

**4/02275/15/ROC - VARIATION OF CONDITION 3 (PERMANENT EXTENDED HOURS OF USE FOR MONDAY TO THURSDAY 09.00 TO 22.00 HOURS AND FRIDAY 09.00 TO 21.30 HOURS AND TEMPORARY EXTENDED HOURS OF USE FOR A 12 MONTH PERIOD FOR SATURDAY 09.00 TO 20.00 HOURS) AND CONDITION 5 (PERMANENT RETENTION OF RETRACTABLE NET AT ITS FULL HEIGHT) OF PLANNING PERMISSION 4/01156/10 /FUL (ASTRO PITCH ON FORMER 5-A-SIDE AREA/TENNIS COURTS, CONSTRUCTION OF CHANGING/ANCILLARY TWO STOREY ACCOMMODATION BLOCK, FLOODLIGHTING OF ASTRO PITCH AND ASSOCIATED FENCING).
HEMEL HEMPSTEAD TOWN FOOTBALL CLUB, VAUXHALL ROAD, HEMEL HEMPSTEAD, HP2 4HW.**

APPLICANT: Hemel Hempstead Town Football Club.

[Case Officer - Nigel Gibbs]

Background

The application was previously considered by the Development Control at its meeting on 26 February 2016. The Report is at Annex A with the exception of the conditions.

Recommendation made to DCC on 26 February 2016, variation of condition 3: Hours of Use

This specified:

Notwithstanding the submitted details the astroturf pitch and floodlights hereby permitted shall only be used during the following times:

- **Mondays to Thursdays: Between 09.00 hours and 22.00 hours for the period between 1 September to 30 April each year, subject to the use between 09.00 hours and 11.00 hours being only during school holidays.**
- **Mondays to Thursdays: Between 09.00 hours and 21.00 hours for the period between 1 May to 31 August each year, subject to the use between 09.00 hours and 11.00 hours being only during school holidays.**
- **Fridays : Between 09.00 hours and 21.30 hours, subject to the use between 09.00 hours and 11.00 hours being only during school holidays.**
- **Saturdays : Between 09.00 hours and 20.00 hours for a period of 12 months only as from the date of this decision, and**
- **Sundays : Between 11.00 hours to 20.00 hours.**

Reason: In the interests of safeguarding at all times the residential amenity of the locality in accordance with the requirements of Policies CS12 and CS32 of the Dacorum Core Strategy. The temporary use of the Astroturf for 12 months will enable the local planning authority to assess the impact of the use on Saturdays.

Meeting Outcome

The application was recommended for planning permission. At the meeting Members were advised of Councillor Tindall's representation referred to below.

The Minutes confirm:

- Councillors had concerns over the extended late hours and wanted to strike a balance between the needs of the community versus neighbour amenity.
- The recommendation was changed to delegate to the Group Manager to approve of 9am-11am opening hours but to discuss the extended evening hours with the applicant.

- It was proposed by Councillor Ritchie and seconded by Councillor Maddern to grant the application in line with the new recommendation. Vote For: 11 Against: 1 Abstained: 0.
- It was resolved that planning permission be granted with a view to approve the morning hours only and subject to a range of conditions.

Note from case officer regarding HHFC's Approved Hours of Use

The Report **incorrectly** confirmed that Condition 3 of the existing Planning Permission 4/01156/10 specified:

The astroturf and floodlights only be used during the following times:

Mondays to Thursdays: **11.00 hours to 21.00 hours**,
 Fridays: 11.00 hours to 21.30 hours,
 Saturdays: 11.00 hours to 20.00 hours, and
 Sundays: 11.00 hours to 20.00 hours

This should have read:

Mondays to Thursdays: 11.00 hours to 22.00 hours,
 Fridays: 11.00 hours to 21.30 hours,
 Saturdays: 11.00 hours to 20.00 hours, and
 Sundays: 11.00 hours to 20.00 hours

Therefore the club already has planning permission to open until 22.00 Monday to Thursday. This application is solely seeking to open 09.00-11.00 Monday-Friday in the school holidays and 09.00-11.00 on Saturdays for one year. No changes would be made to the evening opening hours.

Response from Hemel Hempstead Football Club

HHFC has reviewed the change to the hours and is unable to agree any reduction in the currently approved hours to 21.00 hours from 22.00 hours Mondays to Thursdays.

To reduce the late evening hours during these 4 days will fundamentally disrupt HHFC's commitment to longstanding community bookings for users between these times.

Referral to Committee

The application is referred back to the DCC.

This is because the DCC was incorrectly informed that the approved hours on Mondays to Thursdays 11.00 hours to 21.00 hours rather than until 22.00 hours and due to HHFC's response.

The DCC's decision should take into account this anomaly in its decision.

Representations

Councillor Ron Tindall
 (as reported to the previous meeting)

I write on behalf of the objectors to application 4/02275/15/ROC and apologise that I shall not

be able to be present.

Whilst I acknowledge the contribution to the community of the Football Club, I should like to draw the Committee's attention to the failure of the Applicant to previously comply with conditions set by the Development Control Committee. I refer in one instance to a requirement of 2010 to ensure the floodlights were compliant. This was finally completed on 20th November 2015, some five years after installation following action by myself. Indeed I question whether the need to comply was hastened by this present application.

The Applicant in his letter of 11th December states 'there have been no long-term issues'. I question that statement as I have for some years corresponded with residents of Vauxhall Road with regard to nuisance caused by the Football Club, and in particular the nuisance caused by users of the astro-pitches. It has often been difficult to get the Applicant to take action to stop early use and noise, late finishing, and the general feeling that no-one is in control.

