

DELEGATED

AGENDA NO
PLANNING COMMITTEE

DATE 23 SEPTEMBER 2009

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

09/1468/VARY

Bede Sixth Form College, Hale Road, Billingham

Application to vary condition 2 No. (approved plans) to vary condition 6 No. (Means of enclosure) of 07/2731/FUL (Erection of 2 no. storey sports centre adjacent to proposed educational facility including all weather pitch).

Expiry Date 1 October 2009

SUMMARY

Two previous applications have been approved by Members for development on the site, the first being for the erection of a three storey education facility with associated car parking (07/2730/FUL) and the second for the erection of a two Storey sports centre facility including an all weather pitch (07/2731/FUL).

Planning consent is sought to vary the approved plans and means of enclosure approved under application 07/2731/FUL. Further revised plans have also been received since the original submission of the application revising details on the boundary fence on the southern boundary and in relation to the fencing surrounding the all weather sports pitch.

It is considered that the proposed changes to the fencing details are considered to be acceptable and will not have any detrimental impacts on the visual amenity of the locality, the amenity of neighbouring occupiers or highway safety.

RECOMMENDATION

Planning application 09/1468/VARY be Approved subject to the following conditions:-

- 01 *The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>A(90)GAP001 REV A</i>	<i>16 June 2009</i>
<i>L(00)GAP001 REV H</i>	<i>29 June 2009</i>
<i>L(90)GAP002 REV M</i>	<i>25 August 2009</i>

Reason: To define the consent.

02 *No construction or construction related operations shall take place outside the hours of 0800 to 1800 hours Monday to Friday, 0800 to 1300 Saturdays with no working on Sundays or Public/Bank Holidays.*

Reason: In the interests of residential amenity.

03 *Notwithstanding the submitted details and prior to the commencement of development, a scheme showing the layout of playing pitches, associated equipment and structures, surfacing, means of construction, finish and means of enclosure and any illumination, shall be submitted to for consideration and agreement of the Local Planning Authority. The agreed scheme shall thereafter be implemented in full and be available concurrent with the first use of the Sports Centre Building hereby permitted, and retained thereafter for the life of the building hereby permitted.*

Reason: To enable the Local Planning Authority to retain control of the layout of the playing pitches, in the interests of residential amenity.

04 *A detailed scheme for landscaping and tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is commenced. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.*

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

INFORMATIVE;

The proposal has been considered against the policies below and it is considered that the principle of development remains acceptable, would not have an unacceptable impact on visual amenity and there would be no significant impact on the amenity of occupants of neighbouring properties or highway safety and there are no other material considerations which indicate a decision should be otherwise.

Policy GP1 of the adopted Stockton on Tees Local Plan and Planning Policy Statement 1: Delivering Sustainable Development,

BACKGROUND

1. Two previous applications have been approved by Members for development on the site. The first being for the erection of a three storey education facility with associated car parking (07/2730/FUL) and the second for the erection of a two Storey sports centre adjacent to proposed educational facility including all weather pitch (07/2731/FUL).
2. Both applications arose from the need to provide replacement and improved accommodation for education and sports facilities following the amalgamation of Stockton Riverside College and Bede Colleges. The college building and the sports centre have been constructed on site in accordance with the above applications.

PROPOSAL

3. Planning consent is sought to vary the approved plans and means of enclosure approved under application 07/2731/FUL. Further revised plans have also been received since the original submission of the application, revising details on the boundary fence on the southern boundary and in relation to the fencing surrounding the all weather sports pitch.
4. Changes relating to the erection of the golf ball netting around the college building are to be considered under a separate application (app ref 09/1469/VARY).
5. The main changes sought under this variation application are as follows;
 - ❑ Extension of 2,4m weld mesh perimeter fencing on the western boundary
 - ❑ Increase in height of the all weather sports pitch fencing from 3m/5m to 5m
 - ❑ Addition of ball stop netting to goal area of all weather sports pitch reaching height of 10m
 - ❑ Relocation of 5m high ball stop netting back to 2m off boundary and further relocation of netting off boundary adjacent to sports pitch (eastern edge)
 - ❑ Temporary cleft chestnut fencing (until planting established)

CONSULTATIONS

6. The following Consultees were notified and comments received are set out below:-

Head of Technical Services

I refer to your memo dated: drawings received 08/07/09

Reference drawing no: L(00)GAP007 rev D
L(00)GAP008 rev D
L(00)GAP001 rev H

General Summary

More tree planting is required as detailed below:

Highways Comments

No comments landscape matters.

Landscape & Visual Comments

We have reviewed the enclosures drawing submitted as part of this application and would like to make the following comments:

1. The use of golf ball netting in this location and to this height is not acceptable in landscape and visual terms.
2. The ball stop fencing along the southern boundary should be located a minimum distance of 2m away from the existing rear garden boundary fences to allow good access for maintenance, as in accordance with the approved plans (application no. 07/2730/FUL).
3. The increase in height of the fencing to the all weather pitch from 3m to 5m is acceptable.
4. The substitution of the gate along the southern boundary is acceptable.

