

Date of Meeting: 16th January 2020

APPLICATION NO: 18/1273/FUL

DATE OF APPLICATION: 21 June 2018

STATUTORY START DATE: 3 July 2018

SITE LOCATION

Borehamwood Football Club, Meadow Park, Broughinge Road, Borehamwood, Hertfordshire, WD6 5AL

DEVELOPMENT

Installation of new irrigation water tank with screening to serve the existing grass football pitch. (Retrospective)

AGENT

Mr Matthew Hunter
Borehamwood Football Club
Meadow Park
Broughinge Road
Borehamwood
Hertfordshire
WD6 5AL

APPLICANT

Mr Danny Hunter
Borehamwood Football Club
Meadow Park
Broughinge Road
Borehamwood
Hertfordshire
WD6 5AL

WARD: Borehamwood Cowley Hill

GREEN BELT: No

CONSERVATION AREA: No

LISTED BUILDING: No

TREE PRES. ORDER: No

REASONS FOR COMMITTEE CONSIDERATION

The land on which the application site sits within, is land owned by Hertsmere Borough Council.

1.0 SUMMARY OF RECOMMENDATION

1.1 Refuse permission.

2.0 APPLICATION SITE AND SURROUNDINGS

2.1 The site is located on the eastern side of Broughinge Road and on the south-west corner of Meadow Park. The application site is home to Borehamwood Football Club and Arsenal Ladies Football Club and comprises the Club House, covered stands, a car park, mobile classrooms, turn stiles, flood lighting, toilets, club shop and food stalls and other facilities relating to the football club.

2.2 The site is located within a well-established residential area of Borehamwood. To the south of the site is the existing bowling green and Pavilion Building. To the north and west of the site is Broughinge Road which is fronted by semi-detached residential properties and flats. To the east lies an enclosed training pitch and Meadow Park. 2.3 The irrigation water tank itself is sited on a rectangular shaped piece of land, with the main football pitch of Borehamwood Football Club situated towards the northeast of this piece of land and the residential properties of nos. 1 and 2 Park House and associated private rear amenity spaces, situated towards the southwest of this piece of land. Other than the siting of the irrigation water tank and screening, the piece of land is currently vacant and is not used for any other purpose.

2.4 The piece of land is screened by fencing on the side boundary with the neighbouring properties of nos. 1 and 2 Park House and is screened by a larger concrete wall on the boundary with the football pitch of Borehamwood Football Club.

3.0 PROPOSAL

3.1 Retrospective planning permission is sought for the installation of an irrigation water tank with associated privacy screening, in order to serve the adjacent grass football pitch belonging to and maintained by Borehamwood Football Club.

4.0 RELEVANT PLANNING HISTORY

Reference number	Description	Date and outcome
13/2003/MA	Application for a non-material amendment following the grant of planning permission reference TP/12/1906.	26 September 2013 Response Given
13/2184/DOC	Application for approval of details reserved by conditions 2, 6, and 9 of planning permission reference TP/12/1906	11 June 2019 Response Given
14/0100/FUL	Retrospective application to planning permission reference TP/12/1906 for an increase in the capacity of the West stand from 726 seats (including 6 no. spaces for disabled spectators) to 871 seats (including up to 44 no. seats for disabled spectators).	20 May 2014 Grant Permission
14/0712/FUL	Retention of 5 no. prefabricated buildings and erection of an additional 2 no. prefabricated buildings for educational use associated with the PASE educational programme.	14 July 2014 Grant Permission
15/0644/FUL	Retention of eight pre-fabricated buildings for educational use and the erection of a new compound perimeter fence.	21 July 2015 Grant Permission
15/1137/FUL	Construction of 2 new artificial grass football pitches (to replace existing artificial pitch) with associated car parking and improved vehicle access. APPLICATION WITHDRAWN BEFORE REGISTRATION. FEE REFUNDED 30/9/15	
15/1943/FUL	Construction of 2 no. floodlit artificial grass football pitches with alterations to the car park and vehicle entrance	

