

**COMMITTEE DATE:** 12/02/2018

**APPLICATION NO:**

17/0308/FUL

**APPLICANT:**

Mr D Lovell

**PROPOSAL:**

Two Bays of fine mesh protective golf netting on 20 metre high. lattice supports (x3) over a total length of 60 metres to provide protection from stray golf balls for nearby dwellings Exeter Golf & Country Club, Topsham Road, Exeter, EX2 7AE

**LOCATION:**

**REGISTRATION DATE:**

21/02/2017

**EXPIRY DATE:**

**HISTORY OF SITE**

13/3822/03 - Erection of specialist golf course netting (20 and 30 metres high) along specific sections of the golf course's boundaries. WDN 22/01/2015

**DESCRIPTION OF SITE/PROPOSAL**

The application site comprises a section of the NE boundary of Exeter Golf and Country Club. This boundary of the golf course abuts land that has recently been developed with new housing (Heritage Homes along the north-eastern boundary with the 9th hole).

The application proposal comprises the erection of specialist golf course netting along a specific section of this golf course boundary as follows -

- 20 metres high along a 60 metre stretch of the north-eastern boundary abutting the Heritage Homes development (9th hole)

The fencing comprises 3 galvanised steel lattice towers situated at 30 metre intervals along the respective boundary. Each tower is set on reinforced concrete pad footings. Suspension ropes between each tower will support dark netting made from heavy duty twine.

**SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

None.

**REPRESENTATIONS**

10 letters of objection have been received raising the following matters:-

- Visually overbearing/eyesore in both short and long range views
- Query necessity of 20 metre height of netting
- absence of golf ball trajectory probability diagrams to support proposed solution
- Query if proposed solution would solve problem - length and height of netting not sufficient
- Contrary to Local Plan policy DG4 in terms of ensuring a level of amenity to residents that allows them to feel at ease within their home and gardens
- Suggest main problem stems from height of 9th tee

- Supporting pylons - visually damaging to locality
- Query long term effectiveness of conifer trees as screen to the netting/supports, i.e. life span of trees.
- Impact on bird life

## **CONSULTATIONS**

Exeter International Airport - No objection.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Central Government Guidance**

NPPF - National Planning Policy Framework - Para 17 Core Planning Principles, Paras 56-68 Requiring good design, Paras 69-70 Promoting healthy communities, Para 109 and 118 - Conserving and enhancing the natural environment, paras 186-197 Decision-taking.

### **Exeter Local Development Framework Core Strategy**

CP10 - Meeting Community Needs  
 CP16 - Green Infrastructure  
 CP17 - Design and Local Distinctiveness  
 CP19 - Strategic Allocations

### **Exeter Local Plan First Review 1995-2011**

AP1 - Design and Location of Development  
 DG1 - Objectives of Urban Design  
 DG4 - Residential Layout and Amenity  
 L7 - Local Sporting Facilities  
 LS3 - Sites of Special Scientific Interest

## **OBSERVATIONS**

In considering this proposal it is important to understand the context within which it has been brought forward. Land around the golf course was allocated for development through the Adopted Exeter Local Plan First Review 1995-2011 and the Core Strategy (adopted Feb 2012) and over the last decade specific proposals for residential development abutting the golf course boundaries have been approved and subsequently built out.

Following the construction of housing on the parts of the former Royal Naval Stores Depot abutting the golf course Exeter Golf & Country Club became concerned that the proximity of the housing left the Club and its members vulnerable to claims in respect of injury to future residents, and damage to property from stray golf balls. Subsequently works were carried out at the golf club, which included re-orientation of the playing direction and tee positions for some holes, fencing and landscaping, to address the concerns and protect the interests of the Golf Club and its members.

Since then, further housing development has taken place off Old Rydon Lane alongside the north-eastern boundary of the golf club (Holland Park Phase 1 Heritage Homes) and since these properties have become occupied some of the closest properties have experienced occasional stray golf balls landing in the properties.

Golf Clubs have a legal responsibility to keep their golfing activity within their boundaries and in response to the on-going issue the housing developer, in consultation with the Golf Club, has brought forward the current proposals to address the issue.

#### Planning issues (protection of community facility, visual impact, residential amenity, ecological impact)

The Golf Club does represent a local sporting facility to which Local Plan policy L7 and Core Strategy policy CP10 would apply. Essentially these policies set out to protect existing sporting and leisure/community facilities. Therefore, in the context of the Golf Club having to address its relationship with adjoining land uses, a relationship which is changing as a result of adjoining land being developed for housing, the implications of not granting consent for development required to protect the interests of the Golf Club and ensure its continued existence and function is a material planning consideration.

Since this application was submitted planning consent has been granted for housing development on the Golf Club's current driving range/practice ground. Part of the vehicular access arrangements to serve this additional housing comprise an extension of the existing road from Old Rydon Lane serving Holland Park along the golf club boundary into the new housing. This route will also secure part of the strategic cycle network and is thereby likely to be extensively used by cyclists in the future. In addition to protecting the adjoining properties and their residents from damage/injury the proposed fencing would also protect users of this new road access/cycle route from Old Rydon Lane.