The existence of these issues are confirmed by the fact that the Applicant has in his letter from paragraph four suggested a number of measures to deal with the very problems of which the residents have been complaining.

As I have little confidence in these assurances, I ask the Committee to refuse or to defer approval of the application for a period of at least six months, during which time, the Applicant be asked to demonstrate that he will adhere to all conditions set by the Committee. The Applicant can achieve this by strict adherence to the present conditions and full control of all visitors from the moment they enter the premises.

Councillor Ron Tindall

(in response to being reported back to the DCC)

In advising the neighbour at no. 32 of the DCC's need to further consider the matter no. 32 has confirmed to Councillor Ron Tindall that HHFC 'didn't stop using Astro turf pitch until 10.10 pm so still incapable of keeping within time allowed'.

Considerations

Review of the Material Considerations

Background

This is with reference to the following:

1. Notwithstanding this application HHFC are permitted to use the facility until 22.00 hours Mondays to Thursdays each week as per the extant planning permission.
2. HHFC **will not** agree to any reduction in the currently approved hours opening until 22.00 hours to 21.00 hours Mondays to Thursdays. It is understood that this would fundamentally disrupt the HHFC's commitment to longstanding community bookings for users between 21.00 and 22.00 hours between Mondays to Thursdays.

Assessment

There are no objections to the additional hours in the daytime as reflected in the recommended conditions and previous discussion at the Development Control Committee on 26 February 2016.

HHFC and Councillor Ron Tindall are aware of the anomaly in the previous report regarding

the evening use.

This means that the football club already has permission to open until 22.00 Monday-Thursday. The club has submitted a variation of condition 3 (hours of opening) to open earlier (09.00-11.00) in the school holidays so they can accommodate children on holidays. The applicant has not proposed to close the club earlier in the evenings. As a Local Planning Authority we are able to assess the whole impact of hours of opening, and we are aware of concerns about football being played until 22.00. Hence, the case officer recommendation to liaise further with the applicant about the evening hours of operation. Upon further investigation the council does not have sufficient evidence to reasonably suggest that the football club should close at 21.00 rather than 22.00. The Council's enforcement department does not have sufficient evidence to robustly defend that the football pitch should close at 21.00 rather than 22.00. In any case Environmental Health has powers under the Environmental Protection Act 1990 to prosecute against a statutory noise nuisance.

If the club are operating outside of their agreed hours of operation until 22.00 then this would be a matter for the enforcement department.

Therefore the recommended conditions are changed from the previous report to reflect these circumstances.

Conclusions

The Council is very supportive of the provision of sporting and community facilities within the Borough.

In initially supporting the astroturf pitch the Council acknowledged HHFC's community role which is reflected by the level of demand for its use and hence the current proposal.

There has to be a reasonable and very careful balance between providing sporting facilities and safeguarding the residential amenity of local residents.

The earlier morning starts will enable the community to benefit during school holidays as explained by Sport England. A temporary one year permission to review the impact of the additional Saturday use represents a balance between supporting the additional community use and safeguarding the residential amenity of the locality.

The permanent retention of the ball stop fence at its full height is acceptable.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 **Notwithstanding the submitted details the astroturf pitch and floodlights hereby permitted shall only be used during the following times:**
 - **Mondays to Thursdays: Between 09.00 hours and 22.00 hours, subject to the use between 09.00 hours and 11.00 hours being only during school holidays (existing hours being 11.00 hours to 22.00 hours each day).**
 - **Fridays: Between 09.00 hours and 21.30 hours, subject to the use between 09.00 hours and 11.00 hours being only during school holidays (existing hours being 11.00 hours to 21.30 hours each day).**
 - **Saturdays: Between 09.00 hours and 20.00 hours for a period of 12 months only as from the date of this decision (existing hours being 11.00 hours to 20.00 hours each day).**
 - **Sundays: Between 11.00 hours to 20.00 hours (existing hours being 11.00**

hours to 20.00 hours each day).

Reason: In the interests of safeguarding at all times the residential amenity of the locality in accordance with the requirements of Policies CS12 and CS32 of the Dacorum Core Strategy. The temporary use of the astroturf for 12 months will enable the local planning authority to assess the impact of the use on Saturdays.

- 2 **The existing acoustic fence between the astroturf pitch and the rear gardens of the dwellings in Vauxhall Road shall be retained at all times.**

Reason: In the interests of safeguarding at all times the residential amenity of the locality in accordance with the requirements of Policies CS12 and CS32 of the Dacorum Core Strategy.

- 3 **The existing retractable net located between the astroturf pitch and the rear gardens in Vauxhall Road shall be retained at all times at its full height.**

Reason: In the interests of safeguarding at all times the residential amenity of the locality in accordance with the requirements of Policy CS12 of the Dacorum Core Strategy.

- 4 **The existing floodlighting shall be maintained with at all times fully in accordance with the Training Area Rev 4 and Rev 4 Spillage Charts dated 15 July 2010 details and including the lower level of luminance shown by Document 5 Rev 4 Parts 3.2 and 3.3 when the astroturf pitch floodlighting shall only be used for five-a-side football or local community recreational football.**

Reason: In the interests of safeguarding the residential amenity of the area and the local environment in accordance with the requirements of Policies CS12 and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan.

