



Town and Country Planning Act 1990, Section 78 Appeal

For and On Behalf of LW Developments Ltd

Cheshunt Football Club, Theobold's Lane, Cheshunt

Planning Application Reference 07/18/0514/F

Planning Inspectorate Reference APP/W1905/W/21/3271027

Proof of Evidence on Planning Matters
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reduced, and they were moved further from the site's boundary, with further landscaping proposed. Officers supported this application (as they had the previous one), and I was confident that the reasons for refusal had been addressed.

- 1.8 The SOCG records that the Planning Committee first considered the revised application in December 2018, when they resolved to refuse the application for a single reason, relating to the impact on the openness of the Green Belt. None of the other previous reasons for refusal were cited, and it appeared clear at the time that the Committee had accepted they had been adequately addressed.
- 1.9 At this time the site had been included within the Council's Regulation 19 Pre-Submission Local Plan (November 2017), as a proposed allocation, and the land was proposed to be removed from the Green Belt. The SOCG notes that Officers sought legal advice, and resolved to hold the application in abeyance, awaiting the adoption of the Local Plan. Officers made it clear to LW Developments that they expected the application to be approved once the only apparent obstacle, Green Belt, was removed upon the adoption of the new Local Plan.
- 1.10 In light of the above, it was surprising when the Planning Committee resolved to refuse the application for four reasons which had no basis either in the professional advice they had received from Officers, or their previous consideration of this application.
- 1.11 Whilst the Planning Committee have shown themselves to be content to operate independently of professional advice, the Council now has a professional team presenting its case for the appeal. Accordingly, the Council are no longer pursuing the second reason for refusal, relating to air quality matters. In relation to the first reason for refusal, I understand that the Council have also confirmed that they are not disputing that the development is not financially viable.

Considering This Appeal

- 1.12 The appeal must also now be considered in light of the fact the site is allocated for the same development that is proposed; the Local Plan policy was specifically modelled on the appeal proposals, and it is common ground between the Council and Appellant that the proposals comply with that policy. The site is also no longer within the Green Belt. Moreover, the presumption in favour of sustainable development now applies, due to the shortfall in both the delivery and supply of housing.
- 1.13 No mention was made of the presumption in favour of sustainable development within the Officers' report to the planning committee, or the Council's decision notice. It is not at all clear that either Officers or the members of the Planning Committee took all of the relevant factors into account when determining the planning application.
- 1.14 I have set out within the Proof of Evidence the matters which I consider are relevant to the determination of the appeal, and a response to the reasons for refusal which the Council are still pursuing. I have also set out my view on the appropriate planning balance in this case, which is very strongly in favour of granting planning permission.

2. Context

The Appeal Site and its Surroundings

- 2.1 I was the author of the descriptions of the appeal site within the Planning, Design and Access Statement (PDAS, CD 1.3), and the Appellant's Statement of Case. I have therefore not sought to further describe the appeal site or its surroundings, other than in Section 4 and Appendix 3 of this Proof of Evidence, where I consider these matters in relation to the Council's fourth reason for refusal.

Sustainable Location

- 2.2 The Statement of Common Ground (SoCG) confirms that the site is within walking distance of Theobold's Grove railway station, which provides regular connections to Liverpool Street station in central London. The railway station is also on a number of bus routes, which provide connections to the wider area. There are also a number of schools within walking distance of the site, including Holy Trinity Primary School (a 5-10 minute' walk), and St Mary's High School (a 16 minute' walk). And there are a range of shopping facilities within the local area, including convenience shops c. 5 minutes' walk away, on Crossbrook Street, and Waltham Cross and Cheshunt town centres are both within around a 10-15 minute walk. Further details are set out within Section 4 the PDAS.
- 2.3 I consider that the site is in an entirely suitable location for the proposed development. This is reflected by the appeal site's allocation for the proposed development, by Policy CH7 of the Local Plan.

The Appeal Proposals

- 2.4 The proposed development is set out in detail within the PDAS and application drawings. A summary of the proposals is included within the SoCG.

Matters Agreed

- 2.5 It is agreed within the SoCG that the proposed development would not cause any unacceptable adverse effects with regard to matters relating to the highway network and road safety, ecology and heritage assets. I have accordingly not commented further on these matters.

3. The Development Plan

Policy CH7

- 3.1 Policy CH7 is of central importance to any planning application or appeal relating to development on the appeal site. It concerns the site exclusively, and it was written in expectation (and indeed in response to) the proposed development. It is a brief policy, and I have repeated its text below for convenience:

“Cheshunt Football Club will be developed as a mixed sporting, community, commercial and residential development comprising:

- 1. Enhanced facilities and football stadium;*
- 2. A development of approximately 4,000 square metres net floorspace for community, business, leisure and ancillary retail uses;*
- 3. Approximately 165 new homes.*

The site will be developed in accordance with a comprehensive masterplan. Incremental development of the area will be resisted.”

- 3.2 The SoCG states at paragraph 5.1 that Policy CH7 is “a key matter” in the consideration of this appeal. It also states at paragraph 5.2 that “the appeal proposals comply with the requirements of this policy”.

What the Policy Envisages, and the Appeal Proposals’ Response

- 3.3 The policy, its supporting text, and the accompanying Figure 6, together set out a number of requirements for a new development on the appeal site. This includes the quantum of homes, which at “approximately 165 dwellings” is almost identical to the appeal proposals, which are for 163. It also requires “approximately 4,000 square metres net floorspace for community, business, leisure and ancillary retail uses”, which exactly reflects the proposals for the western block.
- 3.4 This very close correlation is the result of the Council having worked with LW Developments, in the drafting of the Local Plan’s text, to ensure that the policy which related to this site very specifically reflected the proposed development. At the Pre-Submission stage (published in November 2017), Policy CH7 was extremely brief, with the whole policy reading as follows:

“A development of c. 165 new homes, community and commercial floorspace is proposed at Cheshunt FC to enable the development of the Cheshunt FC Stadium.”

- 3.5 This text was expanded to the current version of the policy, both following our representations suggesting that the policy needed to be more detailed in order to meet the Local Plan soundness test of being effective, and also in relation to the Local Plan Inspector’s similar requirements relating to town centre uses (of which some were proposed by the

application, and envisaged in the allocation, e.g. retail, offices and cafés). The Council was obliged to make the policy specific in relation to the number of homes and amount of floorspace for town centre uses, in order to meet the soundness tests as set out by the Inspector; no similar change was made in relation to the enhanced football club facilities and stadium as the Inspector did not indicate to the Council that it was required for soundness.

- 3.6 The change to the Policy's text was made in the Council's proposed schedule of Main Modifications in November 2018, some six months after the application to which this appeal relates had been submitted to the Council. The Council's Matter 6 Statement to the Local Plan Examination (see my Appendix 1), mentions this planning application, when justifying the amount of housing proposed, in response to the Inspector's question 120:

*"The figure of 165 dwellings has been derived through a number of iterations of masterplanning work undertaken by the site promoters and subject to detailed scrutiny and review. **Having regard to this work, a figure of 165 units is considered suitable in order to achieve the objectives set out in the Local Plan.** The Council is currently in receipt of a planning application for the above which seeks to address the planning committee's reasons for refusal of an earlier proposal."* (my emphasis)

- 3.7 Whilst the only element of the policy which is not clearly defined in terms of quantum is the "enhanced facilities and football stadium", the word "enhanced" nevertheless clearly indicates that these would be greater than the current facilities. The initial capacity of the proposed stadium, as proposed by this appeal, is slightly lower than the existing stadium's capacity (2,000 people, compared with 2,180)¹. However, as Mr Williamson's evidence clarifies, the proposals would provide the built infrastructure required to allow the Club to advance up to the football league. The limit of 2,000 spectators is a planning limit, but not a physical limit; the proposed stadium could accommodate 1,330 seated spectators², with space for further spectators standing, but a further planning permission would be required to expand its permitted capacity beyond 2,000 people.
- 3.8 Given that the policy requires an enhanced football stadium, I consider it is clear that the new stadium should ultimately be able to have a higher capacity than at present, and also be of a better quality, being built to meet modern requirements. I consider that the proposed stadium would achieve these requirements.
- 3.9 Policy CH7 also refers to enhanced facilities for the Club. The existing facilities are ageing, and in need of replacement, and they would in any case need to be demolished in order to allow for the construction of the western block. It is clear that the policy envisages them being

¹ The approach of limiting the stadium's permitted capacity to 2,000 people stems from the Planning Committee's rejection of the previous planning application, which proposed over 5,000 spectators. That application was proposed to be limited to 2,000 spectators by a planning condition, but the description of development proposed over 5,000 spectators. It was envisaged that the capacity could be increased in future, up to the level of 5,192, through applications made pursuant to s73 of the Act, to alter the relevant planning condition (noting that s73 does not allow for a change to the description of development). The planning committee did not understand this approach, despite the explanations provided by Officers, and the capacity of 5,192 spectators was used as a reason for refusing the application, due to concerns over the impact on the local roads from over 5,000 spectators. The Appellant amended the subsequent application proposals in order to avoid a repetition of the same situation.

² I note that the Appellant's Statement of Case incorrectly states at paragraph 5.2 that the proposed capacity is for 2,000 seats; it is in fact for 1,330 seats, and a maximum permitted capacity of 2,000 spectators.

replaced within the site, in an enhanced form. Again, I consider that this implies that they would need to be both larger and of a better quality, in order to comply with the policy.

- 3.10 The need for both the stadium and football facilities to be larger is rooted in the Club's aim, which I have always understood to be shared by the Council, for it to grow over time. Paragraph 7.17 of the Local Plan (CD 5.1) states the following:

*"Cheshunt FC is proposing to progressively redevelop the stadium for sporting, commercial and community activities. This development would be financed through the construction and sale of new homes... **The Council is supportive in principle of this development.**"*
(my emphasis)

- 3.11 Returning to the Council's Matter 6 Hearing Statement for the Local Plan Examination, the Council's response to the Inspector's Question 122 is also illuminating in this regard:

*"The intention of the policy is to enable the redevelopment of the stadium to create a **first class sporting, leisure, community and business facility for the Borough.** Whilst the scale and precise circumstances are different, the Council has already successfully pursued this model with Rosedale Sports Club. The housing consists of apartments around the flanks of the stadium and an interlinked estate of houses that will connect to the existing urban area. In the absence of this totality of housing, **the sporting / community development will not happen and that would be a substantial loss to the Borough.**"*
(my emphasis)

- 3.12 It is clear from the above that the Council made the decision to allocate the site for precisely the development which is proposed, on the basis that it viewed the enhanced football club facilities as being something which would provide a public benefit. It is also clear that these facilities were envisaged as being a significant enhancement, which would be of a "first-class" standard. Whilst LW Developments have done what they can to improve the existing buildings, Mr Williamson notes in his evidence that these buildings are coming close to the end of their economic use, and their limitations would restrict the Club's future growth; there is in my opinion no way that these facilities could be described as being of a first class standard, either in terms of their size or quality. This is the reason Policy CH7 seeks "enhanced facilities". Until the publication of the Council's Statement of Case (SoC) in relation to this appeal, as far as I am aware, they have never before suggested that the provision of football club facilities would be anything other than a substantial public benefit. This view was also reflected in the Officers' report to the Planning Committee (CD3.5), which concluded as follows (at paragraph 8.40):

*"The development of the stadium, the football club facilities and the community / commercial block are not inherently viable in their own right. These would not therefore take place in the absence of a substantial housing development to pay for those facilities. The enabling development of the wider complex has therefore been accepted by the Council through the allocation of this site within the draft Local Plan. The conclusion drawn from the viability assessment is that should this development proceed, affordable housing and other obligations cannot be afforded. If the application is to be approved and those obligations foregone, members should be satisfied that the overall benefits to the community would justify approval. **Officers are satisfied that the securing of the long term future of a profitable and successful football club and its associated community programmes represents a major community asset to provide that justification.** The new stadium, club house and community/commercial block will provide*

for wider community activities and an overall centre of sporting excellence that would mirror the successful Rosedale Sports Club development. They could also provide for a significant increase in financial returns to the Councils that would provide returns to the community.” (my emphasis)

- 3.13 Officers could not have been clearer in their view that the proposed football club facilities would be a public benefit, or “a major community asset”.
- 3.14 The Planning, Design and Access Statement (CD 1.3, paragraph 7.15) also highlights that Sport England have identified that the proposed development would provide a particular benefit. This is further evidenced in their consultation response to the planning application (included as my Appendix 2). This confirms firstly that the appeal proposals meet their policy requirements because, whilst some poor quality grass football pitches would be lost, the overall provision would improve the quality of the football facilities available in this location. Sport England also recognise that the appeal proposals are part of a programme of works, already begun by LW Developments with improvements such as the new 3G pitch and enhanced grass pitches to the north of the stadium. They identify that with the addition of the second 3G artificial grass pitch (AGP) proposed by this appeal, there would be a benefit to the community, as follows:

“The existing grass pitch is restricted to first and reserve team match use in order to preserve its quality which restricts any wider use of it by the club and the community. As set out above, the recently built AGP is already used to capacity at peak times and Broxbourne Borough Council’s Leisure Strategy has identified a need for up to two further 3G AGPs in the Borough for meeting community football and rugby needs. The provision of two 3G AGPs on the same site together with the grass pitches would also offer the potential for a strategic community football hub to be created on the site which is a concept that the Football Association are encouraging on suitable sites such as this in order to maximise community football development benefits.”

- 3.15 This also clearly shows that the proposed football facilities would provide a community benefit. This would accord with the Council’s intention in drafting Policy CH7, and its specific requirement for enhanced football facilities. In addition, Sport England’s consultation response notes that the provision of sports facilities within the western block could address specific needs relating to other sports, identified in the Council’s Leisure Facilities Strategy. Further to this, they identify a benefit in co-locating facilities for different sports within the site, in a “sports village”, which can help to sustain participation in sport within the local community. The facilities which would be included in the western block are not yet fixed, as they cannot be until the end users are known (which is itself dependent on planning permission being granted); the mix can be the subject of future discussions with the Borough Council and Sport England.
- 3.16 The question of why the Club needs to grow over time, and the benefits this would bring, is also addressed in Mr Williamson’s evidence. He explains the way that the Club already benefits the local community, and how it would be able to offer further substantial benefits if it were to grow in size, and resources. These benefits would be directly related to the scale and standard of facilities it had, which would for instance allow it to run a greater number of teams, benefitting an increasingly diverse range of local people. Benefits would also arise from an improvement in the Club’s financial security, as it would be able to run more events which benefitted the community and local charities and schools, facilitated by its being able to employ more people.

Policies PO1 and H2

- 3.17 The Council's first reason for refusal cites policies PO1 and H2, claiming the following:
1. *"In the absence of any inclusion of affordable housing and contributions to community facilities that would mitigate the impacts of the development, the development fails to deliver a balanced package of planning obligations contrary to Policies PO1 and H2 of the Broxbourne Local Plan 2018 – 2033."*
- 3.18 Policy PO1 requires the provision of planning obligations. It contains a caveat noting that contributions will be sought where *"financially viable"*. The policy's supporting text clarifies that where planning obligations would render a development financially unviable, an open-book viability assessment is required, which will be considered by an independent specialist appointed by the Council. This exercise was undertaken on the Appellant's behalf by Mr Maidment of Savills, with input from Paul Wallace Commercial, Lanes and Madlins on matters relating to sales values and construction costs. This was agreed with an independent specialist appointed by the Council, Mr Wade, who confirmed that he had no objections to the viability assessment (CD 1.39). Accordingly, Officers raised no objections to the proposals on the grounds of financial viability in their reports to the Planning Committee.
- 3.19 Policy H2 requires the provision of affordable housing on all proposals for 10 or more dwellings, or where sites are over 0.5 Ha in area. This would include the appeal site. However, part VII of the policy clarifies that applications which fall short of the level of provision normally expected will *"be acceptable where they are accompanied by a full economic appraisal of the development costs and anticipated values"*. As with Policy PO1, the supporting text clarifies that viability assessments must be subject to an independent assessment by an independent consultant, to be appointed by the Council.
- 3.20 The Council's Statement of Case (SoC) seeks to further explain the first reason for refusal as follows:
- 2.3 *"The Council considers that the football club works are disproportionate to the scale of the club and that these are set at a scale that maximises returns to the Club at the expense of affordable housing and infrastructure / community planning obligations and the wider public good. As the viability appraisal provides for monies to be used to subsidise the business itself, there is also the potential for this to be used to enhance the profits obtained by private investors in the business, which would also be disproportionate."*
 - 2.4 *Local Plan policy CH7 does not allow for any amount of club facilities or club-related contributions irrespective of their cost and irrespective of their effect on the development's ability to contribute towards infrastructure and community facilities under other policies of the plan..."*
- 3.21 It is striking to see how the language used in the Council's SoC contrasts with that which is used in the Local Plan, the Council's Matter 6 Statement, and the committee report, all quoted above. Enhancing the facilities for Cheshunt Football Club would very clearly provide benefits for the local community, and I have noted above that this was previously the Council's publicly stated view. I agree with the Council's previous statements, that the appeal proposals, and particularly the *"enhanced facilities"* for the Club, would provide a *"major community asset"*, and

that if these benefits were not to be provided, this would constitute “*a substantial loss to the community*”.

- 3.22 The Council is simply wrong to suggest that reducing the scale of the footballing facilities would result in an opportunity to provide affordable housing. The proposed development has been subject to a viability assessment, which was accepted by the Council during their consideration of the application (CD1.39). A note from the Head of Planning, appended to the end of the third committee report (CD 3.5) clarifies that the development is only financially viable, without the provision of affordable housing, because the developer has agreed to take a greatly reduced profit. The note further clarifies that this had been calculated as being only 3.5% profit on cost, well below what it terms “*a more standard profit of 15% on cost*”. It also proposes an open-book appraisal of the development as built, with any profit above the more standard 15% to be shared between the Council and the developer. The note concludes as follows:

“For the Council as planning authority in determining this planning application, that proposition represents a reasonable threshold above which any additional planning obligations should be sought. In the event that the profit exceeds this figure, the section 106 would build in provisions for a share of additional profits to cascade into planning obligations – being affordable housing and local infrastructure.”

- 3.23 The simple principle, which is clear from this, is that the developer is effectively subsidising the proposed development. If they were to take a more standard 15% profit (or more as Mr Maidment concludes would be justified), it would not be possible to afford any of the enhanced footballing facilities, or other community facilities within the western block. This is a point which is entirely missed in the Council’s SoC.
- 3.24 However, for completeness, Mr Maidment’s evidence considers afresh not only all of the figures from the previous viability assessments, but also the question of whether reducing the scale of the footballing facilities would allow for the provision of an element of affordable housing. This evidence has the benefit of an updated appraisal both of the costs, and the expected sales values. It has also been updated to reflect other changes, such as the fact that ground rents are not expected to be applicable in the future. It also assumes that the developer would need to make a reasonable profit before affordable housing could be provided; this follows the approach which had previously been agreed with the Council, as indicated in the Head of Planning’s note at the end of the committee report.
- 3.25 Mr Maidment’s evidence demonstrates that it is only if the footballing facilities were removed in their entirety that the development could provide a limited element of affordable housing. However, such an approach would fail to accord with the requirement of Policy CH7, for the provision of “*enhanced facilities and football stadium*” for the Club. Mr Maidment’s evidence also shows that even providing facilities at half the cost proposed by this application would not result in a viable development which could afford to provide affordable housing.
- 3.26 I also note that Mr Williamson’s evidence considers the question of whether the proposed footballing facilities are proportionate to Cheshunt Football Club. He demonstrates that the proposals are entirely consistent with those proposed by other clubs of a similar level, and they are by no means excessive.
- 3.27 I have noted above that LW Developments are effectively taking a financial risk with the proposed development, by operating on the basis of a very small profit margin. I have worked

for them on several other projects, over the course of the past 6 years, and I am aware that this is not an approach they would normally take.

