

15. Development in accordance with the approved Tree Survey & Impact Assessment
16. School to close following implementation of the new school at High Leigh
17. Detailed engineering designs and construction of the new access arrangement
18. Secure and implement a Traffic Regulation Order for parking restrictions near the new site access (to replace school road markings)
19. Visibility splays to be provided and maintained
20. Closure of existing school access
21. Relocation of proposed tactile paving and dropped kerbs along Hertford Road
22. Detailed engineering designs and construction of local pedestrian improvement features
23. Construction Environmental Management Plan – prior to commencement
24. Details of the internal approach to the access
25. Detailed plans for hard surfaced vehicular areas, carriageway and footway visibility, service vehicle tracking
26. Development in accordance with the submitted surface water drainage assessment
27. Detailed surface water drainage scheme to be submitted
28. Infiltration testing at location of proposed soakaways
29. Land contamination assessments
30. Imported soil
31. Noise survey prior to commencement
32. Bat & Bird boxes
33. In accordance with the Ecological Appraisal & Bat Roosting Assessment
34. Ground levels and levels of threshold
35. Hours of building work
36. Cycle storage details
37. All dwellings to be served with electric vehicle charging points
38. Refuse and recycling storage and collection details
38. Archaeological watching brief

CHESHUNT FOOTBALL CLUB ADDENDUM

Item 3: 07/18/0514/F

Location: Cheshunt Football Club, Theobalds Lane, Cheshunt, Herts, EN8 9LY

Description: Area 1 - New stadium with capacity for up to 2000 spectators. 53 no. 1 bedroom apartments, 62 no. 2 bedroom apartments, 26 no. 3 bedroom houses and 22 no. 4 bedroom houses, (163 Residential Dwellings) highway access works, internal roads and supporting infrastructure
Area 2 - Northern block - New facilities for Cheshunt Football Club in use classes D1, D2 and sui generis - matters relating to internal layout and appearance reserved.
Area 3 - Western block - New sports, community, leisure and commercial uses in use classes A1, A3, A4, A5, B1, D1 and D2 - matters relating to internal layout reserved. (Resubmission of 07/16/1369/F)

Applicant: Mr Dean Williamson

Agent: Waller Planning

Date Received: 22.05.2018 **Date of Committee:** 23.09.2020

Officer Contact: Peter Quaile **Expiry Date:** 21.08.2019

Ward Councillors: Cllr Crump, Cllr Monaghan and Cllr Siracusa

RECOMMENDED that planning permission be granted subject to the applicant completing a planning obligation under s.106 of the Town and Country Planning Act 1990 (as amended) for the terms set out in this report and the conditions at the end of this report to include an extra condition in respect of electric vehicle charging facilities.

The original planning report from December 2018 is reproduced in full at the end of this addendum update.

1.0 Background

1.1 The initial application for redevelopment of the stadium and associated enabling development on this Council-owned site was refused permission 15th August 2017 under reference 07/16/1369/F for:

Area 1 - New stadium with up to 5,192 seats, 66 no. 1 bedroom apartments, 70 no. 2 bedroom apartments, 22 no. 3 bedroom houses and 28 no. 4

bedroom houses, highway access works, internal roads and supporting infrastructure.

Area 2 - Northern block - New facilities for Cheshunt Football Club in use classes D1, D2 and sui generis - matters relating to internal layout and appearance reserved.

Area 3 - Western block - New sports, community, leisure and commercial uses in use classes A1, A3, A4, A5, B1, D1 and D2 - matters relating to internal layout reserved.

The four reasons for refusal were 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.

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.

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.

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.

- 1.2 Members will recall that the current application, which was reduced in height scale and density, was presented to committee over 18 months ago [18th December 2018] when Members resolved to refuse the proposal on the grounds that:

The scale and density of the development would result in harm to the openness of the green belt which is not sufficiently outweighed by very special circumstances. The proposal is, therefore, contrary to section 13 of the NPPF July 2018: Protecting Green Belt Land and in particular, paragraphs 143-145.

Subsequent to this resolution the Council took Counsel's advice on the potential soundness of the decision. As a result a confidential presentation was made to the committee in January 2019 when it was resolved by Members to hold the application in abeyance pending the upcoming adoption of the Local Plan in which Cheshunt Football Club is a formal site allocation. The Local Plan was adopted on 23th June 2020 and has now passed through the period during which a judicial review could be lodged against it. The application is therefore re-presented for committee decision.

2.0 ASSESSMENT

2.1 The application site is allocated within the Local Plan under the terms of Policy CH7: Cheshunt Football Club in the following terms:

Cheshunt Football Club will be developed as a mixed sporting, community, commercial and residential development comprising: 1. Enhanced facilities and football stadium; 2. A development of approximately 4,000 square metres net floorspace for community, business, leisure and ancillary retail uses; 3. Approximately 165 new homes. The site will be developed in accordance with a comprehensive masterplan. Incremental development of the area will be resisted.

2.2 The current application consists of a new stadium with associated club facilities, 163 new dwellings and a commercial block [the western side of the proposed stadium] of net 4000sqm. **It is considered that the principles of the scheme are fully in accordance with the three components which make up Local Plan Policy CH7.**

2.3 The proposal is covered by a comprehensive masterplan for the site as required under the terms of Policy CH7.

2.4 Members should also note that, in relation to the draft reason for refusal, adoption of the Local Plan also entailed moving the Green Belt boundary so that the application site is no longer located within the Green Belt.

Original Reasons for Refusal

2.5 The current application was a revised submission seeking to address the four reasons for refusal on the initial planning application in the following ways:

- The house designs were significantly amended and improved;
- The scale of the scheme was reduced to sit within the level set out in the Local Plan policy;
- The highway arrangements and improvement have been fully clarified;
- The relationship to houses in Montayne Road has been clarified.

The overall content of the scheme is considered by officers to be acceptable.

2.6 There are no outstanding statutory or other relevant consultations and no technical issue that cannot be adequately be dealt with by planning condition.

2.7 The dwellings all meet local and national standards in terms of internal and external amenity.

Planning Obligation

- 2.8 The report to Planning and Regulatory Committee in December 2018 was accompanied by a detailed note summarising the financial details which lie behind the application and the planning obligation was discussed in paragraphs 8.42-8.43 in that agenda report. A copy of that note is appended to this agenda.
- 2.9 The detailed negotiations to finalise the planning obligation would take place once the principle of this proposal has been established by means of a favourable committee resolution and the outcome would be reported by the Head of Planning and Development to the Chairman of this committee. The land stewardship issues in relation to land ownership for both this Council as long leaseholder and the County Council as freeholder would be determined under separate committee powers in the appropriate decision-making arena.
- 2.10 As the site is no longer in the Green Belt it does not need to be submitted to the Secretary of State.
- 2.11 An extra condition [no.27] is proposed to require electric vehicle charging facilities to be provided for all dwellings on the site in compliance with Local Plan Policy TM4.
- 3.0 **RECOMMENDED that planning permission be granted subject to the applicant completing a planning obligation under s.106 of the Town and Country Planning Act 1990 (as amended) for the terms set out in this report and the conditions at the end of this report to include an extra condition in respect of electric vehicle charging facilities.**

Item 3: 07/18/0514/F

Location: Cheshunt Football Club, Theobalds Lane, Cheshunt, Herts, EN8 9LY

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Applicant: Mr Dean Williamson

Agent: Waller Planning

Date Received: 22.05.2018 **Date of Committee:** 18.12.2018

Officer Contact: Peter Quaile **Expiry Date:** 21.08.2019

Ward Councillors: Cllr Crump, Cllr Monaghan and Cllr Siracusa

RECOMMENDED that planning permission be granted subject to, submission to and clearance by the Secretary of State, the applicant completing a planning obligation under s.106 of the Town and Country Planning Act 1990 (as amended) for the terms set out in this report and the conditions at the end of this report.