#### Visual

Given the height of the proposed netting and supporting structures it is inevitable that it will be a prominent visual feature in both short and long terms views. However, there is an existing significant belt of trees along this boundary and the fencing is to be erected on the inside of these trees which will screen the lower part of the fence. Given the fine mesh nature of the proposed netting, and its limited extent (a 60-metre length) it is not considered that the element projecting above the trees would have such an adverse visual prominence that would warrant refusal of the application.

#### Residential Amenity

The two closest dwellings to the proposed netting either face onto its proposed location or are at right angles to it. Consequently, their principle external amenity space does not directly face the proposed netting.

It is an objective set out within Local Plan policy DG4 for new residential developments to ensure that houses have a quality of amenity which allows residents to feel at ease within their homes and gardens.

Policy DG1 of the Local Plan also states that development should –

(f) be of a height which is appropriate to the surrounding townscape and ensure that the height of constituent parts of buildings relate well to adjoining buildings, spaces and to human scale, (g) ensure that the volume and shape (the massing) of structures relates well to the character and appearance of the adjoining buildings and surrounding townscape.

It is considered that these objectives are relevant considerations in respect of the proposed netting and supporting structures.

Given the limited extent of the proposed netting, and its location on the other side of an existing tree belt from the nearest residential properties it is not considered that the proposal would be so overbearing as to significantly adversely affect the residential amenity of the occupants of nearby properties, nor their ability to feel at ease within their gardens. Indeed, it could be argued that the presence of the netting would enhance this by the protection that it would give from stray golf balls.

Whilst the netting will be higher than the surrounding trees and neighbouring buildings it is relatively limited in extent. It is considered that the benefits of protecting people and property from stray golf balls outweighs the limited visual impact of the netting on the character and appearance of the locality.

### Ecological Impact

Whilst some concerns have been raised regarding the impact of the proposed netting on birds/bats it should be noted that similar netting protection features exist throughout the UK, predominantly around sporting facilities to prevent balls from leaving those venues and does not appear to pose a significant hazard to birds/bats with this type of netting detectable by bats. The length of the netting is limited compared to the overall length of the tree belt along this boundary and it is not considered that there would be any significant adverse ecological impact that would warrant refusal of this application.

### Delegation Briefing (02/05/2017)

Members noted that 8 letters of representation had been received and that in response to those officers were seeking clarification from the Golf Club that the proposals would effectively solve the problem of stray balls in this location. Members accepted the officer recommendation that subject to receiving this confirmation, and a condition relating to additional landscaping, given the limited stretch of netting involved the proposal was acceptable and supported approval under delegated powers.

After the Delegation Briefing meeting further letters of representation were received and in the light of these officers considered it appropriate that the application be determined by the Council's Planning Committee.

### Conclusion

In response to concerns about whether the proposal would provide an effective solution to stray golf balls in this location further clarification was sought from the Golf Club's specialist advisors. Mackenzie & Ebert (International Golf Course Architects) have subsequently confirmed as follows –

*“Following a review of the 9<sup>th</sup> Hole, we have been requested by EGCC & Heritage Homes to update our advice.*

*Since the application for fencing was lodged a few months ago in 2017, considerable further efforts have been made by EGCC under the guidance of Mackenzie & Ebert to reduce the issue of balls leaving the golf course and reaching Mr and Mrs Russell's garden in Plot 15 Holland Park (Phase 1). This package of measures is designed to work in*

*conjunction with the proposed nets as well as having a positive impact without them and include the following:*

1. *Re-aligning tees for the 9<sup>th</sup> hole tucking them much tighter to the boundary and trialing moving the yellow tee forward so that the proposed netting works more effectively and the direction of aim is further away from the adjoining dwellings.*
2. *Careful selective work to free room on the right of the hole giving a much better line of sight and encouraging golfers to hit away from the boundary.*
3. *The removal of a bank to make the right of the hole more visible, thus encouraging golfers to hit away from the boundary*

*When combined with the limited proposed netting strategically placed on the golf course side of the conifer boundary trees so as to conceal all but the top of the nets, these measure amount to an effective combined package to mitigate the problem and should together provide an effective solution.*

*Whilst these measure alone will not totally eliminate the problem, first indications are that it is being reduced quite significantly and when combined with the nets, it will provide a long term solution to allow the Club to continue to play safely and provide a golf course that is capable of competing for business in the local market.*

*For that reason our recommendation is that the nets be given permission for the above reasons as soon as possible.”*

Consequently, it is considered that the protection benefits of the proposal outweigh any adverse limited visual impacts of the proposal and therefore the officer recommendation is one of approval.

## **RECOMMENDATION**

Approval subject to the following conditions –

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990. Approved drawings.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 21st February and 27th March 20 (dwg. nos EGCC - Nets Loc Plan, 9th Hole Netting Survey Site Plan, 9th Hole Netting Survey Elevation, tower base foundation details, and tower elevation) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Prior to the installation of the protective netting hereby approved a landscaping scheme shall be submitted to and be approved in writing by, the Local Planning Authority. The landscaping scheme shall include details of a timeframe for its implementation and on-

going maintenance arrangements. Thereafter the development shall be implemented in accordance with the approved landscaping scheme.

**Reason:** In the interests of the visual amenities of the area.

*Local Government (Access to Information) 1985 (as amended),*

*Background papers used in compiling the report:*

*Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter. Telephone 01392 265223*