- 3.28 The question of why LW Developments would choose to take a different approach in this instance is answered in Mr Williamson's Proof of Evidence, and also the Planning, Design and Access Statement which accompanied the planning application (CD1.3, Sections 2 and 3). They have not become involved with the Club for financial gain, and they have so far spent much of their own money, and a substantial amount of their Directors' time, in trying to firstly save the Club from ruin, and then enhance its facilities and increase the benefits it offers to the community. They may recoup their losses to date, and perhaps more beside, but they will not make a substantial profit from this development.
- 3.29 In addition, the s106 agreement being prepared to support the appeal requires that the actual profit received should be considered, through an open-book approach following the completion of the development. This approach would ensure that, should the development prove to be more profitable than had been expected, it would be possible to provide further funding for planning obligations. The terms of such an arrangement are at the time of writing to be defined within the s106 agreement.
- 3.30 With regard to future rental income which the Club would gain from the development, Mr Williamson's evidence clearly shows that this would be recycled back into the Club. This would be ensured by the Club's own Articles of Association, as a limited company (Cheshunt Sports & Leisure Ltd), which were drawn up under Mr Williamson's tenure as Chairman. These specifically require profits to be re-invested in the Club, and for the Directors to *"make football, operational and commercial decisions to ensure that a team representing the town of Cheshunt plays football at the highest possible level within the national football structure"*. It would be incompatible with these Articles of Association for the Directors to take the profits out of the Club, for their own gain.
- 3.31 It is clear that it is not financially viable for the developer and the proposed development (which complies with the requirements of Policy CH7) to provide the further planning obligations which are sought by the Council. I consider it is clear that this has been demonstrated, as required by policies PO1 and H2. I consider that the proposed development accords with these policies.

Policy EQ1

- 3.32 The Council's third reason for refusal contends that the proposed development would fail to accord with Policy EQ1, as follows:
3. *"The development would have an unacceptable impact on the amenity of the residents in Montayne Road bounding the site by way of overlooking and the perception of being overlooked, contrary to Policy EQ1 of the Broxbourne Local Plan 2018-2033."*
- 3.33 Policy EQ1 states the following:
1. *"All proposals for development within the urban area must avoid detrimental impacts on the amenities enjoyed by the occupiers of neighbouring properties in terms of daylight, sunlight, outlook and overlooking."*
- 3.34 The Council's Statement of Case clarifies that the Council's objection to the proposed development relates *"to both the actual harm caused and that arising from the perception of being overlooked, which would be exacerbated by the higher ground levels"*. It goes on to suggest that *"the permanent presence of the residential development together with the associated use and movements"* makes this a more problematic use than the alternative option, of positioning football spectators on the land, albeit substantially higher and closer to the boundary.

The Council's Supplementary Planning Guidance

- 3.35 Policy EQ1 does not give any specific guidance as to what unacceptable detrimental impacts in terms of outlook and overlooking may be. However, the Council's Supplementary Planning Guidance (SPG) does. It is common ground between the Appellant and the Council that the SPG is relevant to the appeal proposals; paragraph 5.20 of the SoCG states:
- "The Council's 'Borough-Wide Supplementary Planning guidance' (hereafter referred to as SPG) was adopted in 2004, and updated in 2013. Whilst it pre-dates the Local Plan, it has not yet been replaced, and the Council still use it in making planning decisions. It usefully provides specific standards which flesh out the general requirements set by the new Local Plan's policies."*
- 3.36 The SPG is also mentioned within the Local Plan itself, for instance in the supporting text to Policy DSC1: General Design Principles, paragraph 20.7, which notes the following:
- "Major residential developments (schemes of 10 dwellings or larger) should include within their Planning Statement or Design and Access Statement evidence of how the Building for Life Criteria and the Council's Supplementary Planning Guidance (SPG) have been considered in formulation of the proposal. The Council will update the SPG to incorporate further guidance on good design."*
- 3.37 Policy DSC1: General Design Principles also specifies that *"All developments should have regard to the Council's Supplementary Planning Guidance in relation to design."*
- 3.38 The Council have not yet replaced the SPG, and it remains relevant to the consideration of this appeal. As well as being referred to in relation to some of the Local Plan's policies, it is

mentioned in the Glossary at Appendix D to the Local Plan. It is clearly important to consider the SPG, in order to understand the specific requirements set out by the Local Plan's policies.

- 3.39 Section 3.2 of the SPG concerns privacy and overlooking. It requires a window-to-window separation distance of 25 metres for 2-storey dwellings, and 30 metres for 3 or more storey development. A lesser distance is also accepted where measures including intervening screening (e.g. vegetation), or where windows are positioned to ensure they would not result in direct overlooking. Paragraph 3.2.3 of the SPG is also relevant, and it reads as follows:

"When new housing or flats of more than 2 storeys are planned adjacent to existing housing, a higher standard of separation distance is required to preserve the amenity of the existing occupiers where there has hitherto been an expectation of privacy and outlook which will become more limited through the proposed development."

- 3.40 The proposed development has been designed to respond to these requirements, as I explain further below.

Committee Report

- 3.41 The Officers' report to the third meeting of the Planning Committee (CD3.5) sets out an assessment of the proposed development with regard to the standards within the Council's SPG, at paragraphs 8.17 – 8.19. This notes that the flatted development around the stadium would be over 110m at the nearest point from the dwellings on Montayne Road, resulting in minimal impact on the residents of those dwellings. With regard to the housing, it notes the following:

*"The proposed houses which would be nearest to the boundary to the east would all flank onto existing dwellings/gardens and the end terraces have now been revised to be two storey dwellings with a hipped roof. The drawing above has been supplied by the applicant to clarify the relationship between the development and existing houses on Montayne Road. The red lines on the inset plan indicate where the cross-sections are taken and these indicate that the distances from the end wall of the new houses to the main façade of the bungalows would be 31m and 51m/49m to the houses further south along Montayne Road. Although the land at the football club is already elevated and would be raised above a 0.9m capping layer the substantial separation distance between the proposed and existing houses along with a landscape screen is considered to give rise to an acceptable relationship on that boundary. There would be no windows facing east in the end walls of the new houses to cause loss of privacy and the balconies would be set in an additional 3m from the edge of the end houses minimising the potential for disturbance. **Details of the landscape screening along the eastern boundary will be important in further mitigating the impact of development on the adjoining residents but overall it is considered that there would not be a materially adverse impact on amenity in the terms set out in the Borough-wide Supplementary Planning Guidance [Updated November 2013].** (my emphasis)*

Overall it is considered that the proposal has been adequately clarified in the context of the previous refusal and complies with Policy EQ1 as it would maintain adequate amenity for the neighbouring properties and future occupiers of the proposed development."

- 3.42 This part of the committee report contains extracts from various application drawings, including 15_238_PL31 (Montayne Road House Sections). I understand that the separation

distances between the proposed buildings and existing housing, as shown in these drawings, are accepted as common ground. Note that these distances are in all cases greater than the 30m distance required by the Council's SPG.

The Local Plan's Site-Specific Guidance

- 3.43 Paragraph 7.17 of the Local Plan notes the following with regard to the layout of the envisaged development:

"This development would be financed through the construction and sale of new homes around the stadium and between the stadium and the existing urban edge at Montayne Road. The Council is supportive in principle of this development. As shown on the Concept Plan, the existing tree belt along Theobald's Lane will preserve the setting of the listed structures and scheduled monuments at Cedars Park."

- 3.44 The Concept Plan to which this relates clearly indicates the layout of the proposed development, as follows:



Extract from Figure 6 of the adopted Broxbourne Local Plan 2020

- 3.45 As I have noted above, Policy CH7 was based on the appeal proposals. The Concept Plan which accompanies the policy is clear in its guidance, and shows that housing should be located to the east of the stadium. This is in any case common sense, as locating the stadium on the eastern side of the site would have a correspondingly greater impact on housing on Montayne Road, as it would involve both taller buildings and multiple windows looking to the east, towards those houses.
- 3.46 The Local Plan allocation also clarifies the quantum of new homes required, as well as the development within the western block. That quantum of development realistically requires the provision of new homes on the land to the east of the stadium. The supporting text noted above mentions the relationship between the proposed development and the listed wall on Theobald's Lane, on the basis that this is a potentially sensitive receptor. However no mention is made within either the supporting text or the policy itself on the relationship with housing on Montayne Road. There is also no suggestion of the need for a specific separation distance

or a landscape buffer, like that shown to the south of the site. The clear implication is that the Council did not consider this relationship to be one which would be particularly problematic, and certainly not one which merited comment within the Local Plan document; I note again that this view was reached with the benefit of having already seen the position and design of the houses proposed by this appeal.

The Potential for Overlooking

- 3.47 The proposed housing would not directly overlook the existing homes on Montayne Road. It has been designed to avoid this, by positioning stairwells on the outside walls, rather than habitable rooms. As noted in the Appellant's SoC, these first floor windows could be obscure glazed, to avoid any possibility of overlooking from them. If considered absolutely necessary, the ground floor windows could also be obscure glazed, as they serve dining rooms which have other windows, looking out towards their back gardens. Similarly, the balconies could be provided with privacy screens preventing views to the east. The SoC notes that the matter of obscure glazing could be controlled by a planning condition, and the Council have not disagreed with this view. I consider that privacy screens could also be provided on the balconies, should this be considered necessary, and this could be controlled by a suitably worded planning condition.
- 3.48 The Officers' committee report notes that details of the landscaping to be provided on the site's eastern boundary will be an important factor in mitigating the effect on residents within Montayne Road. Again, this is something which can be controlled by a planning condition. The sections shown in drawing 15_238_PL31 indicate that a hedge would be provided at the top of the bank, and such a hedge could block views both from ground floor windows and from ground level within the site. A landscaping condition could control details of the location and species of the hedgerow. This could ensure that screening would be provided throughout the year, for instance with an evergreen species, or an alternative such as beech.
- 3.49 Another matter mentioned in the Appellant's Statement of Case is the existing implemented planning permission for playing pitches in the same location as the existing housing. The full implementation of that planning permission would be a logical next step for the Club, were it not possible to undertake the development proposed by this appeal. I also expect that the Council would wish to see that development completed, if the appeal proposals were not to be built, as this would both provide further playing pitches, to the benefit of the local community, and also complete the implementation of the surface water drainage works. This permission represents a realistic fallback position. It would involve raising the level of the land within this part of the site to between 28 and 29.6m AOD (see the approved drawing, at CD 3.11); the existing ground level in this location is in the region of 27.3 – 27.8m AOD, as can be seen in the topographical survey, at Appendix 3 of the proposed Drainage Strategy (CD1.10).
- 3.50 As I have noted above, the Council have responded to this point in their Statement of Case by claiming that the intermittent views available to spectators would be less harmful than any permanent views associated with the proposed residential development. However, it is important to understand that the views available to spectators would be from a greater elevation, shorter distance and without the mitigating influence of landscaping. In contrast, only very limited views would be available from the proposed residential development, if any were indeed available at all, given the intervening landscaping, and the wall at the back of the gardens of the properties on Montayne Road.

The Possible Perception of Overlooking

- 3.51 The Council have also suggested that residents within Montayne Road would suffer from the perception that they were overlooked. A dense hedgerow, such as that I have suggested above, would not only block views out from the site, looking towards Montayne Road, but also the reverse views from the existing properties there. Views from the Montayne Road properties would be primarily of the wall at the end of their gardens, and the hedgerow and trees above this, with the proposed houses beyond. A representation of this view is included within section C on drawing 15_238_PL18A, which I have reproduced below for convenience; this illustrates the screening effect which the intervening vegetation could have.



Section C, from Drawing 15_238_18A

Conclusions on Compliance with Policy EQ1

- 3.52 It is important to note that the proposed development is allocated within the Local Plan, which requires the provision of housing on the land to the west of Montayne Road. Policy CH7 was written to reflect the development proposed by this appeal (as I have explained above). In adopting the Local Plan, the Council have already determined that it is acceptable in principle to locate housing on this land.
- 3.53 Views of housing are common within an urban area, such as this. Indeed, they are often unavoidable. It is common ground that the Council's SPG is relevant to the interpretation of the Local Plan's policies. The SPG accepts that there will in some instances be inter-visibility between windows, and it seeks to mitigate this by specifying minimum distances. These would be significantly exceeded. Officers have already concluded, in their report to the Planning Committee, that the proposed development would be entirely acceptable in this regard.
- 3.54 In addition, landscape planting can be provided, the details of which the Council can control through the discharge of a planning condition. A condition can also be used to control direct views with obscured glazing, and screens on balconies, should this be considered necessary.
- 3.55 The residents within the proposed development would not have a view of the gardens of the properties within Montayne Road which would be anything like as clear as the view residents of those properties already have of each others' gardens. A degree of inter-visibility is usual in urban areas, and indeed anywhere other than in the case of well-separated detached properties. This is also accepted by the Council's SPG.
- 3.56 I do not consider that there would be any unacceptable harm to the amenity of the residents of Montayne Road, either due to overlooking, the perception of overlooking, or any overbearing impact, caused by the proposed development. Whilst the new houses would be visible from the Montayne Road properties, the resultant relationship would be acceptable in planning terms, and the proposed development would accord with Policy EQ1. The proposals would also accord with the guidance in the Council's SPG, which is recognised by the Council as being of direct relevance to this matter.

Policy DSC1

3.57 The Council's fourth reason for refusal is as follows:

4. *"The design of the development would have an unacceptable impact on the visual amenity and character of the surrounding area, contrary to Policy DSC1 of the Broxbourne Local Plan 2018-2033."*

3.58 Policy DSC1 states that the Council *"expects a high standard of design for all development"*, and amongst various requirements it notes that *"wherever possible, development proposals must:*

- (a) "enhance local character and distinctiveness, taking into account: existing patterns of development; significant views; urban form; building typology and details; height; roof form; fenestration detail; materials; building lines and other setbacks; trees; landscaping; and features of local and historical significance".*
- (g) "create local landmarks and marker features for a well-defined townscape"*
- (h) "increase accessibility to open spaces, sports and play facilities where-ever possible"*

The Council's Case

3.59 The Council's Statement of Case clarifies that their objection is to the design of both the buildings which would surround the football stadium, and also the proposed houses. It contends that the *"rectilinear, flat-roofed blocks... are far from characteristic in the local setting"*. They also contend that three-storey town houses are *"an alien form of dwelling in the immediate area and the end terrace properties are no more than a design contrivance..."*.

3.60 Other comments in the Statement of Case clarify that the Council's objections do not extend to the proposed materials of the houses (which it implies are both appropriate and have the potential to be controlled through planning conditions), or architectural features such as the bay windows.

Committee Report

3.61 With regard to the design of the apartments, the Officers' report to the third meeting of the Planning Committee (CD3.5) commented as follows, at paragraph 8.9:

"The design of the apartment blocks with flat roofs, extensive areas of glazing and a construction in facing brick with render accents is modern. The deep balconies and render features would set off traditional brick facades and the compositions would include deep articulation and a good balance of vertical and horizontal visual cues. There would be feature full height glazed stair/lift cores to the corner blocks which would add visual interest to the more prominent edges of the stadium. The flat roofed design would be angular in its profiles and overall appearance but with the well-balanced composition and substantial areas of glazing it is considered to have the potential to be a striking addition to the building stock in the borough."

3.62 With regard to the design of the houses, the committee report commented as follows, at paragraph 8.11:

*"The three storey townhouses and two storey end terraces proposed for the eastern part of the site have been significantly re-worked to have a more traditional external design. The brickwork facades would be complemented by natural slate pitched roofs, stone feature banding and headers along with projecting rendered bays and ground floor rustication. Red brick and slate roofs with contrasting render/stone are suitable traditional materials set within a conventional design for the houses. **The revised design, subject to submission of the precise specification for materials is considered to be suitable for its setting and overall to be acceptable.**" (my emphasis)*

3.63 In conclusion, the committee report states the following, at paragraph 8.16:

*"Overall it is considered **that this scheme represents a high quality standard of layout and design that would contribute to the character and appearance of the local area...** The proposal therefore complies with Local Plan Policies PM1, DSC1, EQ1, EQ2, EQ3 and EQ4." (my emphasis)*

Planning History

- 3.64 The Appellant's Statement of Case notes that the Council's Planning Committee has previously refused the first application in part in relation to the design of the houses, which the Committee considered were *"not in keeping with the adjacent area"* (see the SoCG, Section 2). The objection related specifically to the design of the houses, and not the blocks surrounding the stadium. Accordingly, and following discussions with Officers, the design of the houses was changed, whilst the buildings surrounding the stadium have remained similar in their appearance, other than changes to their scale and height (relating to the other reasons for refusal).
- 3.65 The Council have not mentioned any objection to the design of the buildings surrounding the stadium, prior to the publication of their SoC; this was itself written by the same Officers that took part in pre-application discussions, and who presented the application to the Planning Committee. The Council's fourth reason for refusal does not mention the buildings around the stadium, but it is instead vague as to which element of the development it relates. However, the Planning Committee's debate specifically referenced the design of the houses, and not that of the buildings around the stadium (CD 2.2). It was therefore not in any way unreasonable for the Appellant to conclude in their SoC that the Council's objection was limited to the design of the houses alone. The impression we have been left with is that Officers have sought to widen the reason for refusal, contrary to the Council's previously stated views, in order to provide a better chance of defending this appeal.

The Character of the Local Area

- 3.66 The fourth reason for refusal refers to the design of the proposed development being out of keeping with the character of the surrounding area. In addition, the Council's SoC states that *"The reason for refusal is clear in addressing the entire development as being out of character with the residential designs in the local area and as a consequence, harming visual amenity"*.
- 3.67 I have considered the character of the local area in a separate analysis contained within Appendix 3. In summary, I note there that the character is somewhat mixed. It varies depending on the period in which the development was constructed. There are a number of

distinct developments with quite different characters which sit alongside one another, and also close to the appeal site.

- 3.68 The development closest to the appeal site includes the semi-detached houses and bungalows on Montayne Road and Theobold's Lane, which date from the 1960s, are built at a relatively low density of around 28 dwellings per hectare, with broad landscaped streets and large back gardens. Residential development to the south of Theobold's Lane, such as Dudley Avenue, dates from a similar period, and it has a similar density and street layout, again with many semi-detached houses. Whilst these houses originally had two storeys, a number of them have had their loft spaces converted, to provide three storeys of accommodation.
- 3.69 Also close to the appeal site are Friends Avenue and The Ride. The housing on these streets dates from around the 1990s, and it is built at a higher density, of 40 dwellings per hectare. The houses on The Ride are three storeys in height, and they face directly towards the Club's playing pitches. Apartment blocks on the same road, and dating from a similar time, are built at a higher density of 84 dwellings per hectare.
- 3.70 To the north of this is Albury Ride, which contains housing built in the 1930s, with very long back gardens; these houses have an average density of 14 dwellings per hectare. These houses are generally two storeys in height, although there is one house on this road which has been granted planning permission for a prominent loft conversion, turning it into a three-storey house.
- 3.71 There are also terraced houses, houses of three storeys, and also several large apartment blocks on Crossbrook Street, within around 5 minutes' walk of the appeal site. This street contains a wide range of Architectural styles, and buildings of varying sizes, including some very large apartment blocks and commercial buildings.
- 3.72 There are also a number of other examples of apartment blocks, terraces of three-storey houses and a range of styles of architecture within the local area. Much of it is of a notably inferior quality to the proposed development.
- 3.73 In addition to the changing appearance of buildings over time, these examples also illustrate, in a broad way, changes in density in new development. As land has been increasingly recognised as being a scarce resource, it has also been recognised that new development should make a more efficient use of land. Also reflecting this trend, many of the newer developments in the area have tended towards the provision of apartments, rather than houses. This can particularly be seen closer to the centre of Cheshunt, with a number of apartment blocks and other taller buildings close to Crossbrook Street and Cheshunt High Street, which are within only around 300-400m of the appeal site, as the crow flies; they are by no means remote from the site, and they form part of the character of the local area.
- 3.74 Another recently completed development on College Lane, to the north-west of the appeal site, contains three-storey town houses. This is an example of modern residential development in the local area, for which planning permission has been granted relatively recently.
- 3.75 Many of the apartment buildings in this area have been constructed in the 1990s and early 21st century, and they are not of a particularly high quality of design. Many are in fact rather unattractive buildings, of an unadventurous appearance, which often detract from the character of the area. I do not consider that any of the apartments buildings I have seen in the

local area would be of a comparable quality to the apartment buildings proposed by this appeal. Examples of these buildings are included in Appendix 3.