Reference number	Description	Date and outcome
16/0689/FUL	Construction of 2 no. floodlit artificial grass football pitches with alterations to associated car parking and vehicle site entrance (Additional plans & supporting documents received 10/10/16)	18 April 2017 Application Withdrawn
17/1178/FUL	Partly retrospective application for installation of irrigation water tank with associated privacy screening.	29 March 2018 Refuse Permission
17/2402/FUL	Demolition of the north terrace and its replacement with a covered stand, new toilets to replace existing, relocation of burger bar and club shop, landscaping and associated civil works. 4 metre extension to the existing football pitch.	9 February 2018 Grant Permission
18/1336/DOC	Application for approval of details reserved by conditions 2 (Construction Method Statement) and 3 (Surface Water Run-Off) of planning permission reference 17/2402/FUL	22 August 2018 Condition Discharged
MA/13/0910	Application for a non-material amendment following the grant of planning permission reference TP/12/1906	18 April 2013 Response Given
DOC/13/0908	Application for approval of details reserved by condition 2 of planning permission reference TP/12/1906	18 April 2013 Approves the details without conditions
DOC/13/0035	Application for approval of details reserved by conditions 2, 3, 4 & 7 of planning permission reference TP/12/1906	20 March 2013 Approval
DOC/13/0105	Application for approval of details reserved by condition(s) 5, 6 & 9 of planning permission reference TP/12/1906.	13 February 2013 Response Given
TP/12/1906	Construction of a new West grandstand to replace existing covered terrace, erection of 1.8m high entrance gates, 600mm high palisade fence on top of existing brick wall and 2 no. mobile toilet blocks and 1 no. mobile burger bar (amended/additional plans received 12/10/2012 and 07/11/2012).	13 November 2012 Grant Permission

Reference number	Description	Date and outcome
TP/11/1528	Use of part of car park for continued stationing of 4 no. prefabricated buildings for educational use associated with the PASE educational programme.	21 October 2011 Grant Permission
TP/07/0250	Erection of 4 single storey prefabricated buildings for use as classrooms and educational purposes (Amended plan received 22/06/2007).	25 July 2007 Grant Permission
TP/05/1377	Application for premises licence (Consultation by Licensing Officer).	25 July 2007 Raise No Objections
TP/03/0778	Erection of free-standing pre-fabricated classroom (additional information received 28th October 2003).	27 November 2003 Grant Permission
TP/01/0866	Enlargement of all-weather football training pitch, 3.5m to 4.0m high fence, 8 x 16m high replacement floodlights and new changing rooms. (Amended and additional plans received 9/10/01, 8/2/02, 20/6/02, 22/7/02, 2/6/03 & 19/08/03).	9 September 2003 Permission subject to/linked to Sect 106
TP/99/0960	Erection of single storey building comprising changing rooms.	10 November 1999 Grant Permission
TP/98/0436	Single storey extension to main building to create an entrance area and store together with erection of single storey turnstile booth and fencing adjacent to main stand (Additional plans.	20 August 1998 Grant Permission
TP/98/0177	Erection of enlarged replacement roof to main stand together with internal alterations (Amended and additional plans received 21.4.98)	23 April 1998 Grant Permission
TP/98/0014	Erection of 2 storey pavilion incorporating changing rooms, public toilets, sports and other social facilities and other ancillary accommodation for Meadow Park and Borehamwood Football Club.	19 March 1998 Grant Unconditionally
TP/97/0363	Erection of 3 no. replacement 'single column' floodlighting towers (same height and lighting array as existing)	10 June 1997 Grant Permission

Reference number	Description	Date and outcome
TP/97/0265	Erection of 3 no. replacement floodlighting towers (same height and lighting array as existing)	8 May 1997 Grant Permission
TP/96/0161	Erection of two storey building (858m2) comprising ancillary accommodation for the football club together with changing facilities for Meadow Park pitches. (Outline application with details.	23 May 1996 H6
TP/96/0371	Installation of emergency exit comprising stairs and gates onto Broughinge Road.	27 June 1996 Grant Permission
TP/95/0678	Erection of covered stand over part of existing terracing (Additional plans received 11/12/95)	9 January 1996 Grant Permission
TP/93/0797	Removal of two existing signboards and display of fixtures sign board (Advertisement Consent application)	26 November 1993 Grants Consent
TP/92/0802	Retention of 24 metre mast and floodlighting array (Amended plans received 9/11/92)	16 December 1992 Grant Permission
TP/92/0459	Erection of tea bar and new turnstile gatehouse (Amended plans received 17/6/92)	14 July 1992 Grant Permission
TP/92/0811	Erection of 2 No toilet blocks on each end of the main stand (Amended plans received 30/12/92)	28 January 1993 Grant Permission
TP/91/0456	Retention of three non-illuminated signs for Borehamwood Football club (Advertisement Consent application) (Amended plans received 20/6/91)	23 July 1991 Grants Consent