1. CONSULTATIONS

- 1.1 HCC Highways – no objection subject to conditions [see paragraphs 8.28-8.35].
- 1.2 HCC Environment – Requests planning obligation contribution to fire hydrants
- 1.3 HCC Flood Risk Management – no objection subject to conditions
- 1.4 Highways England – No objection
- 1.5 Environment Agency – No objection

- 1.6 Herts & Middx Wildlife Trust – No objection subject to a condition ensuring appropriate enhancements to bio-diversity
- 1.7 Natural England – No objection
- 1.8 Historic England – No comment to offer
- 1.9 Environmental Health – No objection in principle subject to conditions and financial contribution towards air quality management in the vicinity of the site.
- 1.10 Thames Water – Requests a condition to deal with sewage disposal and piling methods
- 1.11 Sport England – No objection as statutory consultee as the proposal meets Exception 4 as set out in their terms of reference: but subject to conditions and legal agreement in relation to timing and delivery of the new stadium, 3G pitch and community facilities
- 1.12 The Wormley and Turnford Society – Objects to the development in the Green Belt served by a narrow road and with implications for traffic generation on the A10 leading to Junction 25 of the M25
- 1.13 CPRE – Objects to inappropriate development within the Metropolitan Green Belt, commenting that the Council will need to satisfy itself as to the necessity of the proposed number of dwellings in relation to the enabling nature of the proposal, noting that the scheme is largely based on a draft and unadopted Local Plan policy and expressing reservations as to the adequacy of 650 parking spaces for the complex.

2. PUBLICITY

- 2.1 The application was advertised by means of three site notices at and around the site, newspaper advert and individual neighbouring letters to 137 adjacent residents including properties in Montayne Road, Theobalds Lane, Dudley Avenue, Grenville Close, Friends Avenue and Albury Ride. The consultation period expired on 7th July 2018.

3. REPRESENTATIONS

- 3.1 53 letters of objection and comment have been received from local residents along. 120 letters of support have also been received from residents and from others who use the existing sports facilities along with a petition of support with 413 signatories. The objectors raise concerns in the following terms:

- There will be increased noise from the stadium and new houses
- There are not enough doctors and good schools have waiting lists
- There will be loss of established football pitches
- The development of shops will harm the local town centre
- The development would harm the historic Cedars Park
- Is the Council monitoring the existing construction works?
- The revised scheme does not address the reasons for refusal

- The letters of support are on standard forms and should be given little credence
- The land should stay in recreational use
- Emergency vehicles will not access local area due to congestion
- The club should look for lottery and other sources of funding
- There will be more littering from the site on match days
- The area will be more dangerous for school children
- There will be noise, vibration, dust and pollution from the construction works
- All trees on the boundary should be retained/replaced/infilled if damaged
- The new three storey houses and boundary trees will overshadow nearby houses and change the openness of the area by extending into high quality Green Belt
- This scheme would build into the Green Belt open area which separates Broxbourne and Enfield - all the open space in the Borough is being lost
- Train and bus services are already inadequate – will these be improved?
- There is already congestion in the morning at the Theobalds Lane/A10 junction and traffic speeds coming from Crossbrook St
- The local and strategic roads will not be able to cope with this development
- House values in the area will be reduced and there will be noise and dust from the major construction
- It is not clear how high above ground level the new houses will be
- There will be pressure on local sewerage systems
- The scheme is just a money-making venture for the owners
- The A10/Theobalds Lane junction is already an accident blackspot and this scheme will make it worse – it is too narrow for HGV lorries
- There is not enough parking for the houses or the stadium, there is already a problem on the Lane on weekends
- The height of the flats will be overbearing and out of context with the local area
- The developer should not be allowed just to build the residential – the committee should ensure that the planned stadium goes ahead
- There is not enough green space on the site
- More spectators will mean more anti-social behaviour
- It is fantasy to state that this could help the Club get league status
- People already park in surrounding streets for the Club and Cedars Park
- Will the local drainage cope with the new development?

The letters of support from local residents, sports clubs, community groups, schools and businesses stress the benefits which would accompany redevelopment of the club and its facilities such as:

- Provision of new sport, community and business facilities
- Safeguarding the future of the football club and all its satellite community activities
- Promotion of healthier lifestyles
- Improving sports provision for young people over the next 10-15 years
- Would be a catalyst for future investment in Waltham Cross

4. RELEVANT LOCAL PLAN POLICIES

4.1 The following policies of the Borough of Broxbourne Local Plan Second Review 2001-2011 (adopted December 2005) apply:

GBC2	Development within the Metropolitan Green Belt
SUS6	Air Quality
SUS10	Noise Sensitive Development
SUS11	Light Pollution
SUS12	Development on Contaminated Land
SUS17	Flood Prevention
SUS18	Surface Water Drainage
H2	Maximising the Development Potential of Sites
H8	Design Quality of Development
H11	Housing Densities in New Development on Unallocated Sites
H12	Housing mix
H13	Affordable Housing
HD13	Design Principles
HD14	Design Statement on Local Character
HD16	Prevention of Town Cramming
HD18	Trees, Hedgerows and Woodlands
HD22	Community Safety
RTC1	Hierarchy of Town and Local Centres
T3	Transport & New Development
T10	Cycling Provision
T11	Car Parking
IMP2	Community & Infrastructure needs linked to new development

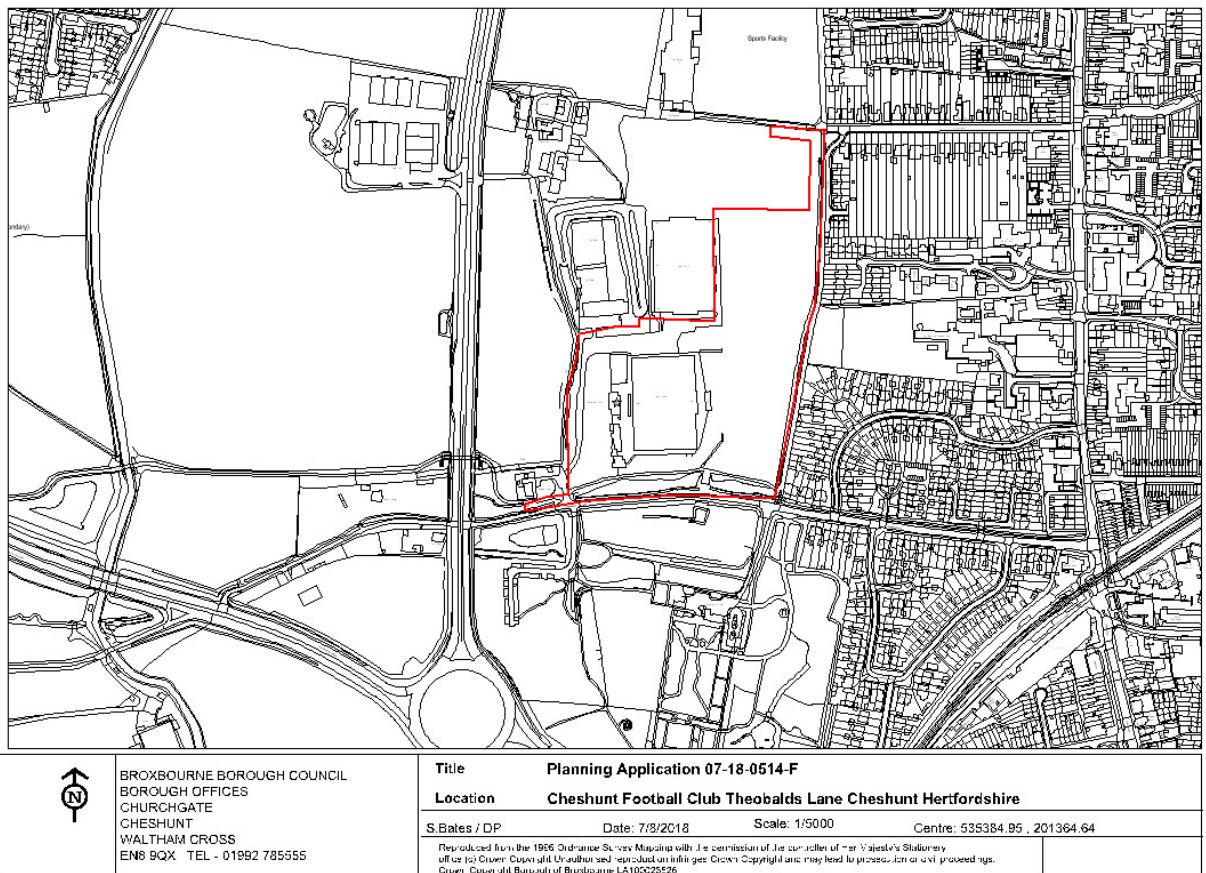
4.2 The Borough Supplementary Planning Guidance (SPG) (August 2004) is relevant in this case as it provides design guidance for all forms of development.