- 5 **The existing car park shall be retained at all times fully in accordance with Drawing No 275-6-6 Rev C and shall only be used for the approved purposes. Before the accommodation block hereby permitted is first brought into use, the fire access, arrangements for access for persons with disabilities (for both the main pitch through the relocated turnstile and the accommodation block) and the disabled parking spaces shown by Drawing No. 275-6-6 Rev C shall be provided at all times.**

Reason: To ensure that there is an acceptable parking layout serving the site with due regard to the need to provide safe fire/emergency access and for persons with disabilities in accordance with the requirements of Policies CBS 8 and CS12 of the Dacorum Core Strategy.

- 6 **Within 6 months of the date of this permission a Green Travel Plan shall be submitted to the local planning authority for its approval in writing. The Travel Plan shall provide details of measures for reducing car dependency and the need to travel to site by car whilst promoting alternative modes of transport such as walking, cycling and use of public transport. The approved Travel Plan shall then be implemented in accordance with the approved details within 3 months of the date of its approval in writing by the local planning authority.**

The Travel Plan shall then be operated for at least 1 year from the date of its first implementation. During this period the effectiveness of the Travel Plan shall be monitored by the operator. At the end of this period the monitoring results shall be submitted to the local planning authority in writing and the Green Travel Plan shall be maintained at all times unless otherwise agreed in writing by the local planning authority.

Reason: To accord with the principles of sustainable transportation in accordance with Policy CS8 of the Dacorum Core Strategy.

- 7 The existing hedge on the south western side of the site shall be retained at all times.**

Reason: In the interests of visual amenity and biodiversity In accordance with in accordance with the requirements of Policy CS12 of the Dacorum Core Strategy.

- 8 No development shall take place upon the construction of the two storey accommodation block hereby permitted until samples of the details proposed to be used on the external walls and roofs shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

Reason: To ensure that the extended building complements the existing character and appearance of the area to accord with the requirements of Policy CS12 of the Dacorum Core Strategy.

- 9 Two bat boxes and two nesting boxes for birds shall be installed on the rear elevation of the accommodation block hereby permitted before its first use and shall be thereafter retained at all times.**

Reason: In the interests of biodiversity in accordance with the requirements of Policy CS29 of the Dacorum Core Strategy.

- 10 Prior to the commencement of the two storey accommodation block development hereby permitted, plans and details showing how the development will provide for renewable energy and conservation measures, and water conservation shall be submitted to and approved in writing by the local planning authority. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

Reason: In the interests of sustainable construction to accord with the requirements of Policy CS29 of the Dacorum Core Strategy.

- 11 All surface water shall be attenuated by soakaways.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development to accord with the requirements of Policies CS29, CS31 and CS32 of the Dacorum Core Strategy.

- 12 All the high level windows for the disabled toilet and showers serving the changing room hereby permitted shall be fitted with obscure glass at all times.**

Reason: In the interests of amenity in accordance with the requirements of Policy CS12 of the Dacorum Core Strategy.

- 13 **Any new exterior lighting for the accommodation block hereby permitted and the car park shall only be installed fully in accordance with details submitted to and approved in writing by the local planning authority and thereafter retained and maintained fully in accordance with the approved details.**

Reason To safeguard the local environment in accordance with the requirements of Policies CS12 and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan.

- 14 **Subject to the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following plans:**

275- 6-4 Rev E, 275-6-1 Rev A (Location Plan), 275-6-5 Rev A (Indicative Layout)

275-6-08 (3) Rev A, 275-6-6 Rev C , HHFCTR/1, 275-6-3 Rev E, 275-6-4 Rev E HHTFC/03 Rev A, HHTFC/02 Rev A, HHTFC/04 and HHTFC/05 Rev A

Lighting Drawings Rev 4 and Rev 4 Spillage Charts dated 15 July 2010) including the isolux contours within the gardens and dwellings of the adjoining dwelling houses.

Document 5 Rev 4 Parts 3.2 and 3.3 shall be provided when the astroturf floodlighting is only used for five-a-side football or local community recreational football.

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

ARTICLE 35 STATEMENT

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

ANNEX A

Summary

The application is recommended for approval.

Hemel Hempstead Football Club ground is designated Open Land which supports leisure uses. The existing astroturf pitch is ancillary to the site's existing and longstanding leisure use as a football ground. This accords with the expectations of Policy CBS 4 of the Dacorum Core Strategy and Policy 116 of the saved Dacorum Borough Local Plan.

In granting various planning permissions for the astroturf pitch and an accommodation block these proposals were aimed to improve facilities at the ground for use by all HHFC's 27 teams. This was as well as being available for other members of the community including Adeyfield School. Planning Permission 4/01156/10 was subject to a range of conditions. Condition 3 addressed the hours of use and Condition 5 required the provision of a high boundary net/ fence as football stop system. Both conditions were imposed to safeguard the residential amenity of the immediate locality.

In approving the various schemes for the astroturf and additional accommodation this fully took into account the responses of the respective consultees and local representations. This included the visual impact/the open land setting/landscaping, the effect upon residential amenity, the shop at No.3 Vauxhall Road and the transportation/highway safety/ parking/ standard, emergency and disabled access issues. There were no fundamental ecological, contamination, drainage, sustainable construction, air quality, security/crime prevention and air safeguarding objections. An Environmental Impact Assessment was not necessary.

The proposed additional hours of use are to provide more opportunities for community sport at the site. Support for this has been balanced against safeguarding the residential amenity of the locality which can be achieved through the recommended precautionary approach to the increased hours. There are no objections to the retention of the high ball stop boundary fence at its full height in terms of residential and visual amenity.