5.0 CONSULTATION & RESPONSES

5.1 Notices

Site Notice (Generic) 1st August 2018
2018

Expiry Date: 22nd August

No Press Notice Required.

5.2 Summary of consultation responses

Consulted:

Consultee	Date Consulted
Environmental Health & Licensing	6 July 2018
Elstree & Borehamwood Residents Association	6 July 2018
Friends Of The Four Parks Group	6 July 2018
Elstree & Borehamwood Town Council	6 July 2018

Responses:

Consultee	Comment
Environmental Health & Licensing	No objection.

5.3 Neighbour responses

In Support	Against	Comments	Neighbours Notified	Contributors Received
0	1	0	32	1

1 letter of objection received, raising the following concerns:

- Problems of flooding and noise disturbance from the irrigation tank;
- Visual intrusion.

6.0 PLANNING POLICY CONTEXT

National Policy/Guidance

National Planning Policy Framework 2019 (NPPF)

The Development Plan

**Adopted Hertsmere Local Plan:
Development Plan Document Core Strategy 2013**

SP1 - Creating Sustainable Development

SP2 - Presumption in favour of sustainable development

CS16 - Environmental Impact of New Development

CS22 - Securing a High Quality and Accessible Environment

Site Allocations and Development Management Policies Plan 2016

SADM14 - Flood Risk

SADM20 - Environmental Pollution and Development

SADM30 - Design Principles

Supplementary Planning Guidance / Documents

Planning and Design Guide - Part D: Guidelines for High Quality Sustainable Development (draft revised version 2016)

Other Legislation

Community Infrastructure Levy Regulations

Equality Act 2010 (as amended)

7.0 ASSESSMENT AND REASONED JUSTIFICATION

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material consideration indicate otherwise'.

7.2 The proposal raises the following key issues:

- Planning history
- Design and Visual Impact;
- Impact on Residential Amenities;
- Flooding Issues;
- Community Infrastructure Levy;
- Equalities and Diversity.

Planning history

7.3 Under the previous application of 17/1178/FUL, planning permission was refused for the part retrospective application for the installation of an irrigation water tank with associated privacy screening, due to Officers concerns over the unacceptable level of noise disturbance towards the amenities of those neighbouring properties situated immediately adjacent to the application site.

7.4 This current application has been submitted for the same proposal but with modifications to the structure, in order to mitigate against any potential noise

disturbance towards neighbouring properties, and the inclusion of a new mesh fencing in order to act as a privacy screen for the irrigation water tank.

Design & visual impact

- 7.5 Policies SADM3 and SADM30 of the Site Allocations and Development Management Policies Plan 2016, Policy CS22 of the Core Strategy 2012 and the NPPF 2019 all seek to ensure that any new development respects or improves the character of its surroundings. This guidance is also reiterated in Part D of the Planning and Design Guide 2016.
- 7.6 Officers consider that the development by virtue of its siting would be sufficiently screened from nearby vantage points and consequently would not alter the overall character and appearance of the surrounding area. However specific concern has been raised by an immediate neighbouring property with regards to the impact that the development has in terms of its visual obtrusiveness and in particular the outlook from the immediate neighbouring property. Officers carefully note the concerns raised, and advise that the applicant has incorporated rigid welded mesh fencing with translucent fibre backing supported by 2.4m high metal posts into the design. This fencing has been erected around the perimeter of the siting of both the irrigation pump machinery and the irrigation water storage tank itself, in order to screen the equipment from neighbouring properties.
- 7.7 Officers therefore consider that the development would have a detrimental impact on the level of outlook from the habitable room windows and private rear amenity space of neighbouring properties and would fail to accord with Policies SP1, SP2, CS22 and SADM30.

