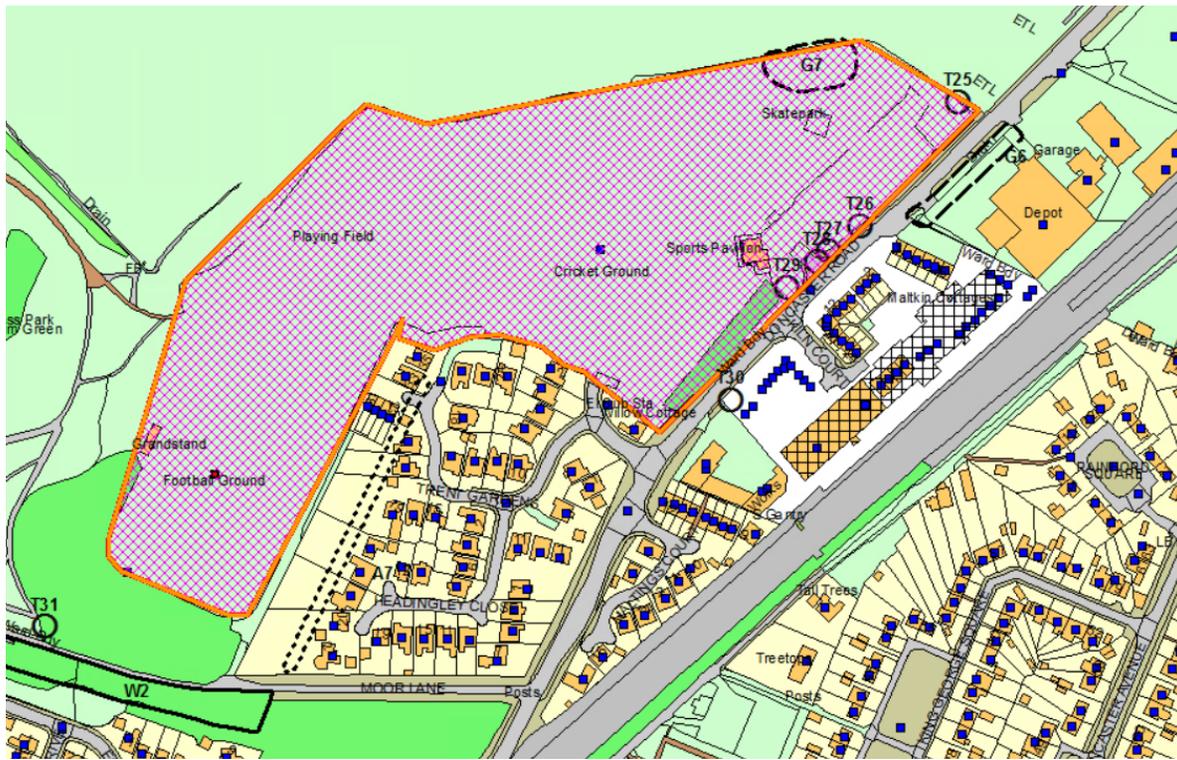
Author of Report:	Dave Richards
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SUMMARY

The proposal is considered to be acceptable in policy terms and is considered to be an acceptable and sustainable form of development in line with paragraph 7 and 8 of the National Planning Policy Framework (NPPF, 2019).

The development would not cause undue harm to neighbouring properties, the character of the area or lead to the permanent loss of open space.

RECOMMENDATION: Grant planning permission subject to conditions



1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee due to the level of public interest.

2.0 Proposal

- 2.1 The proposal involves the erection of four 6.4m posts with mesh netting within the Kirk Sandall Recreation Ground. The location of the posts is shown in Appendix 1 of this report.

3.0 Background

- 3.1 The development is intended as a ball stop feature to stop projectiles from the recreation ground causing damage to residential neighbours. The intention is that a football playing pitch is to be created for an U13/15 team. The posts would be sited adjacent to the boundary with 33-35 Trent Gardens.
- 3.2 The posts would be green 76mm steel for use with lightweight black netting.
- 3.3 The recreation ground is a large field area with a building on site (currently occupied by a day nursery) which is used as the kitchen facilities on club match days. The wider site is mainly used by Barnby Dun Cricket Club, with other community sports functions and general use for walking.
- 3.4 The site is located with Flood Zone 3 and is within the Countryside Policy Area. The site is allocated as Public Open Space in the Unitary Development Plan. To the south of the site is predominately housing, with the rest of the boundaries forming a transition to open countryside.

