



Planning, Design and Access Statement

Cheshunt Sports Village

Community Club of the Year 2017



Executive Summary



1 This statement accompanies a hybrid planning application for a mixed use development, comprising a new stadium for Cheshunt Football Club, as well as further sports and community facilities, supporting commercial development and new housing and apartments. The aim of the proposed development is to provide the Club with a new home, which will allow it to develop in the future, growing both on and off the pitch, and evolving its role as an important part of the local community.

2 This application follows various improvements which have already been undertaken by LW Developments to improve the Club's facilities. These include the refurbishment of the existing stands, the provision of new flood lights and a 3G artificial grass pitch, and the development of the range of teams the Club fields. LW Developments see the application proposals as a logical next step in a process which is intended to ensure the Club has a bright future, whilst making a valuable contribution to the local community, of which they are also a part.

3 The development would provide accommodation for the Club, including sports, administration and corporate facilities. It would also provide a new 3G artificial grass pitch within the stadium, and capacity for 2,000 spectators (the capacity of the existing stadium is 2,180). New community facilities are expected to include meeting spaces, a health centre and crèche. The development would also provide new serviced office spaces for small businesses, to encourage entrepreneurship in the local community.

4 The Council propose to allocate the site for a mixed use development similar to that proposed by this application, in their emerging Local Plan. The Local Plan is at a late stage of preparation, following the recent completion of a regulation 19 stage pre-submission consultation. The next step is for it to be considered at an examination in public by a planning Inspector. Policy CH7 of the draft Local Plan simply states '**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**'. The Council have concluded that this development is justified by the necessary exceptional circumstances to allow the land to be removed from the Green Belt.

5 The proposed residential development would comprise 115 one and two bedroom apartments, arranged around the stadium, and 48 three and four bedroom houses on land to the east (a total of 163 dwellings). This would provide the funding required to enable the construction of the various buildings proposed. It would also make a valuable contribution towards meeting the local need for housing, which is substantial. There is a shortfall in the immediate supply of housing, and national planning policy places great importance on addressing this shortfall quickly. There is also a very substantial need in Broxbourne and the wider area for a greatly increased supply of housing, to address the imbalance of a high level of demand against a limited supply. The provision of housing is therefore a factor which weighs heavily in favour of the proposed development.

6 The proposed commercial development is expected to include retail and a small convenience food store, cafés and restaurants, hot food take-aways and office facilities. This would provide the Club with an income stream for the future, and would help to ensure it would not return to the state of financial crisis which nearly led to it folding in recent years, before LW Developments intervened.

7 Two sides of the stadium, and the corner blocks, would be formed by new apartment blocks, which would enclose the pitch but face outwards. The other two blocks would be provided by the Club's facilities and the further sporting, community and commercial uses. The development which would surround the pitch would effectively create an amphitheatre, where noise and light would be trapped, to the benefit of the match-day experience, and the protection of the amenity of nearby residents.

8 These proposals are a scaled back version of a previous planning application (ref. 07/16/1369/F), which was refused by the Council in August 2017. That application was supported by statutory consultees, and Planning Officers. However, the application proposals have been revised to address concerns expressed by the Planning Committee, in their reasons for refusing the application. The scale and density of the proposed development has been reduced, to reduce the effect on the openness of the Green Belt. The design of the houses has also been revisited, with a more traditional approach now proposed. Further information has been provided to clarify the relationship between the new houses, and the existing houses on Montayne Road. This application also addresses the issues raised by the Committee regarding the effect on the local road network, and the capacity of the football stadium.

9 The proposed residential development has been reduced in scale, from the 136 apartments and 50 houses proposed by the previous application. The effect has been to reduce the income stream which is to pay for the proposed development. This has been balanced by a reduction in the size of the proposed commercial and football club buildings, and also by the removal of under-croft vehicle parking on the eastern and southern residential blocks. A separate Viability Assessment is provided with this application, to demonstrate that the amount of development proposed is the minimum required to finance the construction of the football club and community facilities.

10 The proposed development has been designed with careful regard to the amenity of local residents, the functioning of the local highway network, and important technical considerations such as the drainage of surface water within the site. It has benefitted from the input of the public, at a consultation event held in July 2016 whilst the initial proposals were being developed, and also extensive meetings with Broxbourne Borough Council and Hertfordshire County Council throughout the preparation of both planning applications.

11 The application site lies within the Metropolitan Green Belt, and very special circumstances are required to justify the proposed development. We believe that the necessary justification is provided by the proposed sports and community facilities that would be provided. This is supported by the Council's decision to include the proposals within their draft Local Plan. The acceptability of the proposed development was not questioned in principle by the Council in refusing the previous application. The application site makes a limited contribution towards the purposes of Green Belt land. It also largely comprises previously developed land, and is largely surrounded by development, which places it firmly in an urban context. It is identified on the Council's Brownfield Land Register, as a site which is considered suitable in principle for residential development.

12 The overall volume of built form proposed by this application is a reduction of 16.5% on the proposals under the first application; this is achieved by reducing the amount of housing proposed, and removing a storey from the whole of the stadium. The reduction in the scale of the development is intended to address the Council's concerns about the effect on the openness of the Green Belt.

13 We believe that this Statement, and the other technical reports which accompany this application, demonstrate that the proposed development would be entirely acceptable in planning terms. It would comply with local and national planning policy requirements. As such, it would benefit from the presumption in favour of sustainable development, which directs that planning permission should be granted without delay.

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Planning, Design and
Access Statement

Cheshunt Sports Village

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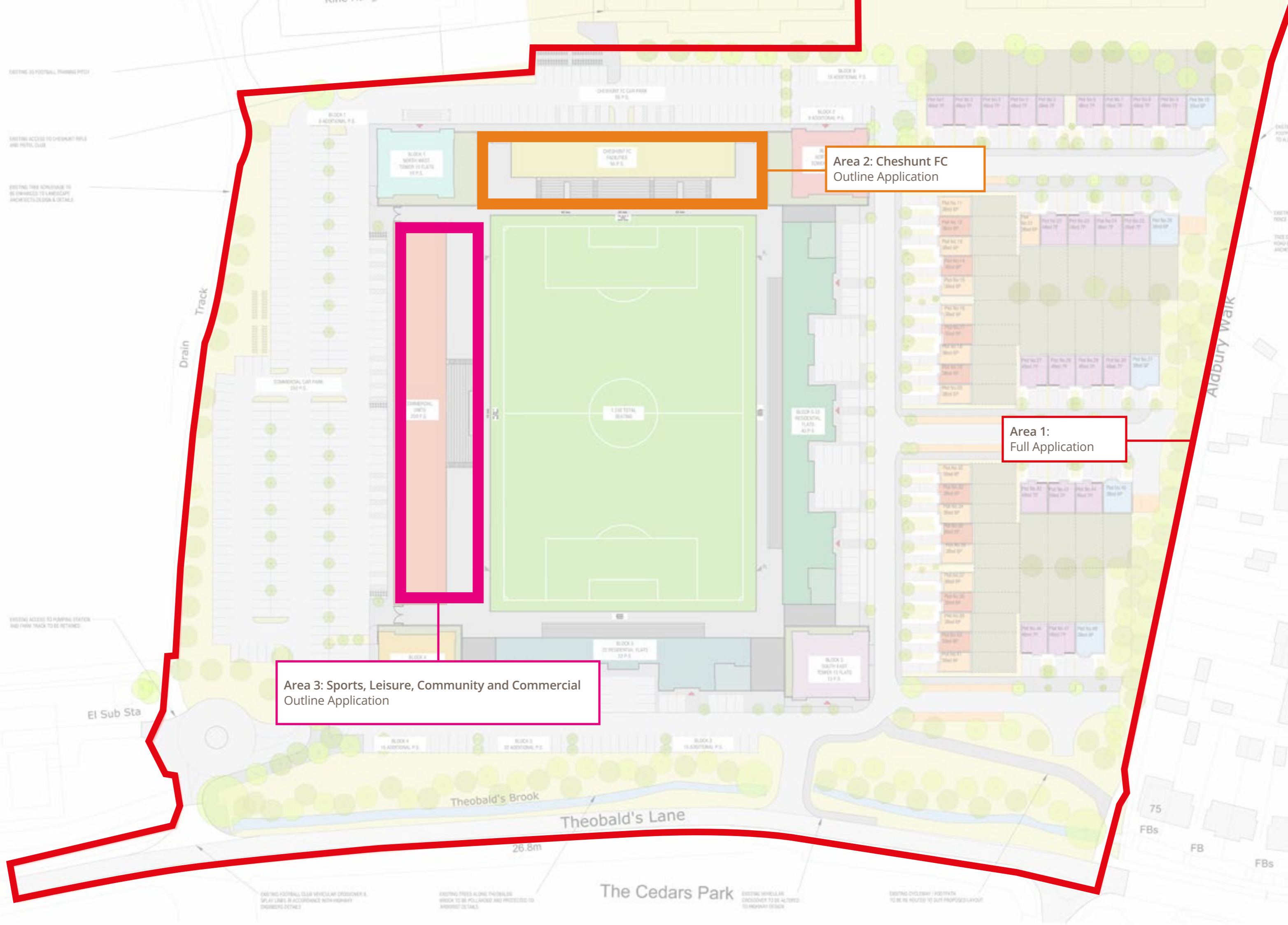
1.1 This Statement is set out in sections, to explain the proposed development and the local context to which it relates. In broad terms, it considers the following matters:

- The development's relationship with the local community and nearby housing, and also the wider demographic context.
- The need and justification for the proposed development, in terms of the benefits it would bring for Cheshunt Football Club and the local community.
- The ways in which the proposed development would comply with planning policy requirements.

1.2 A previous planning application was refused by the Council (07/16/1369/F) in August 2017, despite being recommended for approval by Officers. The current application has modified the original proposals to meet the concerns expressed by the Planning Committee in refusing the previous application. The reasons for refusal, and a summary of the way that the application has been modified, are set out to the right.

| Reason for Refusal | Application's Response |
|--|--|
| 1 The design of the houses is not in keeping with the adjacent area which would result in an incongruous development which is contrary to Policy HD14 of the Borough of Broxbourne Local Plan adopted December 2005, draft Policy DSC1 of the Broxbourne Local Plan July 2016 and section 7 of the NPPF: Requiring Good Design. | The houses have been redesigned, to give them a more traditional appearance. This has been informed by further discussions with the Council. |
| 2 The scale and density of the development would result in harm to the openness of the greenbelt which is not sufficiently outweighed by very special circumstances. The proposal is therefore contrary to section 8 of the NPPF: Protecting Green Belt Land and in particular, paragraph 89. | The scale of the proposed development has been reduced, to reduce the effect on the openness of the Green Belt. |
| 3 Insufficient information has been submitted with the planning application and in advance of the infrastructure requirements of the emerging local plan being established, it cannot be determined that the local highway network is capable of supporting the proposed development with the stadium operating at full capacity of 5,192. | The proposed capacity for the stadium is set at a maximum of 2,000 spectators. This is less than the stadium's current capacity, of 2,180. It is a level which is supported by the Highway Authority and Highways England. |
| 4 Insufficient information has been submitted relating to the ground height of the proposed houses in relation to neighbouring houses in Montayne Road. As a result the Council is not in a position to fully assess the impact on amenity for residents adjoining the application site to the east. | Further details are provided with this application to demonstrate that the relationship with adjacent development is entirely acceptable. |

1.3 We believe that the proposed development would address the Council's concerns regarding the previous application. We also believe it would comply with local and national policy requirements. As such, the proposed development benefits from the presumption in favour of sustainable development, and we respectfully request that planning permission should be granted without delay.



Area 2: Cheshunt FC Outline Application

Area 1: Full Application

Area 3: Sports, Leisure, Community and Commercial Outline Application

The Cedars Park

Proposals

2.1 The proposed development aims to create a new 'Sports Village', which will provide facilities not only for Cheshunt Football Club, but also for the benefit of the wider community. In order to fund this development, the application also proposes new housing and apartments, whilst new commercial development would provide the Club with a future income.

2.2 The proposals are presented as a hybrid application, with differing levels of detail set out in relation to different parts of the application site. These parts are shown on the plan opposite, and in application drawing 15_238_PL01_2, marked as Areas 1, 2 and 3. Area 1 is the main part of the application site, and the proposals within this area are set out in full. Area 2 is where facilities would be provided for Cheshunt Football Club. Area 3 would contain supporting development, to provide the Club with a future income and enhance the match-day experience. Matters relating to the internal layout and exact proportion of uses within the buildings in Areas 2 and 3 are reserved at this stage, whilst the appearance of the building in Area 2 is also reserved. These matters would

be determined following the grant of planning consent. It is necessary to reserve these details at this stage, due to ongoing discussions with the parties that will occupy these buildings.

2.3 The following development is proposed:

- A new football stadium with capacity for up to 2,000 spectators;
- A northern block, containing 2,400 sq m (GIA) floor space over 3 floors. This is a 12% reduction in floor area from the first application. This will accommodate Cheshunt Football Club's facilities (A3, A4, D1 and D2 uses), including:
 - changing rooms;
 - sports facilities;
 - offices, meeting rooms and a function suite;
 - class rooms;
 - hospitality boxes;
 - cafés and bars.

Details of the appearance and internal layout of the northern block are reserved at this stage.

- A western block, containing 4,000 sq m (GIA) floor space over 3 floors. This is a 25% reduction in floor area from the first application. This building would accommodate the following mix of uses:
 - retail (A1 use);
 - community facilities (D1 use);
 - sports and leisure facilities (D2 use);
 - offices (B1 use);
 - restaurants and cafés (A3 use);
 - a public bar (A4 use);
 - hot food take-aways (A5 use);
 - a taxi office (sui generis use).

Details of the internal layout of the western block are reserved at this stage.

- 115 residential apartments, within the southern, eastern and corner blocks, comprising:
 - 53 × 1 bedroom apartments;
 - 62 × 2-bedroom apartments.
 - This is a reduction of 21 apartments as compared to the first application.

- 48 houses, comprising:

- 22 × 4-bedroom houses;
- 26 × 3-bedroom houses.
- This is a reduction in the number of houses of 2 as compared to the first application.

Why This Development is Necessary

2.4 Cheshunt Football Club has been at its home on Theobalds Lane for over 60 years and the current stadium is ageing and becoming unfit for purpose. The Club is under threat because the inadequate nature of its current facilities means that it cannot generate sufficient revenue to continue as a sustainable business in the future. As we explain below, LW Developments stepped in to prevent the Club being wound up, following serious financial problems.

2.5 The current stadium provides the Club with limited opportunities to generate income on both match and non-match days. Meanwhile, the ageing stadium has high-cost maintenance requirements and struggles to conform to current safety standards. The Club's financial position indicates that a new stadium is vital to achieve a financially sustainable future, with the opportunity to play at a higher level and increase revenue streams.

2.6 The intention behind this planning application is to provide a new stadium with first class facilities, for use by the Club and the community. The Club has no capital and, as it does not own the existing ground, it has no collateral, and so cannot borrow to fund new stadium facilities. As such, it cannot contribute towards a new stadium and so it is dependent upon funding from enabling development.

2.7 For the Club, the proposed development would provide the opportunity to generate additional income from match days, as well as facilities to generate other income streams throughout the week. This type of development is vital if the Club is to become financially sustainable, and survive in the long-term. Improved facilities and increased revenue would also allow the Club to continue with and expand upon its current range of award-winning community programmes.

2.8 The proposals outlined below are for a new 'Sports Village'. This is intended to be far more than a football club and stadium, with the provision of a range of facilities for sport, leisure and commercial use. The Club needs these facilities, but they would also be available for use by local people. They may for instance be used by local schools seeking specialist sports facilities and on-site training and expertise, local community groups seeking meeting spaces, or local businesses requiring conference facilities, meeting spaces or small office spaces. The Club's existing programme of outreach into the community would be extended by wider sport, health and education facilities

and this would be intended to improve social inclusion and cohesion. As the Club grows, the benefits it can offer the community also grow.

2.9 An objective of Cheshunt Sports Village is to leave the Club debt free and to provide it with a financially viable and sustainable future. Residential development is proposed primarily in order to provide the initial capital injection required to fund the building of the new stadium and associated development. However, this housing will also help to meet an identified shortfall in the provision of housing.

2.10 The commercial elements of the proposals would help to provide a sustainable income stream, which will assist in the running of the Club and the provision of the various community programmes. This is expected to include restaurants and cafés, shops, sport and leisure facilities and office space.

2.11 Any on-site commercial development would be intended to have a local catchment only, and it would not be of a scale which would allow it to impact on the viability of nearby town centres or the nearby Brookfield Centre. For instance, restaurants, cafés and retail uses would be aimed at those attending on match days, or to visit the other facilities within the site, and residents living within close walking distance.

Objectives

2.12 The proposals for Cheshunt Sports Village are intended to meet the following objectives:

Football-Related Objectives

- To provide a new stadium which will allow the Club to compete in the Football League;
- To provide complementary facilities which will support the Club, allowing it to compete and enhance its league position over time by developing the playing squad at all levels;
- To enhance the match-day experience for supporters;

Community-Related Objectives

- To provide new sports facilities to help address existing deficits;
- To provide facilities which would directly benefit the community;
- To provide a series of flexible spaces for meetings and work, for the benefit of local community groups, charities and small businesses.

Funding-Related Objectives

- Residential development which will provide the funding necessary to build the new facilities;
- Commercial development which will provide the Club with the level of income necessary to cover its running costs in the future, and allow it to develop as a sustainable business.



Cheshunt FC Disability Team.



Cheshunt Stevenage Academy Partnership.

History

3.1 Cheshunt Football Club was originally formed in or around 1880, but folded in 1930. The Club was then re-established in 1946, and the current facilities at Theobalds Lane were opened on 29th October 1949. The Club achieved various league and cup success during the golden years of the 1940s and 70s, but since then the dilapidation of the facilities has been coupled with mounting financial debts.

Recent Events

3.2 In 2011 the Club encountered serious financial problems and accrued significant debt that put its survival at risk. Following approaches by the Club, a decision was taken by the Directors of LW Developments to take it over. The rationale for this decision was as follows:

- To prevent the Club being wound up, as they saw the Football Club as an important part of the community, with significance for the Borough's wider civic and health aspirations.

- To put something back into the community, with Broxbourne having been their home and key trading area for over 15 years.
- To rebuild the Club, based on proper and sound business principles.
- To ensure that the Club would maintain its place at the heart of the local community, using its facilities and specialist knowledge to provide services which will help to address social, health and economic issues within the local area.

3.3 In 2011, the Directors of LW Developments established Cheshunt Sports & Leisure Ltd. This new company took on the commercial lease for the Club. LW Developments also reached an agreement with the Borough Council to clear the Club's previous debts, by building and paying for a footpath through the site. The Club was previously registered as a Members' Club and therefore would assume liability for its debts. To safeguard the Club's future, it was agreed that it would now be registered through Cheshunt Sports & Leisure Ltd.

3.4 Since 2011, when Cheshunt Sports & Leisure Ltd took control, the Club has been totally transformed, with its reputation being restored both locally and nationally. In addition to a more stable financial position, there has been an increased emphasis on improving its built facilities and growing its community programmes, which strive to attract people from all age groups and sections of the community, to promote sport, health, education and employment.

The Club Today

3.5 Cheshunt Football Club is the leading football club in the Borough of Broxbourne. It is the most senior club in the Borough in terms of league status, having operated at a high level of the non-league football pyramid for many years. It is the only Club in the Borough with the facilities to play at step 3 of the non-league football pyramid, and as such is one of the few grounds to host school, league and cup finals, as well as being home to a number of other local teams.

3.6 This has allowed the Club to establish programmes for growth, and a diverse range of activities are now undertaken, which include:

- More than 28 teams now play on a regular basis under the Cheshunt FC banner, ranging from the senior and under-21 teams to the grass roots youth, academy and disability teams, and so opportunities are provided for all sections of the community.
- An academy partnership with the Football League club Stevenage FC. This is now in its third year and provides 16-18 year olds with vocational teaching and elite training. This in turn provides them with pathways into semi-professional football, higher education or other careers in diverse areas of sport.
- A joint Cheshunt and Stevenage FC Youth Development Programme, which provides promising players in the community between the ages of 9-16 with additional training opportunities to develop their talent.

- A weekly soccer school and summer camps that provide additional training for boys and girls between the ages of 5–11. This is designed to encourage children to maintain healthy lifestyles and develop a love of sport, leading to lifelong health benefits. It is also designed to increase the number of children taking part in sport.
- The wider promotion of football within the community, with the Club collaborating with the Broxbourne Community Development Team, participating in the Active Broxbourne network and hosting educational programmes, including first aid training and FA coaching courses.
- Charity links with organisations such as Tackling Track Safety and the Lea Valley Regional Park Authority which respectively aim to deliver important rail safety messages to children through sport and to promote water safety awareness.
- Work experience placements to local students including three in the last year to students from Goffs School, Hailebury Turnford and Capel Manor College.

- Home to local community groups, including Slimming World and Impulse Dance, a community performing arts organisation, which works with local primary schools.

3.7 In recognition of its very active role within the local community, the Club won the Community Club of the Year award 2017 at the Active Broxbourne Sports Awards. The Club was also runner up for the Community Club of the Year award at the Herts Sports Partnership Service to Sports Awards 2017.