Impact on residential amenities

- 7.8 Policy SADM30 and Part E of the Planning and Design Guide requires that new development does not adversely impact on neighbouring residential amenity in terms of loss of natural light, outlook and privacy. Policy SADM20 requires that new development should not result in any adverse impact to public health or wellbeing, or significantly add to contamination or pollution. Policy CS16 also requires that development proposals do not create an unacceptable level of risk to the occupiers of a site, the local community and the wider environment.

Daylight/sunlight, overbearing and privacy

- 7.9 Officers consider that the development itself is not of a size or scale so as to result in any loss of daylight/sunlight, overbearing form or loss of privacy towards neighbouring properties, however, Officers do raise concern over the increased size, scale and height of the new privacy screening that surrounds the water storage tank and equipment and the detrimental impact this would

have on the quality of outlook from neighbouring properties, as discussed within the preceding section.

Outlook

- 7.10 However, Officers raise concern over the size, scale and poor materials used for this new privacy screening, which would measure 7m by 5.1m and would measure a height of 2.4m, higher than the existing close-boarded fencing that exists on the shared boundary between the application site and the rear garden to the neighbouring property of no. 1 Park House. Officers consider that whilst acting as a visual screen for the water storage tank and equipment, due to the increased size, scale (particularly the height) and form of this new privacy screening and the close proximity, measuring 4.9m at the closest point, to the neighbouring property of nos. 1 and 2 Park House, that it has a detrimental impact on the quality of outlook from the habitable room windows and private rear amenity space of the neighbouring properties.
- 7.11 Officers note that the football club site itself is a large site and that there could be the potential for the water storage tank and privacy screening to be located elsewhere within the football club site, which would be sufficiently separated from neighbouring properties and consequently would not have a detrimental impact on the level of outlook from these neighbouring properties. However, Officers note that there is a lack of information from the agent/applicant showing whether alternative sites have been explored or not and no justification has been given as to why the water storage tank and equipment needs to be located in this particular place.
- 7.12 Concern has also been raised by the neighbouring property of no. 1 Park House with regards to the impact the development would have in terms of noise and flooding disturbance. Officers carefully note the concerns raised with regards to flooding issues, which is discussed within the following section.
- 7.13 Officers carefully note the concerns raised with regards to noise disturbance and note that the Council's Environmental Health Team have been consulted as part of the application, who have reviewed the revised noise impact assessment that had been submitted by the applicant (by Clover Acoustics – reference: 3831-R3). The report has been submitted in order to demonstrate that due consideration has been made in assessing both the noise level affecting neighbouring residential properties and the significance of any potential noise impact from the operations of the unit.
- 7.14 Following the previous refusal of 17/1178/FUL, additional information and has been provided in order to overcome the concerns that had been previously raised from neighbouring properties from the noise disturbance that was caused during the cold water storage tank refilling process. Revisions have

been made to the unit in order to mitigate against any potential noise disturbance, for example the installation of a new plastic mesh for the water to cascade into when refilling and the installation of a new permanent solid steel roof.

- 7.15 The Council's Environmental Health Team have reviewed the Noise Impact Assessment and have advised that the revisions that have been carried out to the water refilling tank and the further measurements that have been provided within the Noise Impact Assessment on the 6th June 2018, have now demonstrated that any further noise complaints would be unlikely. Consequently, the Council's Environmental Health Team, have advised that they raise no objection to the development.

Flooding Issues

- 7.16 Officers note that concerns have been raised by neighbouring properties with regards to the flooding of water from the existing water tank. With regards to these flooding concerns, the Council's Drainage Engineer has been consulted and has recommended the imposition of a condition, if permission were to be granted, requiring the submission of a Drainage Impact Study, to demonstrate how the applicant would mitigate against any flooding to neighbouring properties and how the rain water run-off from the impermeable area of the new concrete slab would be dealt with.
- 7.17 In addition to the comments from the Council's Drainage Engineer, the Lead Local Flood Authority has also been consulted, and has raised concern over the lack of submission of any surface water drainage strategy and that due to the absence of a surface water drainage strategy; the flood risks resulting from the development are unknown.
- 7.18 Based on this lack of submission of any supporting flooding survey, Officers consider that no appropriate mitigation measures have been put forward to overcome the existing flooding problems that are associated with the development. As such, the development would pose a material risk to flooding within this part of the site, which would subsequently result in a detrimental impact on the amenities of nearby neighbouring properties. The development would therefore fail to accord with the NPPF 2019, Policies SP1, SP2 and CS16 of the Core Strategy 2013 and Policies SADM14 and SADM20 of the Site Allocations and Development Management Policies Plan 2016.