- 3.76 It should also be noted that no part of the local area has been specifically recognised for the quality of its character and appearance – it is for instance not designated as a conservation area, despite the presence of a number of historic and listed buildings. This is perhaps due to the proliferation of relatively modern developments of a poor or mixed quality, which adversely affect the character of the local area.

Policy CH7 and Density

- 3.77 The starting point for any consideration of how the proposed development should be designed is a consideration of how the amount of development required by Policy CH7 could be accommodated within the appeal site. This includes not only around 165 homes, but also around 4,000 sq m of net floorspace for community, business, leisure and ancillary retail uses, and enhanced facilities for Cheshunt Football Club. A failure to accommodate all of this development would be a failure to comply with the adopted Local Plan.
- 3.78 In order to accommodate the “*enhanced*” facilities for the Football Club, which are required by Policy CH7, it is logical to assume that these should cover at least similar proportion of the site to the existing facilities. Much of this is covered by the football pitch, but it also includes the stands, and associated buildings. The land covered by these elements amounts to 1.32 Ha in area. This area is shown on my Drawing 194/A/001.
- 3.79 For the purpose of an approximate estimation of the density of the resultant development, I have identified the remainder of the land which is available to accommodate the residential and commercial / community development required by Policy CH7. This is essentially the area within the appeal site’s boundary, allocated by the Policy, and excluding the land which is not realistically available for development. This area is shown on my Drawing 194/A/001.
- 3.80 This exercise identifies a developable area of 3.3 Ha, within which the residential development and 4,000 sq m of commercial / community development must be accommodated. The residential element alone, within an area of 3.3 Ha, would amount to an average density of 50 dwellings per hectare. If around 1 Ha were to be used to accommodate the commercial / community uses (this is less than the area covered by the existing footballing facilities), then the residential development would have an average density of 72 dwellings per hectare.
- 3.81 I have noted above the average densities of residential development in the area. The density of development implied by the requirements set out within Policy CH7 is closest to the apartment blocks on Friends Avenue. By extension, it is clear that if there is to be an area of lower-density housing, for instance on the edge of the existing residential area, this will require higher density development on another part of the site.
- 3.82 The simple fact is that the Local Plan policy requires the density of development to be significantly higher than, for instance, housing on Montayne Road. This policy requirement has an implication for the design of the proposed development; it cannot be a simple pastiche of the housing which surrounds it.
- 3.83 It is also noteworthy that the Local Plan contains another policy, H1, which requires an effective use be made of urban land. This policy was added to the Local Plan during the Examination process, in response to the Inspector’s concern that the Council should provide

as much housing as possible within the urban area, before Green Belt releases could be justified. It commits the Council to “*optimise*” new residential developments, effectively meaning making an efficient use of land.

The Design of the Proposed Houses

- 3.84 I have noted above that the Council allege the design of the development would harm the visual amenity of the area, due to it “*being out of character with the residential designs in the local area*”. This suggests that there would be an uncomfortable juxtaposition between the proposed development and existing built form in the area. However, I do not consider that this would be the case at all.
- 3.85 The provision of housing on the eastern part of the site would provide an appropriate form of development adjacent to the edge of the existing residential area, which is itself largely characterised by housing in this general location. The Council themselves previously envisaged that development in this location would form “*an interlinked estate of houses that will connect to the existing urban area*”.³



The proposed houses

- 3.86 The housing has been designed to have a more traditional character than was previously proposed. I consider that the houses would have a smart and attractive appearance, assisted considerably by the use of red brick, with contrasting rendered projecting bay windows, Portland stone cills, black-painted metal railings, and slate roofs. The quality and traditional nature of the proposed materials would make a considerable contribution to ensuring these buildings would have an attractive appearance.
- 3.87 The houses have been designed with traditional features, with the height of the windows generally reducing on the higher levels, a stone feature band, and the repeated use of rectangular window panes. There are also more modern elements, reflecting the modern nature of the houses, such as the garage doors, although these also have a relatively traditional appearance, relating to the first half of the 20th century. There is also consistency, such as in the use of repeated shapes, and materials, which helps to tie the buildings' appearance together in a pleasing way. Whilst these would clearly be modern buildings, the

³ See the Council's Matter 6 Statement to the Local Plan Examination, Response to the Inspector's Question 122, at Appendix 1.

various references in their materials and architectural features to older styles of building help to give them an attractive appearance. They would make a distinctive and positive contribution to the character of the area.

- 3.88 The projecting white-rendered bays would provide a regular feature, particularly when viewed obliquely along the street, which is the way in which the houses would most often be seen. The regularity of these features would provide a consistent rhythm to the view down the street, which would be complemented by new landscape planting, including hedgerows and trees.



View along a street within the proposed development

- 3.89 I consider that the height of the houses, at three storeys, and their arrangement in terraces, would help them to fit in well next to the larger apartment blocks which surround the stadium, and also to give them presence in their own right. Their height would be complemented by relatively broad streets, which would provide a pleasing ratio of height to width.
- 3.90 The houses would be terraced, rather than being arranged in semi-detached pairs, as is typical in the surrounding streets. I consider that this would create well defined and attractive streets. This is a form of development which is typical in older developments, and it can be seen close to the site, for instance in Crossbrook Street, which is one of the oldest roads in the area, and on other streets nearby. Whilst it does not mimic the loose estate layout of the 1960s housing to the immediate west, this does not mean that its arrangement would be at all unattractive, or out of character with the wider area.
- 3.91 The use of terraced housing is also a way of making an efficient use of land, and this is the reason it has been used in many older developments, where the available space has been used increasingly efficiently over time. As I have noted, it is necessary to make an efficient use of space in order to comply with Policy CH7.
- 3.92 The houses would also typically have three storeys, rather than the two storeys of many houses in the immediately adjacent streets. Again, this is not uncommon in some of the older buildings in the area, as well as the houses and apartments built in the past 20-30 years. It is again in part a consequence of the need to make a more efficient use of land than the relatively low-density development to the immediate west of the site, but it is also not at all out of keeping with the character of the local area.

- 3.93 The Council's reason for refusal refers to Policy DSC1. The supporting text to that policy, at paragraph 20.4, notes the following:

"The Council will expect proposals to respect or improve the character of the surrounding area. The Council does not expect all new development to be copies or replicas of existing development. Places and design styles change gradually over time and this variation adds significantly to a sense of place."

- 3.94 There is no policy requirement that the proposed houses should look exactly like the existing housing in the area. Rather, the Local Plan acknowledges that the form of new buildings will change over time, and that the variety this creates is what contributes to an area's character. Policies CH7 and H1 also specifically require that new residential development must make an efficient use of urban land. The proposed development would comply with all of the relevant Local Plan requirements, both read individually and together. It would form the next chapter in this area's character, and it would provide a positive contribution in that regard.

The Design of the Buildings Surrounding the Stadium

- 3.95 With regard to the buildings surrounding the stadium, the Council's SoC accepts that apartments are required, in order to deliver the density of development required by Policy CH7, but it then goes on to state that the apartment buildings would be *"rectilinear, flat-roofed blocks which are far from characteristic in the local setting"*. It then suggests that *"the design, height and bulk of these structures are ill-suited to this suburban setting and belong more properly in a built up, city environment"*.
- 3.96 The Council's suggested approach, which implies a need for a smaller development, with lower and smaller buildings, is at odds with Policy CH7. If the number of homes and the other forms of development required by the policy are to be provided within the site, it is not feasible to significantly reduce the scale of these buildings.



The apartment blocks to the east of the stadium

- 3.97 The apartment blocks would be of an attractive design. This is not only my view, but the opinion advanced in the Officers' committee report. They would also respond to the requirements of Policy DSC1, by enhancing local character and distinctiveness, and creating a local marker feature, which would aid legibility and contribute to a well-defined townscape.



Aerial view of the eastern side of the stadium



Aerial view of the western side of the stadium

- 3.98 As the Planning, Design and Access Statement (CD 1.3, which I wrote) notes, the apartment buildings have been designed with care, to ensure that they are articulated and their massing appears to be broken up by projecting and recessed elements. They would also benefit from roof gardens at different levels, which would both have amenity value, and add visual interest. The buildings would be well composed, with pleasing proportions. They would also be built in a mixture of high quality materials, including an attractive red brick, white render and powder-coated aluminium doors and windows, which would complement the proposed houses. In

these regards they would be a good deal more innovative and attractive than other existing apartment buildings in the local area.

- 3.99 The corner buildings would be taller than the side blocks, and they would provide a pleasing contrast to the longer, lower buildings between them. They would mark the corners, and help to create a distinctive sense of place by providing visual reference points. The ground to roof walls of glass on their principle elevations would be a particularly distinctive and attractive feature, which would, as Officers have noted, help to give the buildings a visual focus. The corner buildings would be constructed in matching materials and in a style which is both complementary and independent of the style of the other blocks.
- 3.100 The western block would again use matching materials, which would help to give it a consistent appearance with the other buildings. It would have many large windows, with regularly spaced brick pillars between them, broken up by feature white rendered elements. This block would have a simple and elegant appearance, which would in some ways be reminiscent of older buildings, such as art deco municipal and cinema buildings; this type of architectural language works well in this context, making a relatively large building attractive and uncomplicated in its appearance.
- 3.101 The approach which has been taken to the design of the stadium is to use the buildings which surround it to create a sort of amphitheatre. The buildings would all be designed to look outwards, whilst the enclosed central space would contain noise and light spill. This would help to create a true performance space, with good acoustics, helping to create a heightened sense of drama. As the Council have noted in their SoC, it is an approach which has been used successfully elsewhere, such as at Leighton Orient (a development designed by the same Architects).
- 3.102 I consider that together these buildings would not only be complementary to one another, but they would also help to enhance the character of the local area. As I have noted above, the character of the area, and the site itself, is not an unusually special one, with the exception of the listed wall on Theobold's Lane, which would be screened from the site by the retained belt of mature trees. The proposed buildings would provide a development of a distinctive appearance and high quality, which would be a positive addition to the local area.

The Site's Visibility

- 3.103 Aside from the proposed development being suitable within its context, it is also notable that the appeal site is well screened, and development in this location would not be as prominent as it may be elsewhere. The site is set back from Theobold's Lane behind a mature screen of trees. As I have noted above, this was mentioned by the Council in its Matter 6 Statement to the Local Plan Examination, which explained that the mature trees within the appeal site, adjacent Theobold's Lane, largely screen it from view, and ensure that there would not be any harm to the setting of the listed wall to the south of the site. Further to this, the Council's Matter 6 Statement commented as follows:

"It is considered that the development proposed in Policy CH7 will have relatively little negative impact on the character of the area, and could have positive benefits in terms of improvements to the rather run-down football club facilities. It is understood that the revised proposals seek to address concerns previously raised by Planning Committee regarding the impacts on existing properties nearby."

- 3.104 This was written following receipt of the planning application to which this appeal relates. It is clear that Officers did not consider that the proposals would lead to any unacceptable harm to visual amenity, and I agree with their view in this respect.

Conclusions in Relation to Policy DCS1

- 3.105 I consider that the design of the proposed development is an appropriate response to the site's context. It shares many characteristics with buildings in the local area, and also follows the clear local trend of increasing density in newer development. It would be of a high quality, and it would make a positive contribution to the character of the local area.
- 3.106 I also consider that the proposed development would result in a notable improvement in the appearance of the existing stadium and Football Club buildings. Both the proposed housing and the buildings surrounding the stadium would be of an appropriate design and appearance.
- 3.107 It is essential to consider the proposals in the broad policy context formed by the Local Plan. It is not possible to simply provide low-density housing estates such as those of Montayne Road and Dudley Avenue, which were built in the 1960s, at a time when the demand for and availability of land was very different. Such a development would not meet the requirements of Policies CH7 and H1.

Conclusions on the Development Plan

- 3.108 I have explained that the proposed development would comply with the single most important policy in relation to this appeal, CH7; this policy relates not only to this site, but also the exact development which is proposed. It is also common ground between the Appellant and the Council that the appeal proposals comply with this policy.
- 3.109 I have also explained that the proposals would comply with Policies PO1 and H2. Each of these policies allow for a reduced amount of affordable housing and community facilities to be provided where a financial viability appraisal shows that this is necessary in order to ensure the development would be financially viable. A financial viability appraisal was provided with the application, and accepted by the Council's own independent expert; Officers subsequently agreed with the Appellant that the proposals complied with these policies. An updated appraisal is provided with this appeal, in Mr Maidment's evidence. It is clear that the appeal proposals would still comply with these policies.
- 3.110 I have explained that the proposed development would not have any unacceptable effect on the amenity of residents on Montayne Road. The proposed development would not result in overlooking, or the perception of overlooking. Windows facing to the east could be obscure glazed, and balconies could be provided with privacy screens, to be required by a condition. Landscape planting is also proposed, between the new development and the Montayne Road properties, the details of which can also be controlled by a condition. The separation distances specified in the Council's SPG, which provides guidance on the application of the Local Plan's policies, would also all be exceeded. In addition, the alternative (permitted) use of the land is as football pitches, whereby spectators would have a similarly elevated view of the properties on Montayne Road, but without any requirement for landscape screening. I consider that the proposals accord with Policy EQ1, and that they would be entirely acceptable in this regard.
- 3.111 In terms of the design of the proposed development, I consider it would be entirely compliant with Policy DSC1. The proposed houses and the buildings around the stadium would be of an attractive design, and they would use high quality traditional materials, which would enhance their appearance. The proposed development represents an appropriate response to the site, its context, and also the requirements set by Local Plan policies CH7 and H1. The proposed buildings would be a positive addition to the character of the local area.
- 3.112 I consider that the proposed development would accord both with the specific policies mentioned above, and also the policies of the development plan taken as a whole. Allowing this appeal would not result in any conflict with the adopted development plan.

4 Material Considerations

Community Benefits

The Football Club

- 4.1 Something which is at the heart of the Local Plan's Policy CH7 is the rationale that there is an inherent public benefit in assisting Cheshunt Football Club, by providing it with enhanced facilities. I have discussed this above in Section 3, and noted that the Council themselves, in their statement to the Inspector examining the Local Plan (Appendix 1) confirmed that the policy is intended to seek *"a first class sporting, leisure, community and business facility for the Borough."* In addition, they have also noted that *"In the absence of this totality of housing, the sporting / community development will not happen and that would be a substantial loss to the Borough."* I have also noted in Section 3 that Sport England have identified the enhanced football facilities as a public benefit, and that the provision of sports facilities in the western block would also provide a separate public benefit.
- 4.2 The Planning, Design and Access Statement (PDAS) which accompanied the planning application (CD 1.3), explains within its Section 2 why the proposed development is necessary. It explains that the Club was subject to serious financial problems, until it was rescued by LW Developments. The proposed development is intended to give it a viable future, by both providing enhanced facilities and a future income stream. Without this, the Club's future would once again be in jeopardy.
- 4.3 Mr Williamson's evidence explains what the Club already does, in its role at the heart of the local community, and also what more it would be able to achieve if it were to have more funding, and be able to grow over time. In essence, a larger and better funded Club will be able to do more to involve local people in sport, and better engage with local schools and community groups. The Club has already been responsible for getting a great many local people involved in sport, and examples of this are mentioned in Mr Williamson's evidence. This can be of great benefit to the health and wellbeing of many local people. The larger the Club grows, the more it would be able to benefit people in this way. A better funded and more successful Club would also be able to provide more employment to local people.
- 4.4 I consider that encouraging and better enabling greater public participation in sport is a clear public benefit. Sport can provide a number of benefits; in addition to the obvious improvement it can bring to peoples' health⁴, it also has the ability to better knit together the local community, build friendships and break down social barriers, and also develop civic pride, particularly if the Club is more successful in the future.

⁴ The Council's Leisure Facilities Strategy (Neil Allen Associates, December 2013) identifies that adult and childhood obesity levels in Broxbourne are higher than the national average, and a health priority is to increase participation in sport, to combat this; this is based on evidence gathered by Sport England, and it is mentioned in the PDAS at paragraph 4.30.

Further Sports Facilities

- 4.5 As I have noted, Sport England have identified the benefit which would be brought about through the provision of further sports facilities within the western block. They have also explained that the provision of these facilities, alongside enhanced football facilities, would together provide a *"sports village"*, which they note could help to sustain participation in sport. There would be a clear benefit in providing alternative facilities within a single site, which could encourage a broader range of people, such as a family group, to come to the site together. Using the example of a family, they may share a trip to the site, and whilst some members may be playing or watching football, others may use a gym or attend a dance class, or other activities within the western block (such as having a cup of coffee). In addition, it is simply logical that if there are a greater range of types of sport or other physical activities on offer within the site, it is more likely that a greater range of people will be attracted to visit the site, and that they may end up participating in a greater range of activities. Conversely, a lack of sports facilities will be a barrier to people participating in sport. The provision of facilities within the site would meet a lack identified in the Council's Leisure Facilities Strategy (as noted in the PDAS, and by Sport England), and this is a public benefit.

Community Facilities

- 4.6 It is proposed to provide a number of facilities within both the western and northern blocks which could be made available to members of the community as may be required; this is set out within the PDAS, at paragraph 7.17. It could, for example, include meeting or function rooms which could be shared between an office use during the working week, and for community use in evenings and at weekends. It could also include a larger space which could be used for various sports including dance, or by other groups such as amateur dramatic societies.
- 4.7 The northern block would also contain various facilities which could be made available for use by the community. These would include training rooms, a bar / function suite, and kitchen, which could all be hired out for various uses. It would also include changing rooms, which could be used for any other sports which may take place on site, for instance on the 3G pitch.
- 4.8 Facilities within the northern block would be more likely to be available during the working week, when rooms used by businesses would more likely be occupied. Together, the spaces within the northern and western blocks would help to ensure that there would be space available within the site for community uses most of the time. The proposed development would provide a number of spaces which could be put to various different uses. These spaces could be used by various community organisations, groups and individuals.
- 4.9 I understand that the Applicant would be happy to hold further discussions with the Council about the facilities it considers should be provided within the site, and how these may be used by different groups within the community. As the contents of the northern and western blocks are still to be fixed, this is a matter which can be discussed further following this appeal, if necessary.
- 4.10 The Council's Draft Infrastructure Delivery Plan (January 2018) (IDP) was produced to support the Local Plan, and extracts are included at my Appendix 4. Section 10 of this document is titled *"Social Infrastructure: Built Facilities"*. It draws on the Council's Leisure Facilities Strategy, which is also quoted in the PDAS. This identifies a need for additional sports halls, a health

and fitness venue, and facilities for indoor sports such as gymnastics and table tennis, all of which could potentially be provided within the proposed development.

- 4.11 The IDP also identifies a need for community halls. It notes that *“there are considerable costs falling on the council in managing the 9 community halls that it directly operates, and a large future maintenance bill falling on the local authority to maintain the quality of these facilities”*. Council facilities are also identified as being underused, and whilst new facilities are required, there is not a sufficiently strong business case for spending scarce public money on their provision. In this context, the provision of space within the site, which could be used as space for community meetings and events, is a clear public benefit.

The Benefits of Providing Housing

- 4.12 The supply of housing land is addressed comprehensively by Mr Bolton in his separate proof of evidence. I have however set out some information below relating to the past supply of housing and future projections, in order to place the appeal proposals in context.