4.0 Relevant Planning History

- 4.1 There is no relevant planning history for the site although a similar application for a replacement ball stop fence was granted in 2019 on land adjacent to No. 2 Trent Gardens in the same site. This can be seen in situ in the photo below:



Figure 1 - 6.4m perimeter poles 6.4m and nets

5.0 Site Allocation

- 5.1 The site is located within an area defined in the UDP as an Open Space Policy Area.
- 5.2 The site is shown to be within Flood Zone 3 according to the Environment Agency's flood maps.

National Planning Policy Framework (NPPF) (2019) and National Planning Policy Guidance (ongoing)

- 5.3 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.4 The NPPF is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.5 Section 8 sets out that planning decisions should enable healthy lifestyles for example through the provision of safe and accessible sports facilities and using an integrated approach with other land uses. Particular reference is made within Paragraph 95 to the promotion of public safety although this generally is concerned with natural and malicious hazards of a more strategic nature.
- 5.6 Section 11 supports the effective use of sites which provide community facilities.
- 5.7 Section 12 supports the creation of high quality buildings and places. Generic criteria are set out including ensuring the importance of achieving the optimum potential of sites to sustain an appropriate amount and mix of development and the need to create safe inclusive places.

- 5.8 Section 15 advises that planning decisions should recognise the intrinsic character and beauty of the countryside and minimise impacts on biodiversity.

Doncaster Core Strategy (2012)

- 5.9 Policy CS1 states that as a means of securing and improving economic prosperity, enhancing the quality of place and the quality of life in Doncaster, proposals will be supported that contribute to the Core Strategy objectives and which in particular protect local amenity and are well designed.
- 5.10 Policy CS3 establishes criteria for new development in the Countryside Policy Protection Area, including for purposes appropriate for a countryside location which protects openness.
- 5.11 Policy CS4 requires a proactive approach towards the management of flood risk and drainage.
- 5.12 Policy CS14 relates to design and sustainable construction and states that all proposals in Doncaster must be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area.
- 5.13 Policy CS17 states that proposals will be supported which have regard to local standards and opportunities, and help to address deficiencies, by making an appropriate contribution to sport, recreation and related community uses.

Saved Unitary Development Plan (UDP) (1998)

- 5.14 Policy RL1 states that development would not be permitted, except in exceptional circumstances, for purposes other than outdoor recreation, ancillary indoor facilities, allotments, nature conservation or cemetery uses.
- 5.15 Policy ENV4 sets out a range of criteria for acceptable development in the Countryside Policy Area.
- 5.16 Policy ENV7 allows for outdoor recreation and leisure uses in principle providing that it would not prejudice by reason or its nature, scale, siting or design the purposes of the Countryside Policy Area. Other considerations are that the development would not lead towards the physical or visual coalescence of settlements, that it would not create or aggravate highway or amenity problems and that it is sited so as to minimise its impact on and wherever possible enhance the character, landscape and nature conservation value of the local environment.

Emerging Local Plan (Published 2019)

- 5.17 The Local Plan has been formally submitted for examination on 4th March and an Inspector has been appointed therefore the Local Plan is now under examination. Paragraph 48 of the NPPF states that the LPA may give weight depending on the stage of the Local Plan and the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). When the local plan was published under Regulation 19 in August 2019, all of the policies were identified as carrying 'limited weight' for the purposes of determining planning applications. Taking into account the remaining

stages of the local plan process, it is considered the following levels of weight are appropriate between now and adoption dependant on the level of unresolved objections:

- Substantial
- Moderate
- Limited

The Council has now sent out the notice of examination (regulation 24 stage) and is aiming to adopt the Local Plan by winter 2020. The following policies are considered appropriate in assessing this proposal and consideration has been given to the level of outstanding objections resulting in appropriate weight attributed to each policy:

- 5.18 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development. Limited weight.
- 5.19 Policy 27 relates to the protection and enhancement of green infrastructure. Limited weight.
- 5.20 Policy 28 concerns the protection of open space and non designated open space. Limited weight.
- 5.21 Policy 43 deals with the need for good urban design. Moderate weight.
- 5.22 Policy 58 deals with the need to consider flooding. Limited weight.

Other material planning considerations

- 5.23 Several Supplementary Planning Documents (SPDs) have been published, which are material considerations in the determination of planning applications.