Site Description

Hemel Hempstead Football Club (HHFC) adjoins the north eastern side of Vauxhall Road. Vehicular and pedestrian access are from the Vauxhall Road roundabout. The site features a clubhouse, car park, main pitch and the floodlit astroturf pitch.

The site's south eastern boundary adjoins the rear gardens of dwellings in Vauxhall Road and Leverstock Green Road. Land at Greenhills (HCC owned) abuts the ground's north western boundary. Adeyfield School's playing field abuts the ground's the south western edge.

The main pitch occupies the north eastern two third's of the site, featuring a NE- SW axis served by four 16m high floodlight columns. These replaced the 1970's floodlights.

The fenced/ enclosed floodlit astroturf pitch is located in the site's southern corner. Its south eastern side abuts gardens in Vauxhall Road. There is an acoustic fence and a high section of ballstop netting/ fencing adjoining the gardens.

The astroturf pitch was subject to recent planning permissions (see History below). Conditions 3 and 5 of the relevant Planning Permission 4/01156/10 for the astroturf pitch and an unbuilt a two storey accommodation building were imposed to safeguard the residential amenity of the area:

Condition 3.

This specified:

'The astroturf and floodlights only be used during the following times:

Mondays to Thursdays: 11.00 hours to 21.00 hours,
Fridays : 11.00 hours to 21.30 hours,
Saturdays : 11.00 hours to 20.00 hours, and
Sundays : 11.00 hours to 20.00 hours'.

Condition 5.

This specified:

'The retractable net shown by Drawing No. HHTTC 103 Rev A shall be installed fully in accordance with the approved details before the first use of the astroturf and floodlights hereby permitted. Thereafter at all times during the use of the astroturf all parts of the retractable net shown by Drawing No. HHTTC 103 Rev A shall be raised to its full height'.

Note: In granting permission for the floodlit facility the car park was to be rearranged. However, the car park was not changed in accordance with the approved scheme. This has been recently rectified.

Proposal

This is to vary both conditions.

1. Condition 3. Use of the Astro turf pitch. This proposes:

(a). Its permanent extended hours for Monday to Thursday from 09.00 to 22.00 hours and on Friday from 09.00 to 21.30 hours, and

(b). Its temporary extended hours of use for a 12 month period for Saturday from 09.00 to 20.00 hours.

Note: There will be no change to Sundays.

(For clarification there has been a change to the hours of use since the application's initial receipt. The first proposal was to commence at 09.00 hours, rather than 11.00 hours each day).

2. Condition 5. This proposes permanent retention of the ballstop retractable fence at its full height.

The additional hours are to provide for the increasing demand schools during term time, after school childrens clubs, , school holiday recreational clubs and young player schemes as well as for local 5-a - side teams.

The application is supported by a Club Management Plan.

For clarification there has been a change to the hours of use since the application's initial receipt. The first proposal was to commence at 09.00 hours, rather than 11.00 hours each day.

Club Management Plan for the Astro Pitch Use

This confirms:

The Club has successfully managed and operated its facility for many years, and more recently, the newly constructed Astro pitch, which has become a popular venue for the local community and Adeyfield School pupils.

A large proportion of the hirers are long-standing users of the facilities that existed prior to the Astro Pitch Training Area, and there had been no long term issues with them causing disturbance / inconvenience to the Local Community, by following the existing management strategy employed for the site.

Recently, HHFC has received minor comments on the conduct of the new users of the Astro pitch, and the proposal to extend the daylight hours, as set out in its application. It is therefore the Club's intention to re-evaluate, reinforce and pro-actively administer new requirements placed on hirers by re-emphasising the rules as set out in the Club's Hire Form and Contract Letter. These revised documents will set out the rules and regulations for the safe and considerate use of the Astro Pitch and the requirements with which the groups need to comply, during the hours of use.

In particular, due to the popularity of the new facility, HHFC intend to concentrate these efforts with regard to reducing noise levels and the language used whilst these groups are using the facilities and also how they enter and exit the car park.

HHFC intend to remind and inform new hirers of the facilities about the requirements placed on them through the Contract of Hire documentation.

New signs will be installed in the car park to channel people to designated waiting areas preferably away from adjoining properties as far as is practical. These signs will state that hirers should act in an appropriate manner whilst using the facilities and consider the local community at all times. The signage will also provide contact numbers should they wish to report any inappropriate behaviour from fellow users of the facility.

HHFC intend to monitor the facility during these additional hours requested so as to assess the impact on the local community. HHFC will monitor and record any issues raised by local residents during these periods. This will enable us to see the impact on the local residents, and to put in place any further revisions to our management strategy, as required.

If any issues are raised, HHFC will work in full collaboration with Decorum Borough Council, Environmental Health and the local community to resolve them to the satisfaction of all concerned.

HHFC do not envisage any disruption during these requested extra daylight hours, when many people are at their own place of work, generally away from the adjoining facility and their own dwellings.

Note: Signage has since been installed.

Pre Application Advice

This has been very extensive involving the withdrawal of a previous application and

modifications to the current application. This has been with due regard the liaison with Councillor Ron Tindall , the need to address outstanding conditions, the advice of the Environmental Health Unit and the representations from the local community.

The latest proposed times are HHFC's response/ outcome of this dialogue with the following changes since the initial proposals:

1. Sundays. The deletion of any change.
2. Saturdays. A request for a temporary change for one year to enable an environmental review after this 12 month period of use.