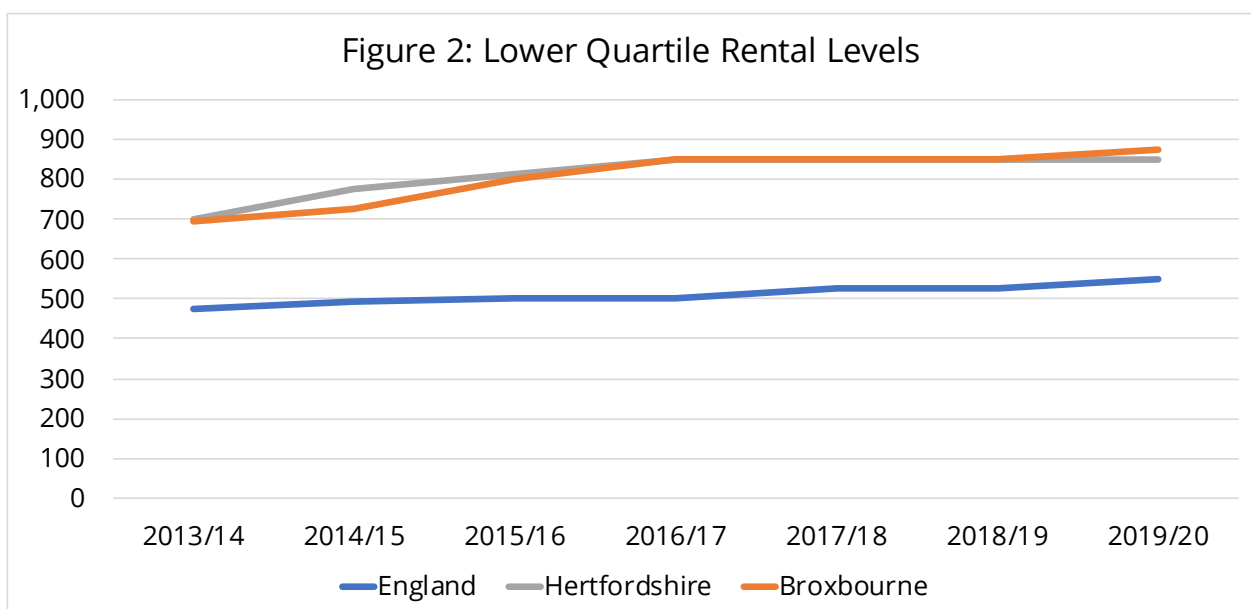
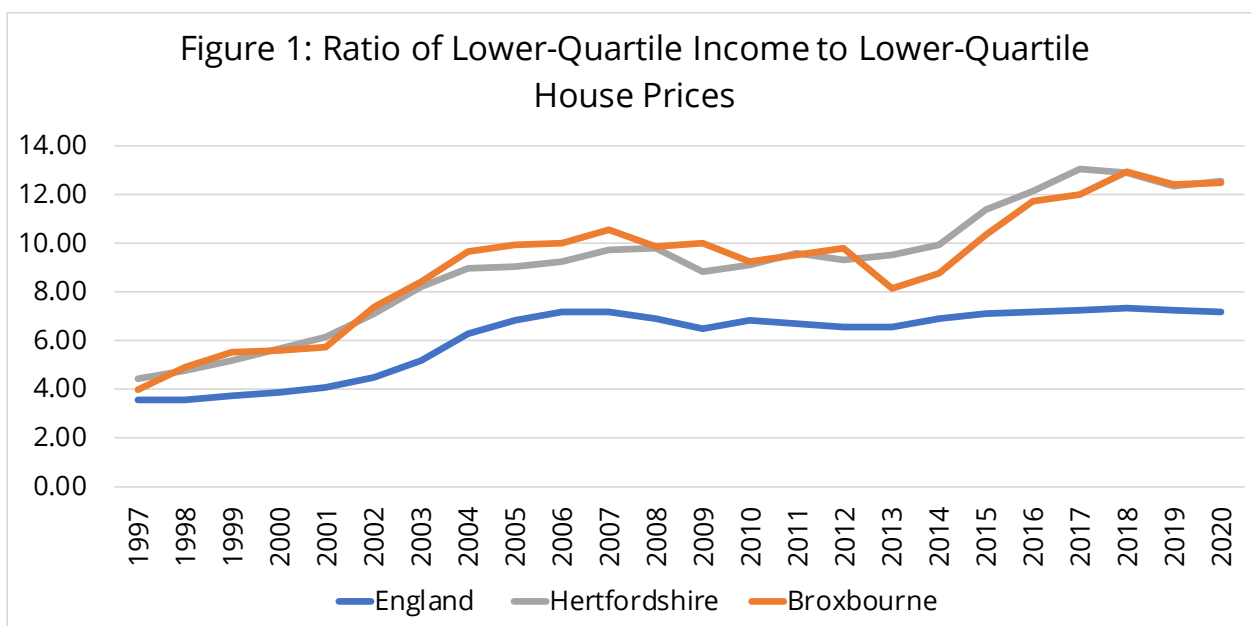
Worsening Affordability

- 4.13 The graphs below⁵ set out lower-quartile house prices, and the ratio of lower-quartile house prices to lower-quartile incomes, which reflects the actual affordability of housing in an area, for those least able to afford housing. Figure 1 shows that the affordability of housing is worsening. In 1997 a lower-quartile home in Broxbourne cost 3.99 times a lower-quartile income, implying it would have been possible for a single person to afford a mortgage to purchase that home. The ratio now stands at 12.51, implying that even a couple on lower-quartile incomes will struggle to raise a mortgage without a sizeable deposit⁶, which is likely to be beyond the means of most people on low incomes. In addition, suitable market housing may well not be in the lowest-quartile of value, particularly for families, who will need larger and so typically more expensive properties. In reality, this places home ownership beyond the means of the majority of people on lower quartile incomes, and many even on median incomes, and effectively increases the number of people who require affordable housing.
- 4.14 Figure 1 also shows that the ratio has been worsening for Broxbourne in recent years, catching up with the ratio for Hertfordshire for the first time since 2012. Broxbourne was previously one of the more affordable locations within the County, but this is no longer the case. There was a drop in the ratio during the previous recession, but this reflected an inability for people to access mortgages, which resulted in temporarily reduced house prices; it did not imply an improvement in real-terms affordability. There remained a high level of pent-up demand, which resulted in a rapid increase in the ratio once the availability of credit improved, from 2013/14 onwards.
- 4.15 What is particularly notable from Figure 1 is that the overall rise locally has been well in excess of the national average, highlighting a particular problem in this area. This demonstrates the continuing need to build as much housing as possible, in order to reverse this trend and make housing more easily accessible for all, by increasing the supply of new homes. If the supply and demand of housing is not placed in a better balance, then the affordability of housing will not improve. Building more housing is a very important part of the solution to the problem of poor affordability.
- 4.16 A similar trend is visible in rental levels within the Borough, as shown in Figure 2 below. Rental levels in Broxbourne Borough have traditionally been a little lower than the Hertfordshire average, but they have recently overtaken Hertfordshire, making Broxbourne a less affordable place to live⁷.

⁵ Information taken from 'Ratio of house price to workplace-based earnings (lower quartile and median), 1997 to 2020', Office for National Statistics (25th March 2021).

⁶ Using a calculator on www.moneysavingexpert.com (accessed 22/06/21) indicates that two applicants who both earn £23,797 (the average lower quartile income for 2020 in Broxbourne) would be able to borrow in the range of £119,000 - £167,000. The average lower quartile house price in Broxbourne in 2020 is £297,750.

⁷ Data taken from private rental market statistics produced by the Valuation Office Agency, available at <https://www.gov.uk/government/statistics/private-rental-market-statistics>.



Housing Delivery

- 4.17 The Government's Housing Delivery Test provides an indication of the amount of housing delivered, set against the level required. It has now been the subject of reporting for three years, and the results for Broxbourne are as follows:

	Number of Homes Required	Number of Homes Delivered	% Delivered
2015 - 2018	1151	767	67%
2016 - 2019	1343	1082	81%
2017 - 2020	1271	945	74%

Figure 3: Housing Delivery Test Results

- 4.18 The most recent result, being below 75%, has the effect of engaging the presumption in favour of sustainable development within the Borough, in accordance with footnote 7 of the NPPF. This is an indication of the importance with the Government places on the delivery of housing.
- 4.19 Whilst the Housing Delivery Test has only existed for a relatively short period, it should be noted that amount of housing delivered in the Borough has been low for far longer than the past three years. This is recorded in the Council's Authority Monitoring Report 2018-20, an extract from which is shown below:

Figure 3: Commitments, completions and housing requirements 2009-2020

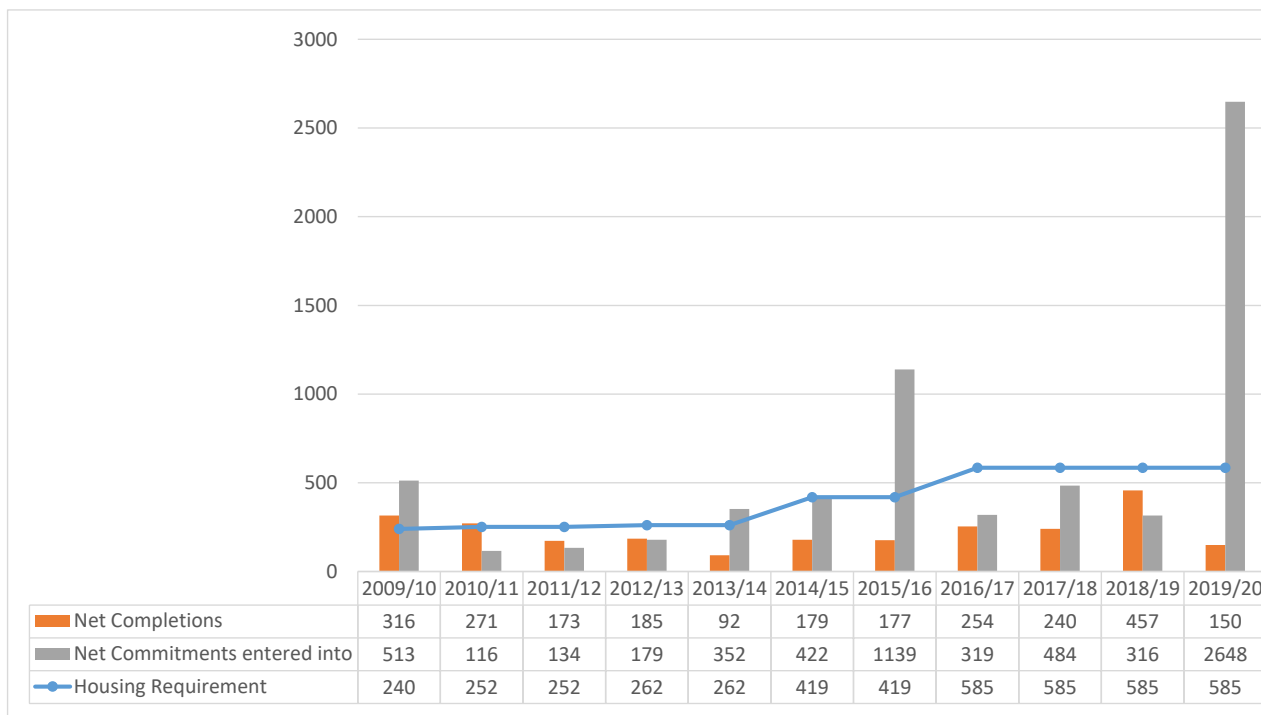


Figure 4: Extract from the Broxbourne Authority Monitoring Report 2018-20

- 4.20 Figure 4 shows that the level of housing delivered (the orange bars) has for many years been well below the level required (the blue line), and completions have not reached the required level since 2009/10. The fact that the housing requirement has increased is itself a reflection of the increasing need for new housing, brought about in large part by the consistent failure to meet this need over time.
- 4.21 The previous Local Plan was adopted in 2005, and it planned for the period to 2011; this was on the basis of the housing requirement set by the Hertfordshire Structure Plan, which was itself adopted in 1998, and covered the period 1991-2011. The housing target within the 2005 Local Plan was itself based on evidence of housing need dating from the mid-1990s. Its allocations were entirely insufficient to meet the need for housing in the period to 2020, when the more recent Local Plan was adopted. This was essentially a failure of forward planning. The result has been very low levels of housing provision, over the course of a decade or so, in a Borough which is tightly constrained by Green Belt which limited the scope for windfall housing.
- 4.22 The graph above shows that the Council's identified "commitments" have often been optimistic, but never more so than at the present time. The reason for the current optimism is the

Council's adoption of a new Local Plan, which makes various new allocations. The Council assume that many of these sites will be delivered quickly, with a sudden surge in the number of homes completed. But Mr Bolton's evidence shows that the picture is not quite as the Council imagine, and the actual deliverable supply of housing is well below the level they anticipate.

- 4.23 The Council have not produced many comparable graphs over recent years, as their production of Annual Monitoring Reports has been erratic. However, a comparable graph exists in the Authority Monitoring Report 2015/16, and this is shown in Figure 5 below:

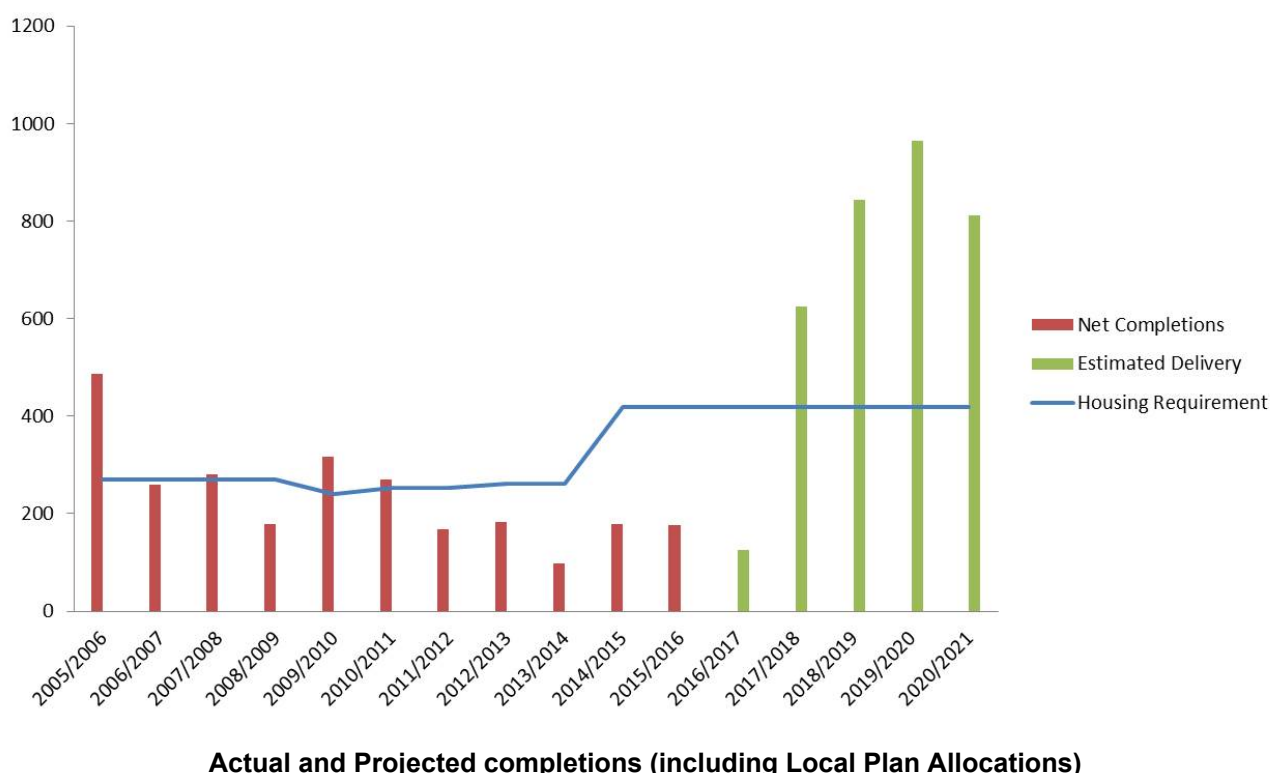


Figure 5: Extract from the Authority Monitoring Report 2015/16

- 4.24 Figure 5 shows that the Council have been anticipating a significant uplift in housing for many years, but this has not yet materialised. This is also apparent from a consideration of the housing trajectory in the adopted Local Plan, which anticipates the delivery of 3,242 homes in the period 2018/19 – 2022/23. As only 607 homes have been completed in the first two years of this period, if the trajectory were to be fulfilled, it would require 2,635 homes to be delivered in the last three years of the period, at an annual average rate of 878 dwellings. This would be very substantially above any single year of completions going back to at least 1991. The extract at Figure 6 below, from the Council's Authority Monitoring Report 2004/05, shows that the highest level of completions in any single year dating back to 1991 was 691, in 2004/05. That year was an outlier, with the years before and after somewhat lower. Comparing Figure 6 with Figure 5 shows that the projected completions again did not materialise in the timescale the Council had envisaged.
- 4.25 The problem with the delivery of housing in Broxbourne has for many years been a lack of deliverable housing land. This may itself also have been fuelled by excessively optimistic expectations concerning how quickly allocated sites would be delivered, which will have

disguised the need for more urgent action; this unjustified optimism is simply a continuation of the Council's past predictions. I made representations at the time of the Local Plan Examination pointing out the poor supply of housing proposed, and the fact that many of the sites the Council rely on are not yet deliverable, under the terms of the definition within the NPPF 2019. The Inspector examining the Local Plan simply responded that the Local Plan was being examined in relation to the definition of deliverable housing in the 2012 version of the NPPF. However, the current appeal is being considered in light of the NPPF 2019, and Mr Bolton explores the implications of its definition of deliverable housing land in his evidence.

Figure 4.1 Borough of Broxbourne - Housing Trajectory.