Community Infrastructure Levy

- 7.19 The Community Infrastructure Levy (CIL) is a new charge that will raise funds to provide improved infrastructure in Hertsmere. It will be charged on the increase in new build floor space (at a rate per m²), although there are

exemptions and relief from paying CIL for developments under 100 square metres, self-build homes, affordable housing and development by charities (where for a charitable purpose). CIL will replace the general section 106 (s106) 'tariff' approach currently operated by both the council and Hertfordshire County Council. Parish and town councils will receive a minimum of 15% of CIL receipts raised in their area, which they can spend directly on local improvements. The remainder of the CIL receipts will be allocated by Local Authority.

7.20 The proposal would not result in any CIL payments.

Equalities and Diversity

7.21 The Council in the exercise of its functions recognises its statutory duty to have regard to the need to eliminate all types of discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it as required under section 149 of the Equality Act 2010.

7.22 Section 149 of the Equality Act 2010 requires a decision-maker to have 'due regard' to achieving a number of equality goals. These goals are:

1. to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act;
2. to advance equality of opportunity between those with protected characteristics and those without; and
3. to foster good relations between persons with a relevant protected characteristic and those without.

7.23 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.24 The proposal would not conflict with either Hertsmere Borough Council's Equality Policy 2010 or the commitments set out in our Equality Objectives, and would support the Council in meeting its statutory equality responsibilities.

8.0 CONCLUSION

8.1 To conclude, whilst the issue of noise disturbance has been adequately mitigated against, Officers raise significant concerns over the detrimental impact the proposal would have on neighbouring outlook and from issues of flooding. Officers therefore consider that the proposal would fail to accord with the NPPF (2019), Core Strategy 2013 Policies SP1, SP2, CS16 and CS22, Policies SADM14, SADM20 and SADM30 of the Site Allocations and

Development Management Policies Plan 2016 and the Supplementary Planning Document: Planning and Design Guide Part D - Guidelines for Development (Draft – 2016).

9.0 RECOMMENDATION

9.1 Refuse permission.

10.0 REASON(S) FOR REFUSAL

1. The development by virtue of the siting, size, scale and design of the privacy screening, would result in an obtrusive and unsightly structure. This would result in a detrimental impact towards the quality of outlook from the neighbouring properties of numbers 1 and 2 Park House. The proposal would therefore fail to accord with the guidance within the National Planning Policy Framework 2019, Policies SADM20 and SADM30 of the Site Allocation and Development Management Policies Plan 2016, Policies SP1, SP2, CS16 and CS22 of the Council's Core Strategy (2013) and the Supplementary Planning Document: Planning and Design Guide Part D - Guidelines for Development (Draft - 2016).
2. Due to the lack of any supporting flooding surveys and any appropriate mitigation measures, the development would pose a material risk to flooding within this part of the site, which would subsequently result in a detrimental impact on the amenities of nearby neighbouring properties. The development would therefore fail to accord with the NPPF 2019, Policies SP1, SP2 and CS16 of the Core Strategy 2013 and Policies SADM14 and SADM20 of the Site Allocations and Development Management Policies Plan 2016.

11.0 BACKGROUND PAPERS

1. The Planning application (18/1273/FUL) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
2. Replies from Statutory consultees and correspondence from third parties.
3. Any other individual document specifically referred to in the agenda report.
4. Published policies / guidance

12.0 INFORMATIVES

1. Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council has therefore acted pro-actively in line with the requirements of the NPPF 2019 and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. The plan numbers relevant to this decision are:
 - PL00 revision C
 - PL01 revision A
 - PL02
 - PL03
 - Noise Impact Assessment (report no: 3831 - R3) - Clover Acoustics

Case Officer Details

William Clarke - email address william.clarke@hertsmere.gov.uk