Overall I object to the application on the grounds of items 1 and 2 above.

Councillor Alexander Cunningham

I would like add my objection to those of local residents in Low Grange Avenue to the above applications for a change in the planning consent relating to the fencing bordering their gardens. I would also request that in view of the number of objections that the matter be referred to the full Planning Committee for consideration and that they undertake a site visit and listen to the views of residents. I am objecting on the grounds that the proposed fence is too big in its proposed position and as it is extremely intrusive for adjoining residents, there is a clear loss of amenity for them.

The original permission provided for a much lower fence two metres from the boundary of the residents' properties yet they have already seen the erection of five metre posts in places less than one metre behind their properties. They have never been consulted about these plans before they posts were erected and none of the objectors remember being consulted when the original permissions were granted they were certainly not advised about the specific fencing issues.

The original permission allowed for a two metre area between their fences and the proposed new ones providing some room for them to both have access to the rear of their fences and for the strip of land to be properly maintained. The current misplacing of the much higher posts afford little if any room for such work and would result in no maintenance and therefore a potential jungle of overgrown weeds between the college fence and the back garden fences.

The residents understand the need for the college to protect the adjoining properties from balls but note the planned cricket square is no longer on the plans but there is a proposal to have golf on the site. They are prepared to work with the college and would even agree to a high fence if it was moved some distance from the back of their properties which would obviously require some movement of the pitches on the plans submitted. They favour several metres and estimate the fence could be erected up to six metres away if the pitches were properly sited.

As it stands, the posts already in place neither reflect the original planning application nor the amended plans now submitted and action will clearly be required in that area. I am only too aware that this will involve cost to the college or their contractors, and I regret that but it is important that these matters are dealt with properly.

The residents group are also upset that their meeting with the college did not lead to any direct feedback to themselves but resulted in the planning application to vary the original permission. They are also upset that they have had no feedback from the council and calls have not been returned.

There is also considerable anger at the fact they were not consulted specifically on the fencing issues at earlier stages of the process and would have objected had they been so. Some are already claiming that as maladministration and may well pursue that at a later date.

For now they would like to see the college amend its proposals to take the five metre fence further away from their homes but remain opposed to it in its current proposed position. I hope planning officers can negotiate a settlement in this matter or otherwise hope the permission would be refused.

Environmental Health Unit

No comments

PUBLICITY

7. The following objections were received on planning applications 09/1468/VARY & 09/1469/VARY and are detailed for completeness;

- Not enough consultation with residents of Low Grange Avenue about the impacts on the facilities
- Why were alternative methods not considered during construction
- Never been a problem with object throwing
- Previous three storey buildings never had 10m high screens
- Spoils appearance of the new college

- ❑ No ball stop fencing will stop cricket or golf balls coming over fencing
- ❑ Height of fence
- ❑ Proposed trees wont screen the golf netting fence
- ❑ Impact on views
- ❑ Position of fence
- ❑ Impacts on use of residential gardens
- ❑ Impact on property value
- ❑ Noise and disturbance from sports
- ❑ Impacts of demolition of college
- ❑ Insufficient information to determine what is being applied for
- ❑ Do not agree with the All-weather pitch being so near to property due to late night noise and disturbance

PLANNING POLICY

8. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plans is the Stockton on Tees Local Plan (STLP), Tees Valley Structure Plan (TVSP) and the Regional Spatial Strategy (RRS).
9. The following planning policies are considered to be relevant to the consideration of this application:-

Policy GP1

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- i). The external appearance of the development and its relationship with the surrounding area;
- ii). The effect on the amenities of the occupiers of nearby properties;
- iii). The provision of satisfactory access and parking arrangements;
- iv). The contribution of existing trees and landscape features;
- v). The need for a high standard of landscaping;
- vi). The desire to reduce opportunities for crime;
- vii). The intention to make development as accessible as possible to everyone;
- viii). The quality, character and sensitivity of existing landscapes and buildings;
- ix). The effect upon wildlife habitats;
- x). The effect upon the public rights of way network.

Other material planning considerations relevant to this application are;
 Planning Policy Statement 1; Delivering Sustainable Development

SITE AND SURROUNDINGS

10. The application site is situated to the east of Mash Hose Avenue, Billingham. The main college building occupies the northern area of the site with the parking area for the development lying to the south, while the two-storey sports centre lies to the south east of the main college building and car park area. To the north is a large open playing field and beyond is Campus Secondary School, an all weather sports pitch occupies a western location within the site, with the two grass sports pitches to the south

11. Residential properties on Marsh House Avenue, Hale Road, Elemere Court and Low Grange Avenue define the western and southern boundaries of the site, with Oakdene primary school and the New life resource centre lying on the eastern boundary.