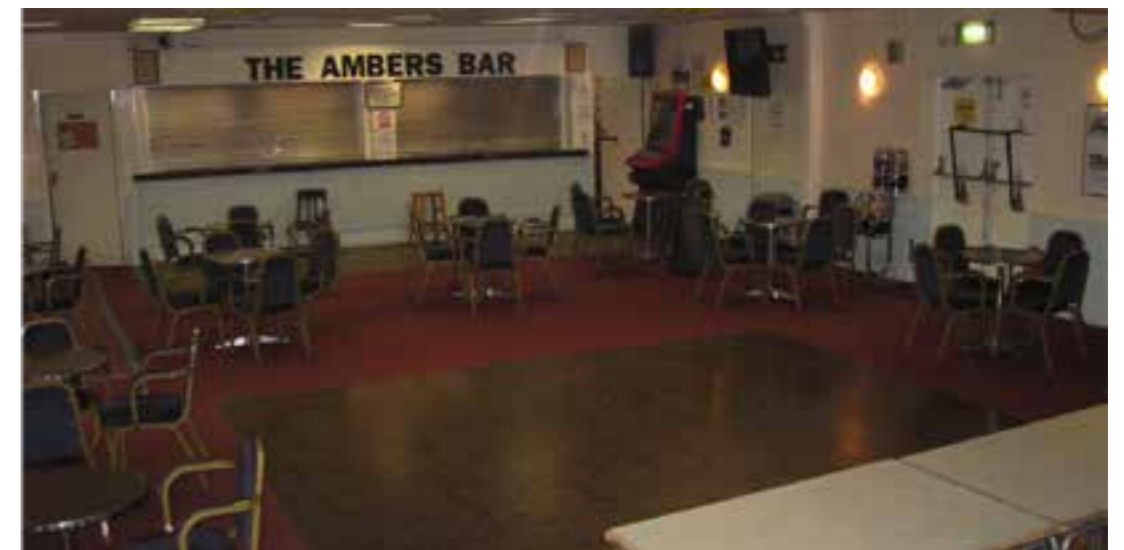


Herts Sports Partnership Service to Sports Awards.

3.8 The status of the Club and its ongoing presence makes an important contribution to the social and economic wellbeing of the local community. Its contribution includes the money that comes into the town during match days, the community programmes organised by the Club, and the general sense of pride and ownership that local residents feel towards the Club.

3.9 The increased importance of the Club and its contribution to the social and economic wellbeing of the community has proved successful in attracting a significant amount of grant funding from sports bodies such as the Football Foundation and Sport England. Coupled with investment from LW Developments, this has resulted in a number of successful projects which include:

- Refurbishment of the club house and function suite to provide a social hub for the Club and the community.
- Funding from the Football Foundation to renew stadium facilities including the flood lights, which had deteriorated over the years, in order to provide a safe environment for players and supporters.



The clubhouse, function room and main stand both before and after recent refurbishment works.



- Remodelling and improvements to the existing grass pitches to provide high quality playing surfaces, a sustainable drainage and irrigation system and a full-size floodlit artificial pitch. This project received national television coverage as part of the BBC2 documentary *Permission Impossible*.
- Securing Sport England funding towards the provision of the new 3G artificial pitch, that now provides much needed year-round playing facilities for the Club and community.
- The replacement of the flood lights at the Club's stadium.



Dean Williamson, Cheshunt FC
Chairman, on BBC2's *Permission
Impossible: The Planners*, in 2014.



The new 3G artificial pitch.

3.10 These projects, together with the sound business principles that are now being applied to the running of the Football Club, have resulted in an improvement in the Club's financial position and facilities. However, whilst the Club is currently running within its means, this is not enough to grow and sustain it in the future, given its lack of capital, limited stadium facilities and the lack of opportunity for income generation.

3.11 A new stadium and associated facilities would help to give the Club a far brighter future. In addition, it would enable the Club to continue to build on its role as a cornerstone of the local community, enabling it to significantly increase the range of services it offers and also the facilities which it could make available to local people.

LW Developments

3.12 LW Developments Ltd is a local family-owned business known for building quality homes. For over 30 years LW Developments has been developing in the Borough of Broxbourne and surrounding areas, in which time it has built a diverse portfolio of residential homes of varying size and affordability.

3.13 Broxbourne has always been a key trading area for LW Developments, with a significant proportion of the company's activities being undertaken in the area, and over 200 homes completed in the last 15 years within the Borough. Through this level of activity, LW Developments has established a strong reputation for delivering good quality housing schemes, with both the general public and statutory bodies. The company has a long-term commitment to Cheshunt and the surrounding area.

3.14 The Directors are also the owners of Cheshunt Football Club. They see the Club as a vital part of the town and the community, and they want Cheshunt Sports Village to bring enduring social and economic benefits to the town.

3.15 LW Developments would be responsible for delivering the project. They have worked alongside Cheshunt Sports & Leisure Ltd, assisting with the design and construction of the football and commercial elements of the scheme. Once complete, these facilities will be owned and managed by Cheshunt Sports & Leisure Ltd.

3.16 LW Developments intend either to build the proposed housing themselves, or to contract the whole development out to a partner; it would be delivered by a single developer in either case. Through LW Developments' level of activity within and commitment to the Borough, the Council can be assured that the Applicant has the necessary expertise to deliver and facilitate the development in its entirety. Their ongoing commitment to the Club and their locally-based reputation for quality also gives them a vested interest in providing a development of the highest quality.

Location and Accessibility

4.1 The application site is located to the north of Theobalds Lane, approximately 130m east of the A10. It is around 500m walk from Waltham Cross High Street, and a little over 1km from Cheshunt town centre. To the south the site is bounded by Theobold's Lane, and a belt of mature trees, beyond which is Cedar's Park. To the east is housing, which either backs on to the site, or is orientated side-on; also to the east is Holy Trinity C. of E. Primary School, which is separated by an intervening wooded area adjacent to the site's boundary. To the north are further football pitches and Albury Ride; beyond this is Cheshunt Sports Club, which specialises in indoor and outdoor bowls, cricket, hockey, boxing and squash. To the west is Cheshunt Rifle and Pistol Club and Maxwells Farm, and beyond this is the A10.

4.2 Cheshunt Football Club is currently served by a vehicular and pedestrian access from Theobalds Lane, which is located at the south western corner of the site. A further highway entrance exists in a more central location on the site's frontage with Theobold's Lane, but this is not currently in use.

4.3 The site's close proximity to Waltham Cross High Street, which is less than 10 minutes' walk away, makes it reasonable to assume that residents within the site would walk to access shops and services there. The site is also within walking distance of Sainsbury's (1,200m) and Tesco Metro (800m) supermarkets, and the Pavilions Shopping Centre in Waltham Cross (1,250m). It is around 10 minutes' walk from Holy Trinity C. of E. School (800m) and within 15 to 20 minutes' walk of four further primary schools and two secondary schools¹.



The nearby High Street.

4.4 The site is within around 5–10 minutes' walk of Theobold's Grove railway station, which provides a frequent service to Cheshunt and London Liverpool Street. It is also within 20–25 minutes' walk of Cheshunt and Waltham Cross Stations, which also provide services to Hertford, Bishop's Stortford, Cambridge and Stratford. Bus routes 310 and 310a (Waltham Cross to Hertford), 242 (Waltham Cross to Potters Bar) and 251 (Waltham Abbey to Cheshunt) all stop at Theobold's Grove Station. These busses connect the site with a range of local destinations, including Potters Bar, Waltham Cross, Waltham Abbey, Hertford and Harlow.

4.5 A Transport Assessment by WSP | Parsons Brinckerhoff accompanies this application. It provides detailed information relating to the site's accessibility by various modes of transport, including walking, cycling and public transport. It concludes that the site is sufficiently accessible by public transport and that this would provide a realistic alternative to the use of the private car for people living within and visiting the site; this is due to the proximity of services to the site, and the wide range of locations these connect with.

The Application Site










4.6 The application site is already occupied by Cheshunt Football Club. It currently contains the Club's stadium and pitch, as well as a gravel-covered car parking area, a number of practice pitches and a recently constructed 3G artificial grass training pitch. The current stadium has a capacity of 2,180 spectators. The application site contains not only the area in which the new housing and stadium would be constructed, but also further land to the north, including a training pitch; this further land is included to allow for the provision of surface water drainage infrastructure, as explained in the Drainage Strategy by Peter Dann, which accompanies this application.

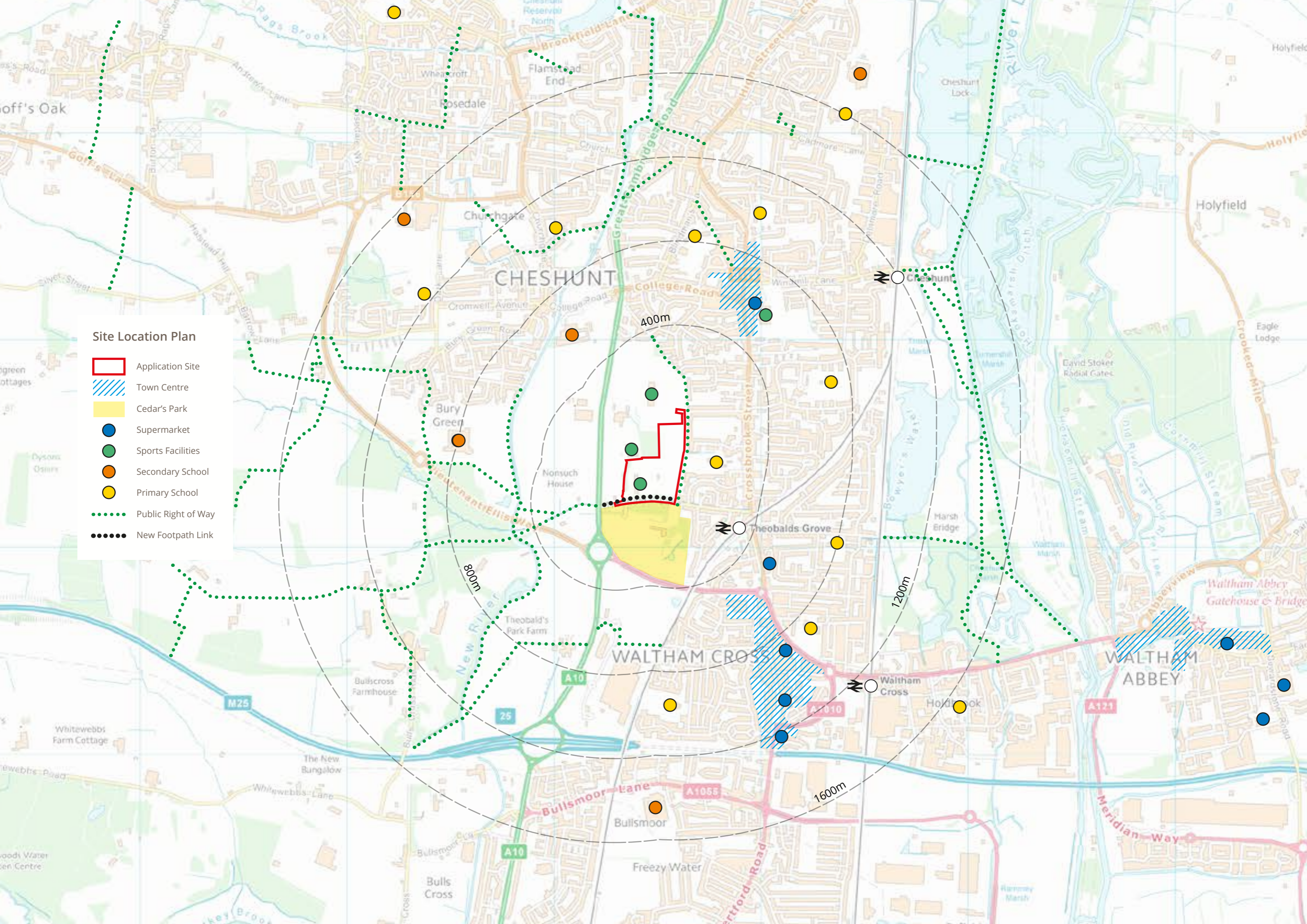


Theobold's Grove railway station is within walking distance of the site.

¹ All distances taken from the Transport Assessment by WSP | Parsons Brinckerhoff.

Site Location Plan

-  Application Site
-  Town Centre
-  Cedar's Park
-  Supermarket
-  Sports Facilities
-  Secondary School
-  Primary School
-  Public Right of Way
-  New Footpath Link



4.7 The freehold of the site occupied by the Club is owned by Hertfordshire County Council, but it is under a 999 year lease to Broxbourne Borough Council, who have in turn sub-let the land to the Club. This land extends in part beyond the area for the current application. We understand that some land at the application site's road frontage is owned by Hertfordshire County Council. We also understand that the land required for providing highway access to the site is highway land, and as such can be used for this purpose.



The Club's existing facilities.

4.8 The adjacent land, on which the 3G pitch is located, has in the last few years been subject to the clearing of woodland, and depositing of clean top soil, in connection with planning application 07/13/0574/F. This was intended to cover the land fill which underlies the site (see below), in order to provide a suitable playing surface on the various practice pitches. As a result of this work, the level of the land in the area to the north of the Stadium has been raised. This area now accommodates a new 3G artificial grass pitch.

4.9 The above-mentioned planning permission for new practice pitches required surface water to drain to a new detention basin in the southern part of the application site. This was to be in the location where housing is proposed by this application. It is therefore necessary to accommodate the water which was to drain to this basin within the current application proposals, to ensure that surface water from the pitches to the north will be appropriately attenuated. The Drainage Strategy by Peter Dann, which accompanies this application, therefore proposes measures for the attenuation of surface water from both these pitches and the proposed development.

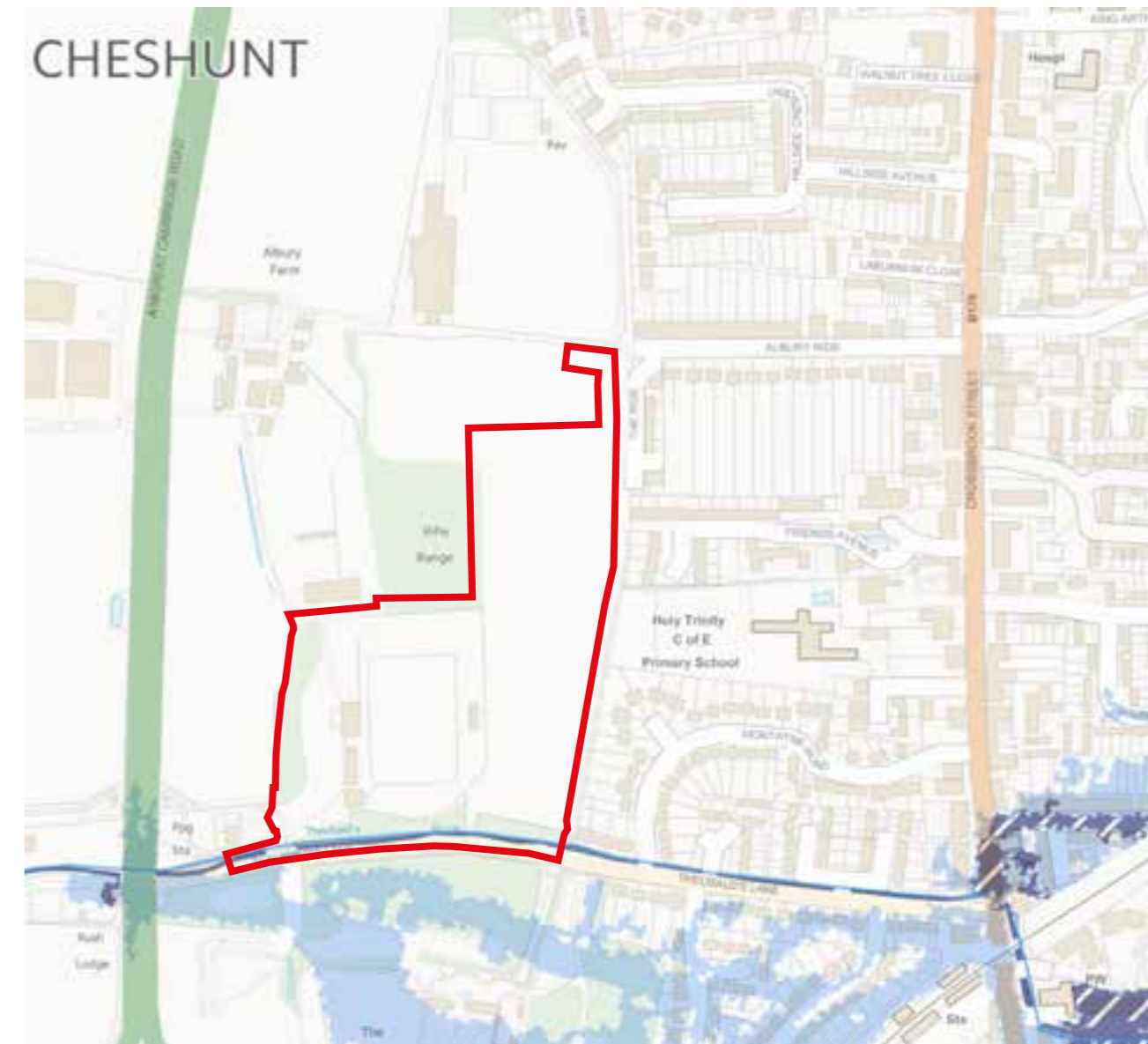


The new 3G artificial grass pitch, which is on raised ground.



An Aerial view of the application site, showing the recent works undertaken depositing clean top soil on the site, prior to the construction of the 3G pitch.

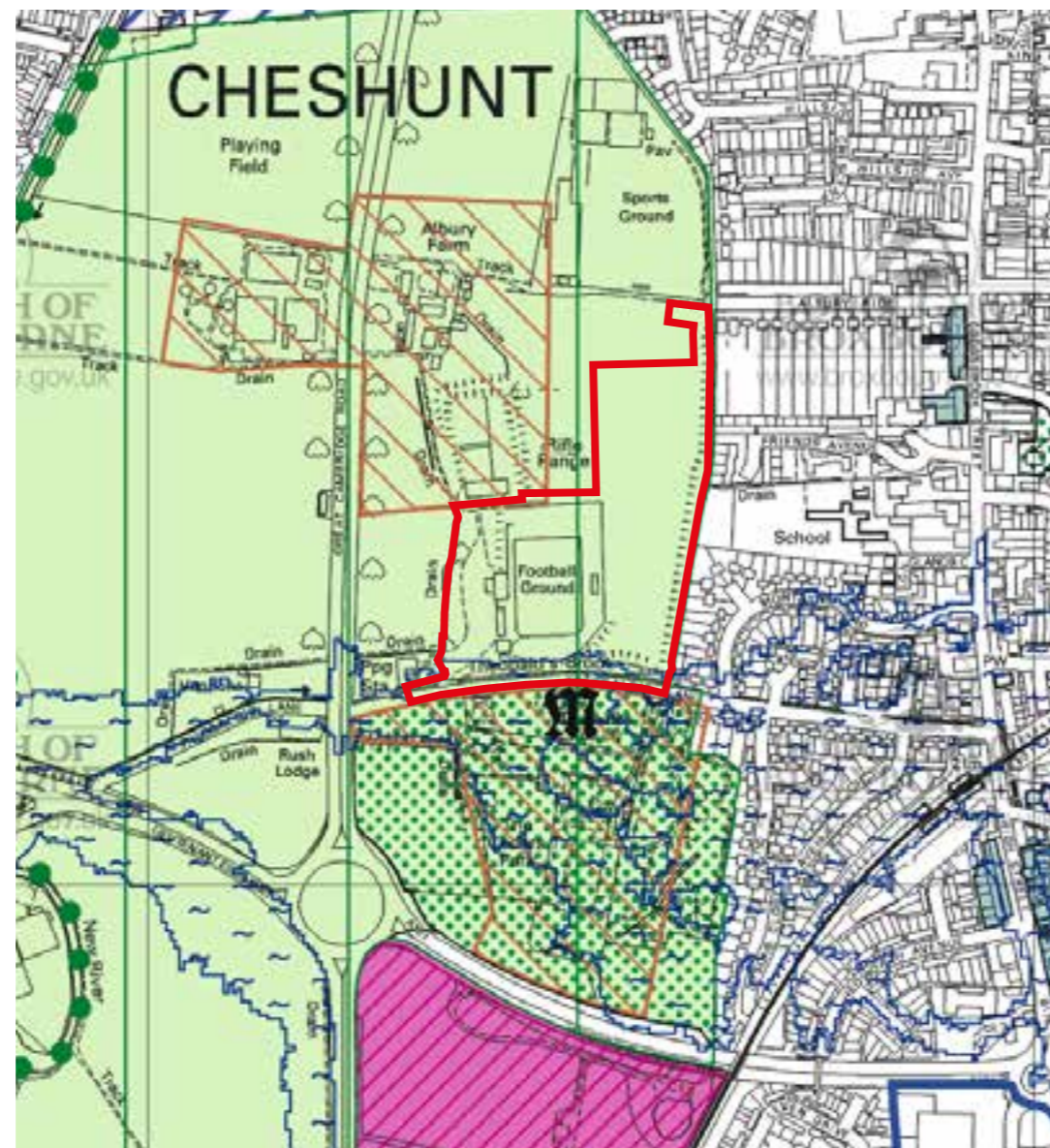
4.10 The majority of the site lies within Flood Zone 1, and so is considered to be at low risk of flooding. A small area adjacent to Theobold's Brook, at the site's southern edge, is within Flood Zones 2 and 3. No development is proposed in this area, other than the use of the existing entrances to the site. Matters relating to flood risk are considered in the Flood Risk Assessment by Hydro-Logic Services, which accompanies this application. We note that the Environment Agency and the Local Flood Authority both approved the earlier application, and the current proposals remain the same in this regard.



An extract from the Environment Agency's Flood Map for Planning, with the application site highlighted.

4.11 A public right of way runs along the site's eastern boundary, and is marked by a footpath, known as Albury Walk. A further footpath was constructed along the site's southern edge, pursuant to planning application 07/11/0691/F. This footpath links Albury Walk with the Paul Cully Bridge, with accompanying fencing and lighting. It now provides a safe route for pedestrians travelling east-west along Theobold's Lane, including children attending St Mary's School. The construction of this footpath helped to clear Cheshunt FC's previous debts, as noted in Section 3 above. The footpath would be preserved by the proposed development, although with minor alterations to its course, as shown on the application drawings.

4.12 A Tree Preservation Order was imposed on 3rd July 2017, relating to a small group of trees and a single sycamore near to the south-eastern corner of the site. These trees would not be adversely affected by the proposed development.



An extract from the adopted Local Plan 2005 Proposals Map, with the application site highlighted.