Note: HHFC was unable to agree to reductions to 21.00hours in the weekday evenings to compensate for the earlier times.

Referral to Committee

The application is referred to the Development Control Committee at the request of Councillor Ron Tindall so that residents may have an opportunity to place before the Development Committee their objections to the variation of hours of activity for the AstroTurf pitches.

Relevant Recent Planning History

Planning Permission 4/00503/09

The LPA's Development Control Committee supported the following subject to a range of conditions:

- the provision of an astro pitch on former 5-a-side area/tennis courts,
- floodlighting of the astro pitch, and
- the construction of changing/ancillary two storey accommodation block on the south western side of the ground.

The application was considered by two DCC meetings , following the application's initial deferral.

As confirmed below after decision 4/00503/09 the LPA considered and granted various versions of the approved scheme, with the floodlit astro pitch being installed. The various relevant conditions for Planning Permission 4/00503/09 were reinforced in various forms in the subsequent permissions. According to HHFC the two storey accommodation block will not be built.

Planning Permission 4/00045/10

This was for a larger two storey accommodation block in the same area as Planning Permission 4/00503/09. This building was 20m in length and 8.1m in width, being 5m longer and 0.6m wider than the previously approved scheme. The building's design was similar to Scheme 4/00503/09. There were associated changes to the internal layout.

Planning Permission 4/01046/10

This was for an alternative to the previous planning permissions for a two storey changing/ancillary accommodation block and a new spectator stand. It involved the provision of a combined accommodation block and replacement cantilever spectator stand on the ground's south eastern side.

Planning Permission 4/01156/10: Variation of Condition 6 (Floodlighting)

This was to utilise different floodlighting arrangements to the approved Planning Permission 4/00503/09 including alternative floodlighting column arrangements and associated astroturf pitch details. The scheme was supported by Sport England. The reduction of the lighting levels for 5 a-side/community purposes was a resultant significant benefit in terms of reducing light pollution and energy use.

Withdrawn Planning Application 4/ 01795/14/ROC.

This was to vary the hours of use under Condition 3 with the use starting each day at 09.00 hours rather than 11.00 hours. There was an objection from no.32 Vauxhall Road. At that time the Environmental Health Division raised no objections .

Through this application the LPA recognised the need for HHFC to address the breach of some outstanding conditions. There have been the associated meetings with HHFC and Councillor Ron Tindall over a substantial time period.

Submission 4/03492 /15/ DRC. Discharge of Conditions 6, 7, 12 and 13 of Planning Permission 4/01156/10

This is for lighting (Conditions 6 and 7) , the provision of a Green Transport Plan (Condition 12) and the approach to sustainable construction (Condition 13).

The lighting and sustainable construction submissions are acceptable. The LPA has not yet issued a decision as HCC Highways has required more information regarding the Green Transport Plan.

REPRESENTATIONS

Noise & Pollution

Initial Response

N & P has considered the proposal for the additional hour on the Saturday and the continuation of the approved Sunday hours. Although N &P may still receive complaints in relation to noise nuisance N&P consider it would be acceptable to deal with any noise issues from the site under the provisions of the Environmental Protection Act rather than the planning regime and would accept the new proposed times.

Management Plan

Having reviewed the additional statement N & P have no further comments.

Parks & Open Spaces

No objections.

Hertfordshire County Council: Highways

The assessment does not indicate any significant issues with the request to vary the opening times in terms of highway impact. The Highway Authority would not wish to restrict the grant of permission.

Hertfordshire Constabulary: Crime Prevention Design Advisor Crime Prevention Design Service

Initial Response

As regards designing out crime HC has no comment. With respect to lighting and any annoyance to residents this is a matter for the Council to resolve.

Management Plan

As above.

Hertfordshire Fire & Rescue Service

As this application is for change of hours of use HFRS has no comments.

Environment Agency

No adverse comments.

Sport England

- Initial Response

It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184). The LPA's consultation is therefore statutory and Sport England has considered the application in the light of the National Planning Policy Framework (in particular Par 74) and its policy to protect playing fields, 'A Sporting Future for the Playing Fields of England (see link below).

<http://www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/playing-field-land>.

The proposal is a resubmission of an application to vary Condition 3 of Planning Permission 4/00503/09 which relates to restrictions imposed on the planning permission for the hours of use of the artificial grass pitch. The original application (4/01795/14/ROC) was withdrawn. As this application would appear to be identical to the previous application, the following response is the same as that made to the previous scheme.

At present, use of the all weather pitch is not permitted before 11.00 hours in the mornings which prevents use of the facility before this time during the school holidays when soccer schools and clubs would need to start at 09.00 hours. Varying the condition would allow soccer schools/clubs to continue without breaching the planning condition.

The use of artificial grass pitches during school holidays for activities such as soccer schools and holiday clubs can play an important role in encouraging children and young people to participate in football on a long term basis. Such activities also provide an important revenue stream for facility operators which helps sustain artificial grass pitches as the revenue obtained is usually used in part for replacing the pitch carpet when it reaches the end of its natural life. In Sport England's experience extending the hours of use of an artificial grass pitch to allow use from 09.00 hours in the mornings is unlikely to have an unacceptable impact on residential amenity and in practice this period coincides with one of the peak periods of use of natural turf football pitches (Saturday/Sunday mornings) which rarely have restrictions imposed on their hours of use.