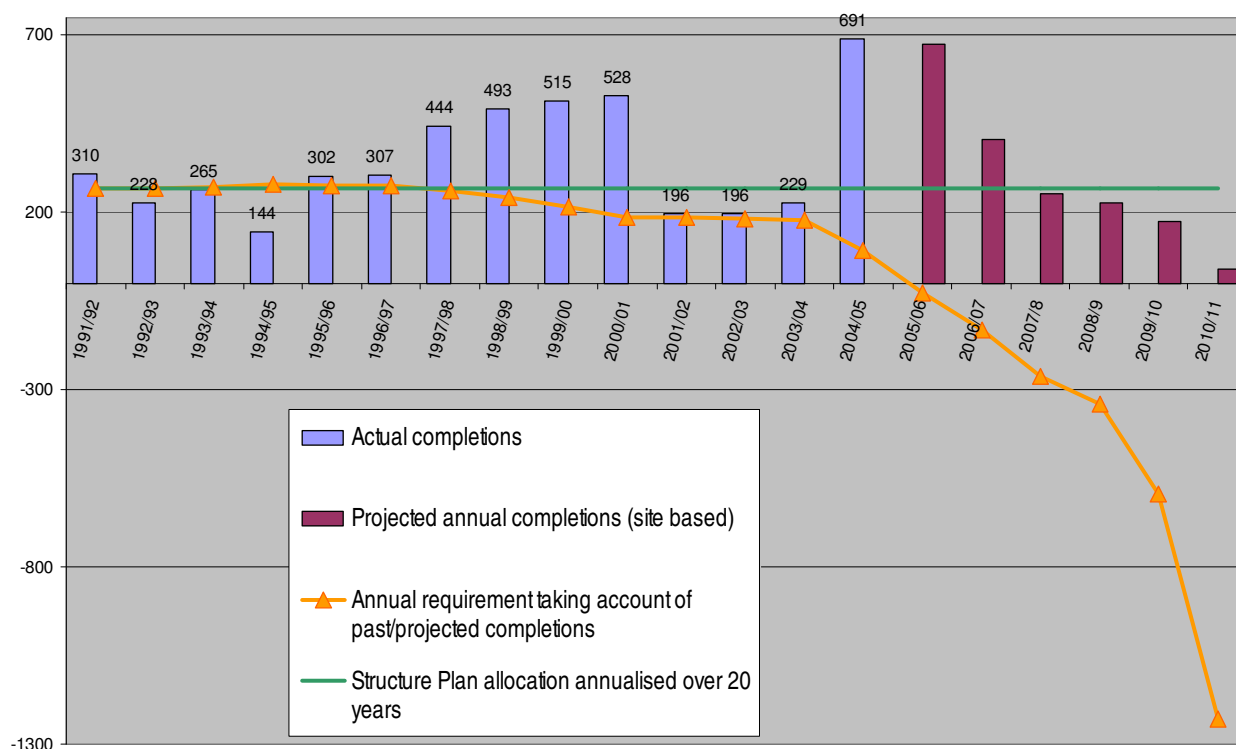


Figure 6: Extract from the Broxbourne Authority Monitoring Report 2004/05

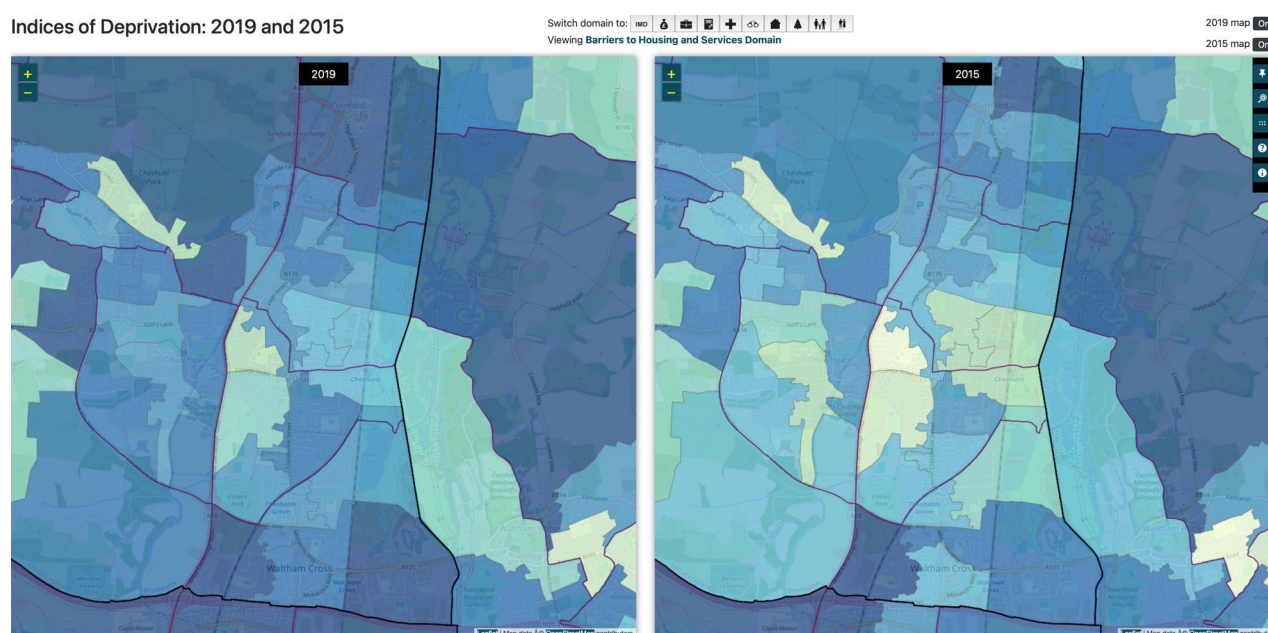
The Importance of Providing Housing

- 4.26 It is highly important to significantly boost the supply of housing, to meet the Government's objective, set out at paragraph 59 of the NPPF. The need to provide more housing is a Government objective set at a national level – but it is also of great importance at a local level. The graphs above demonstrate that the affordability of housing has been progressively worsening over recent years, and that in the same period the delivery of housing has been poor, and below the level which had been identified as required. What is also consistent is the Council's excessive optimism concerning the rate of delivery.
- 4.27 It is particularly clear that there is a substantial need for housing in Broxbourne Borough. A continued failure to meet this need would have significant adverse social and economic consequences. The issues caused by poor affordability were neatly summed up by Stephen

Nickell, the Chairman of the Government's former National Housing and Planning Unit (NHPAU), in the foreword to their publication *"Affordability Matters"*⁸; he wrote as follows:

"As affordability in the market sector worsens, more people are pushed either into the private renting sector, driving up rents, or into the already hard-pressed social renting sector. Deprivation will increase and the situation will worsen in already deprived areas. And this affects all of us. The economy suffers from the consequent impediments to labour mobility and an increasing quantity of taxpayers' money is required to deal with the social problems generated both by increasing deprivation and the inability of numerous key workers to find somewhere to live in the area where they work."

- 4.28 The Planning, Design and Access Statement (PDAS, CD 1.3) refers in Section 4 to the Government's Indices of Multiple Deprivation (IMD). It notes that Broxbourne Borough is relatively more deprived with regard to barriers to housing than it is in other respects. An extract is included within the PDAS of a map from the Government's website showing IMD from that time. To provide an update, the same map is shown below, with a comparison between the IMD for 2019 and 2015, showing barriers to housing and services. The 2019 map (on the left) is noticeably darker than the 2015 version, meaning that the level of deprivation in this regard has become more acute. This clearly shows that access to suitable housing has worsened in the period between 2015 and 2019.



Indices of Multiple Deprivation 2019 (left) and 2015 (right), showing Barriers to Housing Services

- 4.29 The affordability and accessibility of suitable of housing has a direct relationship with the poor level of supply, which has for many years failed to keep pace with demand. In these circumstances, where there has been a persistent failure to provide sufficient housing, it is important to materially increase the supply of housing. In order to boost the supply of housing, there is a need to grant planning permission on more deliverable housing land. It is also useful to further diversify the supply of housing land, and involve a greater range of

⁸ *Affordability Matters*, National Housing and Planning Advisory Unit (2008). The NHPAU were the Government's advisers on house building matters at the time, and they were referenced in Planning Policy Statement 3: Housing (2007). Their general advice, such as that above, remains relevant today.

house builders (particularly small and medium-sized companies) and products, as these factors can also boost the supply of housing more quickly.

- 4.30 LW Developments are able to deliver this development quickly, and they would provide a distinctive product of a high quality, which would be attractive to the market. These are further factors which would help to boost the supply of housing. They are also factors which weigh in support of approving the appeal proposals.

Economic Benefits

Removing Barriers to Housing

- 4.31 The quote in Section 7 from the Chair of the NHPAU mentions that poor affordability of housing will have adverse economic consequences. This is recognised by paragraph 81 of the NPPF, which requires planning to policies to “*seek to address potential barriers to investment, such as inadequate infrastructure, services or housing or a poor environment*”. A lack of housing can for instance lead to businesses moving away from an area, due to difficulties with staff recruitment.

Direct Employment

- 4.32 The construction of this development would provide a substantial amount of employment, much of which would be for local people.
- 4.33 Once the development was completed, Mr Williamson has advised me that he expects the Football Club would ultimately employ in the region of 10 people at full-time equivalent within the new facilities, and on the footballing side the Club would employ around 8 people full-time, plus the first team players. The Club currently employs 1 person full-time and 14 people part-time.

Use	Floor Area (m ²) (GIA)	Employment Density (m ²)	Jobs Created
Retail	476	15-20	24 - 32
Café / Restaurant	286	15-20	14 - 19
Performing Arts	572	See below	6
Gym / multi-use sports space	381	65	6
Day care nursery	476	See below	32
Health-related uses	476	See below	24
Flexible serviced offices	1334	13	103
Total	4,001	-	209 - 222

Figure 7: Possible employment generation within the western block

- 4.34 It is not yet possible to calculate with precision the number of jobs which would be provided within the western building, as its internal layout and the mix of uses it would accommodate is not yet fixed. These cannot be fixed at this stage, as they will depend on the end users, and these cannot be determined until planning permission has been granted. I have however attempted to set out how this may be, in Figure 7 above. This has regard to an estimate of how the mix of spaces may pan out, and with regard to average employment density calculations⁹, and the proportion of the different uses proposed in the illustrative application drawing 16_238_PL10C.

⁹ Employment density assumptions taken from *Employment Density Guide 3rd Edition*, Homes & Communities Agency (November 2015). Note that the employment density relates to the number of square metres of floor area required to generate a single job in that use.

- 4.35 The density assumption for offices is based on a corporate office, which would include separate meeting rooms. For the purposes of this assessment, I have assumed that any community use would not generate employment. I have made a conservative assumption that a health-related use would have an employment density of 20m², and performing arts close to 100m². For the day-care nursery, the employment density is based on the assumption that it will be for early years' provision, where one member of staff is required for every three children¹⁰, and 3.5m² is required for each child; I have assumed that 70% of the floor area would be available for child care.

Indirect Employment

- 4.36 The new residents within the development would increase the demand for services and facilities within the local area. This would include the centres of Waltham Cross and Cheshunt, which are both within walking and cycling distance of the site, as I have noted in Section 2 above.
- 4.37 In recent years people have increasingly been turning to online shopping, both for comparison and convenience goods. This can threaten the viability of many local shops. As such, a greater amount of housing is now required in many communities, just to preserve existing shops and services. Without new housing, local shops and services would close over time, as would local community groups. New houses can help to make a positive contribution towards their viability, helping them to survive in the future.

¹⁰ *Statutory Framework for the early Years Foundation Stage*, Department for Education (March 2017).

National Policy

- 4.38 It is agreed with the Council that the National Planning Policy Framework (NPPF, February 2019) is a material consideration of substantial importance to the determination of this appeal. Some relevant extracts from the NPPF are included in the SoCG. I do not consider every part of the NPPF here, and I have concentrated only on those aspects of national policy which I consider to be of the greatest relevance to the determination of this appeal. I have also not sought to repeat all of the parts of the NPPF which are quoted in the SoCG, but I can confirm that I do consider that all of these paragraphs are relevant to the determination of the appeal.
- 4.39 Paragraph 8 notes that there are three aspects to sustainable development, relating to social, economic and environmental objectives. The appeal proposals would bring a number of clear economic benefits, which I have summarised above. They would also provide social benefits, both through the provision of housing, which is greatly needed in this area, and through the various sporting and community facilities that are proposed; again these benefits are summarised above. In terms of environmental matters, the proposals would result in a net gain in biodiversity, and improvements to the character and appearance of the application site. There would be clear benefits with regard to each aspect of sustainable development.
- 4.40 Chapter 4 of the NPPF concerns decision-making. It states at paragraph 38 that *“Local planning authorities should approach decisions on proposed development in a positive and creative way... Decision-makers at every level should seek to approve applications for sustainable development where possible.”* Unfortunately, the Council have not met this expectation when determining the planning application, and now opposing this appeal.
- 4.41 Chapter 4 also encourages pre-application discussions and it is worth noting that the appeal proposals have been the subject of extensive pre-application discussions with the Council, other key stakeholders, and the local community (and an earlier application).
- 4.42 Chapter 5 concerns the delivery of a sufficient supply of homes. Paragraph 59 states that it is the Government’s objective to significantly boost the supply of homes. As the SoCG notes, paragraphs 67 and 73 require the identification of a supply of specific deliverable sites for the immediate 5-year period, and paragraph 75 requires both the monitoring of the delivery of housing, and also consideration of the Government’s Housing Delivery Test.
- 4.43 Chapter 6 concerns building a strong, competitive economy. Paragraph 81 notes that barriers to investment can include inadequate housing. Paragraph 83 requires planning policies and decisions to *“enable... the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship”*. The appeal proposals would provide accessible local community facilities including shops, meeting places, sports venues and community facilities, which would clearly be of benefit to the local economy.
- 4.44 Chapter 8 concerns promoting healthy and safe communities. Paragraphs 91 and 92 of the NPPF are also noted in the SoCG; they encourage the provision of mixed-use developments, and proposals which could help people to live healthy lifestyles, such as through the provision of sports facilities. The appeal proposals would make an important positive contribution to the vitality of the local community, for instance by promoting social interaction and opportunities for meetings between people who might not otherwise come into contact with

each other, in accordance with paragraph 91(a). They would also help to provide the social, recreational and cultural facilities and services the local community needs, in accordance with paragraph 92. Paragraph 96 notes the importance of providing access to opportunities for sport and physical activity, which is *“important for the health and wellbeing of communities”*.

- 4.45 Chapter 11 concerns the need to make efficient use of land. Paragraph 117 requires planning policies and decisions to *“promote an effective use of land in meeting the need for homes and other uses”*, and for strategic policies to *“make as much use as possible of previously-developed or ‘brownfield’ land”*. Paragraph 118 states that planning policies and decisions should *“give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land”*. The appeal site is previously developed land, and also a former landfill site. The proposed development would see this land used efficiently and appropriately.
- 4.46 Paragraph 119 states that *“Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them.”* The appeal site is identified on the Council’s brownfield register, held in public ownership, and allocated for the proposed development.
- 4.47 With regard to achieving appropriate densities, paragraph 122 states that planning policies and decisions *“should support development that makes efficient use of land”*. Paragraph 123 states that *“Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.”* This is clearly important with regard to this appeal, given the high level of need for housing, and the poor record concerning its delivery. Paragraph 123(a) mentions the need for plans to contain policies which seek *“to optimise the use of land”*; the Local Plan does contain a policy like this, namely H1. The same paragraph requires the provision of standards to *“seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate”*. In the case of this appeal, as I have explained in Chapter 3 above in relation to Policy DSC1, I consider that the proposed development is appropriate, and I also consider that it responds positively to this requirement. Paragraph 123(c) indicates that applications which fail to make efficient use of land should be refused.
- 4.48 Chapter 12 concerns achieving well-designed places. It emphasises the importance of good design, and it also encourages the provision of clear design expectations, and design guides within Local Plans. As I have explained in Chapter 3, the proposed development would meet the requirements set out within the Local Plan, in terms of layout and design. I have also noted in Chapter 3 that the policy relating to the site (CH7) was conceived in light of the appeal proposals, and is clearly supportive of the proposed development. Paragraph 127 sets out various requirements for new development, including that it should function well, be visually attractive, sympathetic to local character, establish a strong sense of place, optimise the potential of the site, and promote health and wellbeing. I consider that the proposals comply with the requirements of Chapter 12 in terms of their design. Paragraph 130 notes that *“where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”*; I consider that this is also relevant to the determination of this appeal.

4.49 Paragraph 11 sets out the presumption in favour of sustainable development. Paragraph 11(c) would apply, if the development plan were up to date; however, due to the shortfall in the supply of housing land, and the failure against the Housing Delivery Test, this is not the case (in accordance with footnote 7). In light of this, paragraph 11(d) applies. This requires that planning permission should be granted, unless there are either policies within the NPPF which indicate development should be refused (it is common ground that there are no such policies – see the SoCG, paragraph 5.6), or *“any adverse impacts of [granting planning permission] would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*. As I have explained throughout this Proof of Evidence, there would be no such adverse impacts, whilst the benefits of allowing the appeal would be very substantial. I consider that paragraph 11 indicates that planning permission should be granted.

5 Planning Balance

Compliance with The Development Plan

- 5.1 The starting point for considering whether the proposed development should be granted planning permission is the policies of the adopted development plan. The appeal site is allocated for the same development as is proposed by the appeal, by Policy CH7; this policy was modelled on the appeal proposals. There is no doubt that the appeal proposals are acceptable in principle. This includes the proposal to provide 163 new homes, the amount of floorspace proposed in the western block, and the proposal to provide enhanced footballing facilities and an enhanced stadium. I have explained within Section 3, and in relation to Policy CH7, that the appeal proposals accord with this policy. This is also a matter of common ground, as noted at paragraph 5.2 of the SoCG.
- 5.2 The Council have alleged that the footballing facilities are in some way excessive, and that this means they would not comply with Policy CH7, due to their cost, and the fact that money could otherwise be spent on affordable housing. The policy requires an enhancement to these facilities, which are coming towards the end of their useful life. Evidence provided by Mr Maidment shows that simply replacing these facilities like-for-like would not be financially viable. The appeal proposals would go beyond this, and provide a genuine enhancement, as required by Policy CH7. This enhancement would be financed by the developer's decision to accept a lower level of profit. Even if the scale of these facilities were to be reduced, it would not be financially viable to provide affordable housing. As such the Council are simply incorrect in their assertion.
- 5.3 The Council have also alleged that the proposed development would benefit private investors, against the public interest. The reality is quite the reverse, with the Directors of LW Developments having invested a great deal of their own time and money into providing Cheshunt Football Club with financial stability, enhancing its facilities, and promoting this development. They have also accepted a profit level which is substantially below that they would normally consider acceptable, in order to enable this development to come forward. Their motivation relates to their desire, as local residents, to see the Football Club succeed and prosper in the long-term. The Council have also ignored any mechanism, such as the Articles of Association for Cheshunt Sports & Leisure Ltd, which would ensure that any income would be invested in the Football Club, and would not benefit the Directors of LW Developments.
- 5.4 The Council also allege a failure to comply with Policies EQ1 relating to outlook and overlooking. I have shown why this is not the case. It is common ground that the Council's Supplementary Planning Guidance (SPG) remains relevant in this case, and it is referred to within the Local Plan. The proposals would exceed the separation distances which the SPG indicates are acceptable. There need not be any actual overlooking, as this could be prevented by planning conditions. The Council have not fully taken into account the effect which landscape screening could have in mitigating any change to the view from the back of properties on Montayne Road. In terms of privacy any view available would be distant and filtered by landscape planting; this would contrast with the views which could be available if the site were to be redeveloped to form playing pitches, in accordance with an existing

planning permission. Any views of gardens would also be far more remote and less clear than neighbours on Montayne Road already have of one another's properties. Overall, this is not a valid reason for refusing the appeal proposals, and the development is entirely acceptable in an urban area such as this.

- 5.5 Finally, the Council allege that the proposed development would have an unacceptable adverse impact on the visual amenity and character of the surrounding area. The Council's case appears to suggest that it is not acceptable to have housing of three storeys, or apartment buildings, which do not reflect the low-density housing present on the immediately adjacent streets. This ignores the fact that Policy CH7 requires a development of the density proposed, and that development at the density of the immediately adjacent streets would not comply with the Policy's requirements. It also ignores the fact that there are numerous examples of three-storey housing and apartment blocks in the local area, and I consider that the appeal proposals would be far more attractive than other examples I have seen there. I also consider the design of the houses and the blocks around the stadium to be attractive, and entirely suitable and acceptable within their context. The proposed development would also enhance the site's appearance.
- 5.6 I consider that the proposed development would comply with the policies of the development plan, both in terms of the specific examples give above and also when it is taken as a whole.

Material Considerations

Housing Delivery

- 5.7 The Government's Housing Delivery Test 2020 shows that the level of housing which has been provided in Broxbourne in the past three years has been below the level required. Whilst this indicates a pressing need to boost the delivery of housing , it also has the effect of engaging the presumption in favour of sustainable development.
- 5.8 Beyond this, it is clear that the level of housing being delivered within the Borough has for many years been well below the level required. This has had a notable effect on the affordability of housing, and private rental levels. It has also increased the level of deprivation in the local area, with regard to access to housing services. These are measurable negative effects, which are the consequence of a persistent failure to plan properly for the provision of new homes through the Local Plan process, and also the Council's persistent optimism over the level of housing which will be delivered. There is a need to boost the supply of housing, in order to help arrest the negative social and economic trends which result from the failure to deliver sufficient new homes.

Housing Land Supply

- 5.9 Mr Bolton's Evidence demonstrates that there is a substantial shortfall in the supply of deliverable housing land within the immediate 5-year period. This fails to meet national policy requirements, and it is a further reason why the presumption in favour of sustainable development is engaged. It is also a further reason to conclude that there is a pressing need to allow the appeal proposals, in order to help boost the supply of homes.
- 5.10 In addition, footnote 7 of the NPPF states that, due to the shortfall in the supply of housing land (and the failure to meet the requirements of the Housing Delivery Test), the policies

which are the most important for the determination of the application are rendered out of date.

Community Benefits

- 5.11 The proposed development would bring a range of benefits for the local community. Firstly, the enhancement of the Football Club's facilities would benefit local people by improving their access to sports facilities, encouraging them to adopt healthier lifestyles, improving community cohesion and helping to develop civic pride. The additional football facilities proposed can also create a *"football hub"*, which would accord with the Football Association's aims. The provision of further sports facilities within the western block would also clearly be of benefit to the local community, and as Sport England have recognised, this can help to develop a *"Sports Village"*, where there is a greater prospect of groups of people making linked trips to the site, and participating in various sports. And local community groups would benefit from access to the facilities provided throughout the site, which could provide meeting spaces, and venues for various groups.