4.13 Opposite the site, to the south of Theobold's Lane, is Cedars Park, and the site of the former Theobold's Palace, which is a Scheduled Ancient Monument. The northern boundary wall of Cedars Park is a Grade II listed structure, and there are further listed buildings within Cedars Park. The proposed development would be visually separated from these heritage assets, and we do not believe that it would cause any harm to the setting or significance of these designated heritage assets; we note that the Council reached a similar conclusion in their determination of the first application.

4.14 The adopted Local Plan 2005 Proposals Map identifies the site as lying within the Metropolitan Green Belt. It also identifies an area immediately to the north-west of the application site as an Area of Archaeological Interest. Archaeological issues are considered further in the Archaeological Desk-Based Assessment by CgMs which accompanies this application.

Ground Conditions

Geo-Environmental Assessment

4.15 Much of the application site was excavated as a gravel pit in the first half of the 20th century, and following that used as landfill. This application is accompanied by a Phase I and II Geo-Environmental Assessment by EPS, which records the findings of intrusive investigations into the ground conditions within the site. This included the drilling of 20 boreholes, an assessment of ground conditions and ground gas monitoring. It records that there are some potential contaminants resulting from the historic land fill material. The Assessment therefore recommends that the level of the land within the proposed residential development areas should be raised by at least 600mm to provide a cap to the underlying material, to remove the possibility of physical interaction. The Borough Council did not raise any objection to the previous application with regard to any potential contamination, but Officers proposed planning conditions relating to further site investigations, which were to be undertaken prior to the commencement of development; it is anticipated that this revised application can be subject to those same conditions.

Surface Water Drainage

4.16 The Geo-Environmental Assessment identifies that due to the fill materials within the site, should infiltration drainage be proposed as a means of disposing of surface water runoff, it would be necessary to bring water directly down to the dense sand and gravel which underlies the site, bypassing the fill material immediately below the surface. The Assessment does not recommend infiltration through the fill material, as this may lead to settlement of this material, and movement resulting in damage to structures / pavements at ground level. Surface water could therefore potentially be attenuated by the means outlined above, or by its retention within the site and discharge to Theobold’s Brook at a controlled rate.

4.17 The Drainage Strategy which accompanies this application proposes discharge to the adjacent water courses, as well as the use of some permeable paving in parts of the site, to allow an element of natural drainage where possible. The surface water drainage system proposed would also attenuate runoff from the existing grass and synthetic football pitches at the site’s northern area.

4.18 We anticipate that the detail of the means of disposal of surface water can be determined at a later date, in connection with a suitably worded planning condition. However, we note that Hertfordshire County Council, in their role as the Lead Local Flood Authority, confirmed that they had no objections to the development proposed by the first application. They agreed that it could be adequately drained, and any existing surface water flood risks could be adequately mitigated.

Archaeology

4.19 An Archaeological Desk-Based Assessment by CgMs has found that the past history of landfill within the site means that its archaeological potential is low. This accords with the Local Plan’s Proposals Map, which identifies the adjacent land as an Area of Archaeological Significance, but omits the application site, presumably for this reason. The Council raised no concerns with regard to the effect on potential archaeology.

Agricultural Land

4.20 The application site is defined as ‘urban land’ on the DEFRA Agricultural Land Classification. It is not considered to be agricultural land, and it would not be suitable for that purpose due to its history.

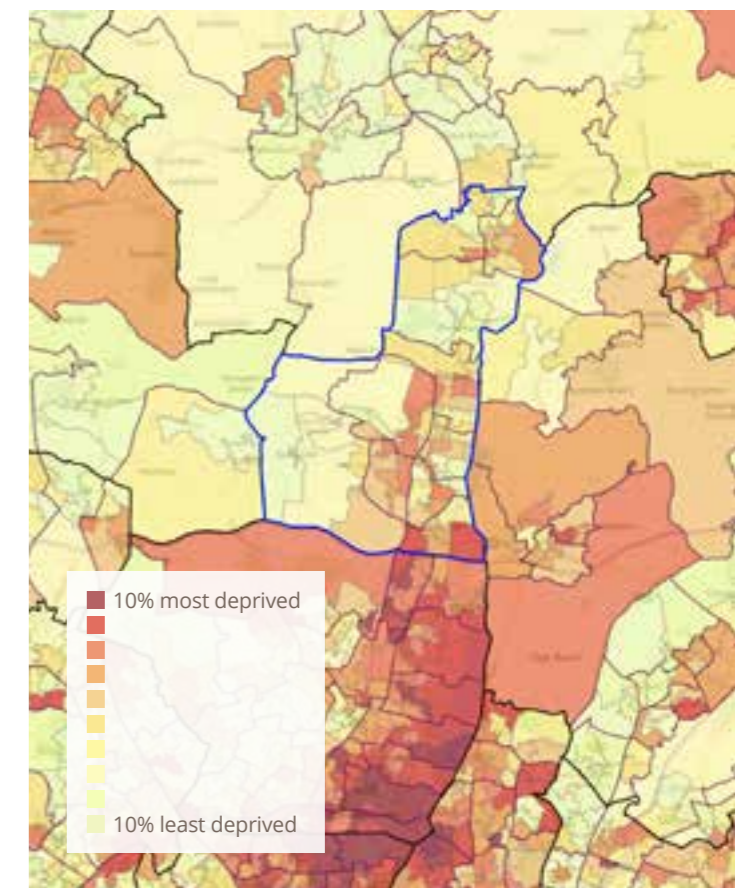
The Local Area

4.21 Broxbourne Borough is strongly influenced by existing transport routes, with its centres of population based around towns on the A10 corridor and railway line, whilst to the west is a more rural area, largely covered by the Green Belt. As we have noted above, the application site lies on the western edge of the urban conurbation, and close to the centres of Cheshunt and Waltham Cross. However, it is within the Green Belt, the boundary of which lies on its eastern boundary, where it meets the gardens of the adjacent housing. This is illustrated in the Local Plan Proposals Map, shown on pp13.

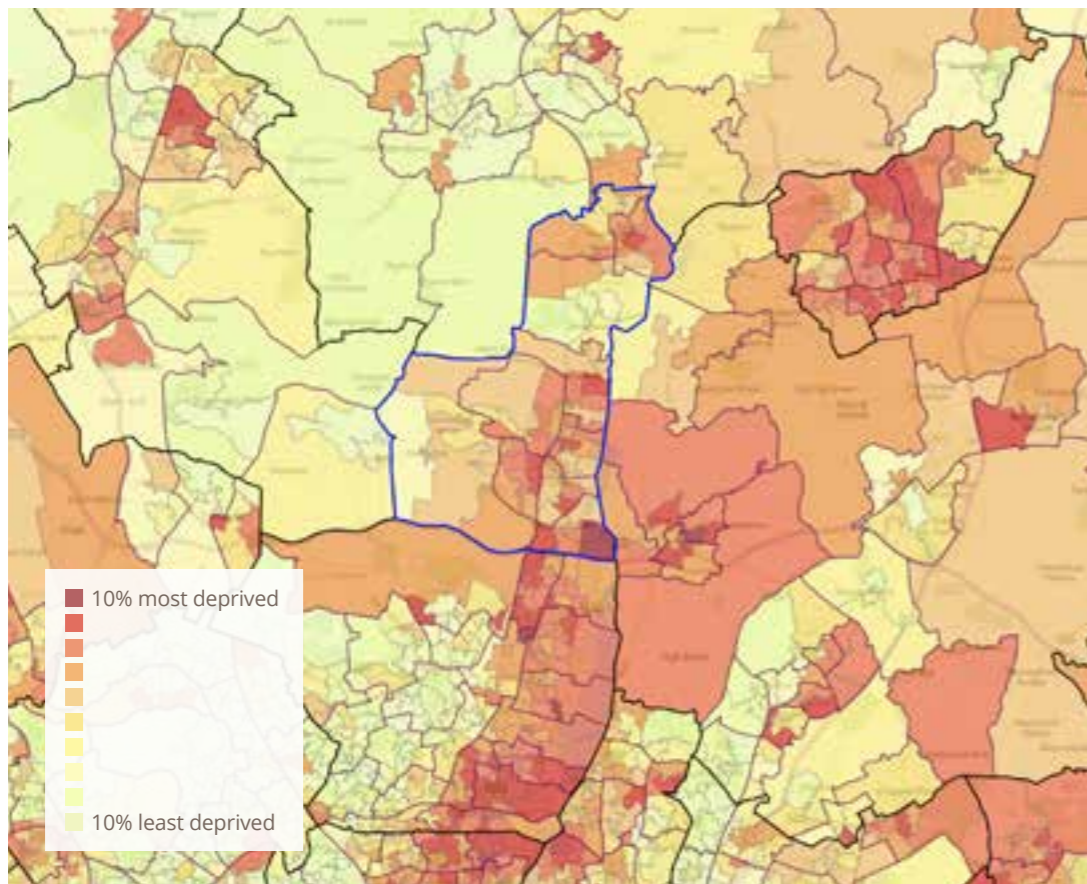
4.22 The Borough is located within Hertfordshire, but also on the northern edge of London. Its proximity to London means that it is strongly affected by the City’s socio-economic trends, such as a very high level of need for housing, and a tendency for people to commute into the City to work. The effect of London’s influence on local people and their wellbeing can be seen in the Government’s Indices of Multiple Deprivation (IMD).

4.23 The IMD represent a range of data relating to a wide range of factors which influence quality of life, such as income, access to employment and housing, health, disability, education, skills and training, quality of living environment and crime levels. Whilst they only provide a general measurement of the relative deprivation of an area, they are a useful indicator of general social trends. Helpfully, the Government provides them in a visual form, with each area ranked in terms of its position in a national hierarchy, from the least deprived 10% of areas to the most deprived 10%. The maps for Broxbourne Borough are shown opposite².

² The IMD 2015 maps are available to view in full at <http://dclgapps.communities.gov.uk/imd/idmap.html>.



Map showing the Indices of Multiple Deprivation, with Broxbourne Borough highlighted.

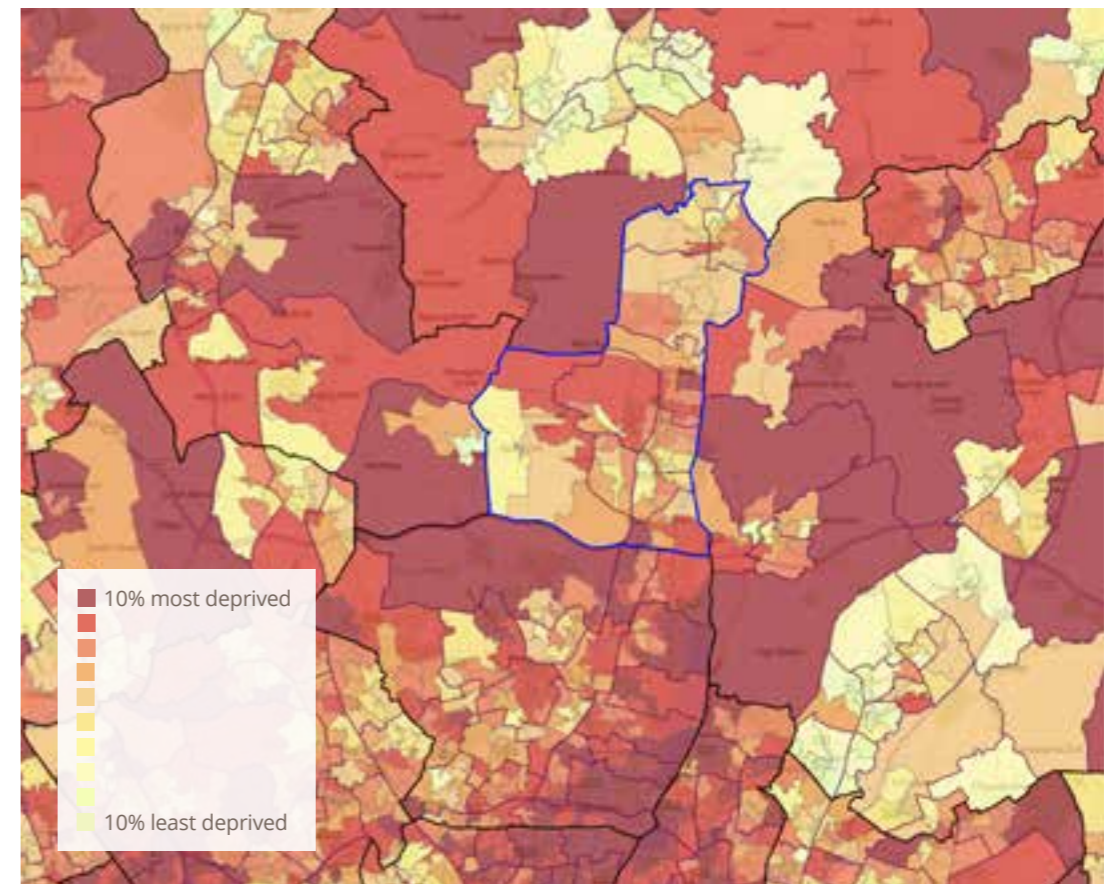


IMD map, showing deprivation in relation to education, skills and training.

4.24 The different areas shown on these maps are Lower Super Output Areas (LSOAs), each of which represents a cluster of around 1,500 people. Where these areas are smaller, this indicates a more dense concentration of people, and so the LSOAs are typically smaller in towns and larger in the countryside.

4.25 The overall IMD map for Broxbourne indicates that much of the Borough is relatively less deprived than the rest of the country. This is particularly the case in the rural western area, but also more typically in the northern part of the Borough than in the south, where the application site is located. The most deprived areas are on the Borough's southern edge, closest to London, where two LSOAs around Waltham Cross are in the 20% most deprived areas within the country. This map represents a balanced summary of data relating to all of the different issues covered by the IMD, as noted above.

4.26 Looking at the IMD data relating only to 'Education, Skills and Training', it is clear that this follows a similar trend to the overall IMD map, although some of the Borough's urban areas are relatively more deprived in this regard than the overall IMD map indicates.



IMD map, showing deprivation in relation to barriers to housing and services.

4.27 The map showing IMD data relating to 'Barriers to Housing and Services', clearly shows a far worse situation. In this case, the Borough can be seen as being substantially more deprived than the overall IMD map indicates. However, most strikingly, the surrounding area is also very deprived in this regard, much of it falling within the top 10–20% of most deprived areas in the country. This indicates that there is a very high level of need for housing in the Borough and wider area, and that the need for housing in this area is not being met by the available supply. It also shows that this is an issue which affects a wide area, due to the way in which people seeking housing will travel increasing distances to find it, depending on the availability of suitable and affordable stock.

4.28 The poor accessibility of housing is a consequence of poor affordability, itself due to an imbalance of supply against demand. Increasing the supply of housing is the only means by which affordability can be improved. This matter is discussed further in Section 7.

Existing Provision of Sports Facilities

4.29 Broxbourne Borough Council commissioned a Leisure Facilities Strategy from Neil Allen Associates, published in December 2013. This provides an audit of the built and open space facilities within the Borough, and considers where there may be a need for enhanced facilities in the future. This evidence is intended to support the emerging Broxbourne Local Plan.

4.30 The Strategy reviews evidence gathered by Sport England relating to participation in adult sport. It notes the following:

- Broxbourne Borough's population has relatively high numbers of people in the 20-24 and 60+ age groups. It also has an ageing population. This means that whilst the overall demand for sports facilities per capita is expected to decline slightly over time, there will be a strong demand for facilities for younger and older age groups.
- Activity rates in sport are slightly higher than the national average.

- Whilst health and life expectancy are generally good across the Borough, they are worst in the more deprived areas, which particularly include the southern part of the Borough (see the IMD maps above).

- Adult and childhood obesity are higher than the national average, and a health priority is to increase participation in sport to help combat this.

- There are generally fewer facilities in the more deprived areas of the Borough.

- There is a general trend of decline in club membership, coaching and tuition.

4.31 The Strategy itself identifies the following:

- There is a future need for sports halls, as all existing halls are operating at capacity.
- There is a need for further health and fitness facilities, and these are particularly recommended alongside the provision of other sporting facilities, as this may encourage users to participate in various activities.

- There is a need for specialist facilities for indoor tennis, netball, gymnastics and table tennis.
- There is likely to be a general need for improved sports facilities as the local population grows over time.

4.32 The Strategy also makes the following observations specifically with regard to football facilities:

- There are only three 3G pitches within the Borough which can be used for football. None of these are of sufficient size for competitive football, and there is a need for a new 3G pitch for football use. There are no 3G pitches in the southern part of the Borough.

- There is a need for more specialist pitches and facilities for junior and youth football, which could be met in part by the provision of new 3G pitches.

- There is an anticipated future need for new football pitches; this could be met through the provision of a 3G pitch, which could be used more intensively than grass pitches.

- There are no purpose-built and commercially run 5-a-side football centres in the Borough, and they are required in order to further encourage participation in football.
- There appears to be latent, unmet demand for football in the Borough, based on the relatively low level of participation when compared to the surrounding area.
- Only 12.2% of youth and mini soccer teams within the Borough play within a club of Charter Standard, the Football Association's kite mark symbolising quality. This compares to a national average of 78.3%, and a National Game Strategy target of 75%.
- There are around 2,700 people in the Borough who play football regularly, but this is below the regional and national averages.
- Cheshunt FC currently have the highest quality football pitches in the Borough, and are close to the top 'excellent' rating; there are currently no excellent rated pitches within the Borough.

- 52% of clubs said that they were not satisfied with football pitch provision within the Borough.
- Low quality pitches can deter residents from participating in football.
- Most football players live within a short distance of the club they play for, with 20% within 1 mile, 33% within 1-3 miles and 26% within 3-5 miles; only 21% live over 5 miles from their club, and these tend to be players from more senior clubs, playing at a higher level.

4.33 It is important to note that since the Sports Facilities Study was undertaken, LW Developments have provided a new 3G pitch at Cheshunt FC's ground, thus helping to meet the identified future need for sports pitches, and addressing a lack of artificial pitches in the southern part of the Borough. This pitch can be used for a range of sports, not only football.

4.34 The Strategy also considers the current level of sports facility provision in relation to the density of the local population. It concludes that Cheshunt FC has the only sizeable playing pitch facility in the southern part of the Borough.

The Planning Context

4.35 We have noted above that this is the second application to have been made for a new stadium, community and sports facilities, and enabling residential development. The first was for a larger development, with more housing, community and commercial development.

4.36 The previous application (07/16/1369/F) was supported by the Borough Council's Officers, and was recommended for approval. It also had support from all of the relevant statutory consultees, including Hertfordshire County Council (in its capacity as the Highway Authority and Lead Local Flood Authority), Highways England, Sport England, the Hertfordshire Sports Partnership, the Environment Agency, Historic England and the Hertfordshire and Middlesex Wildlife Trust. The application was also considered acceptable in principle by the Council, following its identification in the emerging Local Plan (see Section 6).

4.37 The application was brought before the Planning Committee on 26 July 2017. The Committee rejected the application, and the following four reasons were subsequently given in the decision notice:

- 1. The design of the houses is not in keeping with the adjacent area which would result in an incongruous development which is contrary to Policy HD14 of the Borough of Broxbourne Local Plan adopted December 2005, draft Policy DSC1 of the Broxbourne Local Plan July 2016 and section 7 of the NPPF: Requiring Good Design.**
- 2. The scale and density of the development would result in harm to the openness of the greenbelt which is not sufficiently outweighed by very special circumstances. The proposal is therefore contrary to section 8 of the NPPF: Protecting Green Belt Land and in particular, paragraph 89.**

3. Insufficient information has been submitted with the planning application and in advance of the infrastructure requirements of the emerging local plan being established, it cannot be determined that the local highway network is capable of supporting the proposed development with the stadium operating at full capacity of 5,192.

4. Insufficient information has been submitted relating to the ground height of the proposed houses in relation to neighbouring houses in Montayne Road. As a result the Council is not in a position to fully assess the impact on amenity for residents adjoining the application site to the east.'

4.38 These revised proposals seek to positively address the Council's reasons for refusing the first application. LW Developments are keen to maintain the constructive relationship which they have built up with the Council and its Officers over recent years, and in discussions relating to the proposed development, which has seen the site identified in the emerging Local Plan. They look forward to continuing those discussions in relation to the current application.





The back page of the Hertfordshire Mercury on the day of the community consultation event.

Community Consultation Event

5.1 The Applicants held a community consultation event between 4pm and 7pm on 18th July, 2017. Letters of invitation were sent to local residents in the nearby streets, with a radius of around 200m from the application site's boundary. This included residents on Montayne Road, Theobold's Lane, Dudley Avenue, Grenville Close, Salisbury Crescent, and Friends Avenue. Letters were also sent to local District Councillors.

5.2 Contact was also made with the Hertfordshire Mercury, who ran a back page article highlighting the emerging plans, and setting out the date of the exhibition, on 14th July. The event was well attended, with around 75 people visiting, the majority of whom were local residents living close to the site.

Community Feedback

5.3 The response to the proposals was generally positive in principle, although concerns were raised with regard to various issues of detail. The matters raised with the consultant team at the exhibition, and in the feedback forms submitted, are set out below, alongside the application's response.

Highways

Q This development will generate too much traffic, and Theobold's Lane will not be able to cope.

A This matter is considered in detail in the Transport Assessment by WSP | Parsons Brinkerhoff, which accompanies this application. This finds that Theobold's Lane currently operates satisfactorily, and that the proposed development would not cause any unacceptable impacts with regard to its operation. The application is also accompanied by a Framework Residential Travel Plan, a Workplace Travel Plan and a Stadium Event Management Plan, all of which look at ways in which traffic can be minimised and managed. This was accepted by the Highway Authority in its determination of the first application, and the proposed development has been scaled back since then.

Q When considering the effect on local roads, you should also consider other nearby developments.

A The proposed development has been tested against the Council's Local Plan SATURN highway model, which takes account of the development which is expected to be built in the period up to 2029, including draft Local Plan allocations.

Q There will be spikes in traffic at peak times which cannot be managed within the local highway network.

A The Transport Assessment which accompanies this application considers the likely level of traffic which the development would generate throughout the day, and concludes that it can be accommodated in a satisfactory way. The Highway Authority scrutinised the previous application, which was for a larger development, in great detail, and reached a similar conclusion. Further details are set out in Section 9 below.

Q On match days, cars will park in the residential parts of the development.