The proposal to vary the permitted hours of use during school holiday periods is therefore considered to have a positive impact on the use of the artificial grass pitch as it would increase the hours of use that the facility would be available for community sport and offers the football club more flexibility to deliver a community programme which is responsive to meeting local

needs and which would help sustain the facility. Therefore Sport England **does not wish to raise an objection** to this application and is supportive of the proposal as a non-statutory consultee for the reasons set out above

- Further Response

SP note from the information provided that the amendments relating to Condition 3 now propose that the hours of use of the artificial pitch will not be extended on Sundays as originally proposed and that the hours of use on Saturdays will be extended on a trial 12 month period and will be the subject of monitoring. The extended hours for weekdays are as originally proposed.

It is understood that HHFC has made these amendments to reach a mutually agreeable position with the Council in terms of the impact of the facility on residential amenity. While the community sports benefits of the amendments would be less significant than the previously proposed hours of use, the amendments would still increase the use of the facility during the Monday-Friday period and potentially increase (subject to monitoring) the Saturday hours so the proposals would still have a positive impact on the use of the artificial pitch from a sports perspective.

SP can confirm that Sport England has no objection to these amendments and that our formal position on the proposal would remain as set out in its previous response i.e. **no objection** is made as a statutory consultee.

Response to Neighbour Notification/ Site Notice

- Initial Response

32 Vauxhall Road. Objection due to noise and disturbance.HHFC already have extremely long hours which has an enormous impact on the family as the astroturf pitch is at the back of no. 32's house with 'yelling, screaming, ball slamming against metal posts and foul language'. To extend these hours would make the inhabitants of no. 32's lives even more unbearable. If HHFC were to start using the pitches from 09.00 hours then pitch users would start to gather in the car park at 08.30 hours when participants also shout, scream and kick footballs about which sometimes result in them being in no. 32's garden.

In the summer no. 32 often have to close the windows due to the noise but the little bit of rest bite that no. 32 presently experience in the morning 'is a blessing'. To also take that time from no. 32 is very upsetting.

4 Vauxhall Road . Loss of parking making it even worse for local residents.

28 Vauxhall Road. Objection. I object to this due to the noise level already present from the HHFC and it is likely to get worse. nO. 28'S oung children already hear bad language from the astro turf and the constant thwacks on the metal fence . There is no need to increase this problem. Additionally aready there are customers of the asstro turf constantly jumping the wall into the garden to retrieve balls or just to look for them. There have been people on the attached outhouse apparently searching for balls in neighbours gardens. There are associated security issues. The parking is already terrible from match days and competitions with people parking on the roundabout and blocking no. 28's drive.

- Further Response: Proposed Management Plan

32 Vauxhall Road. Reinforce the initial objection.

4 Vauxhall Road . Nos 2 to 10 oppose the application as it will make parking more difficult because parking spaces are being reduced.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance

Dacorum Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS23 – Social Infrastructure
CS25 - Landscape Character
CS26 - Green Infrastructure
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 51, 54, 58, 61, 63, 73, 99, 113
Appendices 5 and 8

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Supplementary Planning Guidance/ Documents

Environmental Guidelines

Councils Playing Pitch Strategy and Action Plan (June 2015)

Considerations

Policy and Principle

Context :Support for Leisure as part of Dacorum's Social Infrastructure

New development on designated **Open Land** is subject to Dacorum Core Strategy Policy CS4 and saved Dacorum DBLP Policy 116. DBLP Para 116.1 explains much leisure space is

protected from development because it is held as public open space and required to meet accepted standards of provision.

Core Strategy Part 15 addresses the Borough's Social Infrastructure . This includes open space, outdoor leisure and indoor sports facilities. Core Strategy Para 15.1 confirms the well-being of Dacorum's communities depends on having the appropriate social infrastructure which is essential to provide the facilities and services which underpin quality of life and deliver day-to-day living needs. Open space, outdoor leisure and indoor sports facilities are an essential ingredient of this provision. Core Strategy Policy CS23 expects that existing social infrastructure will be protected unless appropriate alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer viable.

Deficiencies in leisure space in the Borough have been identified. Under Core Strategy Para 15.21 the Council will use existing land and buildings to rectify deficiencies in leisure space and help respond to changing recreational and leisure demands. Land already identified as existing open space and leisure space will be protected and enhanced. Other opportunities for sport and recreation will be supported.

New development on designated Open Land is subject to Core Strategy Policy CS4 and DBLP Policy 116.

In terms of DBLP Policy 116 the following criteria must be satisfied if such ancillary development is to be supported:

(a) the location, scale and use of the new development must be well related to the character of existing development, its use and its open land setting; and

(b) the integrity and future of the wider area of open land in which the new development is set must not be compromised.

Also measures to conserve and improve the attractiveness, variety and usefulness of all open land will be investigated, encouraged and promoted.

Overview

The proposed additional hours are to increase the availability of the established astroturf pitch. With due regard to the facility's existing important community role the proposed increased use - especially during the period between 09.00 and 11.00 during school holidays and Saturdays - will reinforce this community role in a positive way as confirmed by Sport England. The retention of the ball stop retractable fence/ net in a permanent high position will adequately relate to the site's existing character .

Environmental Implications: Visual and Residential Amenity including Light Pollution.

Given the Council's previous support for the floodlit facility the principle of this ancillary use is established, the fundamental question is whether in providing additional hours the more intensely astro turf pitch use can harmoniously coexist with the adjoining residential environment, as referred to below.