Economic Benefits

- 5.12 Providing housing would help remove barriers to economic growth. The development would also provide many jobs for local people, both during the construction period, and afterwards, both at the Football Club, and also within the western block. The level of employment within the site is likely to exceed 200 jobs, which is a considerable number; this would clearly be of great benefit to the local economy. In addition, the site's new residents would enhance the demand for local shops, services and facilities, and help to sustain them in the future.

National Planning Policy

- 5.13 I have considered the requirements of national planning policy, set out within the NPPF. It is clear that there are many aspects of the NPPF which support the proposed development, for instance due to its contribution towards the supply of housing, and provision of a mixed-use development including sporting and community facilities, and the re-use of previously developed land. National policy also supports the efficient use of land, which the appeal proposals would achieve. And national policy supports high quality design, which the proposed development represents. These are all matters which weigh strongly in favour of granting planning permission.
- 5.14 Paragraph 11(d) of the NPPF is engaged. This relates to the presumption in favour of sustainable development, which has also been referred to as a tilted balance in favour of granting planning permission. This is engaged due to the shortfall in the supply of housing land, and the failure to meet the requirements of the Housing Delivery Test.

Conclusions on Planning Balance

- 5.15 I consider it is clear that the appeal proposals should be allowed, due to their compliance with the policies of the development plan. In addition, the application of the presumption in favour of sustainable development weighs in favour of granting planning permission. On top of this, the provision of new homes to meet the identified very high level of need for housing, and at a time when there remains a shortfall in its supply, is a matter which must be accorded substantial weight in the determination of this appeal. The various further social and

economic benefits I have identified, which would be brought about by the proposed sporting and community facilities, are also matters which must be given substantial weight in the determination of this appeal.

- 5.16 Even if a decision maker were to conclude that the proposals did not fully comply with the policies of the development plan, footnote 7 of the NPPF is engaged due to the shortfall in the supply of housing land, and failure against the Housing Delivery Test. This implies that the policies which are the most important for the determination of the appeal would be rendered out of date. Should the decision maker conclude that the proposals were inconsistent, for instance, with Policies EQ1 or DSC1, I consider that the weight which could be accorded to such a conflict in the planning balance would be reduced.
- 5.17 I consider that the planning balance in this case is clear-cut. The proposed development accords with the policies of the development plan. There would be many substantial benefits to allowing this appeal, and there are no reasons for refusing it. The presumption in favour of sustainable development also applies. Accordingly, I consider that the appeal should be allowed.
- 5.18 Even if a decision maker were to determine that the appeal proposals did not accord with the Local Plan's policies taken as a whole, I consider that the presumption in favour of sustainable development, and the substantial benefits that the appeal proposals would bring, would constitute material considerations which would clearly outweigh any conflict with the development plan, and that the appeal proposals should still be allowed.

Appendix 1



Local Plan Examination in Public Council Hearing Statement

Matter 6:

**Are the policies and proposals in the
different parts of the Borough justified,
consistent with national policy, and likely to
be effective?**

August 2018

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enhance the setting of the listed buildings by removal of the tunnel and improvements to the relationship between the old and new buildings.

b) The proposed development brief will ensure that development both within the existing building footprint and on the grassy area on the east side of the New River will have appropriate regard to the sensitive context.

Issue 6.9: Cheshunt Football Club and Albury Farm east of the A10

120. If there are exceptional circumstances to justify altering the Green Belt, would the assumption that around 165 dwellings will be built at Cheshunt Football Club during the plan period as proposed in policy CH7 be justified? How many are likely to be completed by 31 March 2022?

An extract from the latest housing trajectory (August 2018) which rolls forward the plan start date to 1 April 2018, is provided below.

	2018/19	2019/20	2020/21	2021/22	2022/23	After 2023	TOTAL
CH7: Cheshunt Football Club	0	40	40	40	45	0	165

The figure of 165 dwellings has been derived through a number of iterations of masterplanning work undertaken by the site promoters and subject to detailed scrutiny and review. Having regard to this work, a figure of 165 units is considered suitable in order to achieve the objectives set out in the Local Plan. The Council is currently in receipt of a planning application for the above which seeks to address the planning committee's reasons for refusal of an earlier proposal.

121. How would the development proposed in policy CH7 affect the character and appearance of the area including with regard to heritage assets?

It is considered that the development proposed in Policy CH7 will have relatively little negative impact on the character of the area, and could have positive benefits in terms of improvements to the rather run-down football club facilities. It is understood that the revised proposals seek to address concerns previously raised by Planning Committee regarding the impacts on existing properties nearby.

With regard to the historic environment, the site is located within close proximity of Theobald's Palace Scheduled Monument and associated listed structures within Cedars Park to the immediate south. It is considered that the setting of the scheduled monument is restricted to the grade two listed northern wall of Cedars Park which is further defined by bands of trees on either side of Theobalds Lane, thus reducing sight-lines between the monument and the proposed site allocation. These bands of trees are to be retained as part of any development. It is therefore considered that

the proposed development will have little to no impact on the setting of surrounding heritage assets. The photograph below looking west along Theobalds Lane illustrates this.



122. a) Is policy CH7 intended to require a developer to make provision to “enable the development of Cheshunt FC Stadium”? (b) If so, would such a requirement be consistent with the national definition of “enabling development” and national policy relating to the use of planning obligations¹⁰?

a) The intention of the policy is to enable the redevelopment of the stadium to create a first class sporting, leisure, community and business facility for the Borough. Whilst the scale and precise circumstances are different, the Council has already successfully pursued this model with Rosedale Sports Club. The housing consists of apartments around the flanks of the stadium and an interlinked estate of houses that will connect to the existing urban area. In the absence of this totality of housing, the sporting/community development will not happen and that would be a substantial loss to the borough. Should that comprehensive approach to the planning and delivery of this development be de-coupled, it would be likely to result in a free standing housing estate, uncomfortably shoehorned between a relatively run-down small provincial football ground and the existing urban area. That would not provide the exceptional circumstances to enable a realignment of the Green Belt in this location, would not be a proper town planning solution and would not be a sustainable way forward for Broxbourne. The Council therefore strongly rejects an isolated planning approach to the allocation.

b) The word ‘enabling’ is not consistent with NPPF paragraph 140, which refers to heritage assets. The Council is open to the use of alternative wording, provided that it retains the strong link between the delivery of housing and the other proposals on the site. The Council has recently received a fresh application in respect of this scheme. In terms of planning obligations, the Council and the applicant are agreed in terms of the deliverability and reasonableness of the proposals for delivery of the new sports facilities, offices and associated development.

¹⁰ NPPF paragraphs 140 and 204.

123. Would the provision of “community and commercial floorspace” proposed in policy CH7 be consistent with national policy relating to the location of main town centre uses?

The proposal is located out of the defined town centre at Waltham Cross, but is accessible and well connected, as set out in paragraph 24 of the NPPF. The proposals are justified in terms of the reasoning set out in response to Q. 122 a) above. It should be noted that the proposed community and commercial floorspace is small-scale and would be limited by condition. It would contribute significantly to the sustainability of the development without any negative impacts on existing town centres.

124. Would policy INF11, paragraph 7.18, Figure 8 and the Policies Map collectively provide an effective approach to the provision of a new primary school at “Albury Ride”?

Following discussions with Hertfordshire County Council, the Regulation 18 draft Local Plan proposal for a defined area was amended to the position as set out in the submission Local Plan, removing the defined site area in close proximity to the A10 and relocating the site further from the A10 and nearer to the residential area and access point. Hertfordshire County Council as both landowner and service provider has indicated its agreement to the approach set out.

125. Is policy CH8, which seeks to protect land at Albury Farm from development, sufficiently clear so as to be effective, and is its objective justified?

The objective of the policy is to retain openness along the A10 approach into Cheshunt, as set out in paragraph 7.19. This is important because the Plan proposes to release the area from Green Belt, and therefore the proposed designation is considered important so as to avoid a policy vacuum in which clearly inappropriate development could occur. The policy would enable provision of open-space, such as extension of the existing sports pitches or provision of new pitches.

Issue 6.10: Maxwell Farm and Rush Meadow

The Council has proposed a main modification to paragraph 3.12 in the Plan relating to this site [EXAM6].

126. Does the Plan contain policies that provide a clear indication of how a decision maker should react to any development proposals that may be made during the plan period relating to land to the west of the A10 at Maxwells Farm and Rush Meadow?

To date, a flexible approach has been considered necessary because of the uncertainty surrounding the purchase of Park Plaza North and the business relocations strategy. It remains an option that the site should be safeguarded in accordance with NPPF paragraph 85 (bullet 3) in order to avoid longer-term pressure on Broxbourne’s Green Belt.

The Council accepts that it would be appropriate to draft a policy for this site, should it be needed in order to ensure the effective and sustainable implementation of the Local Plan. As set out in relation to Q133 below, early indications are that the IKEA proposals do not accord with the Council’s policy for this site. The Council has very recently received a masterplan proposal from IKEA but the Council has not had opportunity to determine its own position in relation to this position. However, if the deliverability of the proposed relocations from Waltham Cross and Cheshunt Lakeside is thrown into

Policy	Proposed modification	Q. no
	<p><u>priorities for the district centre:</u></p> <ol style="list-style-type: none"> 1. <u>Public realm improvements to create an attractive and accessible environment for pedestrians and cyclists whilst enabling the circulation of vehicular traffic;</u> 2. <u>Provision of a diverse retail, services, food and drink offering;</u> 3. <u>Improvements to Grundy Park at Turners Hill;</u> 4. <u>Provision of a street market and events programme;</u> 5. <u>Parking improvements.</u> 	
Issue 6.7: Old Cambridge Road Corridor		
Policy CH4: Old Cambridge Road Corridor	<p>Policy CH4: Old Cambridge Road Corridor</p> <ol style="list-style-type: none"> The Council will produce an improvement plan <u>Supplementary Planning Document</u> for the Old Cambridge Road corridor between Turners Hill and Waltham Cross. <u>Development proposals should have regard to the SPD, once adopted.</u> <p><u>Proposals that improve the environmental quality and attractiveness of the Old Cambridge Road Corridor, including in terms of streetscape and accessibility on foot or by bicycle, will be supported.</u></p>	117 FPQ1c EXAM6
Issue 6.8: Council Offices, Churchgate, Cheshunt		
Policy CH13: Council Offices, Churchgate	<p>Policy CH13: Council Offices, Churchgate</p> <p>A development of <u>approximately 75</u> new homes is proposed at Bishops' College as a mixture of conversion and redevelopment. A development brief will be prepared <u>for this site, to address a range of issues including the setting, character and appearance of the listed buildings and conservation area and associated green spaces including the New River.</u></p>	FPQ EXAM6
Issue 6.9: Cheshunt Football Club and Albury Farm east of the A10		
	No modifications proposed	120-125
Issue 6.10: Maxwells Farm and Rush Meadow		
Paragraph 3.12	In the event that there are difficulties in implementation of the development strategy, contingency planning will focus on bringing forward the reserve site undesignated land at Maxwells Farm West (Policy CH8, Section 7) (Paragraph 7.23) or the Waltham Cross Area Action Plan (see Policy WC3, Section 11).	126
Issue 6.11: Cheshunt Country Club		
Paragraph 14.3	This area provides strategic separation between metropolitan London and the southerly settlements of Hertfordshire. It is mainly characterised by attractive rolling farmland and woodlands. It is also interspersed by a number of public paths. The only significant development issue is the future of the Cheshunt Country Club at Theobalds Park which is owned by Tesco's and contains a number of sports facilities including a pavilion and sports pitches. The company has proposed that this area be allocated for a range of uses and has specifically identified its potential for development as a business park. That is not proposed within this Plan and the site remains in the Green Belt. Nevertheless, it is clear that there needs to be a solution for the building and the site.	127, 55 g

Appendix 2

[REDACTED]

Sent: 30 July 2018 09:40

To: Planning Mailbox

[REDACTED]

Subject: App Ref: 07/18/0514/F - Cheshunt Football Club, Theobalds Lane, Cheshunt, Hertfordshire, EN8 8RU (Sport England Ref: PA/18/E/BRX/49152)

For the attention of Peter Quaile

Dear Mr. Quaile

App Ref: 07/18/0514/F - Cheshunt Football Club, Theobalds Lane, Cheshunt, Hertfordshire, EN8 8RU (Sport England Ref: PA/18/E/BRX/49152)

Thank you for consulting Sport England on the above application.

Summary: Sport England raises **no objection** to this application as a statutory consultee which is considered to meet exception E4 of our adopted Playing Fields Policy and paragraph 97 of the NPPF. This position is subject to the phasing and delivery of the facilities in the Sports Village being secured through a section 106 agreement and five planning conditions being imposed relating to the:

1. Design and layout of the proposed North and West blocks;
2. Artificial grass pitch design specification details;
3. Artificial grass pitch certification details;
4. Sports village community use agreement;
5. Ball strike protection details;

The principle of the 'Sports Village' element of the application is **supported** as a non-statutory consultee.

Sport England - Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:
www.sportengland.org/playingfieldspolicy

The Proposal and Impact on Playing Field

In summary, the Cheshunt Sports Village proposal is a major project focused around Cheshunt Football Club's existing facilities that would involve several inter-related elements. First, the main element would include a new stadium for Cheshunt FC with a 2,000 spectator capacity on the site of the existing stadium. As well as new supporting facilities being provided for Cheshunt FC in the proposed North Stand, there would be a range of community facilities in the proposed West Stand including indoor sports facilities. Commercial facilities would also be provided in the West Stand to help sustain the operation of the club while residential would be incorporated into the proposed East and South stands to help provide the funding to deliver the stadium. The current grass stadium pitch would be converted to a 3G artificial grass pitch suitable for both club and community use. Second, further enabling residential development would be provided on part of the club's playing field to the south east of the club's site. Third, playing field mitigation would be provided in the form of the recently completed phase 1 grass football pitch improvements and the new 3G artificial grass pitch (AGP) to the north of the club's site, and through the completion of phase 2 of the grass football pitch improvements to the east of the site. The proposal represents a revised proposal following the refusal of a previous application (07/16/1369/F) in 2017 for a similar scheme. The key differences between the 2017 and the current application are that the current scheme has scaled down the number of dwellings and density of the residential element and the scale of the commercial and club facilities in the West and North stands has also been reduced.

Assessment against Sport England Policy

I consider that the most applicable exception to the proposal would be E4 of the above policy, which states:

- E4 – The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development

I have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception E4.

The part of the playing field that would be lost to the residential development that is proposed to help fund the stadium development is an area of 1.51 hectares that is currently used as a mini football pitch and for training. This area is an uncapped landfill site which has poor surface conditions and uneven levels. These constraints have resulted in drainage problems which restrict the carrying capacity of the pitches, which in turn limits their use and affects the quality of matches/training that can be played. The proposed package to mitigate the loss of this area comprises the following measures

- The delivery of phase 1 of the pitch improvement works permitted by planning permission 07/13/0574/F plus a 0.38 hectare extension to the playing fields in the north west corner of the site created through the reclamation of a strip of adjoining land that was previously leased to a sea cadet group which did not form part of the planning permission. The phase 1 improvements were undertaken in 2015 and the pitches came into use at the start of the 2016/17 football season. As well as providing for an increase in the total playing field area, the re-grading and re-profiling of the area has created a much higher quality surface that has improved carrying capacity, drainage and safety through the importing of suitable soil to re-profile the surfaces and the installation of a pitch drainage system;
- The delivery of part of phase 2 of the pitch improvement works permitted by planning permission 07/13/0574/F. The unimproved area to the east of the stadium which is not required for residential development will be improved as originally proposed in the planning permission. This will offer the same benefits as the phase 1 works and works are due to be completed in March 2019 with a view to being completed and available for community use by the start of the 2019/20 football season. Collectively, the implementation of phases 1 (including the extension) and 2 will result in around 3.91 ha of grass playing fields being substantially improved in terms of quality which will significantly improve capacity and performance quality. Even though the net area of grass playing field provision would be reduced by around 1.13 ha, the amount of use by the club and the community that the improved pitches will be able to accommodate compared to the position before the improvement

works will be much higher. In terms of pitches, while the number and types of football pitches to be laid out when the works are completed will differ to the original provision (reduction in adult pitches but increase in youth, 9v9 and 5v5 pitches), the improved pitches will be able to meet all of the club's current grass pitch needs and there would be no displacement of current or previous football use of the playing field;

- The delivery of the AGP to the north west of the club site through the conversion of the former copse. The AGP was completed in 2015 and has been operational since October 2015. As well as increasing the playing field area at the club by 1.06 ha, the AGP has already delivered significant benefits as it has helped address the capacity restrictions associated with the grass pitches and has allowed intensive use by both the club and the community for training and matches. The facility is at capacity at peak periods and has already contributed towards addressing community football pitch deficiencies in the Cheshunt area. While not strictly a like for like replacement for the area of grass playing fields that would be lost, it is considered to be superior in terms of its flexibility, carrying capacity and surface quality. As the AGP has pitch markings for adult, youth, 9v9 and mini football it also offers the flexibility of use that a grass pitch is unable to offer as an area equivalent in area to a senior pitch has 9 different pitches marked out on it, several of which can be used at the same time.
- The proposed conversion of the 3G AGP as part of the proposed stadium redevelopment. The provision of a second AGP on the site will have similar benefits to the existing one. Artificial grass surfaces (subject to appropriate certification through suitable design and maintenance) are now sanctioned for competitive match use up to National League level of the non-league football pyramid so as well as being suitable for meeting the club's first team match requirements, a 3G surface on the stadium pitch would allow intensive use by the club and the community. The existing grass pitch is restricted to first and reserve team match use in order to preserve its quality which restricts any wider use of it by the club and the community. As set out above, the recently built AGP is already used to capacity at peak times and Broxbourne Borough Council's Leisure Strategy has identified a need for up to two further 3G AGPs in the Borough for meeting community football and rugby needs. The provision of two 3G AGPs on the same site together with the grass pitches would also offer the potential for a strategic community football hub to be created on the site which is a concept that the Football Association are encouraging on suitable sites such as this in order to maximise community football development benefits.

When the proposed mitigation package is considered against the criteria in exception E4 it is considered that the replacement proposals would clearly meet or exceed the majority of the criteria. The quality of the replacement proposals (grass and artificial) would clearly be superior to the qualitatively deficient area that would be lost while the location and management arrangements would meet the exception as the replacement facilities would be provided on the club's existing site and be managed on a similar basis. In terms of phasing, part of the package has already been implemented, the phase 2 pitch works are due to start shortly and there is potential for the stadium 3G AGP to be implemented as part of an early phase of the sports village development. I am therefore satisfied in principle that the phasing will ensure continuity of provision of pitch facilities for the club.

In terms of the quantity of replacement playing field provision, the proposals would result in a small net loss of around 0.07 ha. While this would not strictly accord with the quantity criterion, in the context of a 5 hectare site (original playing field area) this small loss is considered to be clearly offset by the benefits summarised above associated with the qualitative improvements to the retained grass playing field area, the AGP and the proposal to convert the stadium pitch to an AGP.