A Access to the residential part of the development would be controlled, possibly by some form of barrier, to prevent match-day traffic parking within these streets.

Community Facilities

5.4 There was general support for the proposed facilities, for their benefit to the Club and the local community.

5.5 There were mixed comments on the benefits of affordable housing, and the desirability of accommodating it within the site.

Q Local schools should be able to use the new facilities.

A Playing pitch facilities would be made available for use by local schools, and the Club would also extend its existing programme of engagement and training within local schools.

Q The development should provide new facilities for children.

A The proposed development would contain a range of facilities which would be of benefit to local children, including for football and other sports.

Q There is a need for leisure facilities for older people.

A There is potential to include various sport facilities which could benefit older people, including studios which could be used for classes such as pilates and yoga, and a gym.

Q It would be useful to have a doctor's surgery within the site.

A The Applicants are exploring the possibility of accommodating a doctor's surgery within the site, and space would be made available for it.

Q The development should mitigate its effect on local services.

A The proposed development would provide a range of new services for the local community, and it could, subject to financial viability, also make s106 payments to mitigate wider effects, such as by paying for the provision of new school places and improvements to the local highways.

Residential Amenity

Q Will the new houses overlook the gardens of the houses on Montayne Road?

A The new houses would be laid out so as to avoid overlooking of these properties. They would be positioned away from the boundary, and orientated so that they did not face the houses, and they would also be screened by a belt of trees. Further details are set out in Section 8.

Q Will the trees block light into the gardens on Montayne Road?

A It is envisaged that a detailed landscape planting plan will be provided in connection with a planning condition. This will determine details such as the location of trees and appropriate species, so as to ensure that sufficient light would be preserved for these existing properties.

Green Belt

Q New development should be on brownfield sites, not in the Green Belt.

A It is not possible to accommodate all of the development needed in the Borough within the existing urban areas, and the draft Local Plan proposes extensive new development within the Green Belt as a result. The draft Local Plan also identifies the application proposals as being both necessary and appropriate within the Green Belt. This matter is discussed further in sections 6 and 7.

Design

Q There was general support for the appearance of the proposed development.

A Notwithstanding this, the design of the houses has been revised, following the Council's refusal of the initial application, in part due to the appearance of the houses; this matter is discussed in Section 8.

Q The proposed development is too dense.

A It has been necessary to make an efficient use of the site, in order to provide sufficient development to fund the new stadium and associated sport and community facilities, and provide the Club with an income. However, the density of the proposed development has been reduced following the first application.

Response to the First Application

5.6 The first planning application generated 120 letters of support, and 208 letters of objection. The majority of the objections came from residents living close to the application site, whilst support was from both the immediate and wider local area. This application seeks to positively address the concerns raised in the objection letters, as far as possible.

5.7 In our experience, the level of support shown is unusual for a planning application. People are generally more likely to write in objection to a development proposal. The Applicants are heartened by the 120 letters of support.

5.8 Residents living close to the application site were concerned about immediate environmental issues, such as concerns over noise during the construction period and on match days, increases in traffic and parking on local roads, increased air pollution, and the impact on local facilities such as doctors' surgeries and schools. These matters are addressed throughout this statement.

Further Consultation of Nearby Properties

5.9 Whilst preparing this second application, the Applicant also consulted local residents on the streets closest to the site, Theobold’s Lane, Montayne Road and Dudley Avenue. This door to door exercise took place on Tuesday 14th November 2017. Residents living closest to the site had the strongest views, generally objecting to any development on the site at all, whereas views were mixed for residents on the more distant Dudley Avenue.

5.10 The greatest concerns expressed related to car parking, following previous problems with on-street car parking at the time of events held at Cedars Park. These concerns were not raised in response to the effect of any events or football matches held at Cheshunt FC. The proposed development meets the maximum parking requirements set out in the Council’s Supplementary Planning Guidance, and the County Council, as Highways Authority, raised no objections to the previous application in this regard. To alleviate the perceived issue of on-street parking, during events at Cedars Park, the Applicant has confirmed that the increased parking capacity within

the site will be made available for events at Cedars Park. The application is also accompanied by a Stadium Event Management Plan, and Framework Residential and Work Place Travel Plans, which are intended to address exactly these sorts of concerns.

5.11 Residents were also concerned about the effect the proposed development would have on Theobold’s Lane, which is seen as unsafe due to speeding vehicles and its junction with the A10. This issue has been the subject of extensive discussions between the Applicant, their highway consultants WSP | Parsons Brinckerhoff, and the Highway Authority. The application proposes to introduce improvements to this junction, to assist large vehicles turning into the A10, and also to introduce measures to slow traffic on Theobold’s Lane.

5.12 From these discussions with residents it also became clear that there are several misconceptions about the Football Club and the proposed scheme. For instance:

- The majority of people spoken to had never been to the Club and have no idea what goes on there. Section 3 of this statement sets out details of the Club’s award-winning community activities and roles.
- Residents recognised that more housing is needed in the Borough, but there was no knowledge that the land is proposed as an allocation for development including housing in the emerging Local Plan.
- Some people wanted community facilities on site. This is precisely what is being proposed, as set out in Section 2.
- Some residents assumed that the new stadium would be used to host pop concerts, but we can confirm that this application does not propose this. A further planning permission would be required from the Council if this were to happen.

- There was a misunderstanding about the rationale for a 5,000-seater stadium. For clarity, this application is made for only up to 2,000 spectators. This is less than its current capacity, and is required by the Football Association for the Club to continue to play at its current level. See Section 8 for further details on this issue.





6.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise¹. The development plan for Broxbourne Borough comprises the saved policies of the Broxbourne Local Plan (2005) and the Hertfordshire Minerals and Waste Plan. In addition, the policies of the National Planning Policy Framework (NPPF) constitute important material considerations.

6.2 However, paragraph 215 of the NPPF states that where Local Plans are out of date, **'due weight should be given to relevant policies... according to their degree of consistency with this framework'**. As such, the weight to be accorded to the Local Plan's policies will vary depending on their degree of consistency with the more up to date policies of the NPPF. This effectively means that the material considerations formed by the NPPF can be of greater importance in decision-making, and can be accorded greater weight than the District Plan's policies, where these policies are both out of date and inconsistent with the NPPF.

¹. See Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

National Planning Policy Framework (March 2012)

6.3 The National Planning Policy Framework (NPPF) sets out the Government's policy with regard to planning, and it is the basis for all planning decisions today.

6.4 Paragraph 6 states that **'The purpose of the planning system is to contribute to the achievement of sustainable development'**. It explains that sustainable development is defined by the application of the NPPF as a whole.

6.5 The need for sustainable development is echoed throughout the NPPF. Paragraph 7 summarises the three dimensions of sustainable development as follows:

- **'an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;**

- **a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and**
- **an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.'**

6.6 The fundamental precept of the NPPF is a presumption in favour of sustainable development. Paragraph 14 states that for decision-taking, this means:

- **'approving development proposals that accord with the development plan without delay; and**

- **where the development plan is absent, silent or relevant policies are out of date, granting permission unless:**
- **any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or**
- **specific policies in this Framework indicate development should be restricted.'**

6.7 Footnote 9 then clarifies that the policies in the NPPF which may indicate that developments should be restricted relate to a number of issues, such as the protection of designated wildlife sites, landscapes, Green Belt or designated heritage assets. As discussed throughout this Statement, we do not believe that any of the policies in the NPPF indicate that development should be restricted on the application site. With regard to Green Belt, the proposed development is justified by very special circumstances, as explained in Section 7. We do not believe that there would be any adverse impacts which would meet the high test of **‘significantly and demonstrably outweighing the benefits’** that the application would bring to the site’s residents. As such, we believe that this application benefits from the presumption in favour of sustainable development.

6.8 Paragraph 19 requires planning authorities to give **‘significant weight’** to the **‘need to support economic growth through the planning system’**. Paragraph 20 requires local authorities to foster economic growth through planning **‘proactively to meet the development needs of business and support an economy fit for the 21st century’**.

6.9 Paragraph 32 requires proposals which will generate significant amounts of movement to be supported by a Transport Assessment, as this application is. It states that Local Plans and planning decisions should take account of whether:

- **‘the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;**
- **safe and suitable access to the site can be achieved for all people; and**

- **improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.’**

6.10 Paragraph 47 requires local planning authorities to **‘boost significantly the supply of housing’**. In order to do this, it contains the following requirement:

‘Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.’

6.11 This is a matter which is given great importance within the NPPF, and paragraph 49 notes that **‘housing applications should be considered in the context of the presumption in favour of sustainable development’**.

6.12 Paragraph 49 also states that **‘Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.’** This indicates that policies in Local Plans which are out of date, as those of the Broxbourne Local Plan Second Review are, cannot be accorded full weight in decision making. This should be read alongside paragraph 215 of the NPPF, noted above, which states that out of date policies should be given weight in decision making only according to their degree of consistency with the NPPF.

6.13 Paragraph 58 requires good design, and states that planning decisions should aim to ensure that a development is of high quality in the long term; that a strong sense of place is established in an attractive, comfortable environment; that developments have an optimum mix of uses; respond to local character; create safe and accessible environments; and are visually attractive.

6.14 Paragraph 70 promotes the provision of community facilities. It requires local authorities to plan positively for the facilities which are needed to enhance the sustainability of communities and residential environments. It also requires **‘an integrated approach to considering the location of housing, economic uses and community facilities and services’**.

6.15 Paragraph 73 notes the important link between sport and recreation facilities, and the health and wellbeing of communities. It requires Local Plans to seek to remedy identified deficits in sports and recreational facilities.

6.16 Paragraph 74 notes that existing sports facilities should not be lost, unless **‘the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location’**. In the case of the proposed development, as noted in Sports England’s assessment of the proposals (see Appendix A), the marginal decrease in overall area being utilized for sports is more than made up for by the quality of the new facilities. This is discussed further in Section 7.

6.17 Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in **‘very special circumstances’**. Paragraph 88 further explains this as follows:

‘When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.’

6.18 Paragraph 89 sets out types of development which would not be considered inappropriate, which include **‘limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development’**.

6.19 Paragraph 83 also allows for the revision of Green Belt boundaries through the Local Plan process in **‘exceptional circumstances’**.

Broxbourne Local Plan Second Review (December 2005)

6.20 Policy SUS1 requires applicants to consider sustainable development in their proposals, and for larger developments, such as this one, to comment on sustainability in nine areas: land use, access, energy, leisure cultural and social activities, satisfying work, air water noise and light, nature, aesthetics and safety. The questions for consideration raised by this policy are discussed generally throughout this statement, and more specifically addressed in Appendix A.

6.21 Policy SUS2 seeks to promote energy conservation through efficient design, site layout and landscaping. This is considered in section 8.

6.22 Policy SUS6 involves the monitoring of air quality to ensure that any development does not cause national air quality guidelines to be exceeded. This issue is considered by the Air Quality Assessment by Hawkins Environmental, which accompanies this application.

6.23 Policy SUS8 seeks to protect sensitive land uses, such as residential areas from noise. These matters are considered in the Noise Assessment by Hawkins Environmental, which accompanies this application.

6.24 Policy SUS11 sets requirements in relation to floodlighting. This application does not propose any alteration to the existing floodlighting on the site, which was approved in 2013, in relation to planning application 07/13/1015/F. This matter is considered further in Section 8.

6.25 Policy SUS12 encourages development on contaminated land, subject to an assessment of risk and recommendations of remedial measures. This matter is discussed in Section 4, and in the accompanying Phase I and II Geo-Environmental Assessment by EPS, which accompanies this application.

6.26 Policy SUS14 concerns water supply, treatment and conservation. It places various requirements on new development, including that it should not adversely affect ground or surface water quality or flow, and that it should be compatible with long-term management plans. Policy SUS15 states that no development will be permitted which poses a threat to surface or groundwater. These matters are considered in the Geo-Environmental Assessment and Drainage Strategy, which accompany this application.

6.27 Policy SUS16 requires that a flood risk assessment (FRA) should be carried out where a site is considered at risk of flooding. We note that national guidance also requires a FRA to be provided on all proposals where the application site is larger than 1 Ha in area. The application site is predominantly within Flood Zone 1 (low risk), and the Lead Local Flood Authority (Hertfordshire County Council) did not object to the first application on any grounds relating to flood risk or surface water drainage. This application is accompanied by a FRA by Hydro-Logic Services, which considers matters relating to flood risk.

6.28 Policy SUS18 requires new developments to secure surface water in a way that is sustainable and does not increase the risk of flooding. This matter is discussed in Section 4 above. The Lead Local Flood Authority also did not raise any objection to the previous application in relation to surface water management. The Drainage Strategy by Peter Dann, which accompanies this application, sets out details of the proposed approach to surface water management.

6.29 Policy GBC2 seeks to limit development in the Green Belt, in line with the previous national policy, set out in Planning Policy Guidance Note 2: Green Belts (PPG2). This policy is highly restrictive, and as we note in Section 7, its approach to development in the Green Belt does not include an allowance for 'very special circumstances'. As such, it is inconsistent with the NPPF's approach to development in the Green Belt.

6.30 Policy GBC16 states that the Council expects all new development affecting land within the Green Belt **'to incorporate appropriate landscape enhancement measures appropriate to the local context'**. This matter is discussed in Section 8 below.

6.31 Policy H2 requires that efficient use should be made of land, and that steps be taken, where practicable, to reduce car use. The application proposals have sought to make an efficient use of the available land, whilst providing a high quality development which would meet the Council's other planning requirements. The ways in which non-car travel will be maximised are considered in Section 9, and in the accompanying Transport Assessment and Travel Plans by WSP.

6.32 Policy H8 concerns the design quality of new development. It requires that new development should be in general conformity with the Council's Supplementary Planning Guidance (SPG) on development, amenity and parking guidelines (adopted August 2004 and updated in 2013). Relevant points from the SPG are noted in Section 8.

6.33 Policy H11 seeks the highest reasonable density in new residential developments within the urban area. It proposes an approach whereby density can be higher where this would be in keeping with the character of the area, and where there is good accessibility to public transport. As noted above, this matter is considered in Section 8.

6.34 Policy H12 seeks a mix of types of housing in new residential developments, including smaller properties. It also requires new developments to contribute towards the creation of balanced communities, with a range of accommodation to meet the needs of different groups. This is considered in Section 7.

6.35 Policy H13 requires the provision of 40% affordable housing on developments of 15 dwellings or more, or on sites of at least 0.5Ha area. It sets out criteria to determine whether affordable housing should be provided, including **'whether the provision of affordable housing on the site would prejudice the realisation of other planning objectives'**. The Viability Assessment which has been prepared to accompany this application indicates that it will not be possible to provide affordable housing as part of the proposed development, due to the cost of providing the new sports and community facilities. This matter is discussed further in Section 7.

6.36 Policy EMP9 concerns small business units. Whilst it does not specifically relate to the application site, as it refers to sites within the town centres and allocated employment areas, the principle of support for the provision of this accommodation is relevant to this application. The supporting text to the policy states that:

'Small businesses make up a significant proportion of the total firms in the Borough. There remains strong demand for small units often to accommodate new businesses. The Council is keen to encourage such provision as this helps to broaden the employment base, encourage entrepreneurship and provide a more balanced and stable local economy.'

6.37 Policy EMP12 concerns proposals for nurseries and crèches. These will be permitted where they would not lead to unacceptable impacts with regard to access and vehicular movements, or have an unacceptable impact on the amenity of nearby residents. The supporting text recognises that there is a need for these facilities, due to an **'increasing demand for pre-school and childcare facilities within the Borough'**.

6.38 Policy RTC1 seeks to direct retail development to town and district centres, and it resists new retail development elsewhere, unless this would meet a need which is not currently addressed by existing retail sites. The proposed development would include some small-scale ancillary retail development, to provide an income for Cheshunt Football Club, and this is discussed in Section 7.

6.39 Policy RTC7 regulates the granting of planning permission for A3 (restaurants and cafés), A4 (drinking establishments), A5 (hot food take-aways) and similar uses. It seeks to restrict development which would give rise to substantial traffic movements, excessive on street parking and harm to residential amenity due to noise, smells or disturbance. Restaurants / cafés, a public bar and hot food outlets are envisaged as part of the application proposals, which would be ancillary to the stadium and other uses within it. As such, it is not anticipated to be likely to generate a high number of additional vehicular trips, and it would also not cause disturbance to residential dwellings. These matters are considered further in the following sections.

6.40 Policy CLT1 states that planning permission will be refused to any development that would **'result in the loss of existing community and leisure facilities'**. It lists Cheshunt FC as one such facility. The purpose of this application is to secure the future of this leisure facility by placing it on a sound financial footing, and the provision of community and leisure facilities would be enhanced. This would more than balance the loss of existing training pitches to residential development, and this matter is discussed further in Section 7.

6.41 Policy CLT2 requires new residential development to either provide childrens' play areas, or to make financial contributions to allow for their provision off-site. It is not possible to provide these areas within the site, due to the need to maximise development and generate the necessary revenue to fund the new sports and community facilities. However, we note that the proposed development will provide a range of facilities, including sports facilities which would benefit local children.

6.42 Policy CLT3 requires a commuted payment for the maintenance of open space within new development. It is anticipated that this will be funded by a service charge on the new development, and so no such payment will be required.

6.43 Policies HD1, HD2 and HD3 concern the protection of important archaeological remains. This matter is discussed in Section 4 above, and the Archaeological Desk-Based Assessment by CgMs, which accompanies this application.

6.44 Policy HD13 requires new development to be built according to the Council's design principles. These are considered further in Section 8.

6.45 Policy HD14 requires proposed development to relate to the existing character of the area, and to seek to improve that character where possible. This issue is considered in Section 8.

6.46 Policy HD17 protects important elements of existing landscaping, particularly those creating wildlife habitats, and seeks to enhance the landscaping where possible on development sites. This is considered further in Section 8.

6.47 Policy HD22 requires new developments to incorporate measures for crime prevention into their design. Community safety has been an important consideration in designing the proposed development, and it is discussed in Section 8.

6.48 Policy HD23 requires proposed developments to incorporate measures to meet the reasonable requirements of disabled people into all public areas. The stadium and its facilities are designed to be highly accessible to disabled people, including wheelchair users, something which is also required by current building regulations.

6.49 Policy T3 sets out the Council's thinking on transport and new development. It seeks to prevent development which would have an unacceptable adverse impact on highway capacity or safety, or where it would generate unacceptable levels of car parking in the surrounding area. These matters are discussed in the Transport Assessment that accompanies this application.

6.50 Policy T4 requires major developments to provide a Green Travel Plan, to seek to minimise the number of private car trips which the development would generate. This application is accompanied by a Framework Residential Travel Plan, Framework Workplace Travel Plan and a Stadium Event Management Plan (all produced by WSP | Parsons Brickerhoff), which address this requirement.

6.51 Policy T9 sets out requirements to make new developments safe and accessible for pedestrians. Policy T10 requires developers to consider provision for cyclists. Each of these policies are considered in Section 9.

6.52 Policy T11 sets out the Council's parking requirements for new developments. This matter is addressed in the Transport Assessment.

Emerging Broxbourne Local Plan

6.53 The Council are currently preparing a new Local Plan, to replace the now out of date 2005 Local Plan. The final Pre-Submission (regulation 19) draft of the emerging Local Plan was published in November 2017. This draft represents the Council's finalised proposals. Once the Council has considered representations made on the recent consultation, which ended in December 2017, it is expected that the draft Local Plan will go on to be considered at an examination in public.

6.54 As the Local Plan has not yet been subject to examination, it cannot yet be given significant weight in decision making. However it is useful as an indication of the Council's latest thinking with regard to the new development required to meet the Borough's future needs, and the type of development it wishes to see coming forward.

6.55 The draft Local Plan confirms that the Council supports the principle of the proposed development. Policy CH7: Cheshunt Football Club simply states the following:

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

6.56 The supporting text provides further information, as follows:

'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 around the stadium and between the stadium and the existing urban edge at Montayne Road. The Council is supportive in principle of this development.'

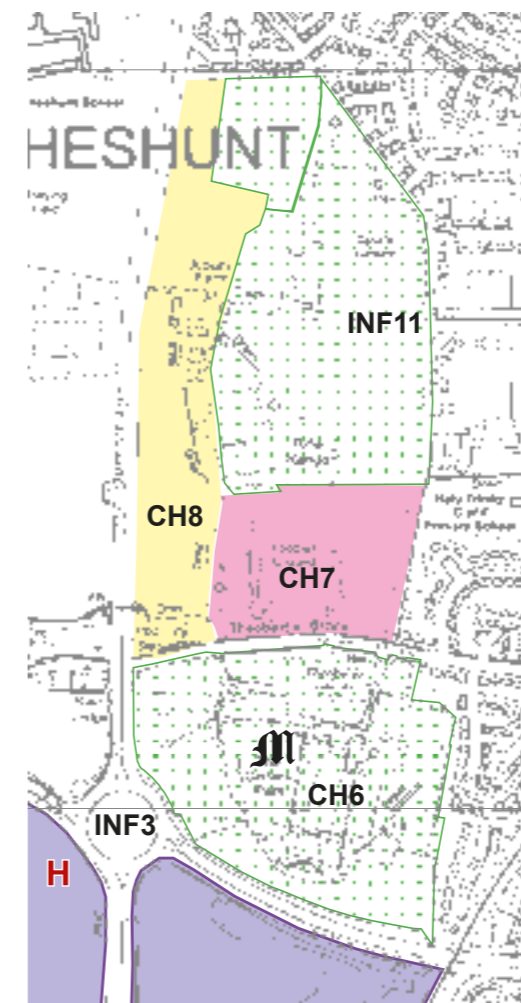
6.57 In addition, the application site is identified on the draft Local Plan Policies Map, as shown to the right. The pink designation indicates the area to which Policy CH7 would apply, and this essentially corresponds with the area in which new development is proposed by this planning application. The yellow area to the west is proposed to be protected from development, in order to retain the openness of the A10 approach into Cheshunt.

6.58 A more detailed plan of the Local Plan's proposals for Cheshunt FC's ground are included within the draft Local Plan, and reproduced left. This indicates the way in which the new stadium would be provided alongside residential development, in a manner which is consistent with the application proposals.