4.3 The National Planning Policy Framework (NPPF) 2018 also needs to be considered as it sets out the Government's planning policies for England and how these are expected to be applied.

4.4 The Borough of Broxbourne Draft Local Plan 2018-2033 was subject to an Examination in Public September to November of this year and the Inspector's interim findings are currently awaited. The emerging Local Plan is a material consideration in determining this application. In particular, draft Policy CH7: Cheshunt Football Club and CH8: Albury Farm Landscape Protection Zone are of relevance to this current application.

5. LOCATION AND DESCRIPTION OF SITE

5.1 The application site lies to the north of Theobalds Lane and just to the east of the A10 within the Cheshunt South and Theobalds ward. To the east of the site, running north – south connecting Albury Ride with Theobalds Lane is Albury Walk which is a public right of way [Cheshunt 011]. To the west of the site are a strip of arable farm land which separates the club from the A10, a pumping station associated with Theobalds Brook and the access to the Paul Cully Bridge over the A10. To the south of the site across Theobalds Lane is The Cedars Park while to the north lies land in the club’s ownership which contains re-constructed football pitches and an artificial turf 3G pitch. Also to the north, outside the applicant’s land ownership is the club building of Cheshunt Rifle and Pistol Club. Bounding the site to the east are dwellings on Montayne Road and Albury Ride along with the playing field of Holy Trinity Primary School.



5.2 The roughly L-shaped site has an area of just over 7.5 hectares and has a natural fall to the south and east. The entire application site lies within the Metropolitan Green Belt (MGB). Theobalds Brook runs west – east through the southern edge of the site and is a main river tributary. The southern part of the site [including the land which is proposed for houses] is made ground, being a former landfill site which was backfilled with inert waste. The southern part of the site also falls within Flood Zone 2 as designated by the Environment Agency. A Tree Preservation Order was imposed 3rd July 2017 on and around the south of the site LT6-298 [No.10] 2017 which in terms of the proposed development covers a small group of trees and a single sycamore near to the south-eastern corner of the site. The existing stadium which has a standing and seated capacity of around 2000 runs on a north-south alignment with the existing club rooms, function suite and changing rooms along

the western side of the pitch facing the car park. The existing access from Theobalds Lane lies in the south-western corner of the site but there is another, currently unused, vehicular access over the brook which is around 80 metres from the eastern boundary.

- 5.3 The northern boundary wall to The Cedars Park is grade 2 listed and the site of Theobalds Palace which is a scheduled ancient monument adjoining other grade 2 buildings and lies immediately to the south of that boundary wall.





6. PROPOSAL

- 6.1 This is a revised hybrid application which seeks to address the four reasons for refusal attached to the decision in August 2017. The scale of development is reduced in terms of dwelling numbers and stadium capacity, the design of the houses has been amended, full highway information has been provided to the Council and to HCC as local highway authority and the relationship of the scheme to dwellings on the eastern boundary has been clarified.
- 6.2 The majority of this new scheme, namely the houses, flats, stadium core, parking areas and accesses is the subject of a detailed planning application. The clubhouse and facility block to the north side of the new stadium is the subject of an outline application with the internal layout and external appearance reserved for future detailed submissions. The office/community building to the west of the new stadium is in outline with the internal layout reserved. The applicant has submitted an indicative internal layout of the clubhouse building at the north of the site but the western block is proposed for a wide range of flexible uses as set out in the description with the final layout and balance of uses to be determined in a future application. The 48 three and four bedroom houses would be laid out to the south-eastern corner of the site. The 115 apartments would be to the southern and eastern sides of the new stadium with their rear walls being shared with the

structure of the stadium and there would be four corner towers of 15 flats each. The flat roofs of these two apartment complexes would provide roof gardens for the residents. The residential accommodation is proposed as enabling development which would allow construction of a new stadium with a capacity of 2000 spectators along with provision of the club house/function rooms at the north end of the stadium and the office/community space which flanks the western part of the proposal.

Birds-Eye View from the South-West



Perspective view of the east-facing flats



- 6.3 The proposed new stadium building would be constructed initially with its concrete base, rear structural wall and roof in place to establish a 2000 spectator capacity. The apartments to the southern and eastern sides would be set out over three floors while the corner towers would be ground floor car/cycle parking and refuse storage with four upper floors. The club facilities and the office/community block facing west would be three storeys. Apart from the club building which would have a reduced length, the remainder of the stadium/flatted complex would be one floor lower than the refused scheme. The 48 houses to the south-eastern part of the site would be three storey town houses apart from the four two storey end terrace houses at the eastern extremity of the development. The design for the stadium, western block and associated flats would be modern with flat roofs and considerable areas of feature glazing. The house designs would be conventional with pitched roofs and traditional materials including facing brickwork, natural slate roofs, stone detailing and rendered ground floor facades.
- 6.4 In terms of the Club's status within the Football League, it is currently within Isthmian League Division 1 South Central which represents the fourth tier in the league pyramid. On the basis of the Club's current and proposed ground capacity, it would be able to progress to the next tier above this but no further without increased ground capacity. That is not now the subject of this planning application.
- 6.5 Access for vehicles to the stadium and the associated club facilities and office/community space would be via the existing opening to Theobalds Lane while the houses and majority of the apartments would be reached by re-opening the entrance further to the east along Theobalds Lane, using the existing culvert over the brook. As part of a package of road improvements, there would be traffic calming features and signage along Theobalds Lane from the mini roundabout with Dudley Avenue up to the main site entrance and an amended junction radius at the A10/Theobalds Lane junction to improve access from the dual carriageway for larger vehicles. Car parking would be mainly in-curtilage for the housing areas while there would be a combination of surface car parking and parking underneath the corner towers which would serve the apartments, stadium, clubhouse and office/community space.
- 6.6 The application is supported by a comprehensive suite of documents as follows:
- Design and Access Statement
 - Planning Statement
 - Archeological Assessment
 - Economic Viability Statement (confidential)
 - Transport Assessment
 - Drainage Strategy
 - Air Quality Assessment
 - Noise Assessment
 - Land Contamination Risk Assessment
 - Flood Risk Assessment
 - Habitat, Tree and Bio-diversity Survey
 - Travel Plans for the residential and commercial elements
 - Stadium Event Management Plan
- 6.7 The applicant undertook pre-application consultation with local residents, Council officers and elected representatives.

7. RELEVANT PLANNING HISTORY

7.1 There is an extensive planning history at this site in connection with the long term operation of the football club and associated activities. The most recent planning history is as follows:

- Planning permission granted 9th January 2017 for “erection of ball stop netting around playing pitches at Cheshunt Football Club” [Ref: 07/16/1255/F]
- Planning permission granted 9th January 2014 to “replace existing 8no.18m floodlight columns with 4no. new 18m floodlight columns, demolition of existing main stand and erection of new spectator stand” [ref: 07/13/1015/F].
- Planning permission granted 25th October 2013 for “re-modelling of existing football pitches to bring them in line with the Football Association’s recommended standards and the installation of an all-weather synthetic pitch with floodlighting” Ref: 07/13/0574/F]. Phase1 of this permission has been implemented and the second phase approaching completion.
- Permission was refused 15th August 2017 under reference 07/16/1369/F for:

Area 1 - New stadium with up to 5,192 seats, 66 no. 1 bedroom apartments, 70 no. 2 bedroom apartments, 22 no. 3 bedroom houses and 28 no. 4 bedroom houses, highway access works, internal roads and supporting infrastructure.

Area 2 - Northern block - New facilities for Cheshunt Football Club in use classes D1, D2 and sui generis - matters relating to internal layout and appearance reserved.

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The four reasons for refusal were 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.

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.

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.