In addition to the mitigation associated with grass and artificial pitches, the delivery of the Sports Village project would offer a range of sport related benefits which need to be considered when assessing the proposals. These can be summarised as:

- *Cheshunt FC:* The new club facilities proposed in the North Stand together with the new spectator stands around the stadium would address the deficiencies associated with the existing facilities (that have been set out in detail in the design and access statement) and would deliver modern fit for purpose facilities that will meet the needs of the football club and offer revenue generating facilities to support the sustainability of the club and the wider sports village. Many of the facilities proposed such as the changing and education facilities do not exist at present while facilities that would be replaced such as the club's social facilities would be superior in size and quality. Collectively, the facilities would help the club progress up the up the football league pyramid, provide suitable ancillary facilities

to support the club's development, offer superior facilities for spectators, provide facilities for community users of the site and help sustain the club and wider sports village;

- *Community Sports Facilities:* New indoor sports facilities are proposed in the West Stand which are intended to be responsive to identified local needs. While the facility mix, potential users and floor plans are not confirmed at this stage, potential would exist to provide a fitness gym, dance studios and indoor sports space. While occupiers have not been confirmed, interest has been expressed in relocating to the stadium by Valle Dance Academy and potential may exist to accommodate users such as Turnford Gymnastics Club and Broxbourne Table Tennis Academy. The provision of such facilities would offer the potential to address specific needs identified in Broxbourne Borough Council's Leisure Facilities Strategy.
- *Sports Village:* The club, community and commercial facilities would collectively offer the potential to deliver a Sports Village concept that would offer mutual benefits for the occupiers and users. As well as each individual facility meeting a need and offering their own benefits, the combined benefits of the facilities being co-located in the stadium could be significant especially in terms of attracting and sustaining participation in sport and in terms of the sustainability of the sports facilities and the football club.

It is acknowledged that parts of the above mitigation package (the Phase 1 works and the AGP) have already been completed. I would not consider these elements of the mitigation package to represent retrospective mitigation because Sport England was advised of the Sports Village proposals and the associated enabling development on the playing fields before construction started on these elements of the package and the club communicated the evolution of different phases of the project to Sport England throughout the process. While planning permission 07/13/0574/F proposed that the area of playing field (where the residential is proposed) would be retained and enhanced, this was before the stadium proposals evolved as the next phase of regeneration of the club's site. The plans for the club's site were subsequently reviewed following this planning permission and the proposals which already had planning permission were put forward as part of the mitigation package for the current proposal. Sport England is therefore satisfied that these elements of the package represent genuine mitigation proposals that are directly related to, and an integral part of, the sports village concept rather than an attempt to use unrelated existing facilities as a retrospective mitigation proposal.

Conclusion

In conclusion, based on the above assessment, the proposal is considered to broadly meet exception E4 of our policy for the reasons set out above and would offer significant additional sport related benefits in terms of the stadium proposals that would clearly offset a small net loss in playing field provision.

I can therefore confirm that Sport England makes **no objection** to the planning application as a statutory consultee. However, this position is **strictly subject** to a range of matters set out below being addressed through a section 106 agreement and planning conditions if planning permission is forthcoming:

Section 106 Agreement: Sports Village Phasing & Delivery

A section 106 agreement which makes provision for the sport and community facilities proposed in the Sports Village to be delivered within an agreed timescale linked to the enabling residential development. As the justification for the residential development and the associated loss of playing fields is based around the need to provide enabling funding for delivering the sports village, the agreement should safeguard against a scenario where the residential development is implemented but the Sports Village is not. While at present it is considered unlikely that this scenario would arise in practice due to the club's current commitment to the project, it is essential that the agreement makes provision for linking the delivery of the sport and community facilities in the development to the phasing of the residential development to address this potential scenario. The proposed phasing of the development set out in the 'Replies to Sport England' (Updated July 2018) document is considered to be broadly satisfactory as it is understood that the sports village related proposals cannot commence until sufficient capital receipts have been received from the residential development. The confirmed phasing should be included in the section 106 agreement. However, as the club, commercial and stadium elements are in the final phases, securing their delivery through a section 106 agreement would provide more certainty of their delivery in practice. It is also considered that securing delivery would be justified to support making an exception to Green Belt

policy as the benefits of the Sports Village constitute a substantial part of the very special circumstances to justify inappropriate development.

Sport England would not wish to be overly prescriptive on trigger points for delivery but would expect them to be along the following lines:

- Phase 2 of the Playing Pitch Improvement Works (in the area shown on Drawing No: 15_238_PL42 (2016/17 pitch layout)) should be completed and operational as proposed at an early stage of the development as this forms a key part of the mitigation for the loss of the playing field. The delivery should be linked to the occupancy of phase 1 of the residential development (currently proposed as NE Corner Block, East Block and SE Corner Block). For example, the improved playing field area should be completed and operational before first occupancy of any dwelling in this phase. As the pitch works are due to be completed and the pitches ready for use by the 2019/20 football season this should be achievable in practice. In the event that the works are completed and the pitches are operational before a section 106 agreement is finalised it will not be necessary to secure delivery of this element of the proposals;
- The North Block (Area 2) containing Cheshunt FC's new facilities which is proposed for phase 4 should be delivered in advance of the West Block (Area 3) in order to maintain the club's existing ancillary facilities until the new facilities are available. Furthermore, the delivery of this phase should be linked to the occupancy of dwellings in phase 3 of the residential development (currently proposed as the residential development to the east of the site on the existing playing field);
- The West Block (Area 3) containing the commercial and community facilities which is proposed for phase 5 should be delivered after the North Block and its delivery should be linked to the occupancy of dwellings in phases 3 or 4;
- The new stadium (principally the spectator stands) should be completed in terms of providing 1,330 seats and its delivery linked to the occupancy of dwellings in phases 3 or 4 although as indicated by the applicant some of the seating may be completed earlier if required;
- The timing of the delivery of the stadium 3G artificial grass pitch should be agreed before a section 106 agreement is prepared. It has been indicated that this could either be at an early stage of the programme or at the end in phase 5. Sport England would prefer this to be during an earlier phase so that one of the principal community sport related benefits of the Sports Village is realised at an early stage given that the majority of the club and community facilities will not be delivered until the end of the construction programme due to the need for the enabling development. Furthermore, as the club's existing 3G pitch is fully booked during peak periods and there is a shortfall of local provision, its early delivery would be more responsive to current local needs. However, the issue associated with potential contamination of the pitch surface during construction around the stadium is acknowledged. Consequently, the timing of the delivery should be agreed once further consideration of this issue has been given and discussions have taken place with Sport England. The agreed delivery timescales can then be confirmed to the Council for inclusion in the section 106 agreement.

Planning Conditions

1. North Block and West Block Design & Layout

A condition (or separate conditions applying to each block) requiring details of the design and layout of the north block and west blocks to be submitted and approved (as part of reserved matters) and for the approved details to be implemented. The Council would be expected to seek such a condition anyway as the application for these elements is in outline and no details of the building layouts have been provided at this stage. The condition is required to ensure that the design and layout is acceptable in planning terms and from Sport England's perspective to ensure that the new sports and ancillary stadium facilities are fit for purpose and deliver the sports related benefits set out above. In this regard, it is requested that the following informative be added to such a condition(s):

Informative: The applicant is advised that the design and layout of sports and ancillary stadium facilities should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England and National Governing Bodies for Sport.

The applicant is recommended to consult Sport England and the Football Foundation (on behalf of the FA and Herts County FA) on the design and layout of the north and west blocks in advance of submitting any future reserved matters planning application to ensure that our comments can be considered before the design is finalised.

2. Stadium Artificial Grass Pitch Design Specifications

As full design specifications for the stadium 3G AGP are not available at this stage, details will need to be submitted prior to commencement of construction of the pitch to demonstrate that the detailed design is fit for purpose and meets the Football Association's design guidance. The design specifications should include details of the specification of at least the 3G surface, construction cross-section and line markings. This is justified to ensure that the design of the facility is fit for purpose in practice and does deliver the benefits to sport identified above which mitigate the impact on the playing field. Furthermore, the Football Foundation has requested that such detail be secured to ensure that the detailed design of the pitch will be acceptable. The applicant is requested to discuss the design specifications with the Football Foundation before submitting details to discharge this condition. It is requested that the following condition and informative be imposed on any planning permission to address this matter (which is based condition 9 of our model conditions schedule <https://www.sportengland.org/facilities-planning/planning-for-sport/planning-applications/>):

"No development of the stadium artificial grass pitch shall commence until details of the design and layout of the artificial grass pitch including the surface specification, construction cross-section, and line markings have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The artificial grass pitch shall not be constructed other than in accordance with the approved details.

*Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy **.*

Informative: The applicant is advised that the design and layout of the artificial grass pitch should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to the Football Association's Guide to 3G Football Turf Pitches Design Principles and Layouts

3. Stadium Artificial Grass Pitch Certification

A condition requiring the submission and approval by the local planning authority (in consultation with Sport England) of certification that the artificial grass pitch has met the FIFA Quality or FIFA Quality Pro standard or equivalent International Artificial Turf Standard (IATS). This is justified because AGPs can only be sanctioned for FA affiliated community football match use where the pitch has been tested to meet FIFA's recommended FIFA Quality performance quality accreditation (for community and recreational football), further details of which are on FIFA's website <http://football-technology.fifa.com/en/media-tiles/fifa-quality-programme-for-football-turf/>. Without this, the AGP could not be used for most community football matches which would result in it not being fit for purpose and would diminish the benefits offered to the resident football clubs and wider community by the proposal. The applicant has confirmed that the facility will be designed and maintained to meet these technical requirements but this cannot be confirmed in practice unless appropriate testing takes place which certifies this. As a pitch can only be tested for certification when it is completed so it would not be possible to request the information to be provided at planning application or pre-commencement stages. Following meeting the test, the facility will need to be registered on the FA's Register of Football Turf Pitches <http://3g.thefa.me.uk/> to enable it to be sanctioned for FA affiliated community football match use. The Football Foundation/Herts County FA can provide further advice to the applicant upon request. It is requested that the following condition and informative be imposed to address this matter (which is based on condition 9b of our model conditions schedule):

"Use of the stadium artificial grass pitch shall not commence until:

(a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality or FIFA Quality Pro accreditation or equivalent International Artificial Turf Standard (IATS); and

(b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches;

have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy **.*

4. Sports Village Community Use Agreement

A condition (or a section 106 agreement requirement) requiring a community use agreement for the sports and community facilities in the Sports Village (the sports and community facilities in the West Block, the club facilities in North Block and the stadium artificial grass pitch) to be submitted and approved prior to first use of the West Block (or an alternative timescale to be agreed with the Council). The agreement would provide details of how wider community access to the facilities at the Sports Village that are suitable for community use will be formalised over a long term period in order to ensure that the proposed sport related benefits to the wider community (beyond Cheshunt FC) are secured in practice. A community use agreement sets out a club's policy and arrangements for wider community use of its facilities and covers matters such as hours of use, pricing policy, marketing, types of bookings accepted, restrictions on community use, facility management arrangements etc. The agreement is usually between a sports club and the relevant local authority (i.e. Broxbourne Borough Council) but may involve additional bodies (e.g. Herts County FA). Sport England regularly secures the completion of such agreements through planning conditions on planning permissions relating to major new or enhanced sports facilities. A community use agreement would help ensure that wider community access to the proposed facilities takes place following the implementation of the proposed development and ensure that the community use arrangements are safe and well managed.

The suggested timing of submission/approval of the agreement is proposed in relation to the use of the West Block as this is where the majority of the community facilities will be located and this is expected to be the last phase of the development but I would be willing to consider an alternative timescale. Community use agreement templates, examples of completed agreements and further advice can be provided upon request. The following planning condition should be imposed to address this matter:

"Use of the West Block hereby permitted (or an alternative timescale agreed in writing with the local planning authority), shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the facilities in the West Block, North Block and stadium that the local planning authority considers suitable for community use and include details of pricing policy, hours of use, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement."

*Reason: To secure well managed safe community access to the sports/community facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy **.*

5. Residential Development: Ball Strike Protection

As the new housing (plots 1-10 as shown on the Block Plan) adjoining the remainder of Cheshunt FC's playing field would back directly onto the improved football pitches, potential exists for there to be an impact on the residential development i.e. balls leaving the playing field and entering the closest dwellings especially behind the goals i.e. entering the gardens or hitting the windows/doors of the properties. Sport England would wish to avoid a scenario where future residents of the proposed development make complaints to Cheshunt FC or the Council about the impact of balls entering their properties as such impacts should be considered and minimised at the planning stage. Retrospective mitigation measures are likely to be more difficult to implement and fund and the range of options available will be reduced.

Appropriate measures are therefore requested as part of the development to ensure that the use of the playing field does not have an adverse impact on the proposed development in terms of residential amenity and to help ensure that the club or the Council does not come under pressure from residents at a later date to implement such measures. There are a number of potential measures which could be considered which include boundary treatments such as portable ball stopping netting, tree planting, and suitable fencing as well as ball resistant material choices for windows and roofs. The applicant should undertake a risk assessment and seek professional advice if appropriate before developing any mitigation proposals.

To address this concern, a planning condition should be imposed to ensure that details of such mitigation measures for the relevant dwellings, are submitted to and approved in writing by the Council in consultation with Sport England before commencement of the development. A suggested condition is as follows:

Prior to commencement of development of plots 1-10 (as shown on Drawing 15_238_PL02 – Block Plan) of the residential development hereby approved, details of ball stop protection measures shall; (a) be submitted to and; (b) approved in writing by the Local Planning Authority, [after consultation with Sport England]. The approved details shall be installed in full before the development is first occupied and thereafter be managed and maintained in accordance with the approved details.

*Reason: To provide protection for the occupants of the development and their property from potential ball strike from the adjacent playing field or sports facility, to reduce conflict between neighbours and therefore safeguard sporting use of the adjacent sports facilities and to accord with policy ****

If you wish to amend the wording of the conditions or use another mechanism in lieu of the conditions, please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments. If the application is permitted, it is requested that Sport England be consulted on drafts of the relevant parts of the section 106 agreement.

If your Authority decides not to attach the above conditions and section 106 agreement requirements, Sport England would wish to lodge a statutory objection to this application. Should your Authority be minded to approve this application without the above conditions and section 106 agreement provisions, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the National Planning Casework Unit.

COMMENTS MADE AS A NON-STATUTORY CONSULTEE

As a non-statutory consultee, without prejudice to our position as a statutory consultee set out above, Sport England would wish to make comments on the following issues:

Proposed Sports Village: Principle of the Development

Sport England has assessed the application in the light of its Planning for Sport Aims and Objectives Guide (2013) www.sportengland.org/facilities-planning/planning-for-sport/aims-and-objectives/ which is consistent with the NPPF. Objective 3 of this guide relates to ensuring that the provision of facilities and opportunities for sport and recreation meets the needs of the local community which includes new facilities and the enhancement of existing facilities.

The proposed development would provide a significant new sports facility that would offer potential to make a major contribution towards meeting identified community sports needs in the Cheshunt area as well as substantially enhancing facilities for Cheshunt FC for the reasons set out above. The proposals are considered in principle to meet the above planning policy objective therefore. Sport England would therefore wish to confirm its **support** for the principle of the proposed sports village as a non-statutory consultee. The Football Foundation have advised that they are also supportive of the principle of the proposed sports village.

As set out above, it is requested that Sport England be engaged by the applicant on the detailed design and layout of the community and football club facilities before reserved matters planning applications are submitted.

Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

If you would like any further information or advice, please contact me at the address below.

Yours sincerely,

Roy Warren

Planning Manager



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Appendix 3

Appendix 3

Character of the Local Area

Montayne Road



Semi-detached houses and bungalows on Montayne Road

1. Montayne Road was built, along with other local streets such as Dudley Avenue, as a single residential estate in the 1960s. The majority of the houses, and the few bungalows, are arranged in semi-detached pairs. The street is broad, with wide grass verges and regularly spaced mature trees. Many of the front gardens are paved and used for parking cars. The houses have a consistent character, relating to their common builder and time of construction. They are clad fairly consistently in materials including red brick, hanging clay tiles and pebble-dash, with concrete roof tiles and white u-PVC windows.

Raydon Road and Cranbourne Road



Semi-detached and terraced housing on Raydon Road

2. These two parallel roads were also built in the 1960s, at a similar time to Montayne Road. They each contain both terraces of houses and semi-detached pairs. These houses have a similar appearance and use a similar palette of materials to those on Montayne Road,

including red brick, pebble dash, concrete roof tiles and largely white uPVC windows. Car parking is on the street, which it dominates, rather than in front gardens. These streets are narrower, and built at a higher density, without the grass verges and trees of Montayne Road.

Dudley Avenue and Grenville Close



Bungalows and semi-detached houses on Dudley Avenue



Bungalows on Dudley Avenue, with four-storey flats adjacent the station visible behind; and houses on Dudley Avenue

3. The houses on these roads were also constructed as a single estate, around the same time as Montayne Road, in the 1960s. Also as with Montayne Road, the houses are largely semi-detached pairs. Many of them remain with a similar appearance to that which they will have had when first constructed, although there is also greater variety, with some infill development, and houses which have been modified and extended, introducing greater variety in the form of the houses and brick colours. Otherwise, the materials used are similar to those on Montayne Road. At the southern end of Dudley Avenue are a few bungalows, which have tall roofs, beyond which is a subsequent development of further bungalows with low pitched roofs, on Dysons Close. It is notable that blocks of flats have been built to the rear of the bungalows, and that they are visible looming above them from the street.

Friends Avenue



Houses and apartments on Friends Avenue

4. Friends Avenue contains both housing and apartments, in separate areas, which are delineated in my Drawing 194/A/003. As that drawing shows, the housing is built at around 40 dwellings per hectare, and the apartments are built at around 84 dwellings per hectare. The houses are two-storeys in height, and the apartments three or four storeys. The architectural style of these buildings is unexciting, and typical of the late 20th and early 21st century.

Albury Ride



Large semi-detached houses on Albury Ride

5. Albury Ride dates from the early 20th century, and it contains large, attractive semi-detached houses. These are generally two storeys in height, other than one house which has a third storey loft extension.

The Ride



Three-storey houses on The Ride

6. The Ride is a development dating from around the 1990s. It contains three-storey houses, which face towards Cheshunt Football Club's playing pitches.

Crossbrook Street



A modern apartment block and terraced houses and shops on Crossbrook Street



An apartment block and commercial buildings on Crossbrook Street



Apartment blocks at Akers Court and Trinity Lane, just off Crossbrook Street and Waltham Cross High Street



Modern terraced three-storey housing on Meredith Court, and early 20th-century three-storey terraced housing on Crossbrook Street



Terraced three-storey apartments and shops on Crossbrook Street

7. There are a wide variety of buildings on Crossbrook Street, and adjacent roads leading from it. Some of these buildings are shown above. They include large apartment blocks, terraced housing, and development from a variety of periods in a variety of styles.

Guinevere Gardens



Apartments and houses on Guinevere Gardens

8. Guinevere Gardens is a relatively modern development, which includes modern apartment blocks, and housing with a traditional character. Its buildings have a variety of storey heights, including an element which steps down from three to two storeys.

Markwick Avenue



Housing on Markwick Avenue

9. This is a new development, at the entrance to which are striking three-storey apartments, with two-storey houses beyond.

Appendix 4

Broxbourne Local Plan 2018 – 33

Draft Infrastructure Delivery Plan

R S Regeneration and Markides
Associates

January 2018

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SECTION 10: SOCIAL INFRASTRUCTURE - BUILT FACILITIES

Introduction

- 10.1** Social infrastructure is vital for the creation of sustainable and cohesive communities and includes both outdoor and indoor (built) facilities. Built facilities – covered in this section – include indoor sports facilities, community halls and libraries.
- 10.2** This section assesses current provision, anticipated growth-related needs and the means of funding them.

Background evidence

- 10.3** Evidence relating to built sports facilities is provided by the Broxbourne Leisure Facilities Strategy Built Sports document (December 2013). The Strategy runs to 2031 so it has been necessary to extrapolate conclusions to 2033 for IDP purposes. Information concerning libraries is set out in Inspiring Libraries (2014) published by HCC and covering the period 2014 – 24 with further advice by HCC officers. Masterplanning work for the borough's strategic development locations (see section 5) is also highly relevant and has also been drawn on.