6.59 We welcome the identification of the Cheshunt FC site as a suitable location for development, and the proposal to allocate the site to accommodate an almost identical form of development to that proposed by the current application. We also welcome the separate comment in the supporting text which confirms the Council's support in principle for this development.

6.60 By proposing to remove the site from the Green Belt, the Local Plan confirms that the Council's view is that the benefits of the proposed development form the necessary **'exceptional circumstances'**, which are required to justify alterations to Green Belt boundaries.

6.61 We also welcome the Council's increase in their proposed allocation to c.165 dwellings, which we believe is a more realistic estimate of the necessary level of residential enabling development than the c.120 dwellings envisaged by previous draft of the plan.



Extract from the draft Local Plan Policies Map.



Extract from the Draft Local Plan, showing the Cheshunt FC site.

Supreme Court Judgment

6.62 A recent judgment by the Supreme Court², referred to hereafter simply as the Supreme Court judgment, has provided clarity on the interpretation of paragraph 49 of the NPPF, and its effect on other paragraphs.

Implication of a Shortfall in the Supply of Housing Land

6.63 The Supreme Court clarifies that a shortfall in the housing land supply is sufficient to trigger the second part of paragraph 14 of the NPPF. The second part of paragraph 14 relates to circumstances **‘where the development plan is absent, silent or relevant policies are out-of-date’**. The judgment directs the decision maker directly to this part of the paragraph, and not to a consideration of the whole paragraph. The second part of the paragraph sets out the terms of the tilted balance in favour of development, which requires that planning permission should be granted unless:

- **‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;**
- **or specific policies in this Framework indicate development should be restricted.’**

6.64 The judgment, then, clarifies that the shortfall in the housing land supply has three effects:

- It renders out of date policies specifically governing the number and distribution of housing;
- It reduces the weight that can be given in decision making to policies based on outdated housing requirements;
- It activates the second part of the presumption in favour of sustainable development, requiring a tilted balance in favour of development proposals, unless specific (footnote 9) policies indicate development should be restricted.

2. Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) & Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37.

High Court Judgment

6.65 A recent High Court³ ruling has clarified the process of assessing NPPF footnote 9 issues in relationship to the NPPF’s presumption in favour of sustainable development. As policies relating to the Green Belt are among the list of policies in the NPPF which indicate development may be restricted (footnote 9), it is first necessary to assess the impact of development against the relevant policy standards. If the development passes these tests, then footnote 9 is discharged and the tilted balance implied by the presumption in favour of sustainable development is engaged.

6.66 We note in Section 7 that the proposed development is justified by very special circumstances, and so complies with planning policy relating to development within the Green Belt. As such, the fact that the site is located within the Green Belt is not a matter which would itself prevent the tilted balance from being applied. We do not believe that any other policy considerations relate to NPPF footnote 9. In light of the current shortfall in the supply of housing land, and the Supreme Court judgment noted above, this implies that the presumption in favour of sustainable development applies to the proposed development.

3. Secretary of State vs Forest of Dean Council and Gladman Developments Ltd [2016] EWHC 421 (Admin).



Benefits to Cheshunt Football Club

7.1 The new stadium would bring many benefits to the Club and the local community. We believe that the need for a community stadium is a material consideration of considerable weight in favour of this planning application. This is particularly the case when the benefits are assessed against the inadequacies of the Club's existing facilities and the lack of alternative sources of finance to fund a new stadium, as noted in Section 3.

7.2 We have explained that the Club was failing financially, until it was rescued by LW Developments. One of the primary intentions behind the proposed Sports Village is to provide the Club with a viable future. The proposed development would provide the following benefits to the Club, which would not otherwise be achievable:

- A debt-free future with a sustainable income stream.
- The ability to increase attendances to grow the Club with the help of its local support base.

- The ability to attract players, sponsors and spectators to enable the Club to advance up the football pyramid in a sustainable manner. The stadium has been designed to enable the club to play at its current level, and for the seating capacity to be increased to allow it to play at progressively higher levels over time, from the National Conference to the Football League, should it get promoted to that level. However, any increase in seating would need to be allowed by a new planning permission.
- The ability for the Club to attract more volunteers and employ more people. Cheshunt Football Club currently has over 70 volunteers engaged with the Club at any one time, along with one full-time and ten part-time employees. More people will be directly employed if a new stadium is built.
- The ability for the Club to increase its range of sport and community outreach programmes, due to improved facilities and increased revenue. This would help the Club to further develop its role as an important part of the local community, and develop its supporter base.

7.3 The income from the proposed ancillary development (see below) would be a vital component in securing the Club's long-term financial future, helping to pay its many running costs. By giving the Club a sound financial base, it is hoped that it will be possible to further develop not only its footballing side, but also the services it can offer to the community.

Community Benefits – The Football Club

7.4 A football club can bring many benefits to the community within which it is situated. It can help to provide a social identity and community cohesion. It can also be a focal point and it has the ability to unite the town and provide civic pride and identity.

7.5 Community cohesion and civic pride are also essential to a successful club, and so it is in the Club's interests to foster a positive relationship with the community. Indeed, the level of support from Cheshunt Football Club's fans and volunteers demonstrates the importance of the Club within the community.

7.6 It is also important to note that, if the Club grows in stature and its income improves, it will be able to employ more staff. This would allow it to further develop its existing programme of coaching, and for it to engage further with local schools. This could help to further improve participation in sport amongst young people. It would also lead to further employment opportunities for local people.

Community Benefits – Sports Facilities

7.7 We have listed below the diverse range of sports facilities which Cheshunt Sports Village could provide. They would significantly increase the overall range of facilities available to people in the south of the Borough. We have noted in Section 4 that this is the most deprived part of the Borough, and also the area with the worst access to sports facilities.

7.8 It is envisaged that the new facilities would be widely available for use by the community, through partnership arrangements with local schools, sports clubs, and on a pay and play basis. In addition, as the Club is able to grow, it would have further on-site expertise such as sports coaches and physiotherapists, which could be made available to the community as required. The Sports Village would become a hub of local excellence in sports facilities and training, which could greatly enhance participation in sport within the local area.

7.9 Sport is widely recognised as playing an important role in the health, wellbeing and social cohesion of the local community. It is, for instance, a key solution in tackling the high levels of obesity in Broxbourne. Participation in sport for people of all ages can also provide a number of health benefits, and prevent the onset of more serious conditions, which may be brought about by a lack of exercise.

7.10 The provision of a new football stadium and diverse sport facilities at Cheshunt Sports Village fit with a number of strategies published in recent years that underline the need for better local football facilities. This includes the Council's Play Facilities Strategy, outlined in Section 4. The proposals also have the support of Active Broxbourne, and Local MP Charles Walker.

'I am delighted to hear the announcement of the plans for Cheshunt Football Club. As a local resident and youth football supporter, as well as a keen player myself, this can only be positive for the area and for local sport. The proposals will not only bring a visually enhanced look to the Club, but hopefully bring employment, added support and an increase in physical activity to many people in the area.'

Mark Neville
Chairman of Active Broxbourne



'Sports Facilities are very important to the Borough and it is really reassuring to know the value our local football club places on developing improved facilities.'

Charles Walker
MP for Broxbourne

7.11 Both the Council's Leisure Facilities Strategy and the Broxbourne Youth Strategy 2012–2017 identify football as being the most popular sport in the Borough, with around 70% of all sports clubs being football clubs. The Leisure Strategy identifies a shortage of youth pitches, while the Youth Strategy identifies the need to promote sport in order to combat child obesity. We have noted in Section 4 that levels of both child and adult obesity are relatively high in Broxbourne compared to the national average. Given the popularity and local catchment of football, we believe that it is essential that more local facilities are provided to further encourage local youth participation and help to encourage a life-long interest in sport and exercise, which can help to combat obesity.

Provision of Sports Facilities

7.12 The following sports facilities have already been provided within the site, since LW developments took control of Cheshunt FC:

- Provision of a new 3G artificial grass pitch (AGP) to the north of the existing stadium (completed in 2015). Prior to the provision of the pitch, the level of the land was raised by the import of top-soil, to cap the landfill and provide a suitable base for the pitch.
- Further improvements to playing pitches on raised land, to provide a better playing surface and improved drainage, in connection with planning permission 07/13/0574/F.
- An extension to these playing pitches, through the reclamation of a strip of land which was formerly allocated to a Sea Cadet group, although it was never used by them.





The new 3G artificial grass pitch.

7.13 The improved pitches will be sufficient to meet all of the Club's playing needs. They are now being laid out in a different configuration, to provide more youth pitches and fewer adult pitches, in accordance with the findings of the Council's Leisure Facilities Strategy, as noted in Section 4.

7.14 The proposed development would provide housing on land currently used as practice pitches for Cheshunt FC. These pitches are of a poor quality, due to the underlying landfill, which affects the playing surface, land levels and surface water drainage. As the new 3G AGP can be used more intensively throughout the winter, and at night due to its flood lights, it effectively reduces the need for several separate grass pitches, and renders these pitches redundant. This land was to be used for surface water drainage in connection with the approved proposals for application 07/13/0574/F. The Applicant's intention is now to make more efficient use of this land, as it is no longer required, and use it to accommodate the enabling residential development proposed by this application.

7.15 The application proposes to provide a second 3G AGP within the new stadium. This can be used for competitive fixtures up to the National League level. It would further increase the capacity of playing pitches within the site. Sport England noted, in their consultation response on the first application, that the existing AGP allows for 'intensive use by both the Football Club and the community'. They also noted the following:

'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 is encouraging on suitable sites such as this in order to maximise potential community football development benefits.'

7.16 The application proposals would include the following enhanced sports facilities within the northern block of the stadium, principally for use by the Football Club:

- Changing rooms and showers.
- Education facilities and training rooms; these could be used both for training the Club's players, and also for training events for local school children and youth teams.
- First aid and injury rehabilitation facilities.
- Laundry and storage rooms.
- Office space for Club officials, meeting rooms and a control room.
- Media facilities.
- Hospitality boxes and lounge areas.
- A restaurant and banqueting facilities.
- Bars and a function suite.
- Kitchens and cellars.

7.17 This application would also provide the potential to provide a range of types of facility within the western block of the new stadium. The detail of how the spaces within this block will be used have not yet been determined, but it is envisaged that the facilities which are likely to be provided could be as follows:

- A1 retail, including a Club shop and sports shop, a small convenience food store for use by local residents, a hairdresser and other beauty therapy establishments.
- A3 restaurants and cafés.
- A4 drinking establishments, for spectators and visitors.
- A5 hot food outlets, for spectators and visitors.
- B1 office space and ancillary facilities such as conference and meeting rooms, reception area, etc..
- D1 community rooms, shared meeting rooms with the office area, a local health centre, education and training rooms, and a crèche / children's day nursery.
- D2 sports and leisure facilities, a gym, indoor sports and recreation facilities.

Loss of Existing Playing Pitches

7.18 Sport England assessed the proposals for Cheshunt FC at the pre-application stage, before the submission of the previous application, and provided advice to the Applicant. They are a statutory consultee on all planning applications which propose the loss of playing pitches.

7.19 Sport England's policy is to seek to retain playing fields, unless their loss is justified by one of five exceptions. They have judged that the proposed development meets exception E4, which requires that the 'playing field lost would be replaced, equivalent or better in terms of quantity, quality and accessibility'. Sport England have assessed the proposed development, and concluded that the overall proposals would provide new sports facilities which would outweigh the loss of the practice pitches. Their consultation response on the first application commented as follows:

'...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.'

7.20 Sport England noted that there would be a small quantitative loss in playing pitch area, as the existing grass training pitches were to be replaced by housing. However, they concluded that:

'...the 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.'

7.21 They also noted that there would be further sport-related benefits, including the provision of an income stream to sustain the Football Club, and the provision of improved facilities for the Club in the Northern Block. They also noted that this would allow the Club to progress in future, to achieve football league status. They also give positive weight to the provision of new sports facilities within the Western Block. Finally, they identify that the provision of these facilities together in one site itself provides a benefit, as follows:

'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.'

7.22 Sport England therefore made no objection to the first application, although this was on the basis that matters relating to the phasing and delivery of the development should be strictly controlled. They required a s106 legal agreement to be used to control the delivery of the sports and community facilities, to be held to an agreed timetable. They also recognise that the residential development must broadly be provided first, to provide the funding to enable the provision of the new facilities. This approach is intended to ensure that the housing cannot be built in isolation, and it is a principle which the Applicant is entirely comfortable with.

7.23 Sport England also proposed a planning condition which would require the submission of a Community Use Agreement, which would set out details of the pricing policy, hours of use and management responsibility for the sports and community facilities. Further conditions are also proposed in relation to the provision of means to prevent balls from striking the new housing, and the standard and certification of the new AGP. The Applicant is comfortable with these requirements.

Economic Benefits

Grass Roots Sport Investment

7.24 In addition to a clear community benefit from the new stadium, there is a strong economic case for the proposed development. A report by the Centre for Economics and Business Research¹ (CEBR) examined the macroeconomic benefits of investments in grass roots facilities. The report found that every pound spent on grass roots facilities generates £2.53 for the UK economy, while for every million pounds invested in grass roots construction projects, 13.8 jobs are created. In addition, improving upon and building new local facilities is reported to play a part in increasing the attractiveness of an area to live in, and this **'regeneration impact'** accounts for a large part of the permanent effect beyond the initial construction phase.

1. *The Macroeconomic Benefits of Investment in Grass Roots Facilities: An assessment of the economic impacts on the UK of delivering new and improved local sports facilities at the grass roots level*, CEBR (October 2013).

Office Space and Small Business Facilities

7.25 The Council raised no objection to the proposals in the previous application for new commercial development, including new offices. The emerging Local Plan identifies the site as being allocated for new development, including an unspecified quantity of **'commercial floorspace'**. As such, we believe it is common ground that new offices and related development are acceptable in principle within the application site. As noted above, the proposals are similar to those put forward in the previous application, only reduced in scale.

7.26 Small businesses are a driving force for the local economy, and they are also of great importance to the community. As we note in Section 6, their provision is encouraged by the Council. It is envisaged that flexible office space would be provided within the development, for the benefit of new business start-ups or more established small businesses. This would be in the form of small office units, possibly designed with the flexibility to be sub-divided or to grow with the

needs of the individual business. Other complementary facilities would also be available within the development, such as conference facilities and meeting rooms.

7.27 The aim behind this accommodation would be to provide high quality facilities for new start-up businesses and existing small businesses to allow them to grow. This accommodation would provide a service to the local economy, helping to attract business and inward investment to the Borough. It would also accord with the Government's objective to develop the economy, as it encourages a shift to greater reliance on private sector enterprise.

7.28 There is now far less office space available within the Borough, following the loss of many offices to residential use, due to recent changes to the General Permitted Development Order. The Applicant is very confident that the proposed office spaces can be filled quickly by local companies and individuals, who have already expressed a high level of interest.

7.29 Small businesses and start-up companies are flexible and foot-loose, and are able to seek out the most attractive options for premises. We believe that they will be more likely to select an attractive and accessible location, such as Cheshunt Sports Village, over older and less easily accessible office stock, which may be available elsewhere in the Borough. Without this type of new and attractive office space, these businesses are likely to have the flexibility to seek alternative provision, which may well lie outside the Borough. Once a business has a firm base elsewhere, it is far less likely to relocate back into the Borough as it grows. As such, there is a clear benefit to providing space for small businesses, to encourage them to develop links with the Borough and the local community, and boost the local economy.

7.30 In addition, by accommodating business uses within the site, the Club would be able to make better use of its facilities during the working week, when demand for sports facilities would naturally be lower.

Proposed Ancillary Development

7.31 We note that Local Plan policies such as RTC1 seeks to restrict new town centre uses (in that case retail) to existing centres, and where this is not possible, this policy requires the application of a retail sequential test. However, this approach is not consistent with the approach set out at paragraph 26 of the NPPF, which requires there to be a locally set floor space limit, above which the sequential test should be applied to town centre uses in out-of-centre locations. The Local Plan is out of date, and no such threshold has been set. The NPPF's indicative threshold is 2,500 sq m, and we believe that this should be the relevant threshold in the absence of any other. The NPPF defines main town centre uses as including, amongst other uses, retail, leisure, entertainment facilities, restaurants, bars and pubs, night-clubs, health and fitness centres and offices.

7.32 The Council did not raise any objection to the principle of the retail floorspace or the food outlets proposed within the first application. Officers' report to the Planning Committee for that application noted that these uses were covered under the broad heading of **'commercial floorspace'** in relation to the draft allocation in the emerging Local Plan. Officers accepted that this development was required to provide the Club with a future income stream, and that in order to do this, it could not be located anywhere else. They also accepted the need for flexibility in this initial application, regarding the amount of each use class which would be provided within the site, to allow the Club to respond to the needs of prospective tenants. They concluded that, as the detailed plans relating to the internal use of the buildings would be determined at the reserved matters stage, this outline application could retain this necessary flexibility. The only planning condition proposed by Officers was to limit the proposed retail floorspace to a maximum of 500 sq m, to ensure it remained ancillary to the needs of the Club and wider development. The Applicant is happy to accept this limitation, as it accurately reflects their aims.

7.33 We also note that none of the proposed town centre uses would come close to the NPPF's threshold of 2,500 sq m, given that this building would also need to incorporate sports facilities, which would themselves take up a large amount of space. The proposed retail development would be limited to 500 sq m, and food outlets would be small-scale in nature, and intended to provide a service only to those already visiting the site. These uses are not intended to attract custom away from the town centre. They would be included within the development in order to provide a future income stream for Cheshunt FC. They would also provide an opportunity to enhance the match-day experience for fans, by selling Club merchandise, or for people visiting the site to participate in sports to buy sports equipment.

7.34 The proposed retail facilities, and the café and crèche, would be intended to broaden the appeal of the site to those visiting, such as families. It may be that one member of the family would use these facilities, whilst others participated in sport. It is hoped that making the site an attractive destination would encourage families and children to attend together, and for them to get more involved in sport. The facilities would attract combined trips, and would not result in the level of demand for car trips and car parking facilities that these facilities would be expected to create in isolation. They would also provide a long-term income stream which would help to sustain the Football Club.

7.35 Community facilities would be provided within the building, in order to make an efficient use of the available space, and provide something which would have a benefit to the local population. The form of these facilities has not yet been fixed, but it is envisaged that they could include the following:

- Flexible meeting spaces, which could be used by a number of local community groups such as churches, theatrical and educational groups.

- Sports therapy services, such as physiotherapy or more holistic therapies or training relating to exercise, diet and healthy eating.
- A health centre, which could include doctors' surgeries, a pharmacy and other health-related uses. This would be subject to uptake by the NHS, who are currently known to favour larger centres such as this, where a number of services can be provided together.

- A crèche for use by people working within or visiting the site.

7.36 We believe that the synergy between the different uses proposed, and the limited scale of each of them, means that it is unnecessary to undertake a sequential test of 'town centre uses' proposed within the development.

The Need for Enabling Residential Development

7.37 In order to provide the new sports and community facilities proposed at Cheshunt Sports Village, it is necessary to raise funding through the provision of residential development. Meanwhile, the commercial facilities would provide the Club with an income, to provide a financially sustainable future.

7.38 This application is accompanied by a Viability Assessment, which is provided to the Council on a confidential basis due to the commercially sensitive information it contains. This sets out the Applicant's explanation of the way in which the proposed residential development is required to provide the necessary level of funding to deliver the proposed sports and community facilities. It is based on an understanding of the likely s106 contributions, informed by the previous application and ongoing discussions with the Borough and County Councils. It can be updated during the course of the application's determination, to reflect the latest s106 requirements requested by the statutory consultees.

The Long-Term Need for Housing

7.39 The primary purpose of the proposed housing development at Cheshunt FC is to fund the redevelopment of the stadium, and so help place the football club on a sustainable footing for the future. However, there is also a profound need for housing in Broxbourne Borough. The emerging Broxbourne Local Plan identifies a need for 7,718 new dwellings, an annual average of 454 dwellings per annum over the Plan period to 2033. In order to meet this need, it identifies a range of proposed housing allocations, including several sites within the Metropolitan Green Belt. This is necessary because the Council has found that there is insufficient capacity for development within the Borough's urban areas.

7.40 One of the Green Belt sites identified as a proposed housing allocation is Cheshunt Sports Village. The draft Local Plan identifies the site as being suitable to provide circa 165 dwellings. The Council's identification of the application site in the emerging Local Plan implies that it is required in order to help meet the long-term need for housing in the Borough. It also implies that they have concluded that the benefits the proposed development would provide, including the sports and community facilities and proposed housing, comprise the **'exceptional circumstances'** required to alter the Green Belt boundary. This matter is discussed further below.



The housing viewed from the South West.

Meeting the Need for Housing

7.41 The draft Local Plan considers the projected supply of housing land over the coming years. It finds that there would be only a marginal surplus in the early years of the plan period, equating to 100 dwellings in the immediate 5-year period. This equates to only a 5.2-year supply, by the Council's own calculations. Such a tiny surplus is likely to be subject to threat at planning appeals, where developers would be seeking to show that there would in fact be a shortfall. Should it transpire that there is a shortfall, this would render the policies of the Local Plan which relate to housing out of date immediately, even if they had only just been adopted. This situation is clearly one the Council is keen to avoid. The surplus in the period of years 6–10 is also small, at 576 dwellings, whilst there is a projected shortfall in housing against need in the period after that.

7.42 We believe that the actual need for housing may in fact be greater than the Local Plan estimates. If the Inspector who will examine the plan were to come to this conclusion, there is likely to be a need to identify and allocate further housing sites.

7.43 The draft Local Plan assumes that 165 dwellings will be provided on the application site, due to its allocation in that plan, under Policy CH7. This application proposes to provide a similar number, with 163 dwellings. A large proportion, and possibly all of these houses, could potentially be delivered within the immediate 5-year period. Should these dwellings not be provided, this would make the housing land supply position within the Borough even more precarious. The Council are counting on these houses being delivered in a timely manner.

