

Recommendation Report for Planning Permission

REF NO: WA/45/26/PL

LOCATION: Avisford Park Golf Club
Yapton Lane
Walberton
BN18 0LS

PROPOSAL: Installation of additional 30m (w) x 15m (h) of Golf protection-net fencing to southern boundary of Avisford Park Golf Club. This application may affect the setting of a listed building and is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks the installation of additional 30m (w) x 15m (h) of Golf protection-net fencing to southern boundary of Avisford Park Golf Club.
SITE CHARACTERISTICS	The site is the boundary of a golf course and an area of residential development, which is currently marked by a post and rail fence.
CHARACTER OF LOCALITY	The site is in a semi-rural location, with the residential area of Walberton to the south and predominantly agricultural land and woodland to the north.

REPRESENTATIONS

Walberton Parish Council - No response received.

6 No. letters of objection were received raising concerns relating to:

- Impact of the fence on the view from properties.
- Lack of consultation and engagement prior to the existing fence being erected.
- Unjustified need for further netting.

4 No. letters of support were received stating that:

- The fence is necessary to resolve issues with golf balls landing in residential properties, damaging properties and posing a safety risk for residents.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

CONSERVATION OFFICER - No harm

- The netting is in the grounds of the golf course and within the wider setting of the listed building.

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- It is positioned away from views of the principal elevations of Avisford Park Hotel and is separated from the listed building by substantial modern development. As a result, there is no intervisibility between the fencing and listed building.
- The proposal would extend an area of golf-course netting which does not detract from the way in which the listed building is viewed or appreciated.
- The proposal would have a neutral impact upon the significance of the listed building, resulting in no harm.

SPORTS ENGLAND - No comments.

ENVIRONMENTAL HEALTH

- No objection in principle.
- No information has been submitted to demonstrate the netting will be sufficient to address concerns about golf balls landing amongst nearby residential dwellings.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Grade II Listed Building
Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
HERDM1	HER DM1 Listed Buildings

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that the proposal would

not cause undue harm to the character of the area, or to residential amenity.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The application is for an additional section of golf protection netting at the southern boundary of Avisford Park Golf Course. The application is acceptable in principle, subject to compliance with the relevant development plan policies.

DESIGN AND VISUAL AMENITY

The existing protective netting runs along the southern boundary of Avisford Park Golf Course, between 2 Dowling Way and 42 Dowling Way. The proposed additional section of netting is to the west of the existing, and runs alongside an area of open space and a residential dwelling. The fence would be visible in views across the open space as well as from neighbouring properties. The existing protective fence has a maximum height of 10m. The additional section of fencing would be set back from the existing length of protective netting, and from the existing post and rail fence. The additional fence section would have a width of 30m and height of 15m.

The height of the existing fencing exceeds the height of the houses and forms part of the backdrop to most views of this part of the site. Whilst the proposed fence is higher, the impact of the additional height is not likely to be significantly different to an additional section of the fencing at its existing height when viewed from ground level or from neighbouring properties.

Whilst the height of the fence is considerable, the design would match the existing net fencing, which allows views through the mesh. The mesh is green in colour, minimising visual intrusion. The columns between the netting would be more visible, as they are solid features, however, these would be painted green so as to minimise their visual impact as far as possible.

Whilst boundary treatment of this height would not normally be permitted, particularly in close proximity of residential dwellings, this would be an extension to a protective net, which has been considered necessary for safety reasons. The design of the boundary treatment minimises visual impact, and the addition of a further 30m to the existing 250m of fencing would not result in significant additional harm.

Overall, the additional section of protective netting would not result in unacceptable impacts on the character or visual amenity, and is in accordance with ALP policy D DM1.

NEIGHBOURING RESIDENTIAL AMENITY

The fencing would be situated alongside an area of open space and a dwelling. The netting would be 15m from the dwelling. The existing protective netting, whilst shorter, is located alongside several other properties along Dowling Way, which all have a similar relationship with the protective fencing to

that proposed. As the fencing would be made from mesh, with two columns proposed to support this 30m section, the proposed fencing would not result in a significant loss of outlook from the nearby dwellings, or significant overbearing or overshadowing impacts.

Whilst the fencing would be visible across the site, views of the wider area would still be gained through the protective netting, and the netting would not create an overbearing or oppressive environment for nearby residents.

The proposal would not harm the amenity of nearby occupiers, and is in accordance with policy D DM1.

HERITAGE

The site is in the grounds of Avisford Park Hotel, which is a Grade II listed building. The fence is in the wider setting of the hotel building, however, the fencing would not be visible in views of the listed building, and there would be no intervisibility between the fencing and the listed building. Comments from the Conservation Officer indicate the fencing would not detract from views of the listed building, and proposal would have a neutral impact on the significance of the designated heritage asset.

The proposal would not harm the significance of the heritage asset and is therefore in accordance with ALP policy HER DM1 and the NPPF.

SUMMARY

The proposal seeks to resolve known concerns with balls from the adjacent golf course landing in the residential area to the south. Representations received as part of the application relate instances of these golf balls hitting private property, and posing a potential threat to safety. Whilst the application has not been accompanied by definitive information which would indicate that the proposed fencing is entirely sufficient to resolve these problems, the extension of the fencing would provide further safety protection. Within the context of the existing fencing along the southern boundary of the golf course, a small extension to the fencing would not significantly harm the character of the area. The proposal is also not considered to demonstrably harm neighbouring residential amenity and provides additional safety benefits, which is a material consideration in accordance with NPPF para 102 a). Given a fence of the height would not normally be permitted a condition is added to require its removal if it is no longer required for the purpose that it has been erected.

The proposal is in accordance with the relevant development plan policies, and is therefore recommended for approval.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION**APPROVE CONDITIONALLY**

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

- Location, Site and Block Plan 1947-0200-01
- Location, Site and Block Plans, Proposed Elevation 1947-0500-01

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

- 3 Should the golf protection netting no longer be required for the protection of neighbouring land from errant golf balls the netting and support structure shall be dismantled and removed from the land within 4 months of the need for the netting expiring.

Reason: To preserve the amenity of the area in accordance with Arun Local Plan policy D DM1.

- 4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.