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. APPRAISAL

8.1 The main issues for consideration in this case are as follows:

- i. Principle of enabling residential development and construction of a new stadium and associated facilities;
- ii. Green Belt and Playing Fields;
- iii. Principle of retail and other proposed uses
- iv. Impact on amenity of neighbouring residential properties;
- v. Design, layout, and scale;
- vi. Highway safety and Parking;
- vii. Drainage and Flood Risk;
- viii. Heritage assets;
- ix. Trees, landscaping and Ecology;
- x. Other matters
- xi. Affordable Housing; and Planning Obligations

Principle of development at the football club site

8.2 Members will be aware that the Council is the long [999 years] leaseholder of this site and that Hertfordshire County Council is the freeholder. The existing club tenant has a 30 year lease from this Council with 22 years remaining. Prior to the draft allocation in the new Local Plan there was extensive discussion with the Football Club about future prospects for the stadium. The long term aspirations of the current football club owners, in partnership with this Council have been recognised by the Council through its provisional allocation for the redevelopment of the stadium and the enabling commercial and residential development within the draft Broxbourne Local Plan 2018-2033. The draft Policy CH7; *Cheshunt Football Club* sets a vision for a new community stadium enabled via residential and commercial development with circa 165 new dwellings. The Policy has been modified by the Council during the Local Plan hearings and now reads as follows:

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

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

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

This application is in full accordance with this Policy and the Local Plan's aspirations.

The Council has now published the Local Plan Inspector's post hearings advice which includes the following statements:

The proposal in policy DS1 to make provision for at least 7,718 homes in the period 2016-2033 is justified and consistent with national policy.

There are exceptional circumstances to justify removing land from the Green Belt in the locations proposed in the Plan.

- 8.3 This means that the Inspector has accepted the Council's proposal to remove the land that is subject to this planning application from the Green Belt and to meet its housing need in full. Considerable weight should therefore be afforded to the current position with the Local Plan. However, until the Plan is adopted, the application site remains within the Green Belt and it is on that basis that this application requires to be considered.

Green Belt

- 8.4 Members will be aware that under the policy framework of the adopted Local Plan and the NPPF, new buildings, save for specified exceptions, constitute inappropriate development. Paragraph 145 of the revised NPPF 2018 notes seven categories of operational development which are exceptions to the general prohibition including bullet 2 which supports "*appropriate facilities for outdoor sport, recreation, cemeteries and burial grounds and allotments, as long as the facilities preserve the openness of the Green Belt...*" Although the redeveloped stadium clearly provides new sporting facilities, it is also apparent that the overall development significantly reduces the openness in this part of the Green Belt. The consequence is that the proposal represents inappropriate development for which the applicant is required to demonstrate very special circumstances given that inappropriate development in the Green Belt is by definition harmful. Although the areas of the site which have been subject to mineral extraction constitute previously developed [brownfield] land, the current proposal could not fail to have a greater impact on openness than the existing uses.
- 8.5 The football club's aspirations remain to move higher in the FA pyramid and to provide a new community stadium with modern changing, physio, training and community facilities along with club, educational and function rooms at the northern end of the stadium. New offices and community space would also be provided for the Borough in the western block. The new stadium complex would be developed by means of the enabling residential accommodation and part of the income derived from the function rooms, offices and community space would help the Club improve its standard on the football field while it developed still further the youth and other associated activities which are integral components of a community-based sports facility.
- 8.6 The residential element is also a material consideration in dealing with this proposal and which would go some way to meet the housing land supply requirements identified in the draft Local Plan. However, Members will be aware that central Government advice [reflected in appeal decisions] is that a shortfall against a five years housing land supply is not a good reason on its own to justify residential development in the Green Belt.
- 8.7 The case advanced by the applicant is relatively straightforward and explicitly entails enabling development as a key part of its justification for undertaking inappropriate development in the Green Belt. It is considered that the principle of the scheme is broadly in accordance with the corporate and planning aims and objectives of the Council set out in the draft Local Plan. In particular, draft Policy

CH7: *Cheshunt Football Club* underpins the principle of allowing enabling development around and to the east of the current football stadium in order to provide funds to construct a new community asset.

The previous report to the Planning and Regulatory Committee stated that

“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”.

- 8.8 That application was refused as the Council found that the impact on the openness of the Green Belt from the scale and density of development was not outweighed by the very special circumstances in that case. The broader policy context for this enabling development is essentially unchanged except that the draft Policy has gained greater weight as it has been passing through its public consultation, wider scrutiny and Examination in Public [EiP]. The revised scheme which reduces the number of dwellings by 23, removes a floor from all parts of the stadium complex apart from the three-storey club rooms, which would be reduced in width, is considered to have a significantly lesser impact on local and wider views in this part of the Borough and significantly lesser impact on the openness of the Green Belt. The draft policy [CH7] which was presented to the EiP has a guide of 165 dwellings rather than the 120 dwellings which had been set out in the original consultation draft of the Local Plan. The current application with 163 proposed units would sit within that guidance. There would now be a more robust policy background against which to assess a substantially smaller scheme as now presented and this is considered to shift the balance firmly in favour of the principle of development.
- 8.9 **It is considered that the significantly reduced scale and density of development along with the additional weight which can be afforded to the amended, draft Policy CH7 mean that very special circumstances exist that would clearly outweigh the harm to the Green Belt and therefore justify permitting this inappropriate development in the Green Belt, in accordance with national planning policy.**
- 8.10 The impact on the wider Green Belt has been re-assessed and is examined below. Members will note that if the scheme does gain planning permission, it will be necessary for the County Council to lift the Green Belt Deed to allow construction of houses on the eastern part of the application site.
- 8.11 The impact on the local and wider Green Belt relates to views into the site from the A10, Theobalds Lane, the built up area which includes Montayne Road and Friends Avenue along with views south and west from the public foot/cyclepath which links Albury Ride and Theobalds Lane. The tallest elements of the scheme would be the residential towers on the corners at 16.75m [lowered by 2m from the previous scheme] while the town houses would rise to a height of 9.95m and the two storey end terraces would be just over 7m to their ridge. The most open views of the site would be from the north across the football training pitches which would provide clear views of the development. The main public views from the east would be from the public right of way but the visual impact would be mitigated by the c.2m level difference on this side. Houses in Albury Ride, Friends Avenue, Montayne Road and Theobalds Lane would all have views of the development and the outlook from these houses/gardens would be altered by the ends of the housing terraces along

with the stadium and flats at a greater separation distance [circa 90m at the nearest point to the flatted block at the south-eastern corner of the stadium]. From the south, views into the site [especially in summer/autumn] would be heavily screened by the mature tree screen which runs along Theobalds Lane adjacent to the brook. From the east, the setting is dominated by the footbridge over the A10 and there are some trees and hedgerows to act as partial cover.

- 8.12 Overall, despite the existing trees, especially to the south and proposals for additional boundary trees and landscaping, there will be a significant change to the vistas from most viewpoints around the site. Although there is an existing football stadium with 18m floodlight columns, spectator stands and single storey clubhouse and changing facilities and the site for the houses is chiefly landfill, there would undoubtedly be a very significant change to the openness of the Green Belt in this part of the Borough. Members will of course be aware that there is already significant activity on this site with associated impacts from traffic, floodlights and noise from the pitches/stadium.
- 8.13 The previous report considered that this significant change to the openness and character of the Green Belt was acceptable. In refusing the proposal the Council found that not to be the case despite the overall planning context including the Council supporting the principle of enabling development at the site in the consultation draft Local Plan. In terms of the revised, reduced scheme there would still be significant impacts on the openness of the Green Belt but the development is considered to be on a scale more suited to its location in the Green Belt and in relation to its residential neighbours and that the amended, more modest scheme is worthy of Council support.
- 8.14 **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 now clearly outweigh the harm which would be caused. The enabling development is considered to be essential to the 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 143-144 of the NPPF 2018 and to accord with draft Local Plan Policy CH7 which sets out the Council's vision for the application site.**

Principle of retail and other uses

- 8.15 The scheme includes within its proposed scope, a unit of commercial/community floorspace on the western side of the stadium. This accommodation would be used to generate income to help fund the future development of the football club and would also be likely to contribute to Council community funding. The application has been made in terms of a flexible range of uses including retail, restaurant, offices and assembly/leisure activities. Such uses are normally directed towards established town centres by adopted Policy RTC1 and by the NPPF 2018 which has re-affirmed the town centres policy set out in the 2012 national guidance. There is a requirement in local and national policy to apply a sequential test to proposals for town centre uses and it is also important to demonstrate that the scheme would not have a materially adverse impact on the nearby town centre in Waltham Cross. The proposal set over three floors has a floorspace of around 6400sqm [of which 4000sqm would be in the western block]. This would represent a net increase of over 5000sqm when set against the existing club facilities.