7.44 It is particularly important that sufficient housing should be provided to meet local needs, with a continuous 5-year supply, as required by national policy (NPPF, paragraph 47; see Section 6). Any deficit in the housing land supply should be made up quickly, given the high level of need for housing in the local area. This is demonstrated by the Indices of Multiple Deprivation (see Section 4), which show that whilst Broxbourne Borough is not a very deprived area by most measures, it is in the top 10–20% of the most deprived areas in the country with regard to access to housing. The only way to improve the affordability of housing is to increase the supply and meet more of the demand.

7.45 A failure to meet the need for housing would have serious adverse consequences for local people, forcing them to live in housing which is both inadequate to meet their needs, and which is also likely to take up an unreasonably high proportion of their disposable income. Both of these factors would lead to a worsened quality of life. Providing suitable housing is therefore one of the key priorities set out throughout the NPPF.

7.46 The NPPF's description of the social role of sustainable development (paragraph 7) begins by stating that this means **'supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations'**. Paragraph 47 requires local planning authorities to **'boost significantly the supply of housing'**. As a reflection of the importance which the Government attaches to this objective, paragraph 49 states that **'housing applications should be considered in the context of the presumption in favour of sustainable development'**.

7.47 In addition, paragraph 159 states that, when assessing the need for new housing, local planning authorities should **'cater for housing demand and the scale of housing supply necessary to meet this demand'**. In this way, the NPPF clarifies that the demand for housing is an essential element of housing need, and so must be met on an ongoing basis.

7.48 In light of this evidence, we believe that it is clear that the need for housing, and the contribution which the application would make to meeting this need, forms a very substantial material consideration in favour of the proposed development.

The Need for a Mix of Housing

7.49 The NPPF also places great emphasis on the need to provide a mix of housing, to meet the needs of different people. Paragraph 47 requires local planning authorities to plan to meet the **'full, objectively assessed need'** for housing. This need is defined by paragraph 159, which states that the mix of housing required is one of the factors which must be taken into account. This need for a mix of housing types and sizes is also reflected in Local Plan Policy H12, and Policy H3 of the emerging Local Plan.

7.50 The Broxbourne Strategic Housing Market Assessment² suggests a mix of housing which would meet the demand for market housing and need for affordable housing. This requires a range of 1, 2, 3 and **4-bedroom** properties, with the greatest demand being for 2 or **3-bedrooms**. Broadly speaking, there is a stronger demand for larger properties from the open market sector, and for smaller properties in affordable housing.

7.51 The proposed development would help to meet the need for a diverse range of accommodation in the local area, by providing both a range of sizes of dwelling, and also diverse types, with apartments and housing. This diverse range of housing is a further factor which weighs in favour of the proposed development.

Planning Obligations

7.52 The Council did not raise any objection to the first application in relation to s106 planning obligations. The report by Officers noted that the Borough Council would normally require 40% affordable housing, and the Borough and County Councils would require c. £1 million in further financial contributions. However, the Council had commissioned an independent assessment of the viability report which accompanied that previous application, which concluded that only limited contributions could be made towards these requirements, due to the cost of providing the proposed sports and community facilities.

2. JG Consulting and GL Hearn, May 2013.

7.53 The Council agreed that this situation was acceptable, and the Officers’ report noted that **‘a profitable and successful sports/football club is in itself a significant community asset’**. As such, the Council agreed that it was acceptable to provide reduced or no contributions towards some aspects of community infrastructure, due to the community benefits inherent in the application proposals. The Council have also accepted that there is sufficient need for the proposals to provide the exceptional circumstances required to merit the site’s removal from the Green Belt (see pp39).

7.54 This application proposes a reduction in the scale of the proposed development, following the Council’s refusal of the first application partly on the basis of the size of the development, and the impact on the openness of the Green Belt. Whilst there is a reduced amount of housing, this is balanced by a reduction in the scale of the sporting and community facilities proposed. The reduced cost of building a smaller development allows for a reduction in the amount of enabling residential development. The result is that the proposed level of residential accommodation (a reduction of 22 dwellings), remains the minimum required to facilitate the delivery of the remainder of the development. As before, this is set out in a Viability Assessment, which is provided to the Council alongside this application, on a confidential basis.

7.55 The Viability Assessment indicates that it will not be possible to pay for all of the s106 financial contributions requested, or to provide the requested affordable housing. Consequently, it is likely that there will be a need for a full relaxation of the affordable housing requirement, together with reduced levels of financial contributions, in order to facilitate the delivery of the proposed development. However, financial payments would be made in terms of highway improvements, and these are discussed in Section 9 below. The Council accepted this situation in relation to the previous application.

7.56 In the circumstances, we believe that the significant benefits which the application would provide, with regard to new sports and community facilities, community outreach programmes and helping to meet the need for housing in the local area, would justify a relaxation of the overall planning obligation requirements.

Brownfield Land Register

7.57 The Council are required to publish a Brownfield Land Register, identifying previously developed land within the Borough, which is suitable for residential development. The Town and Country Planning (Brownfield Land Register) Regulations 2017 require that local planning authorities must only include land on the register which is ‘suitable’ and ‘available’ for residential development, and where that development is ‘achievable’. By the terms of the regulations, the identification of land on the register implies that the Council consider that land to be ‘appropriate for residential development’ with specific regard to likely effects on the natural environment, the local built environment (including heritage assets) and the amenity of the residents within neighbouring properties.

7.58 This Register for Broxbourne Borough includes the part of the application site which constitutes previously developed land. This implies that the Council believes it meets the above tests. The Register records that the form of development which would be appropriate on the site corresponds with the current application proposals, with up to 165 dwellings, a stadium and supporting commercial and community development. We have already noted that the emerging Local Plan states that the Council supports the proposed development in principle, and the inclusion of the site on their Brownfield Land Register further confirms this point.

Green Belt

7.59 The entire application site lies within the Metropolitan Green Belt. As we have noted in Section 6, Policy GBC2 of the Broxbourne Local Plan 2005 is based on previous national guidance, PPG2. It is a restrictive policy, which specifies the types of development which may take place within the Green Belt, but does not allow for alternative types of development to be justified by very special circumstances. As such, it is inconsistent with the policies of the NPPF, also outlined in Section 6. This inconsistency renders it out of date (in accordance with the NPPF, paragraph 215), and so limited weight can be attributed to this Policy in the determination of this application.

| Assessment of Proposals against Green Belt Purposes | | |
|---|---|---------------------|
| Green Belt Purpose | Rationale | Assessment |
| To check the unrestricted sprawl of large built-up areas | This application would not lead to unrestricted sprawl into the countryside. A number of clear and permanent barriers are available to check further encroachment, as recognised by the emerging Local Plan. | Very limited impact |
| To prevent neighbouring towns merging into one another | There is no neighbouring town to the west of the site, whilst Waltham Cross is to the south. However, Cheshunt and Waltham Cross are already merged, and development on this land would not alter this situation. | No impact |
| To assist in safeguarding the countryside from encroachment | The development of this land would represent development of a largely developed site, immediately adjacent to the edge of the urban area. The only open land that would be encroached onto are practice pitches, between the existing stadium and housing. The proposals would therefore not lead to a perception of encroachment into the countryside. | No impact |
| To preserve the setting and special character of historic towns | The site does not relate to the setting or special character of any historic towns. | No impact |
| To assist in urban regeneration, by encouraging the recycling of derelict and other urban land. | The Council have already concluded in the preparation of their Local Plan that there is a need to accommodate new development, including these proposals, in the Green Belt. It would also not be possible to accommodate the Club and the necessary enabling development on a brownfield site within the urban area, both because of the cost and the lack of availability of a suitable site. | No impact |

Very Special Circumstances

7.60 Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 83 states that Green Belt Boundaries can be altered through the Local Plan process, where there are 'exceptional circumstances' to justify this. The NPPF does not provide any further definition of either term, although having discussed this with Council Officers at the pre-application stage, we have agreed that they are similar; they both require a very strong justification, and in this case both would lead to new development and a similar reduction in the openness of the Green Belt.

7.61 We have noted above that the Council has already concluded that exceptional circumstances exist to justify the proposed development, and the review of the Green Belt boundary, to remove the site from the Green Belt. The Council has also concluded that other sites should also be removed from the Green Belt, in order to accommodate the need for housing. The Officers' Report on the first application considered the fact that the site is identified in the emerging Local Plan, as follows:

'Whilst the Local Plan has yet to be adopted, the existence of this policy would in itself constitute a very special circumstance to enable a favourable consideration of this planning application.'

7.62 Officers noted, in their report to the Planning Committee, that the provision of housing was not sufficient on its own to justify development in the Green Belt, but it is a factor which can weigh in favour of the proposed development. Officers also gave weight to the range of benefits which the application would provide, which we have outlined above, and summarise briefly as follows. The proposed development would:

- Safeguard the future of Cheshunt Football Club, providing financial sustainability, the means to improve the team on the pitch, and to take a more active role in the local community.
- Provide various benefits to the local community, including encouraging greater participation in sport, with consequential benefits such as a reduction in obesity and forging life-long habits of exercise.
- Provide a net benefit in playing pitch provision, as identified by Sport England.
- Provide new facilities for other non-football sports.
- Provide new community facilities, such as flexible meetings spaces, health and sports therapy facilities and a crèche.
- Provide facilities for small and start-up businesses which would help to encourage entrepreneurship in the Borough, and help to grow the local economy.

- Provide a mix of market housing to meet an identified short and long-term need.

7.63 We also note that the application site is also largely previously developed land, and it includes some substantial buildings and structures and a large gravelled area for car parking. The presence of this development means that the proposed development's impact on the openness of the Green Belt would not be anywhere near as great as that which would be associated with a purely greenfield site. This principle is supported by the NPPF's recognition at paragraph 89 that the redevelopment of brownfield land is not itself inappropriate development, where the replacement development would not have a greater impact on the openness of the Green Belt.

7.64 Officers concluded that very special circumstances existed to justify the proposed development. Their report concluded as follows:



'It is considered that the applicant has demonstrated that there are very special circumstances which justify the proposed inappropriate development in the Green Belt and clearly outweigh the harm which would be caused. The enabling development is considered to be essential to the expansion and enhancement of the football stadium and the ancillary supporting facilities and income streams for the club's development. The scheme is considered to comply with paragraphs 87 and 88 of the NPPF and to accord with draft Local Plan Policy CH5 which envisions the redevelopment of the application site.'

Contribution to the Purposes of Green Belt Land

7.65 In addition to the general principle of including development in the Green Belt, we also believe that it is relevant to consider what value the application site has, in terms of its current contribution to the purposes of Green Belt land. These are set out by paragraph 80 of the NPPF, and they are listed in the table on the opposite page, alongside the application's response.

7.66 The application site is not of any special quality as a landscape. It consists largely of existing sports pitches, the existing stadium, and a large area for car parking. The stadium is enclosed by high fences, and stands face the pitch on all sides. The pitch is also dominated by floodlight columns. The site therefore already has a clear urban character. This is reinforced by many urbanising influences, including the rooftops of housing on Montayne Road, The Ride and Friends Avenue, to the east, which are visible above the fences at the site's boundary, and noise from the A10 to the west. Housing on The Ride, which has been built in recent years, has increased the urban influence on this land, as it faces directly out onto the site, where there were previously back gardens.

7.67 The site is otherwise well enclosed, with very few views in or out from any publicly accessible place. It is most easily visible from the western end of Albury Ride, which abuts the northern edge of the Club's land, and its training pitches. There are very limited views into the site from Theobold's Lane, on the site's southern boundary, or the A10 to the west, due to the dense tree cover at these boundaries.

7.68 The new stadium and associated development would occupy a similar footprint to the current football pitch and stands. Car parking would be confined to a similar area to the present situation. By confining residential development to an area immediately east of the stadium, the form of the proposed built development would be relatively compact.

7.69 With these considerations in mind, we believe that the proposed development would have a limited effect on the purposes of the Green Belt, and limited effect on its openness. We note that, in refusing the first application, the Council did not make the case that the proposed development was harmful to the purposes of the Green Belt. The objection in the second reason for refusal appears to be the result of balancing harm to the openness of the Green Belt against the very special circumstances that the Council accept exist.

A Defensible New Green Belt Boundary

7.70 We have noted that it is the Council's intention for the area proposed for development to be removed from the Green Belt. When reviewing Green Belt boundaries, paragraph 85 of the NPPF requires local planning authorities to **'define boundaries clearly, using physical features that are readily recognisable and likely to be permanent'**.

7.71 The application site already benefits from strong and defensible boundaries, which are well defined by existing physical features. To the south, the site is bounded by Theobold's Lane, whilst to the west it is bounded by an earth bund and mature trees. In addition, the new 3G football pitch, on raised ground, now marks the northern boundary. These boundaries would not be altered as a result of the proposed development, and we believe that they would meet the NPPF's requirement, as they are well defined and likely to be permanent. The fact that the land is owned by Hertfordshire County Council, and leased to Broxbourne Borough

Council on a 999 year lease, also suggest that the boundary features can be controlled, and will remain as long as the land owners wish it.

7.72 We note that the Council's inclusion of the site in the draft Local Plan indicates that they have also concluded that the site meets the NPPF's requirement for defensible new Green Belt boundaries. The existing Green Belt boundary, and the Council's proposals for a new Green Belt boundary, are illustrated in the drawing below.

The Second Reason for Refusal

7.73 The Council's reasons for refusing the first application included the following reason:

'The scale and density of the development would result in harm to the openness of the greenbelt which is not sufficiently outweighed by very special circumstances. The proposal is therefore contrary to section 8 of the NPPF: Protecting Green Belt Land and in particular, paragraph 89.'

7.74 Officers supported the amount of development proposed by the first application, but the Council's Planning Committee took a contrary view. In light of this, the Applicant has revised the proposed development, reducing its scale in order to reduce its effect on the openness of the Green Belt. We have noted in Section 2 that the scale of the Northern Block has been reduced by 12%, and the Western Block by 25%, whilst there is also a reduction of 22 dwellings. In terms of built form, this equates to the following reductions:

- The Residential corner blocks have been reduced from 6 to 5 storeys;
- The residential east and south blocks have been reduced from 4 to 3 storeys;
- The commercial block has been reduced from 4 to 3 storeys.
- The football block has been reduced in size by 25%;
- The proposed housing has been reduced from 52 to 48 dwellings.

7.75 The total volume of the buildings proposed by these revised application proposals represent only 83.5% of the volume of buildings previously proposed. We believe that this reduction, by 16.5%, is substantial and demonstrates that the proposed development would have a greatly reduced effect on the openness of the Green Belt.

7.76 The revised proposals would also reduce the height of the built form, and so its visibility within the wider area. This is a further way in which the impact on the openness of the Green Belt has been significantly reduced..

7.77 The total volume of the buildings proposed by these revised application proposals represent only 83.5% of the volume of buildings previously proposed. We believe that this reduction, by 16.5%, is substantial and demonstrates that the proposed development would have a greatly reduced effect on the openness of the Green Belt.

7.78 The revised proposals would also reduce the height of the built form, and so its visibility within the wider area. This is a further way in which the impact on the openness of the Green Belt has been significantly reduced.

7.79 We note that the Council have accepted the principle of this form of development in this location, with the draft Local Plan identifying a development which is arguably slightly larger than that proposed, being for 165 dwellings, rather than 163. It is important to note that the proposals set out in the draft Local Plan represent the Council's formal view of an acceptable balance between the pressing need for housing, and the need for the development proposed by this application. We agree with this view, and believe that the proposed development represents an entirely acceptable balance between the effect on the openness of the Green Belt, and the need to provide a development with substantial community benefits, which would be both financially viable and make an efficient use of land.

The Presumption in Favour of Sustainable Development

7.80 Paragraph 49 of the NPPF states that planning applications for housing should benefit from the presumption in favour of sustainable development. Paragraph 14 explains that, where the Local Plan is out of date, planning permission should be granted unless:

- **'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or**
- **specific policies in this Framework indicate development should be restricted.'**

7.81 With regard to the second point, footnote 9 clarifies that policies which might indicate that development should be restricted include those relating to Green Belt. However, as noted above, we believe that the proposed development complies with the NPPF's policies, including those relating to Green Belt, as it is justified by very special circumstances. As this is the case, the application benefits from the presumption in favour of sustainable development³.

7.82 As such, the NPPF directs that planning permission should be granted, provided that there are no adverse impacts which would **'significantly and demonstrably outweigh the benefits'** of the proposed development. This is a high test to meet, and we believe that it is clear that there are no such impacts weighing against the application. We therefore believe that planning permission should be granted.

³. We discuss this matter and relevant case law more widely at the end of Section 6.



Design Process

8.1 The proposed development is the result of an iterative design process, informed by numerous discussions between the Architects, Bryant and Moore, LW Developments, ourselves, Cheshunt Football Club, the local community and representatives of the Borough and County Councils. However, the proposed design is also primarily a response to the application site and its context, the need to accommodate the facilities required by Cheshunt FC and the community, and the residential and commercial development required to enable the development and support the Club in the future. We explore below the way in which the proposed development relates to its context, and various policy requirements.

Use

8.2 The proposals are for a new stadium for Cheshunt FC, plus other sports facilities, community, business, retail and residential development. Full details of the proposed use are set out in Sections 2 and 7.

Amount

8.3 This application proposes 163 dwellings, comprising 53 x one-bedroom apartments; 62 x two-bedroom apartments; 26 x three-bedroom houses; and 22 x four-bedroom houses. The application also proposes a new stadium for Cheshunt Football Club, with capacity for up to 2,000 spectators (a small reduction on the ground's current capacity of up to 2,180). Finally, it proposes buildings for the Football Club, community, commercial, and retail uses. Full details are set out in Section 2.

8.4 The amount of the various sports, community, leisure and retail uses proposed within the western block have not yet been determined, and this matter is described further in Sections 2 and 7.

8.5 The proposals represent a substantial reduction in scale, when compared with the development proposed by the first planning application. This reduction has been proposed in order to address the Council's concerns about the impact on the openness of the Green Belt. In broad terms, the current proposals are for a stadium which is one storey shorter, and for a reduction in all types of development. The volume of built form proposed has reduced by a substantial 16.5%.

8.6 The application proposals have been formulated with regard to the Council's refusal of the previous application, in part due to its scale, and also the proposal to allocate the site in the emerging Local Plan for a similar scale of development to that proposed by this application. It was not considered appropriate to reduce the level of development further, as this would lead to a reduction in the range of facilities which could be provided for the Club and community, which would undermine the aims of the proposed development. There is also a need to make an efficient use of land, in accordance with Local Plan policies H2 and H11. We believe that

the proposed development strikes an appropriate balance between these needs, and the need to preserve the openness of the Green Belt.

8.7 The capacity of the stadium is proposed at a level of 2,000 spectators. This is below the established capacity of the existing stadium, which is for up to 2,180 spectators. The proposed capacity corresponds with the Football Association's minimum capacity for football stadia being used in the Isthmian Premier League, which is for 1,950 spectators; this is the level required for the league the Club is currently in, implying that if a smaller stadium size were imposed, the Club could be barred from climbing the football leagues, and could be demoted. Discussions concerning the previous application with the Highway Authority and Highways England established that they had no objection to the development, provided that the capacity of the stadium was limited to 2,000 spectators (see Section 9).

Scale

8.8 The proposed development has been designed to be of a scale which is appropriate to both its use and its context. The scale of the proposed buildings is also dictated by the Council's Supplementary Planning Guidance, which contains minimum sizes for dwellings, bedrooms, garages and gardens.

8.9 The eastern side of the site is adjoined by existing housing, which is at a lower level; this is due to the level of the ground within the site having been raised, to cap the landfill below it. The scale of the houses closest to this boundary has therefore been reduced, to reduce the difference in the relative heights of the new and existing housing in this location. The closest houses to the boundary have also been removed, when the current proposals are compared with the previous application; this has the effect of providing a greater separation distance between the proposed development and existing houses. The matter of potential overlooking is considered below in relation to residential amenity.

8.10 The proposed housing has been designed to be of a human scale, to allow it to provide an attractive residential environment. It would be of either 2 or 3 storeys, but with relatively shallow roofs, which would recede to largely hide them from view, and ensure the buildings were not of an excessive height. The mass of the buildings would also be broken up with projecting bays, which would help to reduce their apparent scale.

8.11 The proposed stadium would be of a larger scale, appropriate to its function as a major civic building, which is required to enclose a football pitch and create a suitable atmosphere. Its scale would allow for the retention of much of the crowd noise and light spill within the stadium, as noted below. It is also necessary for this to be a building of sufficient scale to allow it to accommodate all of the development required, including the Club's facilities, further sport, community, business and retail space, and sufficient residential accommodation to fund the overall development. However, the stadium has been reduced in scale from the previous application, effectively reduced by one

storey on all sides, as part of a reduction of the proposals as a whole, so as to respond to the Council's concerns with regard to the openness of the Green Belt.

8.12 The individual blocks which would make up the stadium would be separated by gaps, allowing for glimpses of sky between them. The eastern and southern blocks would also be articulated, with accommodation alternately set forward and then back above first floor level, with gardens in between. These measures would reduce the apparent scale of these buildings, when viewed from the street.

Appearance

Housing

8.13 The Council objected to the modern design of the housing proposed by the first application, and the first reason for refusal read as follows:

'The design of the houses is not in keeping with the adjacent area which would result in an incongruous development which is contrary to Policy HD14 of the Borough of Broxbourne Local Plan adopted December 2005, draft Policy DSC1 of the Broxbourne Local Plan July 2016 and section 7 of the NPPF: Requiring Good Design.'

8.14 The existing housing close to the application site was built at a similar time, in around the 1960s. It typically consists of semi-detached and terraced houses finished in red brick, with pebble dash, render or hanging tiles, and many have bay windows. This applies to housing on the nearest road to the proposed development, Montayne Road, and other nearby streets to the north and south of Theobold's Lane.

8.15 Whilst this housing is generally of a similar appearance and type, the design team putting together the first application did not consider that it provided a template for the new development proposed as part of the Sports Village. It is of its time, but not of a notably high quality appearance.