Development Guidance and Requirements SPD (July 2015)

- 5.24 The SPD sets out the guidance to help implement policies in the Development Plan. This includes design in the urban and rural environment, the historic environment, transport and accessibility, strategic green infrastructure, biodiversity, geodiversity and ecological networks, open space standards and requirements, landscape, trees and hedgerows.

Development and Flood Risk SPD (October 2010)

- 5.25 The Development and Flood Risk SPD has been produced to set out the Council's approach to managing flood risk and sets out the requirements for a sequential assessment.

- 5.26 Other Council initiatives include:

- The Doncaster Green Infrastructure Strategy 2014 - 2028
- Doncaster's Economic Growth Plan 2013-18
- Doncaster's Borough Strategy 2014
- Doncaster Health and Wellbeing Strategy 2016- 2021
- Doncaster Growing Together

6.0 Representations

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of advertising on the council website and neighbour notification.

6.2 13 representations have been received in opposition to the application in the form of a printed petition letter. The concerns expressed in the petition can be summarised as follows:

- Why are the nets so close to our property?
- The playing pitches can be moved
- Loss of visual amenity
- Impact on the landscape
- Increase in anti-social behaviour and vandalism
- Littering
- The system is not suitable in exposed or windy locations
- Why can't the poles be removed after each game
- The field is used as a car park
- Other applications have been made retrospectively

6.3 A total of 35 representations in support of the application have been submitted with comments summarised below:

- The nets will increase provision for sports on the site
- Assist with mental and physical wellbeing
- Will stop damage to property
- The people who this will affect have been kept informed about the plans and the application
- The site is a playing field regardless of the nets
- More use of the sports fields will deter anti-social behaviour

7.0 Relevant Consultations

7.1 The **Open Space Officer** agrees that the proposal would not affect the amount of open space, nor result in a loss or close off existing space. The use is for a related open space use. Consideration should be given to taking the nets up and down again on match days.

7.2 The **South Yorkshire Police Architectural Liaison Officer** has no objections or comments

7.3 The **Area Manager** has no comments to make.

7.4 The **Pollution Control Officer** offers an informative note.

8.0 Assessment

8.1 The principle issues for consideration under this application are as follows:

- Principle of development;
- Impact on residential amenity
- Impact on the character of the area
- Other considerations

8.2 For the purposes of considering the balance in this application, the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of Development

8.3 Policy RL1 of the UDP requires acceptable uses to comply with three sets of criteria:

a) there is no significant loss of outdoor play space;

b) the visual amenity of the site is retained and where possible enhance;

c) the environmental/ecological value of the open space is retained and where possible enhance

8.4 In this regard, there would not be a significant loss of outdoor space or visual amenity as the application site is confined to an area near a boundary with residential properties.

8.5 The proposal has been submitted as an attempt to overcome the potential situation of a ball striking private property or people. The Open Space Policy Officer has been consulted and has no objection to the proposal. It is acknowledged that the nets should ideally be temporary and taken up and down, as the nets may weather over time or generally look unsightly. Alternative measures have been explored including the relocation of the football pitch and moveable netting solutions. These options have all raised obstacles in terms of cost, timing or practicality that cannot be overcome according to the applicant. It is simply proposed that the nets are taken down out of season, in line with the existing nets on other parts of the site.

8.6 In terms of its design, the posts are simplistic with permeable mesh. The overall landscape impact is minimised by its siting near a residential estate rather than other, more exposed sections of the play space. Furthermore, the existing ecological and environmental value of the open space area is not significantly affected by the proposal.

8.7 Overall, the proposal is supported in principle by Policy RL1 and Policy CS17.

Sustainability

8.8 The NPPF sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs

8.9 There are three strands to sustainability and these are social, environmental and economic. Paragraph 10 of the NPPF states that in order that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development.

SOCIAL SUSTAINABILITY

Impact on residential amenity

8.10 The impact of the proposal will primarily affect occupants of the closest properties at Nos. 33-35 Trent Gardens. These properties to the east are traditional two storey brick built dwellings with pitched roofs. Relatively small gardens bounded by hedging and close board fencing directly adjoin the site.

8.11 The height of the fence and its proximity to the housing means that it would be visible from those properties that are close to it and from the cul-de-sac that serve these properties. The fence is not typical of a traditional residential environment and in this respect does not immediately reflect this context. However, given that it marks the edge of the residential area and the transition between this and the recreation ground, this lack of context is significantly reduced. As outlined above, the structure is not out of context in terms of the open space that it sits within. Additionally, the relatively “light” design supported by appropriate detailing of materials would negate any significant loss of light or visual amenity.

