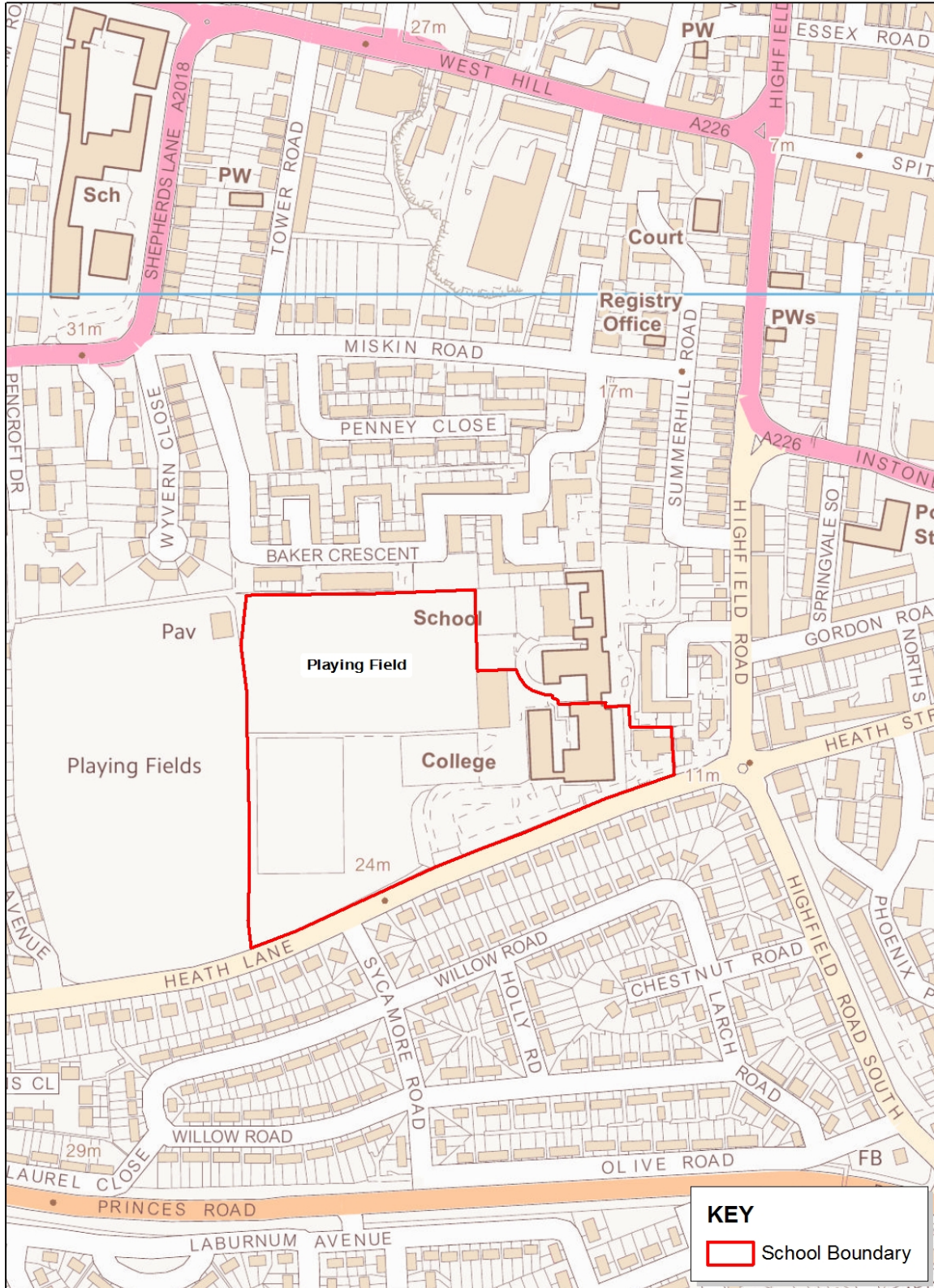


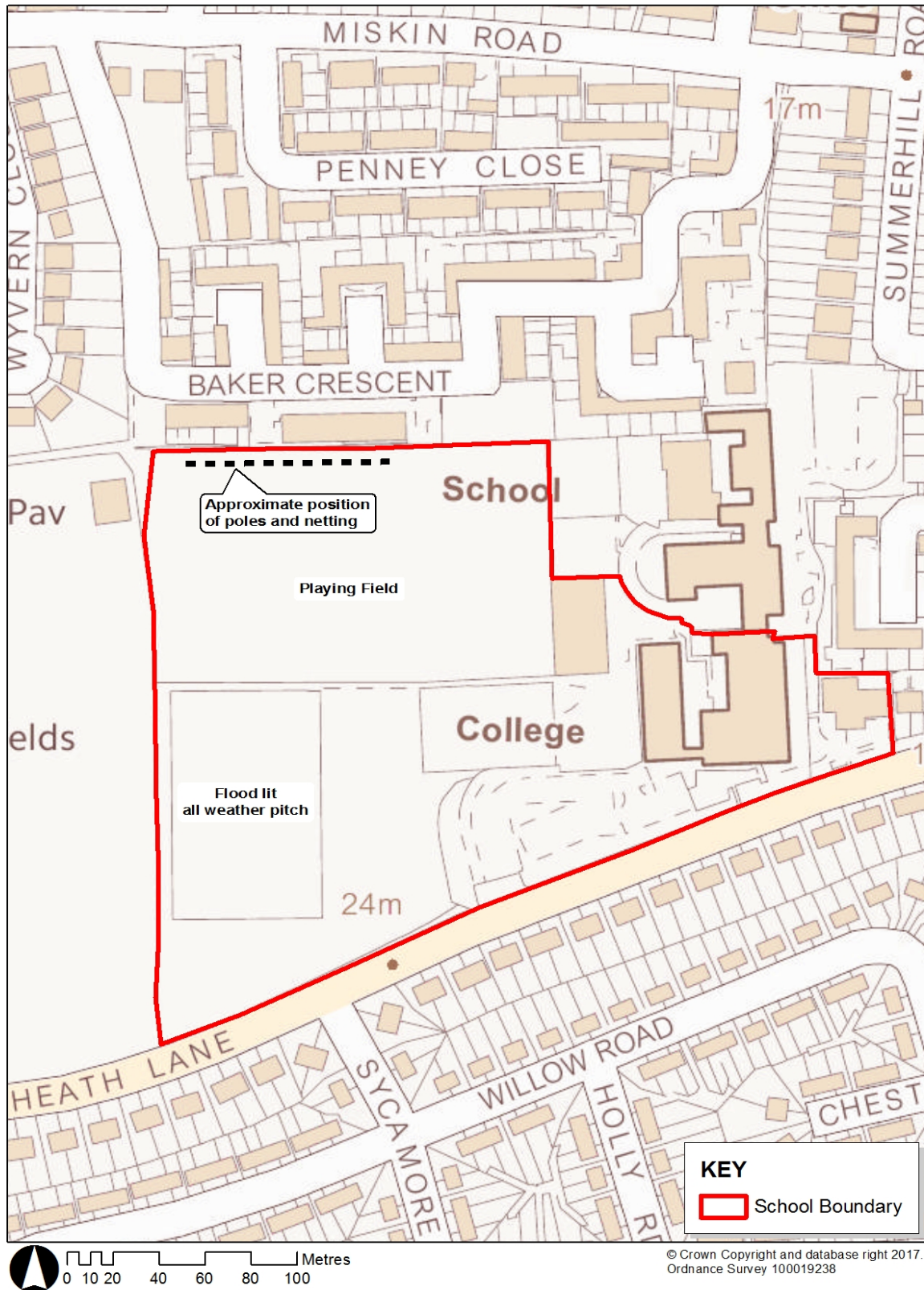
Installation of fourteen 6 metre high removable poles to which ball stop netting is attached at Dartford Science and Technology College – (KCC/DA/0324/2016) (DA/17/34)

Site Location Plan



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Installation of fourteen 6 metre high removable poles to which ball stop netting is attached at Dartford Science and Technology College – (KCC/DA/0324/2016) (DA/17/34)

Photograph looking north west showing the town houses in Baker Crescent



Installation of fourteen 6 metre high removable poles to which ball stop netting is attached at Dartford Science and Technology College – (KCC/DA/0324/2016) (DA/17/34)