8.16 It is considered that the scheme could not readily pass the sequential test as it is highly likely that much of the range of uses could be accommodated within the existing town centre where there are retail and restaurant premises available. However, there are material considerations in this particular case which help support the proposal. First, the site is allocated in the draft Local Plan for enabling development [including offices]. The Council's stated planning objective for the site is to promote residential and commercial development to fund a community asset in the form of a stadium along with assistance in developing the football club and its community base in the long term. This is a unique situation within this Borough and the club cannot develop enabling facilities anywhere apart from on their leased land and it is logical in this context to include it within the envelope of the new stadium complex. The commercial impact on Waltham Cross town centre needs to be considered in this assessment but it is difficult to be specific in this regard when the range of potential uses is wide and intentionally kept flexible to meet the needs of potential tenants. It is most likely that uses in the western block would have synergies with the club uses on the site and could include yoga studios, medical practitioners and other similar operations. There is also the potential for small office occupiers and similar users which would provide floorspace in the south of the borough similar to that being provided within the Ambition Broxbourne Centre in Hoddesdon. In order to mitigate any potential harm to retailing in the local town centre, it is proposed that a maximum of 500sqm retail floorspace should be imposed by condition to prevent a significant concentration of out of town shopping on this site which would be contrary to local and national policies. At the present time, it is impossible to be precise in the potential limitation of other uses. It is therefore recommended that the precise mix be deferred to a reserved matters application by condition along with its internal disposition. It is considered that, with the above limitation on retail floorspace, the scheme is worthy of Members' support in terms of the range of uses and impact on the vitality and viability of Waltham Cross town centre.

Design, layout and appearance

Stadium and Flatted Blocks

8.17 The low rise and functional buildings which characterise the football club are of minimal architectural merit, but do have limited visual impact given the set back from the road, tree screening to the south and level difference at the eastern boundary. The 18m lighting columns are the most widely-visible element of the site, especially during the hours of darkness. The proposed stadium, surrounded on all four sides by development has been designed in detail for the purposes of this application on its southern, eastern and western flanks along with the four corners which would contain 60 units of the flatted development of 115 residential units. The design of the apartment blocks with flat roofs, extensive areas of glazing and a construction in facing brick with render accents is modern. The deep balconies and render features would set off traditional brick facades and the compositions would include deep articulation and a good balance of vertical and horizontal visual cues. There would be feature full height glazed stair/lift cores to the corner blocks which would add visual interest to the more prominent edges of the stadium. The flat roofed design would be angular in its profiles and overall appearance but with the well-balanced composition and substantial areas of glazing it is considered to have the potential to be a striking addition to the building stock in the borough.

Flats and Stadium

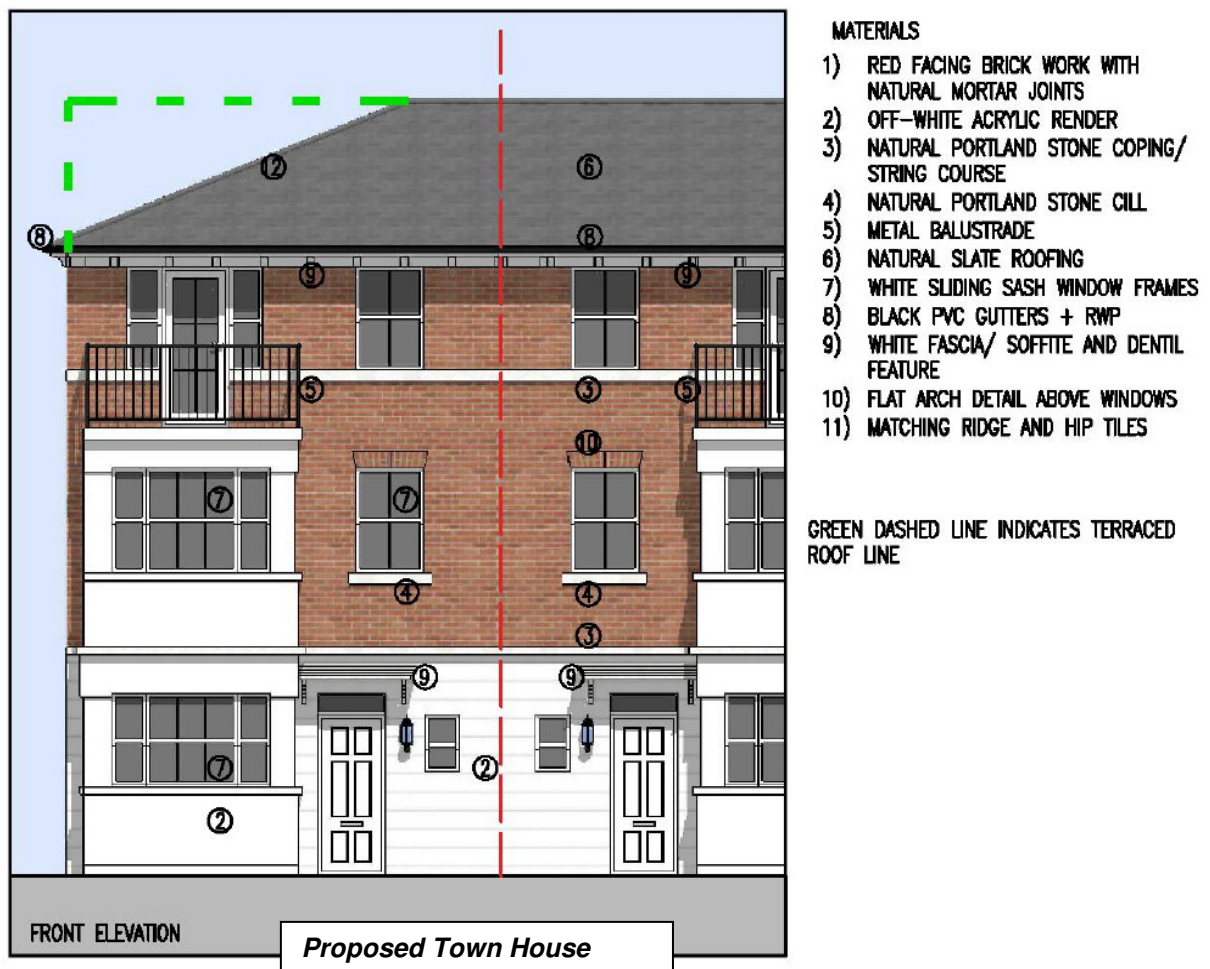


Eastern Facade

8.18 A similar modern design has been proposed for the western elevation shown on the birds-eye view above. This element would echo the materials of the detailed design around the eastern and southern flanks albeit with less articulation due to the difference in proposed uses. The external appearance of this flank would be acceptable, subject to the approval and use of high quality materials, the design of the block to the north of the stadium would be reserved by condition for future determination by the Council.

Houses

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





House Facades



Proposed Terraces

8.20 With regard to the living conditions on site for future occupants, the applicant has submitted detailed information in relation to the amenity likely to be encountered by occupiers of the dwellings. Whilst there is obviously a potential for noise and light intrusion on the flats which sit to the southern and eastern flanks of the stadium and to each corner, future residents would be clearly aware of the situation of their flat and of the pattern of activity which would be associated with close proximity to a sports stadium. There have been examples of successful development of similar form and function, such as at Leyton Orient FC and given that buyers would be well aware of the context the intermittent disturbance to flats adjoining the pitch is considered to be acceptable. The impact from light and activity would be far less in the housing element of the scheme but the future residents would again be fully aware of their dwelling's context.