Existing built social infrastructure in Broxbourne

- 10.4** This is currently as follows:

Sports Halls

- 10.5** There are 5 main sports halls in Broxbourne (classified as 4 or more courts of badminton court size) as follows:

Table 10.1: Broxbourne Borough's major sports halls

Centre	No. of Courts	Ownership (access arrangements)	Year built (refurbished)
Laura Trott Leisure centre	6	Local authority/commercial (pay and play)	1984 (2014)
John Warner Sports Centre	4	School/commercial (pay and play)	2002 (Under Review)
Goffs School Sports and Arts Centre	4	School/commercial (pay and play)	1980 (2017)
Hertford Regional College	4	Further education/in house (Sports Club/Community Association)	2013
St Mary's Church of England High School	4	School/commercial (Sports Club/Community Association)	2010

Source: Broxbourne Leisure Facilities Strategy Built Sports document (December 2013)

10.6 There are an additional 10 smaller sports halls of 2 courts or fewer offering additional - albeit limited - capacity. The Leisure Facilities Strategy calculates that when account is taken of the limitations of public access (mainly in the school sports halls) the borough has an equivalent of 22.5 courts available for community use. This is below both the national and regional average.

10.7 Sport England have a Sports Facilities calculator from which it is possible to estimate future demand, taking into account, where relevant, estimated levels of underprovision). The Leisure Facilities Strategy calculates the following in terms of sports hall need:

Current provision: 5 major sports halls, 11 further activity halls, available court capacity (when restrictions on use are factored in) = 22.5 courts, equivalent floorspace of 3450m²

Current demand: estimated as 6.5 major sports halls, 26.5 courts or 4000m² of floorspace.

Demand in 2031: (when growth factored in) 7 major sports halls, 28 courts, 4250m² of floorspace.

10.8 Extrapolating need to 2033: (the end of the plan period) the IDP estimates a requirement for 7 major sports halls, 29 courts, 4400m² of floorspace.

10.9 Requirements are somewhat complicated by the availability of sports halls in other districts in close proximity to Broxbourne, but if these are set aside, the overall net additional sports hall requirements over the plan period are an additional 2 new sports halls, expressed as 6.5 new courts and 950m² of additional floorspace. This new sports provision could however take the form of 1 new sports hall and an expansion of an existing facility.

10.10 If the existing shortfall is discounted, then the growth related demand is 0.5 major sports halls, 2.5 courts and 400m² of additional floorspace. Arguably the growth related requirement could be met through the expansion of an existing facility.

Swimming Pools

10.11 There are 8 indoor pools in the borough (of which 5 are main pools and 3 are ancillary/learner/teaching) operating on 6 sites as follows:

- 4 publicly accessible on a pay and play basis
- 2 on school sites, available to clubs and others on a booking system
- 2 for registered members only at private health clubs

10.12 On a pro rata basis Broxbourne is relatively well provided for indoor swimming in regional and national terms. There is no outdoor swimming provision in the borough.

10.13 50% of pool provision is available on an open (i.e. 'pay and play') basis.

10.14 Using the Sport England Sports Facilities calculator the Leisure Facilities Strategy calculates the following in terms of indoor pool need:

Current provision: when restrictions on public use are factored in the provision is 22 lanes, the equivalent of 5.5 x 4 lane pools, water space area of 1150m²

Current demand: estimated as 19 lanes, or nearly 5 x 4 lane pools, or water space area of 1000m² (so there is an overall overprovision)

Demand in 2031: (when growth factored in) 20 lanes, or just over 5 pools and 1075m² of water space area

10.15 Extrapolating need to 2033: (the end of the plan period) the IDP estimates a requirement for 5.5 pools, 21 lanes, and 1100m² of water space area. On this basis, indoor swimming provision is just adequate even when local plan growth is factored in.

Health and Fitness

10.16 There are 9 health and fitness venues providing a total of 341 health and fitness stations, of which 2 venues (228 stations or two thirds of total provision) are for public use on a 'pay and play' basis. Methodology available from the Fitness Industry Association suggests an overall need for 388 stations, so whilst overall provision is adequate, there is a shortfall if the public availability of places are taken into account (although there is also a significant number of venues in neighbouring districts and close to the borough's main settlements.

10.17 A £2.8m improvement plan for the John Warner Centre involves the following investment:

- Extension of the Fit and Well gym/gym changing room refurbishment
- Cycling Studio conversion/mezzanine floor
- Wet side changing room refurbishment
- Reorganisation and modernisation of wet side changing facilities to a changing village, including improved facilities for school groups
- Soft Play refurbishment

10.18 With future growth in population coupled with an expected increase in participation rates there is some justification for an additional health and fitness venue. It is possible that this could be met by an additional privately funded facility where public access is secured, or as an 'add on' to an expanded or new sporting facility such as a sports hall or swimming pool.

Studios

- 10.19** There are 8 studios within Broxbourne, 8 within main sports centres (and available on a 'pay and play' basis) and a further 5 studios within schools, with some availability for wider public use. There is no established methodology to determine overall need, but the 2013 Leisure Facilities Strategy suggested significant spare capacity and no unmet need.

Squash

- 10.20** There are 3 squash venues in the borough with 8 courts available for wider community use. This is almost the average for England and there are a number of alternative venues immediately beyond borough boundaries. Notwithstanding this the Leisure Facilities Strategy suggests that there may be a shortfall of around 1-2 courts in the longer term. There is local evidence that venues are closing and any increase in population will be to a degree countered with an aging population profile. The IDP considers that there is a tentative need – little more than that – for 1 or 2 additional courts, with the potential for this to be met within existing facilities.

Indoor bowls

- 10.21** There is one indoor bowls centre (6 rinks) in the Borough at the Cheshunt Club, although local provision is slightly above the national average. Although there may be sufficient growth related demand for additional bowling capacity this is unlikely to exceed one additional rink within an existing centre.

Indoor Tennis

- 10.22** There are no indoor tennis facilities within Broxbourne, although there are 15 centres in clubs and schools within a 30 minute drive. The Leisure Facilities Strategy is of the view that there is some justification for the provision of a 3 court indoor tennis facility being sited in the Borough, in future, although the IDP considers that there is only limited justification for basing this on future population growth.

Other facilities

- 10.23** The Leisure Facilities Strategy notes the difficult circumstances that several leisure activities operate in at present (gymnastics, indoor netball, table tennis) which range from inadequate space, difficulty in hiring venues, issues with sharing facilities etc). Additionally, there are other sports which would benefit from a strategy that ensures that there are adequate arrangements for meeting the needs of a range activities are within new and refurbished sports facilities. These include indoor cricket, basketball and volleyball.
- 10.24** The strategy draws the conclusion that in an ideal world, the specialist facilities that are provided (which are currently met by private clubs in a less than ideal environment) would benefit from new facilities (or at least in some cases, the ability to leave equipment out permanently). However, it recognises the practicalities

associated with making this happen, and that the main focus needs to be made on better provision of these facilities in a new or expanded general sports hall.

- 10.25** There are also issues relating to the distribution of facilities within the Borough. Waltham Cross (with its high level of deprivation and health related issues) lacks modern, accessible sports facilities that can offer a range of physical activity interventions and sports provision.

Regional scale built sports provision

- 10.26** There are two sports where regional scale provision is of significance, and these are ice rinks and cycling velodromes. The borough has both of these within relatively easy reach, with the Lee Valley Ice Centre and the Velopark within Queen Elizabeth Park (the former Olympic complex). There are no plans for any additional facilities to be provided within the borough.

Community Halls

- 10.27** There are 22 community halls/centres which the Borough Council either owns, leases to third parties or otherwise has an active interest in, as follows:

Table 10.2: Community Centres/Halls in which Broxbourne Borough Council has an interest:

Category	No.	Comments
Council owned and operated	9	(includes 3 facilities in the Bishop's College complex)
Council owned ²⁴ , leased to third parties	11	Lease to a variety of sporting, community, charitable or other uses
Council owned land, separately owned building, not operated by Borough Council	1	The Goodman Centre
Not owned by the Council, but community access agreement in place	1	Holdbrook Community Centre
Total	22	

Source: Broxbourne Borough Council Leisure and Cultural Services

- 10.28** In addition to the above there are a range of venues operated by a variety of other interests, including schools and faith based organisations. Generally speaking these facilities are well distributed around the borough, with only a small area of the northern part of West Cheshunt and the western part of Hoddesdon not falling within a 15 minute walking distance of at least one council run community hall/centre (however if only council run facilities are considered, there are a dearth of such facilities in both Turnford and Broxbourne).
- 10.29** In terms of both existing and future needs, this issue was last examined in some detail by the Borough Council in 2013 at an Informal Cabinet meeting (private and confidential so paper not published). That report concluded:
- there are considerable costs falling on the council in managing the 9 community halls that it directly operates, and a large future maintenance bill falling on the local authority to maintain the quality of these facilities

²⁴ One site not freehold but on 999 year lease

- with one exception utilisation rates for the council run facilities are low, although it was to be hoped at the time of the report that targeted marketing of the venues would go some way to addressing this
- the case for providing additional facilities on two potential sites was examined but not supported
- asset transfer of some council run facilities to others may be a possibility in terms of reducing pressures on the authority's budgets, although the potential to do this will be limited

10.30 Against the background of relatively low utilisation rates, ongoing issues in maintaining existing facilities and the probable limited justification if providing new public venues, there is not felt to be the justification to provide new community halls/centres as a result of the growth identified in the Local Plan. An additional factor to support this is the anticipation of a new secondary school and new primary schools (as identified in section 6) will offer the opportunity for additional venues for public use at evenings/weekends. The position will continue to be monitored, however, and future iterations of the IDP can address any perceived needs that arise.

Cultural Facilities

10.31 Of note is The Spotlight in Hoddesdon, the premier multi-purpose venue in the borough, which functions as a theatre, cinema, conference venue, meeting space, wedding venue and has comprehensive café and catering facilities. Built in 1974, it requires ongoing investment to ensure it remains fit for purpose for the communities needs going forward. The main auditorium is a flexible space that can be set up in various configurations ranging from all seated at 566 to all standing at 1,360.

10.32 An investment plan for the venue was drawn up in 2017. Costed at £1.2m, its aim is to improve utilisation rates, reduce the public subsidy and offer a more contemporary facility with access to the latest technology.

Summary of built sports need

10.33 The following need is based on local plan growth to 2033:

Table 10.2: Summary of additional built facilities sports needs to 2033

Activity	Gross requirements (includes dealing with any current shortfall)	Net requirements (deals with growth related needs only)
Sports Halls	6.5 new courts	2.5 new courts
Swimming Pools	No additional need	No additional need
Health and Fitness	Not precise, but 1 possible new 50 – 70 station facility	Some justification for 1 new 50 – 70 station facility
Studios	No additional need	No additional need
Squash	1 – 2 additional courts	Additional need difficult to justify
Indoor Bowls	1 additional rink	Additional need difficult to justify
Indoor Tennis	1 new 3 court tennis facility	Additional need difficult to justify
Community Halls	No additional need	No additional need
Specialist Facilities	Better provision within new/expanded Sports Halls	Better provision made within new and expanded Sports Halls
The Spotlight venue	Major refurbishment to modern standards	Investment in venue based on future growth difficult to justify

Source: original research for the IDP, drawing on the Leisure Facilities Strategy Built Sports Strategy (2013)

Changing approaches to identifying sports needs

10.34 Recently there has been a modified approach to identifying growth related built sports facility needs– for the following reasons:

- **there is now a greater emphasis on the relationship between personal fitness and health:** i.e. a much greater focus on the public health benefits associated with increased fitness levels
- **the popularity of a number of sports is in continuous flux:** e.g. squash continues its decline, interest in fitness studios is increasing, and it is reasonable to factor this in
- **the private provision of built facilities is an important consideration:** it is possible for communities to “buy into” this provision through costs being subsidised by local authorities
- **sports facilities are regularly provided in new school development:** the proposed new secondary school may have built sports facilities available for public use at certain times for a range of indoor activities²⁵
- **metrics are important:** although demand for a sports hall of 2.5 courts has been identified as the growth related requirements in Table 10.2, in practice it would not be appropriate to provide a facility of such a small size. To operate effectively any new sports hall should be a 6 court facility to provide a quality centre where a wide range of activities can be provided

10.35 The IDP proposes a modified table of leisure requirements:

Table 10.3: Modified additional built sports facilities needs to 2033

Activity	Modified requirements (includes some allowance for current shortfall)
Sports Halls	6 new courts in 1 Sports Hall
Swimming Pools	No additional need ²⁶
Health and Fitness	1 new 50 – 70 station fitness centre plus fitness gym facility
Studios	No additional need
Squash	No additional need
Indoor Bowls	No additional need
Indoor Tennis	No additional need
Specialist Facilities	Better provision within the new Sports Hall

Source: original research for IDP

Commercial leisure facilities

10.36 Proposals for the Brookfield Riverside site include a built leisure facility. It is uncertain exactly what leisure activity is likely to be provided but the Local Plan identified the potential for a cinema and possibly a Ten Pin Bowling. It is anticipated that these will

²⁵ It may possibly have a swimming pool which may be available for public use, but this is currently uncertain

²⁶ But as noted, one may be provided in the new secondary school and may offer some public access

be commercial ventures funded by user charges. There is insufficient detail to include such facilities in the IDP.

Library Services

10.37 Current library provision is as follows:

Table 10.4: Libraries in the Borough of Broxbourne

Library	Comments
Cheshunt	Located in a listed building away from the main shopping area and therefore considered unsuitable for modern service delivery: the Inspiring Libraries Strategy considers it a priority for relocation, possibly involving co-location with another activity
Goffs Oak	A generous sized library for the community it serves – now operates as a community library
Hoddesdon	Large, well located and adequate for the community's needs
Waltham Cross	An appropriate size for the community's needs, as well as being well located

Source: Hertfordshire County Council 'Inspiring Libraries' (2014)

10.38 The library service is operated by HCC, who has indicated that it is not looking to add any additional library service points (new libraries) within the borough arising out of growth, but instead would provide services to new residents through the development of existing libraries, for which S106 or CIL funding is required.

10.39 The form of provision is influenced by a number of factors:

- The ability to provide additional facilities within existing libraries varies across the borough; as noted in Table 10.4 above whilst Goffs Oak, Hoddesdon and Waltham Cross Libraries are considered largely appropriate and adequate for the communities they serve (and so where meeting additional growth related library needs does not necessarily pose any obvious issues), Cheshunt Library does not meet these criteria. Any provision in the Cheshunt area must be considered in relation to any longer term objective of relocation/co-location with other public services, for which there are currently no specific plans
- The IDP assumes that the requirements for the “development of existing libraries” identified by the County Council involves capital costs which include additional library space but also stock and shelving
- The HCC overall strategy document for the service (Inspiring Libraries 2014 – 24) does not identify specific costs for expanding library services within existing facilities, and for this reason it is necessary to make the necessary assumptions

10.40 For the IDP we have calculated the additional library costs associated with Local Plan growth

10.41 A conversion cost of £800/sq.m. to provide for an additional 50m² of library space in each of the borough's 4 libraries (assuming a relocated/collocated facility at Cheshunt involves an existing building) plus another £30,000 a library for fitout costs

(including stock, shelving etc) which would mean a total capital cost of £280,000. This equates to £70,000 per library.

10.42 Provision could be delivered as follows:

- Goffs Oak, Hoddesdon and Waltham Cross in 2023 – 28
- Cheshunt (in relocated/co-located facility) 2028 - 33

10.43 The growth related contribution to £46 per dwelling. In the case of the strategic housing sites, the capital cost has been identified in Section 5 against the individual sites. The remaining provision will be secured through s106 agreements on other sites, or it can be a potential priority for inclusion on the CIL Regulation 123 list if a CIL is introduced.

10.44 Libraries services are provided by Hertfordshire County Council who have indicated that they are not looking to add any additional library service points within the Borough arising out of growth, but instead would provide services to new residents through the development of existing libraries, for which CIL or s106 would be required

Youth Provision

10.45 Hertfordshire County Council Youth Connexions (YCH) provides youth work, information, advice, guidance, work related learning, outdoor education and support for young people aged 13-19 (up to 25 for young people with learning disabilities). It also provides support for young people leaving care up to the age of 21, through the YCH One Stop Shops, of which there is one in Cheshunt. Alongside the voluntary and commercial sectors, it delivers services to young people.

10.46 The focus of YCH is prevention and early intervention. It supports young people by providing high quality informal education opportunities to promote young people's personal and social development, enabling them to make informed decisions, have a place in their community and ultimately, to reach their potential and make a successful transition to adulthood. This will enable young people to:

- Make informed decisions based on the information which is available to them, thereby avoiding risky behaviour.
- Be confident that they can present their views, including those of others, and influence decisions.
- Develop resilience by knowing how they can help themselves and others.
- Recognise when they need support and where they can go to access it.
- Be able to recognise and develop healthy relationships thereby being less vulnerable to child sexual exploitation (CSE).
- Develop a sense of purpose and self-belief, and recognise what they contribute to society thus ensuring a sense of emotional well-being and positive mental health.

- 10.47** Youth Connexions have a venue at Waltham Cross in the south of the Borough, but no comparable facility in the Turnford/Wormley/Brookfield in the north of the borough. If sited in a relatively central location with good transport links (the obvious possibility is the Brookfield Garden Village/Riverside complex) a high quality facility could become the “Youth Hub” for the whole Borough.
- 10.48** It is recognised however that a facility (which could cost potentially around £1.5m of a 1000 sq.m, building) could not expect to have its entire cost funded from new development as its need predates planned growth. New development’s contribution to the need could perhaps equate to £150,000 which would mean that £1.35m would need to be secured through other means.
- 10.49** With no obvious means of achieving this at the present time the provision of a Youth Hub should perhaps be treated as an aspiration rather than a need, and therefore not included at this stage in the Infrastructure Delivery Schedule. Future iterations of the IDP can address this if funding circumstances were to change.

The Funding of Built Sports Facilities

- 10.50** There are a plethora of potential funding sources for new sports halls as follows:

- Capital funding by the borough council
- Capital funding from 3rd parties – sometimes this can be achieved as part of a leisure management contract (where a third party – most probably a leisure operator) invests in new sports facilities as part of the contract to manage public leisure facilities
- Commercial investment – particularly significant where user charges can be levied to meet initial investment costs over time
- Local authority bonds
- Public funding programmes such as Heritage Lottery Fund, the Sport England’s Community Asset fund (launched December 2016) Big Lottery Fund
- S106
- CIL (if introduced)
- Education funding (for school sports halls in particular)

- 10.51** Unlike other areas of infrastructure it is difficult to make advanced predictions how built sports facilities will be funded, but some sources are easier to discount than others. The following appear the most likely:

- CIL or s106 (although built leisure facilities will be in significant competition with other areas of infrastructure, and s106 contributions will need to be proportionate and necessary for the development)
- Commercial funding (probably the best route for health and fitness facilities)
- Education funding for school sports halls (probably the best route to this kind of provision, with possibilities including Broxbourne School – where a community leisure hub is planned – and within the proposed new secondary school).

Summary – built sports facilities need

10.52 Taking into account the requirements identified in Table 10.3, costs identified in Sport England's Facilities Cost Calculator (Q2 2017) and the most likely routes for funding identified in paragraph 10.37, the IDP suggests the following:

Facility	Cost estimate (£m)	Funding route
1 x 6 Court Sports Hall	2.56	Public or commercial funding ²⁷
1 new 50 – 70 station fitness centre plus fitness gym facility	1.36	Public or Commercial funding
Additional library service points	0.28	CIL or s106
Total cost	4.200	

Source: Costs identified from Sport England's Sports Facility Calculator

²⁷ It is possible that this could be provided as part of the new secondary school; this could also have a 4 lane 25m pool available for community use (estimated cost £3.65m) but this is not certain at present and the cost isn't included in the IDP

Appendix 5



Appeal Site - Existing Area Measurements

Cheshunt Sports Village Appeal (APP/W1905/W/21/3271027)

Drg: 194/A/001
Scale: NTS
Date: June 2021

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Montayne Road - Density of Development

Cheshunt Sports Village Appeal (APP/W1905/W/21/3271027)

Drg: 194/A/002
Scale: NTS
Date: June 2021

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Friends Avenue - Density of Development

Cheshunt Sports Village Appeal (APP/W1905/W/21/3271027)

Drg: 194/A/003
Scale: NTS
Date: June 2021

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Albury Ride - Density of Development

Cheshunt Sports Village Appeal (APP/W1905/W/21/3271027)

Drg: 194/A/004
Scale: NTS
Date: June 2021

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