Photograph looking north east showing the town houses and flats in Baker Crescent



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Background

3. In November 2016, the County Planning Authority received a letter from Gareth Johnson MP which enclosed two letters from residents of Baker Crescent. The letters raised strong concerns regarding the use of the school playing fields during the weekend and the impact that that was having on the amenity of local residents (noise disturbance, loss of privacy etc.), and the erection of posts and netting to the rear of properties in Baker Crescent. The letters were copied to others, including the County Council Member, Mr Jan Ozog. Mr Ozog subsequently contacted the County Councils enforcement team. Following the receipt of these concerns, the matter was investigated (as set out in paragraph 4 below) and subsequently reported to the County Council's Regulation Committee on the 24 January 2017. At the time of reporting to Regulation Committee, the County Planning Authority had already received this planning application which seeks retrospective approval for the posts and netting. The consideration of this application was agreed by the Regulation Committee as appropriate action for the applicant to take to seek to regularise the breach in planning control and to test the planning merits of the proposal.
4. As referenced in paragraph 2 of this report, sport pitches have been marked out and in use on this playing field for many years (shown on google earth images in 1940), including prior to the redevelopment of the site in 2006/7. Community use of school facilities is encouraged by Local and National Planning Policy, and although the flood lit MUGA on the site has restricted hours of use (due to the amenity impact of the floodlighting), the grass playing fields are not subject to any use restrictions. The laying out of pitches on school playing fields does not require planning permission and, in this instance, neither does community use out of school hours. However, following the concerns received, I visited the site and upon inspection of the installed poles and netting, concluded that planning permission was required for them due to the height of the columns. It should be noted that the Science and Technology College did, in the first instance, seek advice on the requirement for planning permission from Dartford Borough Council, who initially advised that permission for the poles and netting was not required. However, the Science and Technology College subsequently accepted the view that planning permission was required and this planning application was therefore submitted.
5. For the avoidance of doubt, this application seeks to gain planning permission for the poles and netting only. Use of the playing field, including the marked out sports pitches, out of school hours does not require planning permission and therefore cannot be controlled by the County Planning Authority in this instance.

Proposal

6. This application has been submitted by Dartford Science and Technology College and seeks the retrospective approval for the installation of fourteen 6 metre (20ft) high removable poles to which ball stop nylon mesh netting is attached and raised when the football pitches are in use. The 14 poles have been erected along the northern boundary of the school playing field, varying from approximately 4.6 metres (15ft) at the western end to 6 metres (20ft) at the eastern end in from the school boundary fence. The poles and netting run for 76 metres (250ft) parallel to the boundary fence, behind the goal lines of two of the natural grass football pitches. The poles are 6.4 metres (21ft) away from each other, with a gap of 14 metres (46ft) between the two pitches which does not have netting. For information, the pitches are not flood lit so are only used during daylight hours.

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7. The applicant advises that the College is a co-operative community orientated School, offering use of their facilities to local clubs and groups. This mutually beneficial relationship also benefits the students with specialist training in areas such as sports, business, technology and the arts. In this capacity, the applicant advises that Dartford Football Club (Junior Section) approached the Science and Technology College with a view to hiring out the school playing fields out of school hours due to insufficient training facilities for their junior students at their home ground (Princess Park, approximately a mile (1.5km) to the east of the school site).
8. The applicant further advises that the Football Club assessed the sports facilities, and considered that ball stop netting should be provided to prevent (as far as practicable) balls straying into the gardens of properties which back onto the school playing fields. The Football Club, in association with Dartford Science and Technology College, thereafter purchased and installed the poles and netting.
9. Fourteen removable poles at 6 metres in height (20ft) (above ground level) were installed, with each pole inserted into a metal sleeve which is concreted into the ground to a depth of 0.9 metres (2.9ft). The poles are finished in dark green, with black netting strung between them which can be raised by hand using a pulley system when the pitches are in use.
10. It is proposed that the poles would be in situ throughout the football season, with the nets lowered and secured after matches. The applicant and the Football Club have confirmed that the poles and netting would be removed completely and put into secure onsite storage immediately after the second weekend in June, and replaced for the start of the football season immediately prior to the first weekend in September.