Proposed Housing Layout

- 8.21 One side of the site would face the A10 across the car park and the intervening farmer's field. There would be impact from the A10 as the primary source of traffic noise but at the distance of more than 150m it is considered that standard double glazing would be sufficient to deal with road noise. The flats to the south side of the site would not be subject to excessive traffic noise from Theobalds Lane and overall the light and noise levels on site are considered to be acceptable.
- 8.22 Turning to air quality, as on the previous, larger scheme, the applicant has submitted modelling data which indicates that across the site there would be acceptable levels of air quality. The Council found that impact acceptable and given the reduced impact of the proposed development it is considered that this scheme is not objectionable in this regard. However, as there is a proposed air quality management area close to the site on the A10 corridor there should be additional monitoring of air quality and this could be achieved via a financial contribution of £2000 towards future monitoring of air quality levels in the local area. The issues around on-site air quality are considered in this context to be acceptable.

8.23 With regard to space standards and levels of amenity for future occupants, all the flats and houses would comply with the local Supplementary Planning Guidance and Nationally Described Space Standards in relation to overall unit, bedroom and bathroom sizes and the flats would be logically stacked in respect of uses/noise disturbance. The garden sizes and privacy distances between the town houses similarly meet Council SPG standards and there would be no material impact on daylight/sunlight from adjacent houses within the layout. Although it has not been possible to provide open communal amenity space at ground level for the apartments, there would be a communal roof garden for residents in the southern and eastern blocks and each individual flat would have a balcony. Furthermore, residents would generally benefit from open views out from the apartments and Cedars Park is situated across Theobalds Lane for residents wishing to access an outdoor space. The density of development in the housing element of the scheme is less than 30 dwellings per hectare.

8.24 **Overall it is considered that this scheme represents a high quality standard of layout and design that would contribute to the character and appearance of the local area. The living conditions on site would be acceptable for future residents. The proposal therefore complies with Local Plan Policies H8, H11, HD13, HD14 and HD16.**

Impact on amenity of neighbouring properties

8.25 Local Plan Policies H8 and HD16 aim to ensure that new development proposals do not materially harm the amenities of existing residents. The nearest residential properties that are likely to be immediately affected by the proposed development are to the east along Theobalds Lane, in Montayne Road, Friends Avenue and Albury Ride/Walk. In terms of uses, it would be the re-built stadium which could have the potential to generate noise disturbance which could be disruptive to neighbours rather than conventional houses/flats. As amended, the future capacity of the stadium would be 2000 persons which is no greater overall than the existing seated/standing capacity of the stadium. The new stadium would almost fully enclose the pitch and spectator areas which would naturally limit the amount of noise transmitted to the nearby houses.



8.26 The flats would be over 110 metres distant at their nearest point from the dwellings to the east so would have minimal impact on amenities enjoyed by existing residents. The proposed houses which would be nearest to the boundary to the east would all flank onto existing dwellings/gardens and the end terraces have now been revised to be two storey dwellings with a hipped roof. The drawing above has been supplied by the applicant to clarify the relationship between the development and existing houses on Montayne Road. The red lines on the inset plan indicate where the cross-sections are taken and these indicate that the distances from the end wall of the new houses to the main façade of the bungalows would be 31m and 51m/49m to the houses further south along Montayne Road. Although the land at the football club is already elevated and would be raised above a 0.9m capping layer the substantial separation distance between the proposed and existing houses along with a landscape screen is considered to give rise to an acceptable relationship on that boundary. There would be no windows facing east in the end walls of the new houses to cause loss of privacy and the balconies would be set in an additional 3m from the edge of the end houses minimising the potential for disturbance. Details of the landscape screening along the eastern boundary will be important in further mitigating the impact of development on the adjoining residents but overall it is considered that there would not be a materially adverse impact on amenity in the terms set out in the Borough-wide Supplementary Planning Guidance [Updated November 2013].

8.27 **Overall it is considered that the proposal has been adequately clarified in the context of the previous refusal and complies with Policies H8 and HD16 as it would maintain adequate amenity for the neighbouring properties and future occupiers of the proposed development.**



Vehicle Tracking Diagram

Highways/Parking

- 8.28 With regard to traffic generation as a result of the proposed development, there has been discussion between the applicant and HCC since the refusal of the previous application. The applicant has submitted an updated transport assessment with the planning application and this has been reviewed in technical detail by HCC Highways as local highway authority. The volume of traffic has been modelled in relation to the stadium being at a capacity of 5192 spectators, with occupation of the ancillary/associated uses and the 186 residential units in the revised scheme. In this respect the supporting information has not changed despite the amendments now proposed to reduce the scale of the development.

- 8.29 The application includes detailed proposals to upgrade the two existing vehicle accesses [one of which currently lies dormant], to improve/ widen the Theobalds Lane/A10 junction, to install dropped kerbs and tactile paving along Theobalds Lane and to install traffic calming features in the form of three speed cushions along the western part of Theobalds Lane between the existing entrance and Dudley Avenue. The existing chicane on Theobalds Lane caused by road subsidence on the bank of Theobalds Brook is not at present proposed to be altered but it is proposed that planning obligation monies from the development will be dedicated towards those works once the remaining operational requirements have been put in place.

- 8.30 The assessment of the revised proposal covers trip generation and distribution and traffic impact. In examining these relevant issues the report has included collision data on local roads, this Council’s strategic highway model, traffic surveys, access arrangements including junctions and swept paths for vehicles along with public transport access and walking/cycling modes of transport. Overall, the County Council as Local Highway Authority has concluded that it does not wish to restrict the grant of planning permission subject to a range of planning conditions to include junction visibility, stadium event management plan, construction traffic management, delivery of pedestrian, bus and traffic calming features/facilities and on-site parking management.

- 8.31 In terms of parking, the stadium currently has an unmarked-out parking area to the west of the site which the applicant estimates can hold 150 cars. The scheme has been amended so that there would be no increase in stadium capacity which means that any additional parking requirement would be generated by the new club facilities, commercial/community building and by the proposed dwellings.
- 8.32 As for the residential element of the scheme, the Council's Interim Policy for Residential Car Parking Standards recommends that 1.5 parking spaces are provided per one bedroom dwelling, 2 spaces per two bedroom dwelling, 2.5 spaces per three bedroom dwelling and 3 spaces per four (or more) bedroom house. The housing component has been set out with two off-street spaces per three bedroom house and three off-street spaces [including integral garages] for four bedroom units. In addition 26 off-street visitor/overflow spaces are also shown in the housing layout and this level of parking would meet the Council's SPG parking guidance. In terms of the Council's SPG, the apartments would generate a requirement for 204 spaces [53 one bed and 62 two bed units]. The scheme shows car parking under the corner blocks and adjacent surface parking for these dwellings which would provide 198 spaces dedicated to this element of the use. One secure cycle space would be provided for each flat. Overall, in terms of the residential parking, the houses would exceed the Council's SPG standards by providing 144 spaces against 131 in the guidance. The flats would be six spaces below the SPG standard [198 to 204]. The site is relatively well located in terms of local transport and other services and the Accessibility Corridor extends to Montayne Road immediately to the east of the club. There would clearly be opportunities for shared parking and in this context the residential parking provision is considered to be acceptable.
- 8.33 The scheme would provide 55 parking spaces for the club and its function rooms. The Council's SPG does not set a tariff for parking where assembly and leisure uses are concerned – each case to be on its own merits. There would be a variety of uses within the club rooms from changing/physio rooms to function rooms and ancillary office and administration. In practice, the club facilities/stadium and commercial uses in the western block would have parking which would operate interchangeably and would have linked uses and functions during the day and evening as the pattern of operations ebbed and flowed. The main car park to the west of the stadium complex would contain 259 parking spaces next to the community/office accommodation. The 4000sqm of floorspace is shown in the application to host a wide range of uses classes from shops through to offices and food/drink establishments. The parking guidelines for these uses understandably vary greatly and in the absence of detailed floor layouts and a clear mix of uses it is not possible to predict with absolute certainty the number of spaces required. For instance, restaurants should provide car parking in relation to the food service area and numbers of waiting staff. This information would only be available at reserved matters stage. As a guide, a car parking requirement based on offices and small retail units would be set at one space per 30sqm which would generate a need for 133 spaces. Other community uses would need one space per 9 or 10sqm which would have an SPG standard of around 400 spaces. An additional factor is the provision of 226 cycle parking spaces. The internal layout and mix of uses is not for determination in this application and the Council would retain control of the final uses to be set out in this floorspace in deciding the outcome of a future reserved matters application. This would seek to ensure that the agreed mix of uses could successfully operate with the number of parking spaces provided.