MATERIAL PLANNING CONSIDERATIONS

12. The main planning considerations of this application are compliance with planning policies, the visual impacts, impacts on residential amenity and access and highway safety and the existing planning consent. These considerations are outlined in detail below;

Principle of development;

13. The application site lies within the previous limits to development and is classed as previously developed land. Planning permission has also been granted for the erection of both the main three storey college building and the 2 storey sports facility under applications 07/2730/FUL and 07/2731/FUL. As both the college and sports facilities have been constructed, the permissions have been implemented and remain extant.
14. Consideration should therefore only be given to the amendments of the previously approved plans and the alterations to the fencing positions, heights and styles.
15. These changes are subject to saved policy GP1 of the Local plan

Impact on visual amenity;

16. As the majority of the fencing is hidden from the main vantage point of Marsh House Avenue and the style of the proposed fencing has already been accepted under the previous approvals, (with the exception of the ball stop netting to the all weather sports pitch) the visual impacts of the proposed relocated fencing positions is limited.
17. Given the position of the all weather sports pitch behind the sports centre building the increase in the height of the fencing from 3 to 5 metres and the additional ball stop netting behind the goals will largely be hidden from view of the street scene.
18. On this basis, the proposed development is therefore not considered to have a detrimental impact on the visual amenity of the locality the proposal is therefore considered to be acceptable and accords with policy GP1 of the adopted Stockton on Tees Local Plan in this respect

Impact on residential amenity;

19. As the relocation of the 2.4m high weld mesh perimeter fencing on the western boundary replicates the positioning of the rest of the perimeter fencing on this boundary, it is not considered that this will have a detrimental impact on the amenity of the residents of Hale Road
20. The increase in height of the fencing surrounding the all weather sports pitch and the additional ball stop fencing will be situated in excess of 100 metres from the residential properties and again is not considered to have a detrimental impact of existing levels of residential amenity.
21. Many of the residents of Low Grange Avenue has raised concerns in relation to the height and positioning of the ball stop fencing on the southern boundary and how this may impact on their residential amenity and enjoyment of their gardens. Whilst these concerns are appreciated and duly noted, it is important to recognise that a 5m high ball stop fence was approved under the previous application, 2 metres from the southern boundary. The amended drawings show that the fence position remains largely in this approved position with the fencing along the eastern edge being located further away from the boundary. Given that this is an improvement on the previously approved position of the fencing on the southern boundary it is considered that fencing alignment is acceptable.

22. Comments received in relation to the noise and disturbance from all of the sports pitches are duly noted, however, these remain in the same position as previously approved, albeit with a minor amendment to the rugby pitch. Nevertheless, it is not considered that this relocation or any subsequent impacts would significantly worsen the existing situation.
23. Several objections have been received in relation to the impacts of the proposed development over a potential loss of views from the existing residential properties. Whilst these concerns are appreciated under planning law no one person has a right to a view and these concerns cannot be considered as material planning considerations.

Access and highway safety;

24. The Head of Technical Services has commented that the proposed fencing changes relate solely to landscape matters and they have no objections to the proposed development. The proposed development is therefore not considered to pose and significant threat to highway safety.

Residual issues;

25. Several objectors have also raised the issue of the potential impact the proposed development may have on property prices in the area. The potential impacts of proposed developments on property prices is not a material planning consideration and cannot therefore be taken into consideration in the determination of the this planning application.
26. One letter of representation has questioned whether planning permission is required for the erected CCTV camera to the front of the application site. Whilst this comment is acknowledged, it is not a planning consideration when assessing this application and will be investigated as a separate matter.
27. Whilst the comments raised in relation to the demolition of the existing college building are appreciated this issues has not changed since the approval of the previous applications.

CONCLUSION

28. In light of the above report and with consideration to the previous planning permission the proposed changes to the fencing details are considered to be acceptable and will not have any detrimental impacts on the visual amenity of the locality, the amenity of neighbouring occupiers or highway safety.
29. Subsequently, the proposal is considered to accord with saved policy GP1 of the adopted Stockton on Tees Local Plan, and the proposed development is recommended for approval subject to the conditions set out earlier in this report.

Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Simon Grundy Telephone No 01642 528550

Financial Implications

As report.

Environmental Implications

As Report

Community Safety Implications

N/A

Human Rights Implications

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Background Papers

Regional Spatial Strategy (RSS)

Tees Valley Structure Plan

Planning Policy Statement 1; Delivering Sustainable development

Stockton-on-Tees Adopted Local Plan (1997)

Planning Applications 07/2730/FUL, 07/2731/FUL and 09/1469/VARY

WARD AND WARD COUNCILLORS

Ward	Billingham East
Ward Councillor	Councillor M. N. Stoker
Ward	Billingham East
Ward Councillor	Councillor A. Cunningham