Planning Policies

11. The most relevant Government Guidance and Development Plan Policies summarised below are pertinent to the consideration of this application:
 - (i) **National Planning Policy Framework (March 2012)**, and the **National Planning Policy Guidance (March 2014)**, sets out the Government's planning policy guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

The NPPF states that, in determining applications, local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

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- planning positively for the provision and use of shared space, community facilities (such as schools and sports venues), and other local services to enhance the sustainability of communities and residential environments;

(ii) The adopted **1995 Dartford Borough Council Local Plan (Saved Policies September 2011):**

Policy B1 Development proposals should be appropriate for the location and should not have a detrimental amenity impact on the local area. A high standard of design should be implemented in proposals with layout, materials, adequate infrastructure, access and parking taken into consideration.

Policy S6 Development proposals should conserve and improve the existing built environment and a high quality and standard of design shall be achieved in new development.

(iii) The adopted **Dartford Borough Core Strategy (2011)**

Policy CS21 Seeks the provision of community facilities that are close to the population they serve and that come forward in a timely fashion. Dual use of facilities is sought.

Policy CS22 Sport Recreation and Culture Facilities: Seeks to extend sports, cultural and recreational facilities in the Borough and protect existing facilities unless demonstrated that the facility is no longer needed or an equivalent replacement facility is provided elsewhere.

(iv) Emerging **Dartford Development Policies Plan (December 2015)** (This document was submitted to the Planning Inspectorate in June 2016 and the 'Examination in Public' hearings commenced on 18th October 2016. The Proposed Modifications consultation is due to commence shortly, with the plan expected to be adopted by Dartford BC in early 2017.)

Policy DP1 Presumption in Favour of Sustainable Development: States that the Plan is written in accordance with national objectives to deliver sustainable development. A positive approach to considering development proposals will be had, reflecting the presumption in favour of sustainable development contained in the NPPF and the development needs of the Borough set out in the Core Strategy.

Policy DP2 Good Design in Dartford: Development will only be permitted where it satisfies the locally specific criteria for good design in the Borough by (a) reinforcing and enhancing localities to create high quality places, (b) ensuring heritage assets are retained, re-used and respected, (c) facilitating a sense of place through a mix of uses and careful design, (d) providing clear pedestrian and cycle linkages and permeability, active frontages and a mix of buildings and spaces. Provides further advice about determining planning applications in relation to scale, massing, form, materials, Conservation Areas and areas of heritage sensitivity, inclusive, safe and accessible places, management of natural resources and flood alleviation, and appropriate signage and

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advertisements.

Policy DP5 Environmental and Amenity protection: Development will only be permitted where it does not result in unacceptable material impacts, and consideration must be given to potential amenity/safety factors such as traffic, access and parking, anti-social behaviour and littering, and intensity of use (amongst other matters).

Policy DP24 Open Space: Development on playing fields, sports pitches and any land shown on the Policies Map as Borough Open Space will not be permitted unless it is clearly demonstrated that development is limited to a small proportion of the land and the proposal supports or enhances this existing space in its primary function; or where the proposal results in a significant loss of open space or sports pitches, replacement provision will be delivered within accessible walking distance of the site, unless it can be demonstrated that there is a surplus in existing and future requirements for sports and recreation facilities in the locality and Borough.

Consultations

12. **Dartford Borough Council** raise no objection to the application. The Borough Council request that, should permission be granted, a condition of consent requires the netting to be lowered when the pitches are not in use.

Sport England raise no objection to the application because the development is ancillary to the principal use of the site as a playing field.

Local Member

13. The local County Member, Mr Jan Ozog, was notified of the application on the 6 January 2017.

Publicity

14. The application was publicised by the posting of 3 site notices and the individual notification of 42 neighbouring properties.

Representations

15. In response to the publicity 8 letters of representation have been received from 6 local addresses. The key points raised are summarised as follows:

Amenity Concerns

- The poles and nets are immediately outside the windows of adjacent properties, are extremely ugly and make residents feel incarcerated in their own homes as they are so imposing and out of keeping with a residential environment;
- Gardens are completely overshadowed by the poles and netting, and made to feel claustrophobic;

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- Some adjoining properties are town houses with living accommodation at first floor level, with clear views of the poles and netting;
- The netting obscures views from local properties.