- 8.34 The applicant has submitted green travel plans for the residential and commercial elements of the overall scheme which would aim to encourage new residents to use alternative modes of transport for local journeys. As an overall package, the level of parking provision for the residential element is considered to be acceptable. The stadium, club rooms and commercial/community space which would make up the rest of the site would have for their use 314 marked and accessible parking spaces which the applicant has stated can be made available to The Cedars Park when there are special events. In the context of a stadium which would have an unchanged capacity the overall parking provision is considered to be acceptable.
- 8.35 It is certainly the case that this significant development would have an impact on local and strategic roads. The technical information submitted in support of the application has been validated by the County Council which is the statutory consultee on matters affecting the safe operation of the public highway., it is considered that the level of additional vehicle trips to and from the site via the two entrances, in conjunction with the junction improvement onto the A10 and traffic calming along Theobalds Lane would not have a materially adverse impact on the free flow of traffic on the public highway. The proposed vehicular accesses into the site are considered to be appropriate and adequate on-site parking & cycle storage would be provided. **The proposed development therefore complies with Local Plan Policies T3, T10 and T11, and the Council's Interim Policy for Residential Car Parking Standards.**

Flood risk, drainage and sewage disposal

- 8.36 The Environment Agency has not raised objection to the proposal subject to retention of an 8 metre buffer zone along the southern boundary of the site where it adjoins Theobalds Brook. The application site would also provide drainage capacity for the new football pitches to the north. The surface water drainage proposals include two, large underground retention tanks set to the west of the main car park, close to the boundary and near to the south-eastern corner of the site. The scheme has been amended to introduce additional permeable hard surfacing to maximise the natural surface drainage of the development site. The surface water drainage has also been designed to include run-off from the existing grass and synthetic football pitches to the north of the application site. The County Council as lead local flood authority has been re-consulted on this drainage strategy and raises no objection subject to conditions which ensure the scheme is constructed as envisaged and the final details are submitted for approval by the Council. Thames Water has not objected subject to a pre-development condition to deal with the disposal of foul water from the site and this is accordingly proposed at the end of the report.

Landscaping/Ecology

- 8.37 The application proposes structural landscaping along the eastern, western and part northern boundaries which would complement the existing mature tree screening which characterises the southern boundary along Theobalds Lane. There would be significant numbers of trees planted in or next to house front gardens, there would also be planting along the internal access road which runs along the southern parking area and trees would punctuate the main car parking area to the west of the stadium complex. Planting is also indicated in rear gardens and next to the parking areas to the east of the stadium. In any scheme, there are natural limits to the degree of tree and shrub planting which can be accommodated within the layout but the proposal would appear to offer a significant amount of landscaping in and around the new buildings and the parking/access areas. The trees which are protected under the existing TPO would not be adversely affected by the proposal. Subject to a condition requiring submission of technical details the landscaping scheme is considered to be acceptable.
- 8.38 The site is considerably degraded in respect of its ecology due to the historic uses and the gravel extraction/landfill which took place. The scheme includes proposals for ecological enhancement and these measures, proposed to be secured by planning condition, have been accepted by Herts and Middx Wildlife Trust.

Heritage

- 8.39 As this is a site which itself does not have any visible heritage assets and as the majority of the site has been subject to gravel extraction there is minimal potential for archaeological remains even though there is an historic site close by to the south and the land immediately to the north is an Area of Archaeological Interest. The construction of this significant development would have an impact on the setting of the listed boundary wall, the listed buildings within the site and the scheduled ancient monument which forms the former site of Theobalds Palace. The nearest element of the alterations associated with the proposal would be the traffic calming measures along Theobalds Lane consisting of speed cushions and ancillary signage. This would not be unusual in the context of works to a public highway in the vicinity of a listed building and is not considered to be likely to harm the significance of the listed wall. The development itself would be visually separated from the historic site to the south by the substantial screen of mature trees around Theobalds Brook which will in practice result in the two sites being seen as separate visual entities which will tend to mitigate any potential impact on the setting and significance of the heritage assets in and bounding The Cedars Park. The national body [Historic England] with responsibility for the historic environment has explicitly offered no comment on the scheme and in this context it is not considered that there will be a materially adverse impact on the setting and consequently the significance of the nearby heritage assets.

Other matters

- 8.40 The new houses will be built on an historic landfill site that will be capped by c. 0.9 metres of subsoil on top of which will be a layer of topsoil for gardens and amenity areas. The site has been assessed by the applicant's consultant by means of intrusive ground testing of the historic landfill which sits close to the surface under the existing sports pitches. Although the fill was understood to be generally inert,

the land has been subject to historic landfill and several exceedances against metals and other contaminants have been noted by the submitted report. The Council's Environmental Health section recommends that further site investigations be carried out to ensure that it is safe for human habitation and remediation be undertaken as necessary to render it fit for human habitation. Conditions are therefore recommended requiring ground investigation work to be carried out and any recommended mitigation measures to be completed where contamination is encountered.

- 8.41 Sport England is a statutory consultee in relation to the proposed loss of playing field land in the form of the sports pitches at the eastern side of the site on which the houses would be constructed. Sport England has looked at the current development in the context of the improvements to the stadium pitch where the new artificial surface will allow for considerably more intensive sporting activity and the new 3G pitch along with the improved surfacing and drainage works, the second phase of which are currently under construction. Sport England has five exceptions which can allow it to agree to loss of playing pitches and which are set out in its own terms of reference. The current application is considered to be covered by exception number four whereby there are associated improvements to the overall sporting offer which will off-set the physical loss of ground available for sports pitches. In its capacity as a statutory consultee Sport England has no objection to the proposal. This consultation response is subject to conditions and suggestions in relation to framing a planning obligation to ensure the correct and timely delivery of the stadium improvements and pitch upgrade.

Planning Obligations and Delivery of Enabling Development

- 8.42 For the development of 163 new homes, the Council would normally seek the following planning obligations:
- 40% affordable homes of which two thirds would nominally be at social/affordable rents and one third would be shared ownership. Were a commuted sum to be sought in respect of the affordable homes, this would equate to a cash sum in the region of £6.5 million [65 affordable units at £100,000 per unit as public subsidy].
 - Contributions to the Hertfordshire County Council toolkit are estimated at approximately £750,000 [not including highways matters].
 - A community contribution of approximately £1,000,000.
 - A shared cost for strategic transport infrastructure (road, bus, rail, walking and cycling).