8.16 The stadium is proposed to be of a modern design, which is different to the character of nearby housing. This is by necessity due to its required function and scale. The Council did not object to the stadium's design in its reasons for refusal, and the design of the stadium has not altered substantially. In fact the report by Officers' to the Planning Committee commented that the stadium building has 'the potential to be a good addition to the built form of the Borough'. The housing was intended to be of a style which would be complementary to the stadium, and also the character of the wider area; it would be modern in character, with flat roofs and windows which would echo the character of the stadium. This approach was also taken due to the nature of the application site, which is largely visually separated from nearby housing.



Housing on Montayne Road.



Housing on Dudley Avenue.



Terraced housing on Crossbrook Street'

8.17 However, in light of the Council's objection to the design of the housing, the current application proposals have been revised to provide housing of a more traditional form. This would use materials taken from the local palette, with red bricks and render, natural Portland stone cills and coping, and slate roof tiles. The houses would also be given pitched roofs, and bay windows, which would also echo the design of nearby housing. The proposed houses are intended to reflect the principles of a more traditional form of building, such as a Georgian style townhouse. This approach would be carried through in the use of high quality materials, and architectural details such as sash windows, exposed soffits and dentil courses. These are intended to be attractive and elegant homess.

8.18 The common use of materials throughout the development, with red brick and render used on both the houses and stadium blocks, is intended to help tie the buildings together visually, and give them a cohesive appearance.

Apartments

8.19 As we have noted above, the apartment blocks would have a modern appearance. Their form follows their function. The southern and eastern residential blocks would be articulated to present a front elevation which alternated between blocks facing directly on to the street, and recessed areas which would contain gardens at first floor levels. The effect of this articulation of the built frontage would be to make the building less visually imposing. It would also create variety and interest in what is otherwise a long continuous façade.

8.20 As with the housing, the apartments would utilise high quality building materials. These would include red and grey brick, white render and aluminium windows and doors. The render and red brick would be alternated on the projecting elements of the building, whilst grey brick would ensure that the parts of the building which were stepped back behind the roof gardens would recede, and not appear as visually prominent. This would further accentuate the impression that this is a series of smaller apartment buildings, rather than a continuous frontage.

8.21 The corner blocks would also be in residential use. They would include more glazing than the southern and eastern blocks, with glazed stair cores on their outer face. The top floor apartments would be set back under an overhanging roof, which would help to reduce the buildings' apparent scale, particularly when viewed from close quarters. They would be constructed with similar materials to the other blocks, which provide visual harmony.

Stadium Blocks

8.22 The western block of the stadium would provide the public entrance to the Football Club, and it has been designed to provide a suitably impressive view. Its more imposing appearance is also entirely suitable given that it will accommodate various commercial uses. It is not constrained by its proximity to housing, or the need to provide amenity space, and so it is able to take a different form to the apartment buildings on the eastern and southern sides of the stadium. This is also necessary in order to provide the maximum possible floor space for the proposed sport, community and commercial uses.



Proposed apartments.





Proposed Site Masterplan

8.23 The appearance of the northern block has not yet been designed, and this will be determined in relation to a future reserved matters application. Nevertheless, it is anticipated that the appearance of this block will be in an architectural style and materials which are similar to the western block.

Layout

The Stadium

8.24 The stadium and associated car and cycle parking area occupy the western side of the site. The football pitch and terracing would be in the centre of the stadium, surrounded on all sides by built development, which would enclose it and ensure that matches had the best possible atmosphere, enhanced by trapped crowd noise and light. The terraces would be set out to provide capacity for up to 2,000 spectators (with 1,330 seats).

8.25 Cheshunt FC's facilities would be incorporated in the northern block, and this would allow for match-day facilities such as changing rooms and corporate hospitality areas to be located close to the pitch. This block is also ideally located for access to the training pitches to the north, including the recently completed 3G artificial grass pitch (AGP), and a further 3G AGP which will be provided within the stadium.

8.26 The western block would provide a mixture of uses, including further sports, community and commercial facilities. This block is located to allow it to present an impressive frontage to visitors to the stadium, and also for easy access to the car and cycle parking area, located to the west of it, in place of the existing car park. It would be easily accessible to visitors, without the need for them to access the residential parts of the site. The commercial elements of the proposals would be accessed and serviced from the front, in an arrangement which is quite common in many town centre locations, where rear service access is not possible.

8.27 The southern and eastern blocks and the 4 corner blocks would all provide residential apartments. This accommodation has generally been designed to look outwards, away from the stadium, and to provide passive surveillance of the public areas within the site. Some of the apartments in the corner blocks have been specifically designed to overlook the pitch. It has also been designed to incorporate its own roof gardens, which would provide high quality and easily accessible facilities for residents. The apartments would also benefit from private balconies.

Housing

1.28 To the east of the stadium, 48 houses would be provided. These would have a mixture of 3 and 4-bedrooms, and would be arranged in terraces. They would all be orientated to face the street, with private areas behind, providing clearly defined public and secure private areas. Some of the houses would face the stadium, creating a strong character and vibrant public realm, with a landscaped street flanked by characterful buildings. The street next to the eastern block of the stadium would have an engaging sense of enclosure and variety, which alternated between blocks at the street frontage and recessed blocks, contrasting with the uniform building line of the housing opposite. This street would be lined with trees, which would help to soften the appearance of the buildings. Tandem parking in front of the houses would allow sufficient space for front garden areas, adding to the green and attractive nature of the street, and ensure that it is not too visually dominated by parked cars.

8.29 The housing on the site's eastern edge would be arranged in smaller, quieter streets, which would not provide a through route. These streets would also be lined by trees, with further tree planting at their ends. The houses would be orientated side-on to the existing housing on Montayne Road, to prevent overlooking of these properties. Inter-visibility between the proposed development and existing housing would also be reduced by the belt of mature trees located along the common boundary. The houses on the eastern ends of the terraces would also be stepped down to 2 storeys in height, to mitigate any impact on neighbouring properties. Matters relating to residential amenity are considered separately below.

Microclimate

8.30 Many of the houses would have a south-facing aspect, allowing them to benefit from passive solar gain, and reducing the need to use fuel to heat them. However, the nature of the proposed development and the stadium layout implies a limitation on the extent to which the apartments could benefit in this way.

8.31 The orientation of the blocks of buildings approximately perpendicular to each other would also help to prevent the creation of harsh microclimates within the development, reducing the strength of wind. Gardens and trees would also help to cool the local environment in the summer.

Accessibility

8.32 The residential parts of the site would benefit from a separate highway access to that used for the Football Club and associated sport, community and commercial development. This would be facilitated by the effective division of the site into two halves, residential to the east and other uses to the west. Vehicular circulation within the site could be controlled by a simple mechanism such as barriers with number-plate recognition software; this would also prevent unauthorised parking within the residential areas by those visiting the western part of the site, for instance on match days. We suggest that details of this system can be provided in due course in connection with an appropriately worded planning condition, should the Council consider this necessary.

Landscaping

8.33 The proposed development would benefit from a high standard of landscape planting, spread throughout the site. Existing landscape features on the site's western, southern and eastern boundaries would be retained and managed, and where possible also enhanced with new planting. This would help the development to meet the requirements of Local Plan Policy GBC16 which requires that, where a site in the Green belt is developed, landscaping should be provided in a way which is appropriate to the local context. We believe that this requirement would be met, as the site's natural boundaries would be strengthened and the proposed development would not be easily visible from many places outside the application site. The Tree Survey which accompanies this application also demonstrates that the proposed development would have very limited impacts on existing trees, which are generally located at the edges of the site.

8.34 New trees and shrubs would be planted within the car parking areas and streets, to provide a leafy, green character and soften their appearance. This planting would be integral to the character of the public realm within the site, being laid out in a formal manner, which would complement the character of the surrounding buildings.

8.35 All of the houses would be provided with generous private garden areas, to meet the Council's standards. The apartments would be provided with roof gardens, both at first floor level where they could be overlooked by the adjacent apartments, and on the roofs of the buildings.

8.36 The landscaped areas within the site would all be maintained by a private management company, paid for by a service charge on the residential and commercial properties. This would ensure that these areas were maintained to a high standard, and also that they would not place a burden on the Council.

Residential Amenity

8.37 The proposed development has been carefully designed with the intention that it would ensure that the amenity of existing residents in adjacent streets and the new residents within the development would be protected.

Prevention of Overlooking

8.38 The Council's fourth reason for refusal concerned the potential effect which the development could have on the amenity of residents living in houses to the east. It reads as follows:

'Insufficient information has been submitted relating to the ground height of the proposed houses in relation to neighbouring houses in Montayne Road. As a result the Council is not in a position to fully assess the impact on amenity for residents adjoining the application site to the east.'

8.39 The previous application was in fact designed with this matter in mind, but it appears that the application drawings did not provide the Council with sufficient comfort that there would be a suitable relationship between the proposed housing and existing housing. In light of the Council's concerns, in addition to providing further drawings illustrating this relationship, this application also proposes to set housing further in from the site's eastern boundary, to reduce the height of the houses closest to this boundary from 3 to 2 storeys, and to reduce the housing by 2 dwellings to allow more space at the eastern boundary.

8.40 The Council's Supplementary Design Guidance (SPG) requires that there should be a minimum of 30m separation from new housing to existing housing, where the new housing would have 3 storeys. This distance would be significantly exceeded, with the distance at the closest point being around 50m. The housing in this location would be of 2 storeys, but we note the design guidance for 3 storey housing, due to its location on higher ground. the housing would also be orientated to face north-south, whilst the existing housing is to the east, and so there would be no direct overlooking of this housing; flank windows would be obscure glazed. We believe that this relationship would be entirely appropriate, and compliant with local policy requirements.

8.41 With regard to the relationship between the proposed houses within the site, we note that the Council's SPG requires that new residential development should have a minimum window-to-window distance of 25m. This would be achieved within the proposed development. The SPG also requires a separation of 12m where the main windows of a habitable room would look out towards a blank wall, and this distance would also be exceeded within the development.



Section through 82 Montayne Road.

Garden Sizes

8.42 All of the houses would be provided with private rear gardens. These would all meet or exceed the SPG's minimum space standards, which are as follows:

- **3-bedroom houses – 65 sq metres;**
- **4-bedroom houses – 80 sq metres;**
- **Minimum depth of private rear gardens – 10 metres.**

8.43 In order to comply with the required back-to-back distances, private gardens would all be a minimum of 12.5m long. The sizes of individual gardens are shown on the Amenity Plan, drawing 15_238_PL13A.

8.44 All of the apartments would have private balconies, which would provide a valuable outdoor space which would be closely related to their living areas. The Council's SPG also requires that apartments should each be provided with 20 sq m of amenity space, which could be arranged in a communal area. Some of the first floor apartments would be provided with private amenity areas, on roof terraces like gardens, of 70 sq m in area. Two communal amenity spaces would also be provided, on the roofs of the eastern and southern blocks, which would provide gardens of 550 sq m and 365 sq m in area. Discounting the first floor apartments with large garden areas, the roof gardens would serve 31 and 20 apartments respectively, providing around 18 sq m per apartment for each block, which would broadly accord with the policy requirement.

8.45 Unfortunately, it has not been possible to provide amenity areas which are reserved specifically for the corner blocks. However, these residents would have the use of private balconies, other areas of incidental open space within the site, and the high quality public open space at Cedar's Park, which is immediately to the south of the site, and within easy walking distance. The Council initially advised at the pre-application stage that the proximity of Cedar's Park, and the provision of sports facilities within the site, could ensure that the proposed development was acceptable in terms of its relationship with the SPG's policies. The Council raised no objection to the first application with regard to amenity space, and the current proposals are similar in that regard.

Noise

8.46 Council Officers commented at the pre-application stage that they were concerned about the potential for noise from the A10 and the stadium to adversely affect the amenity of new residents, and again they raised no objection in this regard to the first application. This matter has been considered in the Noise Assessment by Hawkins Environmental, which accompanies this application. It also considers noise from the adjacent gun club and the railway line.

8.47 The Assessment identifies that there would be a need to attenuate ambient road noise, and that this can be achieved in the proposed houses with standard double-glazed windows. For the apartments, a slightly higher specification of glazing is required, to compensate for the additional noise which would be generated by football matches in the stadium. With these measures, the Assessment concludes that the proposed development would comply with national guidance and planning policies. The Assessment also contains recommendations for working practices and hours for the construction period, to ensure that noise generated at this time would not have an unacceptable effect on existing residents.

Air Quality

8.48 Officers also requested an Air Quality Assessment, to consider the effect of the A10 on air quality within the development, and to determine any likely impact on the new residents. An Assessment has been produced by Hawkins Environmental, which concludes that both the current levels of air pollutants within the site, and those expected in the opening year of the development (2018), are considered to be below the Air Quality Objectives. This implies that the site is suitable to accommodate residential development, and no further mitigation is required in this regard. Air quality impacts from new traffic generated by the development are also predicted to be negligible.

8.49 The Assessment concludes that the construction period would render this as a 'medium risk site', but that any risks could be mitigated and rendered insignificant. It also concludes that the proposed development would comply with the requirements of paragraph 109 of the NPPF, as it would not be put at risk from, or be adversely affected by unacceptable levels of soil, air, water or noise pollution.

Odour

8.50 The proposed commercial development will include restaurants, cafés and hot-food take-aways, associated primarily with the Football Club and match-day entertainment. These will need to be located, and development controlled, in a way which would ensure that any odours created by these uses would not adversely affect the new residential apartments around the stadium. Bryant and Moore Architects are confident that this can be achieved. Full details will be provided in due course with the reserved matters applications which will fix the internal layout of the western and northern blocks.

Lighting

8.51 Lighting within the site would be designed with sensitivity, to ensure that light spillage is minimised, in order to minimise the impact on local wildlife and wider light pollution. However, adequate lighting would also be provided to ensure that the site feels safe at night. We suggest that details of the proposed lighting could be provided in accordance with an appropriately worded condition.

8.52 The existing stadium floodlights would be retained, as they have only recently been installed, following the grant of planning permission (07/13/1015/F). Illumination details, in terms of lux levels, are shown on Drawing 15_238_PL14A, which accompanies this application. This shows that the maximum light levels under the floodlights on the pitch would be up to 350 lux. By comparison, an office would have illumination levels of 500 lux, while 100 lux would be the equivalent of the light levels outside on a very dark day. The drawing also shows that the lighting levels tail off significantly around the edge of the pitch where the built form of the stadium is proposed.

8.53 The nearest residential receptors are the dwellings in the corner blocks of the stadium, which face the pitch. In these areas the drawing shows that the lighting level is typically around 4-10 lux. This would not have a detrimental effect on the amenity of residents. The stadium blocks would screen the flood lights, largely preventing light from escaping and affecting the wider site.

Built Heritage

8.54 This application is accompanied by an Archaeological Desk-Based Assessment by CgMs, which concludes that the proposed development will not have any adverse impact on the setting of the Scheduled Ancient Monument (SAM) of Theobold's Palace, which is located to the south of the site; only a small part of the original Palace remains, and there would be very limited inter-visibility between it and the new development. This is also the case for the listed wall to Cedar's Park, and we do not believe that the proposed development would have any notable effect on the setting of this heritage asset. We note that Officers, and Historic England, reached a similar view in relation to the first application.

8.55 The Archaeological DBA also concludes that the site has low archaeological potential for all periods, in part due to the previous excavation of the site and use for land-fill.

Biodiversity

8.56 This application is accompanied by an Ecological Walkover Assessment and Protected Species Survey by Environmental Business Solutions. This concludes that the site currently has little ecological value, and the proposed development would have a minimal impact on local biodiversity. The proposals are not expected to have a negative impact on any protected species. This report also sets out proposed measures which would greatly improve the site's value as a wildlife habitat. These include new tree, hedge and wild flower planting, and the creation of habitat corridors along the site's boundaries. We note that no objection was raised to the previous application from the statutory consultees, Natural England and the Herts and Middlesex Wildlife Trust.

Energy and Water Use

8.57 The proposed new buildings would be built to a high standard of energy, thermal and water efficiency, to comply with current buildings regulations. It is proposed to take a fabric-first approach to the reduction of demand for heat energy, whilst low-flow fittings would be used as standard, to encourage residents to use the minimum amount of water. It may also be possible to incorporate further measures, such as renewable energy in photovoltaic cells or air source heat pumps, and this will be investigated at the detailed design stage.

8.58 The parking area to the west of the stadium would include some electric charging points, to encourage the use of electric vehicles and help to reduce greenhouse gas emissions generated by transport.

Security

8.59 Policy HD22 requires new development to be designed in a way which will deter crime, by allowing for the surveillance of public areas such as streets and footpaths, and the provision of defensible space. The proposed development would adhere to these principles, with housing and apartments overlooking the public spaces between them, whilst private amenity spaces would be separated and protected by fences and walls.

8.60 Vehicular access to the eastern, residential part of the site would be limited by controlled entry, and this area would be visually separated, and so would appear private, thus deterring casual entry.

Refuse

8.61 For the residential development surrounding the stadium, bin stores would be provided within each building, at ground floor level. This would allow for easy collection by refuse lorries visiting the site, with the bin stores easily accessible from the street. Each of the houses would be able to store bins in their back gardens, and these would be wheeled to designated refuse collection points on collection day. The internal roads within the site have been designed so as to allow access for a refuse vehicle. Drawing 15_236_PL12A illustrates the proposed refuse collection arrangements. Details relating to the internal layout of the western and northern blocks including refuse collection areas, will be provided at the reserved matters stage.





Highway Access

9.1 Transport Assessment by WSP | Parsons Brinckerhoff which accompanies this application demonstrates that the site can be accessed in a suitable manner, using the two existing access points on to Theobold's Lane. The access at the site's south-western corner, a priority T-junction, is already in use for the Football Club, and it would continue to be used for the proposed development. A further access point, also a T-junction, located further to the east, would also be utilised; this access is not currently in use, but it would be brought back into use as part of the proposed development. The Transport Assessment explains the analysis which has been undertaken on these two proposed junctions, which includes a speed survey and consideration of suitable visibility splays. Works are proposed to improve the two access points to the site, to satisfy the requirements of the Highway Authority, and further details are set out in the Transport Assessment which accompanies this application.

Pedestrian Access

9.2 The proposed development would provide footpath connections within the site, which would connect with the combined footway and cycleway which already runs to the north of Theobold's Lane and Theobold's Brook. A connection would also be provided to Albury Walk, the public footpath which runs along the site's eastern boundary. Crossing points near the proposed vehicular accesses to Theobold's Lane would allow access to the footpath on the southern side of the Lane.

9.3 Separate footpaths would be provided within the site, to allow access to the housing and stadium buildings, without the need to walk within the road. A footpath would also be provided at the edge of the western block, adjacent to the disabled parking spaces.

9.4 The application site is within walking distance of Theobold's Grove railway station and the High Street. It is in a sustainable location, with a range of facilities close at hand, and with good access to public transport. Further detail in this regard is provided in Section 4 above. To further encourage walking, tactile paving and dropped kerbs would also be introduced, where they do not already exist, on all road junctions on the route along Theobold's Lane between the site and the town centre. This is intended to assist blind and partially sighted pedestrians using this route. The location of these works is set out in Drawing 19827-SK-01, appended to the Transport Assessment.

Inclusive Access

9.5 All of the new buildings would be designed to comply with Part M of building regulations, including the provision of level thresholds at accesses. The majority of the blocks around the stadium, including all to which there would be public access, would be provided with internal lifts, to allow access for wheelchair users and ambulant disabled to all floors.

Cycle Access and Parking

9.6 Within the proposed development, cyclists would use the internal access roads. It is anticipated that vehicular speeds would be slow, and this would be a safe environment for cycling. As noted above, direct connections would be provided to the east / west pedestrian and cycle route which runs through the site.

9.7 All residential properties would be provided with at least 1 secure cycle parking space. The houses would accommodate these in garages or sheds in rear gardens. Apartments would have secure, covered parking at the ground floor level, adjacent to the proposed car parking. Cycle parking for the northern and western blocks would be provided externally, in the form of Sheffield Stands. Details of the level of cycle parking proposed in different parts of the site are set out on Drawing 15_238_PL15A.

9.8 The level of cycle parking proposed would be significantly in excess of the Council's minimum standards, so as to encourage cycling as a reasonable alternative to car journeys. The exact amount of cycle parking to be provided in relation to the western and northern blocks will be determined at the reserved matters stage, when the exact mix and proportion of uses within these buildings is known. Cycle parking would be located close to the entrances to the western and northern blocks, to encourage its use.

Car Parking

9.9 The Borough's car parking standards are set out in the Council's Supplementary Planning Guidance, although we note that the Council have agreed that these standards form guidelines, rather than maximum requirements. Details of the proposed provision of car parking within the site, and the relationship with these standards, are set out within Section 5 of the Transport Assessment, and they are illustrated on Drawing 15_238_PL15A. The proposed development will include a total of 665 car parking spaces across the site.

9.10 Each 3-bedroom house would be provided with 2 spaces, and 4 bedroom houses would be provided with 3 spaces. 26 visitor parking spaces would be provided. The 53 x 1 bedroom flats would be provided with 80 spaces, and the 62 x 2 bedroom flats would be provided with 124 spaces. The total parking provision for the residential element of the development would be 360 spaces. We note that this provision would be sufficient to meet the requirements implied by the Council's maximum standards.

9.11 As the internal layout and exact mix of floor space in the western and northern blocks is yet to be determined, the Transport Assessment considers a reasonable assessment of the likely mix of uses within these buildings, and proposes a suitable mix of parking. This results in a proposed provision of 55 parking spaces (of which 7 would be disabled spaces) for the Football Club's use associated with the northern block, and 250 spaces (of which 14 would be disabled spaces) associated with the sport, community and commercial uses in the western block. The Transport Assessment concludes that this would

meet the SPG's maximum standards. Disabled parking spaces would be provided immediately adjacent to the building, close to its entrances.

The Wider Highway Network

9.12 The effect of the proposed development on the wider highway network is a matter which has been discussed at length between the Applicant and their advisers WSP | Parsons Brinckerhoff, the Highway Authority, Borough Council and Highways Agency. There was no objection to the first application from the Highway Authority or Highways Agency, or Borough Council Officers, on the basis that the proposed stadium would be limited to a capacity of 2,000 spectators. This is similar to its current capacity, which is for 2,180 spectators.