General Matters

- Applying for permission 3-4 months after the poles appeared is not acceptable. If residents had not complained planning permission may never have been sought;
- Local residents were given no notification of the works;
- The poles and netting are not considered to be fit for purpose as balls still hit adjoining properties/end up in their gardens. However, one resident does not object to the netting as it protects their property from stray balls;
- It is suggested that the pitches be orientated the other way so that the goals are not to the rear of local properties, meaning that the poles and netting could be removed;
- It is suggested that the netting and poles be removed in the spring and summer months.

In addition, I have received the following comments regarding use of the playing fields for football matches at weekends (a use which is not subject to planning control)

- Until recently, the pitches were not used at weekends. They are now used from 9am to 4pm Saturdays and Sundays,
- Noise and foul language from the football players/spectators is unacceptable. Windows and doors have to be kept closed all day;
- The use of the field for football matches affects resident's way of life and privacy;
- Gardens cannot be used at weekends due to the noise;
- Balls come flying into gardens, and hit local properties causing damage and disturbance;
- Living accommodation at first floor level (in adjacent town houses) is completely visible to players and spectators so curtains have to be kept closed all day;
- The stress the use of the pitches is causing, and the limits it is placing on resident's living environments, is resulting in residents having no option but to consider moving.

Discussion

16. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 11 above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance, including the National Planning Policy Framework (NPPF), and other material planning considerations arising from consultation and publicity. Issues of particular relevance in this case include design and general amenity matters, and whether the development is sustainable in light of the NPPF.
17. As detailed in paragraph 4 & 5 of this report, the grass sport pitches have been marked out and in use on this playing field for many years, including prior to the redevelopment of the site in 2006/7. Community use of school facilities is encouraged by Local and National Planning Policy, and although the flood lit MUGA on the site has restricted hours of use (due to the amenity impact of the floodlighting), the grass playing fields are not subject to any use restrictions. The laying out of pitches on school playing fields does not require planning permission and, in this instance, neither does community use out of school hours. Although I have sympathy with the concerns expressed by local residents with regard to noise, overlooking and loss of privacy resulting from the use of

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the pitches, the County Planning Authority has no control over such use. However, the poles and netting do require planning permission (due to their height) and we must therefore consider their acceptability (or otherwise).

18. First, as detailed in paragraphs 4 & 5 of this report, this application is seeking retrospective planning permission for the posts and netting as they were erected on site without the benefit of planning permission. Although local residents are understandably aggrieved that this application has been submitted retrospectively, the Science and Technology College did act swiftly to regularise the breach in planning control (having initially been advised by Dartford Borough Council that planning permission was not required). The matter was reported to Regulation Committee and the action taken by the County Planning Authority and the Technology College (to test the merits of the development via a planning application) was supported by Members of that Committee.
19. The fourteen 6 metre (20ft) high removable poles and netting were erected by the Technology College, in association with Dartford Football Club, with the intention of preventing balls straying into the gardens of local properties. The poles and netting run for a length of 76 metres (250ft) parallel to the northern site boundary fence, behind the goal lines of two of the natural grass football pitches. It has been suggested by local residents that the pitches be reoriented to run from east to west, instead of the current north to south arrangement, which would then negate the need for the poles and netting. Although the County Planning Authority has no control over the pitch layout on the site in this instance, the applicant was asked to consider that suggestion and advised that the pitches could not be reoriented due to the gradient of the playing field. The applicant therefore considers the poles and netting to be necessary to protect local properties, which are to the rear of the goal lines, from stray balls.
20. Some local residents suggest that the poles and netting are not fit for purpose, and that balls still stray into their gardens/damage their property. However, not all the residents of properties that back onto the site have expressed that view, with support for them also expressed as the nets do protect their property from stray balls. Arguably, removal of the posts and netting would result in considerably more balls ending up in neighbouring gardens/possibly damaging local property, exacerbating concerns in this regard. I appreciate that the odd ball may still stray passed the netting, but the only way to prevent that would be to erect higher poles and more netting which, given the concerns expressed about the existing netting, would not be an appropriate solution. I therefore consider that the poles and netting as installed are adequate for the purpose of mitigating, as far as practicable, the impact of stray balls on neighbouring properties. However, their impact on the amenity of local residents needs to be considered and assessed.
21. The fourteen removable poles are 6 metres in height (20ft) (above ground level), with each pole inserted into a metal sleeve which is concreted into the ground to a depth of 0.9 metres (2.9ft). The poles, which are 6.4 metres (21ft) apart, are finished in dark green, with black nylon large gauge mesh netting strung between them which is raised by hand using a pulley system when the pitches are in use. The poles and netting are to the south of the northern site boundary, and vary between 4.6 metres (15ft) from the boundary at the western end and 6 metres (20ft) from the boundary at the eastern end. Local residents consider the poles and netting to be unsightly and, in the case of those living in the townhouses which back onto the site with living accommodation at first floor level, imposing and claustrophobic. Although I do have some sympathy with these concerns, the removal of the posts and netting would only exacerbate the amount and frequency of balls straying into the gardens of these properties/possibly damaging