This is with regard to the day and night time impact in terms of the visual impact of the retained ball stopping fence height, noise and disturbance and light pollution. This is with reference to in particular Policies Dacorum Core Strategy Policies CS12 and CS32 and DBLP Policy 113 and Appendix 8. It is also with due regard to the advice of the Council's Environmental Health Team and Sport England, local representations and that the lighting installation is non problematical.

1. Visual Implications of the Fence

Although the ball stopping fence is proposed to be maintained at its full height this should not be detrimental to the area's appearance or to the residential amenity of nearby dwellings.

2. Additional Hours: Noise, Disturbance and Lighting

As confirmed the existing lighting installation is acceptable.

There is a need for a balance between providing sporting facilities and safeguarding the residential amenity of local residents. There were 29 letters sent to local residents, with some representations/ objections from the local community.

Objections have been maintained following the submission of a Management Plan and HHFC's preparedness to agree to delete any change to the Sunday use.

In summary the proposals involve the following increased use involving 16 additional hours each week:

Day time. 12 additional hours (2 per day) each week from 09.00 to 11.00 hours Mondays to Fridays and for one year 09.00 to 11.00 on Saturdays.

Evening. 4 additional hours (1 per day) from 21.00 to 22.00 hours Mondays to Thursdays.

As confirmed HHFC was requested through the various discussions whether it would be able to reduce the 21.00 hours to 22.00 hours period, as well as reviewing the Saturday and Sunday morning uses.

In terms of residential amenity HHFC's preparedness to eliminate any change to Sundays is very positive. For Saturdays a temporary one year permission to review the impact of the additional Saturday use represents a balance between supporting the additional community use on a day historically associated with football and assessing the impact upon the residential amenity in terms of noise and disturbance. This is with due regard to the Management Plan's effectiveness over a reasonable period.

The earlier morning starts are primarily for school holiday uses this can be addressed by a condition, notwithstanding that these are variable each year. This will limit the use outside these periods.

The later evening uses are most sensitive during the 4 month period summer period (May to August) with an inevitable inbuilt greater impact close to houses and gardens as compared to the 'environmentally vulnerable' September and April period which also coincides with the main winter football season when training pitches are more likely to be required. Supporting the extension of hours between September and April for up to 22.00 hours Mondays to Thursdays is an appropriate balance between the provision of additional hours and safeguarding amenity in those summer months. Recommended Condition 1 addresses this.

Highway Safety/ Access/ Emergency Access/Parking/ Traffic Generation/ Sustainable Location /Inclusive Access/ Access for Persons with Disabilities

There are no objections based upon the Council's consideration of previous applications. The astro turf pitch will not be available for hire when there are matches at the main pitch.

This overview takes into account recent reinstatement of the original parking layout and the responses from HCC Highways and Hertfordshire Fire & Rescue Service and that a Green Travel Plan is a requirement of the original permission

Crime Prevention/ Security

Hertfordshire Constabulary Crime Prevention Design Officer raises objections.

Other Material Considerations: Ecological/ Biodiversity, Landscaping, Flood Risk, Drainage, Contamination, Sustainable Construction and Environmental Impact Assessment Implications

Set against the current policies , background history, consultation responses, site conditions and the application's purposes there are no apparent objections. An Environmental Impact Assessment is not necessary.

Conditions

Based upon established practice where there is a proposed variation / removal of a condition(s) of a planning permission the LPA will review other conditions.

In this case the recommended conditions reflect this process. It will be noted that a range of recommended conditions address the construction of the two storey building. Although HHFC has verbally advised this is not to be built it is not part of the application to vary conditions and therefore the conditions regarding the building are updated.

Article 35

There has been very extensive dialogue between the local planning authority and HHFC in accordance with the expected Article 35 procedures.

Conclusions

The Council is very supportive of the provision of sporting and community facilities within the Borough.

In initially supporting the astroturf pitch the Council acknowledged HHFC's community role which is reflected by the level of demand for its use and hence the current proposal.

There has to be a reasonable and very careful balance between providing sporting facilities and safeguarding the residential amenity of local residents. In this respect there are some local objections due to the existing impact attributable to the use of the astroturf pitch. These objections have been maintained with the submission of a Management Plan and HHFC's preparedness to reduce the initially proposed hours of use.

The earlier morning starts will enable the community to benefit during school holidays as explained by Sport England. A temporary one year permission to review the impact of the additional Saturday use and limitations upon extended evening hours between May and August represents a balance between supporting the additional community use and safeguarding the residential amenity of the locality.

Although the total increase in hours falls short of HHFCs requirements recommended Condition 1 reflects the balanced precautionary approach, with nonetheless the additional hours benefiting the sporting community in an inclusive way.

The permanent retention of of the ballstop fence at its full height is acceptable.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to

above and subject to the following conditions:

1 Notwithstanding the submitted details the astroturf pitch and floodlights hereby permitted shall only be used during the following times:

Mondays to Thursdays: Between 09.00 hours and 22.00 hours for the period between 1 September to 30 April each year, subject to the use between 09.00 hours and 11.00 hours being only during school holidays.

Mondays to Thursdays: Between 09.00 hours and 21.00 hours for the period between 1 May to 31 August each year, subject to the use between 09.00 hours and 11.00 hours being only during school holidays.

Fridays: Between 09.00 hours and 21.30 hours, subject to the use between 09.00 hours and 11.00 hours being only during school holidays.