9.13 The first application included within its description of development a stadium with capacity of up to 5,192 seats. Officers proposed to limit the stadium's effective capacity to 2,000 spectators by use of a planning condition. This implied that, whilst the stadium would have a design capacity of up to 5,192 spectators, it could not actually accommodate a crowd of this size without the need for a further

planning permission. Nevertheless, the Planning Committee continued to express concern in this regard, and they refused the application for the following reason:

'Insufficient information has been submitted with the planning application and in advance of the infrastructure requirements of the emerging local plan being established, it cannot be determined that the local highway network is capable of supporting the proposed development with the stadium operating at full capacity of 5,192.'

9.14 For the sake of clarity, the description of the development proposed by this second application has been amended to refer to a stadium capacity of only up to 2,000 spectators.

9.15 The Transport Assessment has considered the effect of the proposed development, in light of the limited stadium capacity, and the reduced scale of the proposals overall. Given that a larger amount of development has previously been found to be acceptable, we are confident that the proposed development and its effect on the local highway network will again be found to be entirely acceptable.

9.16 Following discussions with the County Council, in its role as Highway Authority, it is proposed to introduce 3 speed cushions to calm traffic speeds on Theobold's Lane, close to the application site's entrance. It is also proposed to widen Theobold's Lane at the point where it joins the A10, to better facilitate its use by HGVs. Details of these proposals are shown on Drawings 19827-SK02, SK-03 and SK-06 respectively, all of which are appended to the Transport Assessment.

9.17 Provision would also be made for a new bus shelter on the northbound Theobold's Grove railway station 'Bus Stop B'. This is intended to encourage bus travel, as an alternative to car use.

9.18 Travel Plans were also provided for the first application, as they are for this revised application, dealing with the generation of traffic from residential and commercial elements of the proposed development. These set out ways in which users and occupiers of the development would be encouraged to minimise car trips, and utilise more sustainable modes of transport. These reports were approved by the Highway Authority in relation to the first application.

9.19 The Highway Authority has examined evidence provided with the first application in relation to the effect of the proposed development on the wider highway network. Their final consultation response on that application concluded as follows:

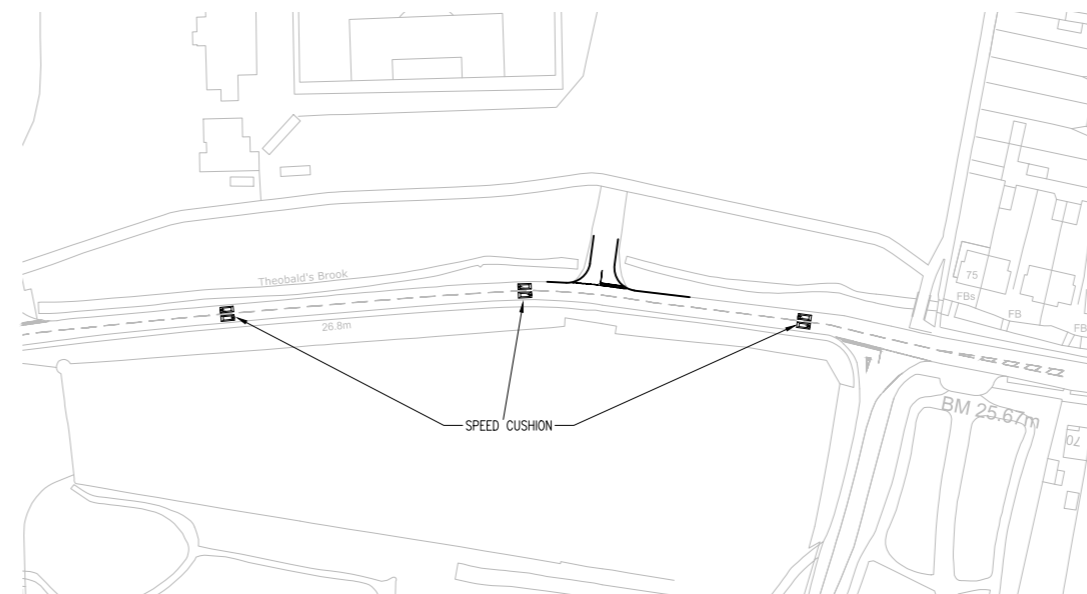
The likely impact on the local and strategic road system has been examined in great detail by the County Council as local highway authority. The traffic flows at major intersections in the vicinity of the site have been modelled and following detailed clarification by the applicant, the overall outcome in terms of traffic volumes is considered to be acceptable, subject to a condition limiting attendances to around 2,000 spectators.'

9.20 Highways England also raised no objection to the proposals of the first application, in relation to any effect on junction 25 of the M25.

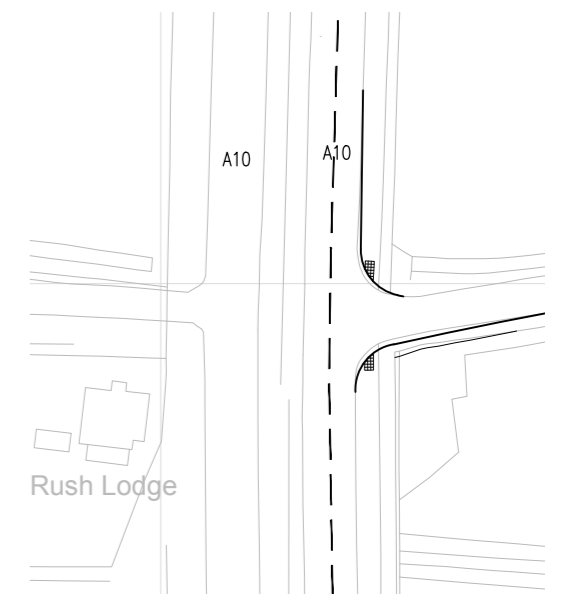
9.21 It was the unanimous view of the Applicant, their transport consultant and the relevant statutory consultees that the first application was acceptable in highway terms, with the relevant planning conditions in place. This was also the view of Borough Council Officers.

9.22 In proposing to allocate the site for a sports stadium and c.165 houses in the draft Local Plan, the Council have already committed to a view that this is a sustainable location for this development. This is a conclusion that requires an assessment of the suitability of the site in transport terms.

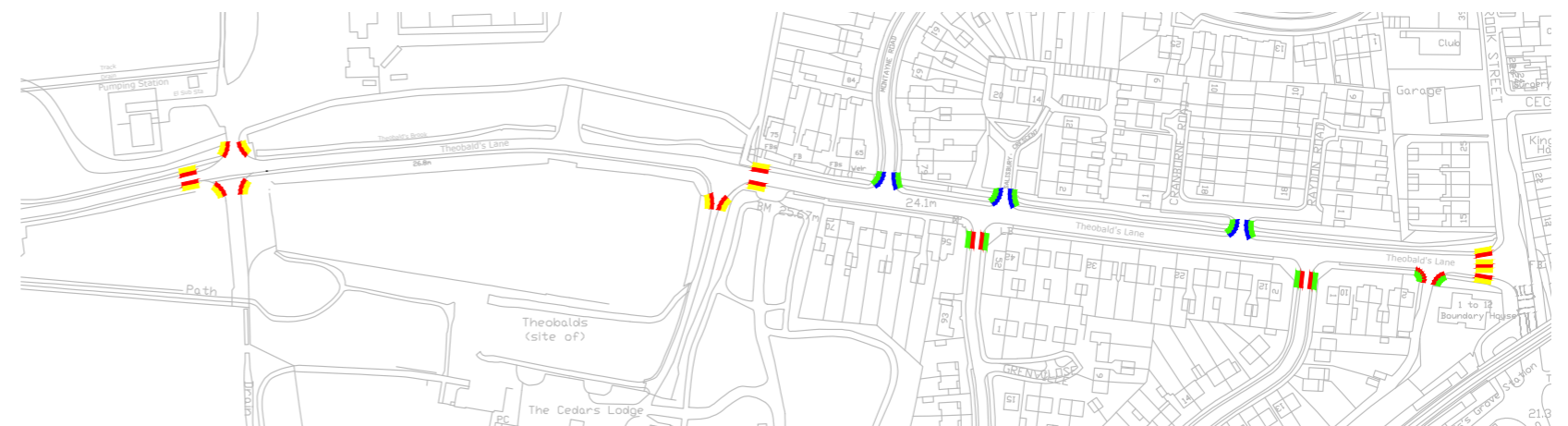
9.23 In the context of the reduced scale of the proposed development, we can see no reason why highways should now be any impediment to granting planning consent.



Location of speed cushions.



A10 widening.



Dropped kerbs and tactile pavement treatments for pedestrian crossing points.



10.1 The proposed development would bring substantial benefits to the local community. It would provide Cheshunt Football Club with a new home and a range of facilities including a stadium with the capacity to allow it to grow and ultimately move up to the Football League. It would also provide the Club with a sustainable income stream, ensuring that it remained financially viable in the future.

10.2 The new facilities and additional income for the Club would allow it to greatly extend its current programme of award-winning engagement with the local community, including further developing links with local schools. It would also be able to make its facilities available for use by local sports and community groups. These facilities are expected to include meeting and function rooms, which could be suitable for a range of activities from use by theatre groups to meetings for local community groups.

10.3 The proposed new sports facilities would provide a great benefit to local residents. Greater use of facilities by children and young people can lead to many benefits, including improved fitness and reduced instances of obesity, a problem which is increasingly prevalent in the local area. Participation in sport can also help to develop social skills and networks, and a lifelong habit of exercise and healthy living. These benefits are particularly necessary in the area local to the application site, as this is both within the most deprived part of Broxbourne Borough, and also the part of the Borough which has the worst access to existing sports facilities.

10.4 New community facilities would be provided, and it is envisaged that these would include meeting spaces, a health centre and crèche. These facilities would provide accommodation for a range of different groups and uses. LW Developments have already received expressions of interest from a range of local organisations, indicating that they would become a valuable and well-used resource.

10.5 The provision of serviced office accommodation for small businesses would help to develop an entrepreneurial spirit in the Borough, and would be particularly valuable at a time when many offices have been lost through conversion to residential accommodation. The long-term effects of this type of development can be highly beneficial to the local economy, through job and wealth creation.

10.6 The proposed commercial development, which is expected to include retail and a small convenience food store, cafés and restaurants, hot food take-aways and the office facilities, would provide the Club with an income stream for the future. This would help to ensure that the Club would not return to the state of financial crisis which nearly led to it folding in recent years, before LW Developments intervened. The facilities would be designed to ensure that they had only a local catchment, and that they would serve the needs of those visiting the site to use the sports and community facilities, or to watch a match. They would cater for shared trips, where for instance different family members may visit different facilities, such as a football match and hairdresser. There is also a synergy between the uses, with a sports store to provide equipment for those using sports facilities within the site. As such, these facilities are not expected to have any detrimental impact on local town centres.

10.7 The provision of new housing would enable the construction of the proposed development. This is essential, as the Club has no other means of generating capital. However, this housing would also make a very valuable contribution towards meeting the need for housing locally, and contributing towards making up a shortfall in the 5-year housing land supply. This is a matter which is given great importance by national planning policy, and it renders Local Plan policies relating to the supply of housing out of date. This effectively means that policies which would normally restrict residential development to land within existing urban areas can only be given limited weight in the determination of this application. Against this, the provision of housing is a factor which should receive substantial weight.

10.8 The application site lies within the Metropolitan Green Belt, and very special circumstances are required to justify the new development which is proposed. We believe that the proposed sports and community facilities, as well as the valuable contribution which would be made towards the supply of housing, provide the necessary justification. We also explain within this statement that the application site makes a limited contribution towards the purposes of the Green Belt, and the development's impact on openness would be limited by the fact that the site already contains buildings and previously developed land.

10.9 The Council propose to allocate the site for a mixed use development similar to that proposed by this application, and they have already concluded that the necessary exceptional circumstances exist to justify the land's removal from the Green Belt. We believe that the limited harm which the development would cause to the openness of the Green Belt is outweighed by the substantial benefits it would bring.

10.10 The Council previously refused a similar application on four grounds, as follows:

- The first related to the design of the proposed houses. This has been addressed with new housing proposed to be of a different appearance, using a more traditional approach, in keeping with the character of the local area, and using high quality materials.
- The second reason related to the scale and density of the proposed development, and its effect on the openness of the Green Belt. The development is now 16.5% smaller in terms of its volume, and all elements of the proposals have been reduced in scale.
- The third reason related to the likely impact on the highway network. Whilst all statutory consultees accepted the previous proposals, the proposed reduction in the scale of development, and a limit of a stadium capacity of 2,000 spectators, would reduce the impact on the highway network. The same mitigation measures are proposed that were agreed in relation to the previous application.

- The fourth reason related to the relationship between new and existing housing. This has been addressed with the provision of a greater separation distance and smaller buildings at the site's eastern edge.

10.11 We believe that all of the reasons for refusal have been adequately addressed.

10.12 Sport England provided their support in principle for the first application, subject to planning conditions and the fixing of a phasing details in a legal agreement. The Applicant is content with these requirements.

10.13 The recently published draft Local Plan also states that **'The Council is supportive in principle of this development'**, and it proposes to allocate the site for a similar form of development to that proposed by this application.

10.14 This Statement, and the other technical reports which accompany this application, demonstrate that the proposed development would be entirely acceptable in planning terms. It would comply with local and national planning policy requirements. As such, it would benefit from the presumption in favour of sustainable development, and we respectfully request that planning permission should be granted without delay.





| Policy SUS1 Requirement | Application's Response |
|---|---|
| Land Use | |
| 1. Will my proposal provide local facilities? | Yes, the proposals will provide local convenience shopping as well as a range of other community, leisure and employment facilities. |
| 2. Will my proposal favour the central town over green field sites? | As explained in Section 7, the proposed development cannot be accommodated in the urban area, and it must be provided in the Green Belt. |
| 3. Will my proposal avoid loss of open land or urban open space? | The proposals will provide new sports and community facilities which will compensate for the loss of playing pitches, a principle which is accepted by Sport England. |
| 4. Will my proposal use derelict / under-used / vacant land or buildings? (including upper storeys) | The proposal will make use of previously developed land, replacing the existing stadium and car parking area, and providing housing on a former landfill site. |
| 5. Will my proposal encourage use of public transport? (e.g. commuted sums for public transport provision, bus stops etc) | See the Framework Residential Travel Plan, Workplace Travel Plan and Stadium Event Management Plan for details of sustainable means of transport will be maximized. |
| 6. Will my proposal avoid areas of high quality agricultural land? | The application site is not classified as agricultural land; see paragraph 4.20. |
| Leisure, Cultural and Social Activities | |
| 1. Will my proposal make positive provisions for open space? (e.g. provide open space, parks and commuted sums for future maintenance) | The proposals will provide open space, with all houses to have gardens which meet or exceed the Council's standards, whilst the apartments will all have access to communal open space; see Section 8. |
| 2. Will my proposal improve and maintain public access to open space? | The proposal will provide new sports facilities, which will be accessible to the public. It will not restrict the public's use of open space; the only open space which will be lost will be poor quality training pitches used by the Football Club. |
| 3. Will my proposal improve leisure and recreational facilities? (e.g. recreation grounds, children's play areas, playing fields) | Yes, a range of leisure and recreation facilities are proposed; see Section 7. |
| 4. Will my proposal improve community, cultural and social facilities? (e.g. community centres, crèches) | Yes, a range of community, cultural and social facilities will be provided; see Section 7. |
| 5. Will my proposal protect and improve the settings and features of archaeological and historical significance? (e.g. conservation areas, listed buildings, features of archaeological significance) | The proposal will not have any notable impact on the settings and significance of features of archaeological and historical significance. |

| Policy SUS1 Requirement | Application's Response |
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| Access | |
| 1. Is my proposal located within a reasonable distance of main employment centres, retail centres, recreation and community facilities and schools? | The application site is located within easy reach of schools and facilities; see Section 4. |
| 2. Will my proposal encourage walking? (e.g. provision of controlled crossings, pedestrian preference zones, adequate lighting, traffic calming) | Yes, the proposal will encourage walking within the development, where pedestrians have been carefully considered in the design of streets and public areas. It will also maintain a footpath which runs through the site and links public rights of way. |
| 3. Will my proposal ensure access to buildings for all? (wheelchair users, people with young children/prams, blind and disabled people) | Yes, all public buildings and apartments will be wheelchair accessible, with lifts and level thresholds, in accordance with building regulations. Houses will be wheelchair accessible on at least their ground floor levels. |
| 4. Will my proposal improve facilities and conditions for cycling, particularly safety aspects? (e.g. Secure cycle storage, cycle paths, signals and lanes) | The proposals will make provision for cycle parking, in both public and residential areas, and the above mentioned travel planning documents explain how sustainable modes of transport will be promoted. |
| 5. Will my proposal assist in making public transport more attractive or a more viable alternative? (e.g. more frequent buses, bus preference measures, increased population density in transport corridors) | The application site could potentially be included within bus routes, should operators wish to do so. It is otherwise within easy reach of existing bus routes, as explained in the Transport Assessment. |
| 6. (C) Will my proposal assist in reducing vehicle usage? (e.g. car sharing, teleworking, pooled bicycles or cars, load splitting, home delivery) | The above mentioned travel planning documents explain how sustainable modes of transport will be promoted. |
| 7. Will my proposal provide facilities for those without a car? (e.g. local shopping, kerbside recycling, neighbourhood service delivery) | Yes, the site will contain a local convenience retail store for residents and visitors. It will also provide secure cycle parking and conveniently located recycling facilities, as well as a range of other facilities. |
| 8. Will my proposal make appropriate provisions for parking? (appropriate levels / standards of parking, car-free neighbourhoods, park and ride facilities, parking enforcement) | Yes, provision will be made for car parking in accordance with the Council's standards, as set out in the Transport Assessment. |
| 9. Will my proposal contribute to road construction / maintenance where appropriate? | The proposed development won't have an unacceptable impact on the highway network; see Section 9. |

| Policy SUS1 Requirement | Application's Response |
|---|---|
| Satisfying Work | |
| 1. (C) Will my proposal increase employment opportunities for local people? | Yes, the development will provide a range of employment opportunities, as well as serviced offices and other facilities for small businesses. |
| 2. (C) Will my proposal help the local economy? (e.g. by using local labour and suppliers) | Yes, it will help the local economy in various ways, including by providing employment and bringing people to the area on match days. |
| 3. (C) Will my proposal improve educational facilities in the local area including training? | The proposal will provide flexible spaces which can be used for training facilities, and the Football Club will also offer sports training. |
| Waste | |
| 1. Will my proposal provide storage and facilities to assist recycling and waste sorting? | Yes, all public buildings and residences will include provision for the storage and sorting of recyclable materials. |
| 2. Will my proposal make use of recycled, recyclable and durable products? (e.g. building materials, salvage material for reuse / recycling, use of demolition materials for hardcore and aggregate) | Materials would be re-used if this was practical and economical. |
| 3. Will my proposal reduce litter and dog mess? (e.g. dog bins in parks, fencing to reduce windblown litter) | Litter bins will be provided to cater for match-day crowds and in other public areas where appropriate. |
| Energy | |
| 1. Will my proposal reduce the need to travel by car? | The above mentioned travel planning documents explain how sustainable modes of transport will be promoted. |
| 2. Will my proposal avoid overshadowing other buildings? | The proposed development will not overshadow any existing buildings. |
| 3. Will my proposal consider the full energy costs of extraction, manufacture, transport, use, and disposal both in construction and operation? (e.g. minimise changes made to site levels during construction, avoid the use of aluminium, renew / repair / refurbish) | Low energy-use products will be used where practical and economical. |
| 4. Will my proposal maximise energy efficiency in buildings? | The proposals will meet building regulation requirements, providing energy efficient buildings. |

| Policy SUS1 Requirement | Application's Response |
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| Air, Water, Noise, Light | |
| 1. Will my proposal reduce air pollution and dust both in construction and operation? (e.g. low NOx boilers, reduction in traffic volumes, damping and wheel cleaning to avoid dust) | See the Air Quality Assessment. |
| 2. Will my proposal minimise greenhouse gas emissions? (e.g. condensing boilers, combined heat and power systems) | Efficient appliances will be used where possible. |
| 3. Will my proposal protect groundwater from contamination? (e.g. sewer renewal, waterway maintenance, dredging, reedbeds for wastewater treatment) | See the Geo-Environmental Assessment and Drainage Strategy. |
| 4. Will my proposal encourage water conservation? (e.g. water meters, storage and use of grey water) | Low water use appliances will be used where possible. |
| 5. (C) Will my proposal protect the balance of water resources at the site and surrounding area and thus prevent potential flooding? (e.g. permeable surfaces for car parks / spaces / driveways, minimise road length, avoid water runoff into watercourses, avoid building on floodplains) | See the Drainage Strategy and Flood Risk Assessment. |
| 6. Will my proposal incorporate features in the design to accentuate noise levels? (e.g. meeting noise standards, noise insulation, use of quieter technology, hours of operation) | See the Noise Assessment. |
| 7. Will my proposal minimise levels of pollutants which are not necessarily statutorily controlled and are to the detriment of the wider environment. | The Applicant intends to avoid risks of pollution occurring where they are able to. |
| 8. Will my proposal include a proper site investigation to identify areas of land contamination where necessary, and take correct measures for decontamination? | See the Geo-Environmental Assessment. |

| Policy SUS1 Requirement | Application's Response |
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| Nature | |
| 1. Will my proposal protect environmental features of importance? (e.g. important trees, hedgerows, and open spaces,) | See the Tree Survey. |
| 2. Will my proposal conserve and make positive provision for nature conservation? (e.g. nature reserves, plantings to encourage wildlife and biodiversity, gardens and allotments, use native Hertfordshire or British species) | See the Ecological Walkover and Protected Species Survey. |
| 3. Will my proposal avoid the use of tropical hardwoods? | The applicant intends to use sustainably sourced timber where possible. |
| Aesthetics | |
| 1. Will my proposal include good standards of screening and landscaping? (e.g. soft boundary treatment such as hedges and shrubs, use of native species, landscape management plans) | Yes, see Section 8. |
| Safety | |
| 1. Will my proposal contribute to community safety, reduce crime and increase the public's perception of safety? (e.g. designing out crime measures) | Yes, see Section 8. |

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