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property. Further, the poles are similar in nature to standard street lighting columns/lampposts, which are often far closer to living accommodation than the poles installed in this case. In addition, the poles are over 6 metres apart, whereas the properties in Baker Crescent are approximately 5 metres in width. They are also finished in dark green which aids in mitigating their visual appearance when viewed from local properties with the grass playing fields behind.

22. When raised, the netting does extend along the northern boundary of the school site to the rear of properties in Baker Crescent, and it is noted that it is considered by some of those living in the properties which back onto the site to be imposing. However, I am advised by the applicant that the nets are only raised when the pitches are in use at the weekend, and are lowered and secured out of these times. They are also not a solid barrier, being a large gauge nylon mesh, so do not block sunlight or completely obscure views out across the site. The gardens of the town houses in Baker Crescent vary between approximately 5 and 6 metres (16.5ft and 20ft) in length, and the flats are approximately 1.5 metres (5ft) from the site boundary, with the poles and netting a further 4.6metres (15ft) to 6 metres (20ft) beyond the site boundary. I consider that these distances offer a reasonable degree of separation, and given the temporary nature of the development and the transparency of the netting, would not result in the netting having an unacceptable impact on the adjacent properties.
23. Further, as suggested by a local resident, the applicant has confirmed that the poles and netting would be completely removed and put into secure onsite storage immediately after the second weekend in June, and replaced for the start of the football season immediately prior to the first weekend in September. Therefore, during the summer months, when gardens are more likely to be used on a regular basis, the poles and netting would be not be in situ. I consider that, should permission be granted, conditions of consent should be imposed to ensure that the netting is lowered and secured when the pitches are not in use, and that the poles and netting be completely removed and put into secure onsite storage from the second weekend in June, and not replaced until the first weekend in September. Notwithstanding the local concerns raised, I consider that, given the benefit of the poles and netting in largely preventing stray balls going over the site boundary, their temporary nature and limited visual impact, that the poles and netting would not have a significantly detrimental impact on residential amenity subject to the conditions outlined above.

Conclusion

24. Planning permission is sought retrospectively for the erection of temporary ball stop netting and posts whilst football is played at the site. The Planning Authority has no control over the use of the sports pitches/playing fields adjacent to Baker Crescent and the merits of use of this part of the site for sport are not matters for this application. The poles and netting, in my view, are in accordance with the general aims and objectives of the relevant Development Plan Policies, including those that seek to encourage the dual use of School facilities, promote sport and recreation, and protect local residential amenity. In addition, the development is in accordance with the principles of the National Planning Policy Framework. I consider that, subject to the imposition of appropriate planning conditions, this proposal would not have a significantly detrimental impact on residential amenity. In my view the development is sustainable and there are no material planning considerations that indicate that the conclusion should be made otherwise. I therefore recommend that permission be granted subject to the imposition of the planning conditions outlined below.

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Recommendation

25. I RECOMMEND that retrospective PLANNING PERMISSION BE GRANTED SUBJECT TO CONDITIONS, including conditions covering:

- the development to accord with the submitted details;
- the netting to be lowered and secured when the pitches are not in use;
- the poles and netting to be completely removed and put into secure onsite storage from the second weekend in June, and not replaced on site until the first weekend in September.

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| Case officer – Mary Green |
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| Background documents - See section heading |
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