8.12 Policy CS1 seeks the provision of well managed and safe public and private spaces. It is noted that objectors have mentioned the area does in general attract anti-social behaviour and vandalism given the fairly secluded nature of the recreation ground, particularly during quieter times or in darkness. That said, the nets would be sited with natural surveillance from existing residential properties and are less likely to attract unwanted attention and vandalism. The Council’s Environmental Health Officer and Area Manager, together with South Yorkshire Police, have been consulted and offers no objections to the proposals.

8.13 The application is clearly intended to avoid prejudicing the safety of residents particularly when they are using their gardens and the protection of windows in the west elevation of their properties which face towards the site. This mitigation would not completely remove the risk of balls landing beyond the boundary of the pitch but would significantly reduce the frequency of this happening resulting in a far safer environment.

8.14 Residents have raised concern about the safety of the mesh posts particularly in high wind. It is understood that construction of the posts is robust and that they would withstand wind speeds of 115mph. The nets themselves are designed for speeds of 70mph although this would significantly decrease to

35mph if a demountable system is used. It is proposed that a condition stipulates that a management plan is submitted which demonstrates appropriate safeguards should high winds or other inclement weather is forecast. This represent a safe solution subject to following the advice of the manufacturer.

- 8.15 Accordingly, the proposal is also considered to comply with Policies CS1, CS3 and CS14 of the Core Strategy and Policies ENV4, ENV7 and RL1 of the UDP concerning the protection of residential amenity.

ENVIRONMENTAL SUSTAINABILITY

Design

- 8.16 The proposal would be located within an area that lies on the urban fringe within the Countryside Policy Area. There are surrounding sports fields, including some ancillary buildings, but otherwise the location of the posts will be dominated by the backdrop of residential development.
- 8.17 The proposed fencing is fairly tall, (6.4m), and can be viewed from the playing fields themselves and the routes that pass through them. However, it is located within the urban fringe context set out above and close to existing residential properties. It would be viewed against the backdrop of these properties which are taller and the mesh netting connecting the posts means that it would not be opaque which would aid reducing its visual impact.
- 8.18 Given this, it is not considered that the proposal would be harmful to landscape character or the countryside. This means there is no conflict with Policy CS3 of the Core Strategy and Policies ENV4, ENV7 and RL1 of the UDP. The compliance with this policy attracts neutral weight in the overall planning balance.

Other considerations

- 8.19 Policy CS4 of the Core Strategy requires a proactive approach towards the management of flood risk and drainage. The negligible footprint of the posts and their transient nature will mean they will have a neutral impact on flood storage in the area nor would they increase risk elsewhere. The compliance with this policy attracts neutral weight in the overall planning balance.
- 8.20 Policy CS16 of the Core Strategy and Policy ENV59 of the UDP attach importance to protecting trees and welcoming proposals that enhance the Borough's landscape and trees. No natural landscaping or ecological features of significant value would be affected by the proposal. The compliance with this policy attracts neutral weight in the overall planning balance.

ECONOMIC SUSTAINABILITY

- 8.21 Although definitive loss of a sports function cannot be proven, it is reasonable to predict that the intention to facilitate additional sports provision on the site cannot take place without a solution to the situation outlined. Overall, the introduction of a measure that supports the facility and contributes towards the use of the recreation ground is directly supported by Policy RL1 and Policy CS17 and attracts moderate weight.

9.0 Planning balance & conclusion

- 9.1 The proposal would be acceptable in principle given there would be no material adverse impact on the countryside or landscape character. There would be some material impact on the amenity of nearby residents as a result of the appearance of the structure but it is my opinion that this would not be harmful to living conditions. There would be a neutral impact on ecology as the proposal would not lead to loss of trees, biodiversity or habitat in general.
- 9.2 For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant plan policies and planning permission should be granted subject to necessary conditions set out below. Under the provisions of the NPPF, the application is considered to be a sustainable form of development.

10.0 RECOMMENDATION

- 10.1 RECOMMENDATION: Planning Permission **GRANTED** subject to following conditions:

Conditions / Reasons

01. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
REASON
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
02. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:

Location Plan received 3 August 2020
Site Plan received 3 August 2020
Proposed Plan received 3 August 2020

REASON
To ensure that the development is carried out in accordance with the application as approved.
03. No development shall take place until a Management Plan Statement has been submitted to and approved in writing by the local planning authority. The statement shall include details as to how and the precise location the boundary fence will be installed and how it will be protected from damage during inclement weather. The development shall be carried out in accordance with the approved statement.

