

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 23 SEPTEMBER 2009

**REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

09/1469/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 07/2730/FUL (Erection of 3 No. storey education facility with associated car parking (demolition of existing building))

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 07/2730/FUL, to include a 10m high golf ball netting to protect the existing college building from youths playing golf on the adjacent Billingham Campus site and the re-positioning of the entrance gates.

In considering the proposal, it is judged that the approach suggested is both intrusive and inappropriate and detracts from the attractive college building. The proposal is therefore considered to have a detrimental impact on the visual amenities of the locality as a whole.

RECOMMENDATION

Planning application 09/1469/VARY be Refused for the following reason

01 In the opinion of the Local Planning Authority the proposed golf ball stop netting would result in a dominant and intrusive form of development, failing to contribute positively to the area and thereby be detrimental to the character and visual appearance of the locality, contrary to saved policy GP1 of the adopted Stockton on Tees local Plan and Planning Policy Statement 1.

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 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 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 07/2730/FUL, to include a 10m high golf ball netting to protect the existing college building from youths on the adjacent Billingham Campus site and the re-positioning of the entrance gates.
4. Changes relating to the erection of various fencing in association with the sports centre are to be considered under a separate application (app ref 09/1469/VARY).

CONSULTATIONS

5. **The following Consultees were notified and comments received are summarised below:-**

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.

Head of Technical Services

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

Reference drawing no: Enclosures - L(90)GAP002 Rev I

General Summary

Regarding the additional information submitted on enclosures we have concerns over the golf ball netting as detailed below. Other comments are also listed below.

Highways Comments

The proposed fences will not affect visibility therefore we raise no objections.

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.

Environmental Health Unit

I have no objection in principle to the development, however, I do have some concerns and would recommend the conditions as detailed be imposed on the development should it be approved.

▣ Construction Noise

All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m. on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

PUBLICITY

6. 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
- ❑ Whether the CCTV camera requires planning consent

PLANNING POLICY

7. **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).
8. 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

9. **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

10. 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

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

Principle of development;

12. 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.
13. Consideration should therefore only be given to the amendments of the previously approved plans and the alterations to the fencing positions, heights and styles.
14. These changes are subject to saved policy GP1 of the Local plan

Impact on visual amenity;

15. The proposed golf ball stop netting surrounds the northern and eastern elevations of the college building and requires various support posts to enable the netting to be effective. Given the height of the posts and netting the proposal remains highly visible from various viewpoints along Marsh House Avenue.
16. Local residents have raised various concerns in relation to need for the netting, its effects on the visual amenity of the area and appearance of the college and that the proposed landscaping will not screen the netting and posts. Whilst it is accepted that the control of netting colour and additional landscape/tree planting may minimise some of the proposals impacts, it is not considered that these would be sufficient enough to negate the harm caused by the development to the visual amenity of the locality.
17. Given that the golf ball netting and support posts are both visible within the street scene and detract from the attractive appearance of the college building itself, it is considered that the proposed development fails to contribute positively to the visual amenity of the area, and is contrary to policy GP1 and the guidance set out in PPS1.

Impact on residential amenity;

18. Given the distance involved from the neighbouring residential properties to the 10m high gold ball stop netting are in excess of 21 metres, it is not considered that the proposed development will have a detrimental impact on the privacy or existing levels of daylight so as to justify a refusal of the application.
19. 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.

20. Concerns raised in relation to the positioning and use of the sports pitches and the impacts on residential amenity are duly noted but a matter for consideration under application 09/1468/VARY

Access and highway safety;

21. The Head of Technical Services has considered the information provided as part of the application. It is considered that the proposed development will not affect visibility or pose any significant risks to access and highway safety.
22. Consequently the Head of Technical Services does not offer any objections to the proposed development and the proposal is considered to accord with policy GP1 in this respect.

Residual issues;

23. The comments made in relation to alternative methods being considered to protect the school are duly noted. At this present time discussions are being held between the Council and Bede Sixth Form College to see if arrangements can be agreed which would allow for the removal of the netting. At this moment no agreement has been reached and the application is to be determined as it stands.
24. 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.
25. 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.
26. 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

27. In considering the above, it is acknowledged that there is a perceived need to protect the new college building from stray golf balls. However, it is considered that the approach suggested is both intrusive and inappropriate and detracts from the attractive college building. The proposal is therefore considered to have a detrimental impact on the visual amenities of the locality as a whole.
28. Consequently the proposed development is considered to be contrary to the aims of PPS1 and policy GP1 of the adopted Stockton on Tees Local Plan, on this basis the proposal is recommended for refusal.

**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