Saturdays: Between 09.00 hours and 20.00 hours for a period of 12 months only as from the date of this decision, and

Sundays: Between 11.00 hours to 20.00 hours.

Reason: In the interests of safeguarding at all times the residential amenity of the locality in accordance with the requirements of Policies CS12 and CS32 of the Dacorum Core Strategy. The temporary use of the astroturf for 12 months will enable the local planning authority to assess the impact of the use on Saturdays.

2 The existing acoustic fence between the astroturf pitch and the rear gardens of the dwellings in Vauxhall Road shall be retained at all times.

Reason: In the interests of safeguarding at all times the residential amenity of the locality in accordance with the requirements of Policies CS12 and CS32 of the Dacorum Core Strategy.

3 The existing retractable net located between the astroturf pitch and the rear gardens in Vauxhall Road shall be retained at all times at its full height.

Reason: In the interests of safeguarding at all times the residential amenity of the locality in accordance with the requirements of Policy CS12 of the Dacorum Core Strategy.

4 The existing floodlighting shall be maintained with at all times fully in accordance with the Training Area Rev 4 and Rev 4 Spillage Charts dated 15 July 2010 details and including the lower level of luminance shown by Document 5 Rev 4 Parts 3.2 and 3.3 when the astroturf pitch floodlighting shall only be used for five-a-side football or local community recreational football.

Reason: In the interests of safeguarding the residential amenity of the area and the local environment in accordance with the requirements of Policies CS12 and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan.

5 The existing car park shall be retained at all times fully in accordance with Drawing No 275-6-6 Rev C and shall only be used for the approved purposes. Before the accommodation block hereby permitted is first brought into use, the fire access, arrangements for access for persons with disabilities (for both the main pitch through the relocated turnstile and the accommodation block)

and the disabled parking spaces shown by Drawing No. 275-6-6 Rev C shall be provided at all times.

Reason: To ensure that there is an acceptable parking layout serving the site with due regard to the need to provide safe fire/emergency access and for persons with disabilities in

accordance with the requirements of Policies CBS 8 and CS12 of the Dacorum Core Strategy.

- 6 **Within 6 months of the date of this permission a Green Travel Plan shall be submitted to the local planning authority for its approval in writing. The Travel Plan shall provide details of measures for reducing car dependency and the need to travel to site by car whilst promoting alternative modes of transport such as walking, cycling and use of public transport. The approved Travel Plan shall then be implemented in accordance with the approved details within 3 months of the date of its approval in writing by the local planning authority. The Travel Plan shall then be operated for at least 1 year from the date of its first implementation. During this period the effectiveness of the Travel Plan shall be monitored by the operator. At the end of this period the monitoring results shall be submitted to the local planning authority in writing and the Green Travel Plan shall be maintained at all times unless otherwise agreed in writing by the local planning authority.**

Reason: To accord with the principles of sustainable transportation in accordance with Policy CS8 of the Dacorum Core Strategy.

- 7 **The existing hedge on the south western side of the site shall be retained at all times.**

Reason: In the interests of visual amenity and biodiversity In accordance with in accordance with the requirements of Policy CS12 of the Dacorum Core Strategy.

- 8 **No development shall take place upon the construction of the two storey accommodation block hereby permitted until samples of the details proposed to be used on the external walls and roofs shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

Reason: To ensure that the extended building complements the existing character and appearance of the area to accord with the requirements of Policy CS12 of the Dacorum Core Strategy.

- 9 **Two bat boxes and two nesting boxes for birds shall be installed on the rear elevation of the accommodation block hereby permitted before its first use and shall be thereafter retained at all times.**

Reason: In the interests of biodiversity in accordance with the requirements of Policy CS29 of the Dacorum Core Strategy.

- 10 **Prior to the commencement of the two storey accommodation block development hereby permitted, plans and details showing how the development will provide for renewable energy and conservation measures, and water conservation shall be submitted to and approved in writing by the local planning authority. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

Reason: In the interests of sustainable construction to accord with the requirements of Policy CS29 of the Dacorum Core Strategy.

11 **All surface water shall be attenuated by soakaways.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development to accord with the requirements of Policies CS29, CS31 and CS32 of the Dacorum Core Strategy.

12 **All the high level windows for the disabled toilet and showers serving the changing room hereby permitted shall be fitted with obscure glass at all times.**

Reason: In the interests of amenity in accordance with the requirements of Policy CS12 of the Dacorum Core Strategy.

13 **Any new exterior lighting for the accommodation block hereby permitted and the car park shall only be installed fully in accordance with details submitted to and approved in writing by the local planning authority and thereafter retained and maintained fully in accordance with the approved details.**

Reason To safeguard the local environment in accordance with the requirements of Policies CS12 and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan.

14 **Subject to the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following plans:**

275- 6-4 Rev E, 275-6-1 Rev A (Location Plan), 275-6-5 Rev A (Indicative Layout)

275-6-08 (3) Rev A, 275-6-6 Rev C , HHFCTR/1, 275-6-3 Rev E, 275-6-4 Rev E HHTFC/03 Rev A, HHTFC/02 Rev A, HHTFC/04 and HHTFC/05 Rev A

Lighting Drawings Rev 4 and Rev 4 Spillage Charts dated 15 July 2010) including the isolux contours within the gardens and dwellings of the adjoining dwelling houses.

Document 5 Rev 4 Parts 3.2 and 3.3 shall be provided when the astroturf floodlighting is only used for five-a-side football or local community recreational football.

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

ARTICLE 35 STATEMENT

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