REASON
To safeguard the living conditions of neighbouring residents and in the interests of protecting public safety and visual amenity in accordance with Policy CS14 of the Core Strategy. The condition is required to be agreed prior to development commencing to ensure a strategy is in place from the first use of the equipment.

Justification

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

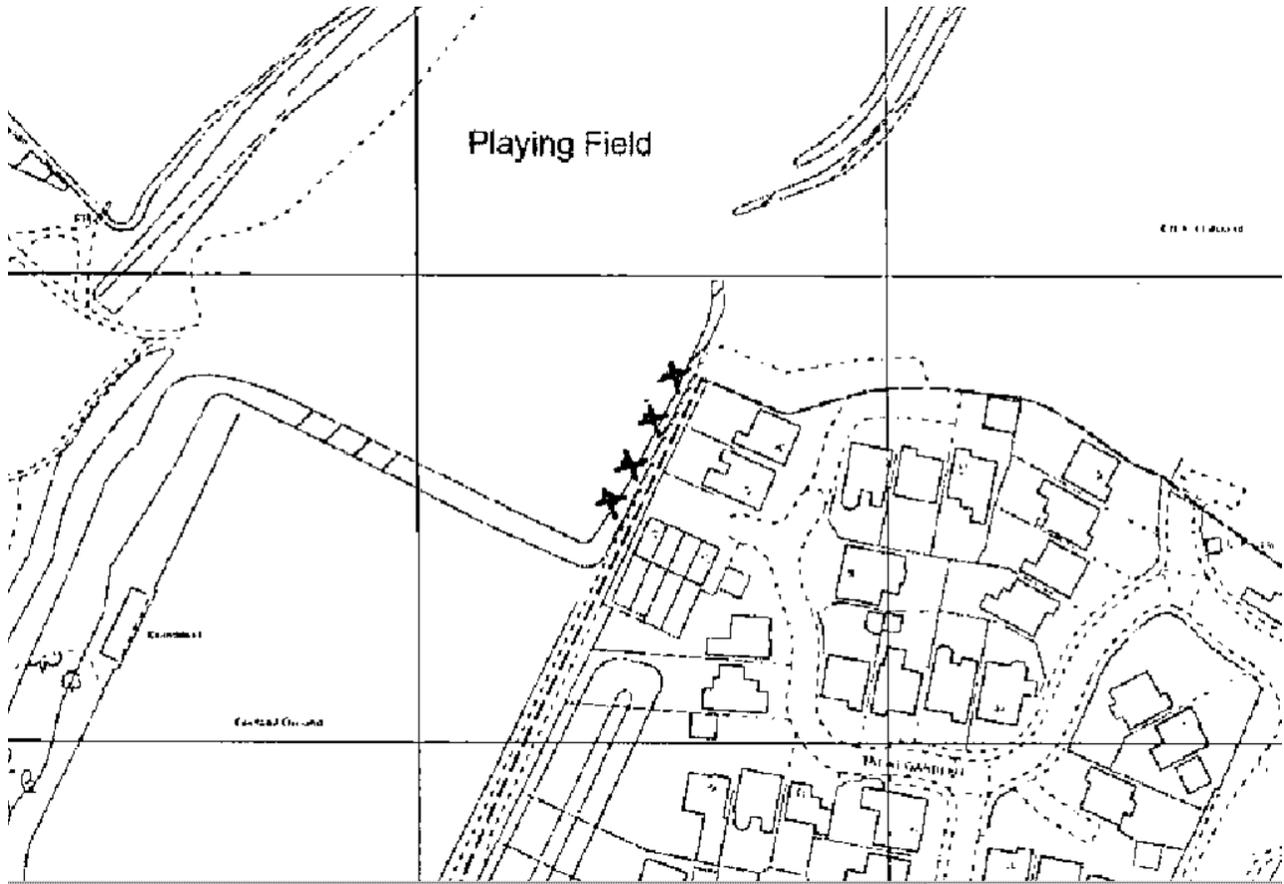
In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

Clarification on detail of the proposal

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

Appendices

Appendix A – Site Plan (post location marked with X)



Appendix B – Example of netting (source: www.harrodsport.com)