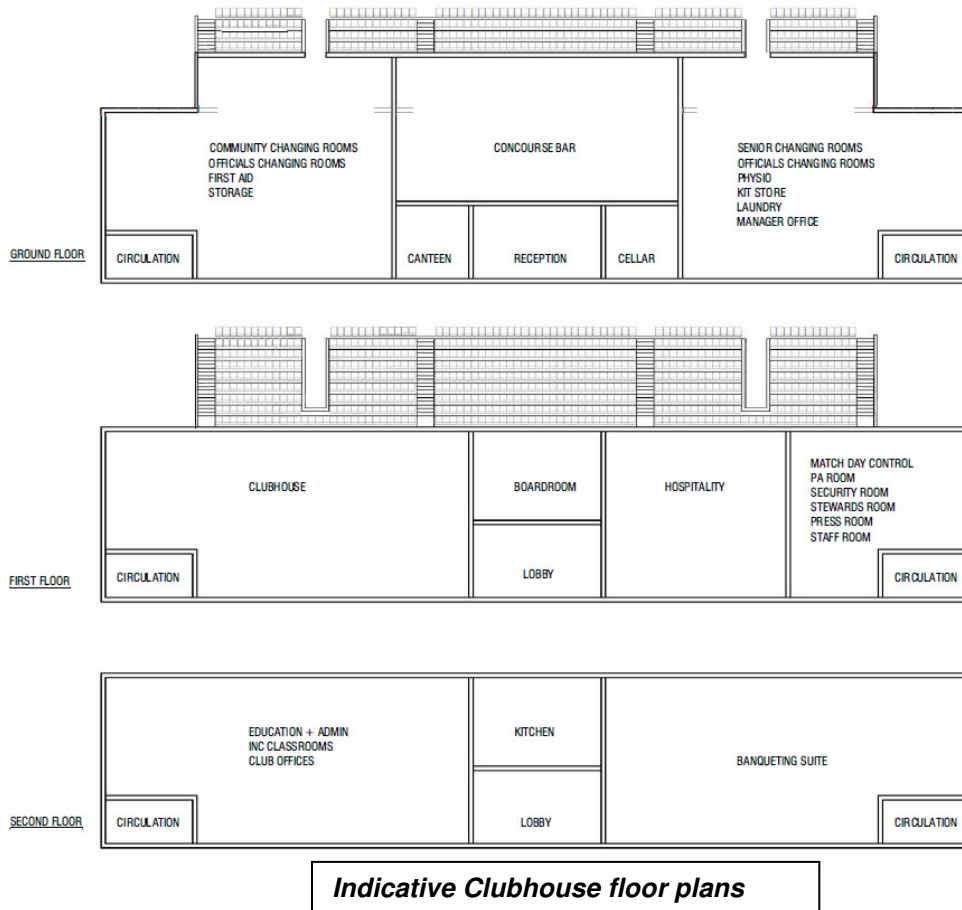
- 8.43 All of the above would be subject to viability assessment and a viability assessment has been undertaken in respect of this development. That assessment was previously independently assessed by Derrick Wade Waters chartered surveyors on behalf of the Council who found that the development could not afford more than £250,000 for highways improvement and traffic calming measures on Theobalds Lane/the A10. That sum has been included within an up-dated viability assessment and will be provided through a section 278 agreement with Hertfordshire County Council. Final reporting is still awaited from Derrick Wade Waters on the up-dated assessment and their conclusion will be verbally reported to the Committee. However, subject to that, the Applicant's assessment still concludes that the development as a whole cannot finance planning obligations over and above the following facilities which are to be enabled by the development:

Football Stadium

- 8.44 The foundations, superstructure and roofing of the stadium would be built in its entirety to provide a total capacity of 2,000, along with the new 3G pitch and clubhouse, at a total estimated cost of £4 million. This would provide a covered enclosure all around the stadium. As currently proposed seating would be provided on a phased basis with an initial commitment to 1,000 seats. The precast concrete terracing, further seating, concourse concessions and toilets would be installed on a progressive basis as and when required on the basis of demand and the ground grading requirements of the football association. It is evidently possible that such a demand/need could take a long time to be realised. However, there would be an extensive superstructure in place that would provide a roof covered terrace for safe standing. The stadium could therefore host larger events within its 2,000 attendance limit. It would also provide a stadium environment for football matches, as opposed to a piecemeal and somewhat unfinished appearance with a single stand and the remainder of the stadium backed by the large blank walls of the building blocks of the development. It is considered that this is the most cost effective and practicable route forward and that the prospect of a strong and sustainable football club within the borough justifies the proposal.

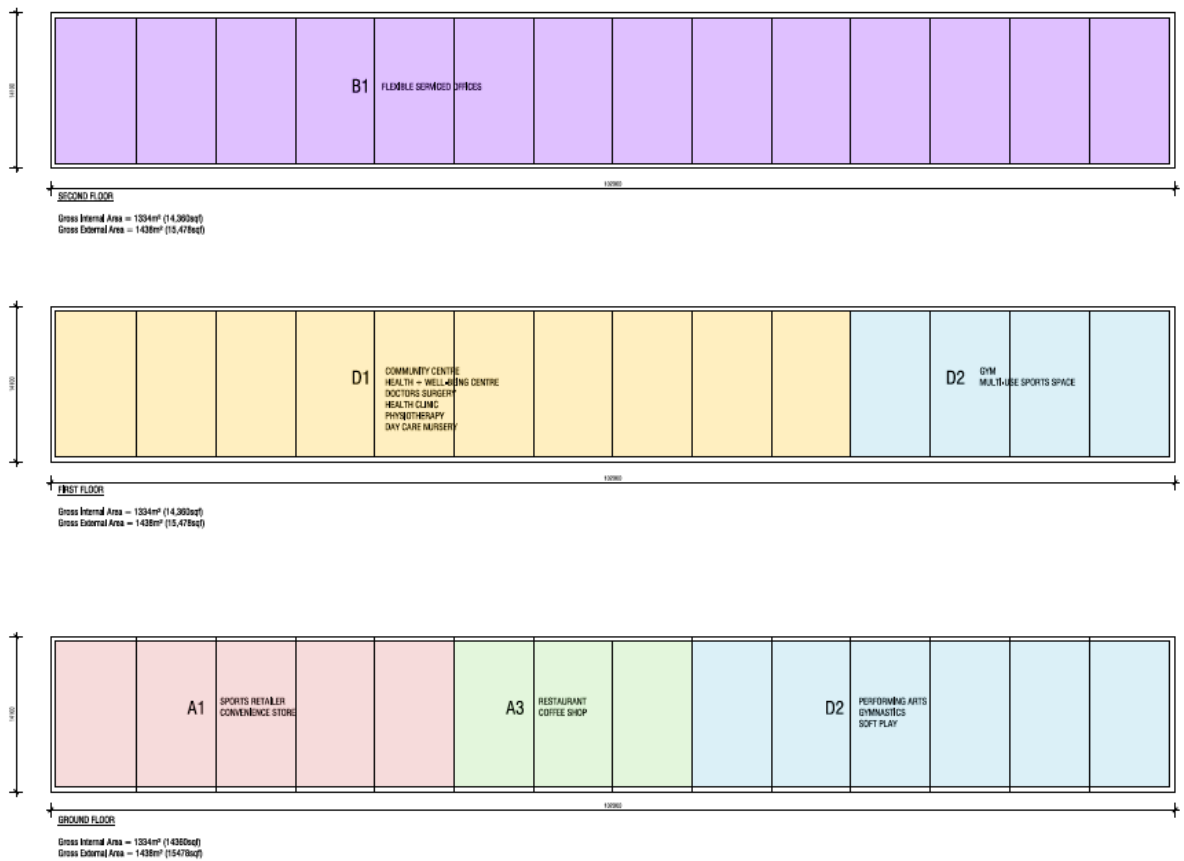
Cheshunt Football Club Facilities

- 8.45 The drawing below shows the facilities that are proposed to be created on the three floors of the "club house" which would be built at the north end of the stadium. The cost of this building is estimated as £4 million. This block would comprise of the club house, changing rooms, administration offices, classrooms, hospitality, concourse and function suites. From those facilities, the Club would run all of its football and community programmes. The block would be owned and operated by the Football Club with all returns channelled back into the Club.



The Community/Commercial Block

- 8.46 This would be developed as a joint venture between Cheshunt Football Club and Broxbourne Council and would provide rental space for the community and commercial activities that take place within it. The block would be managed by the Club but both parties would derive a return through a rental sharing agreement that is being negotiated by the Council's Head of Property Services.



Other Planning Obligations

- 8.47 The Council's Environmental Health Service has requested that a contribution of £2000 be sought for monitoring of the air quality along the A10 corridor including the College Road junction. As this site does not fall within the proposed air quality management area it is not considered to be an immediate Council priority.
- 8.48 It is proposed that a comprehensive site management plan should be enshrined within the planning obligation, underpinned by a clear layout plan identifying site management responsibilities.
- 8.49 The development of the stadium, the football club facilities and the community/commercial block are not inherently viable in their own right. These would not therefore take place in the absence of a substantial housing development to pay for those facilities. The enabling development of the wider complex has therefore been accepted by the Council through the allocation of this site within the draft Local Plan. The conclusion drawn from the viability assessment is that should this development proceed, affordable housing and other obligations cannot be afforded. If the application is to be approved and those obligations foregone, members should be satisfied that the overall benefits to the community would justify approval. Officers are satisfied that the securing of the long term future of a profitable and successful football club and its associated community programmes represents a major community asset to provide that justification. The new stadium, club house and community/commercial block will provide for wider community activities and an overall centre of sporting excellence that would mirror the successful Rosedale Sports Club development. They will also provide for a

substantial increase in financial returns to the Councils that will provide significant returns to the community. Those returns are currently being negotiated with the Head of Property Services and it is intended to circulate a briefing note to the members to set out in broad terms how that financial agreement will be framed in the context of the overall viability appraisal. It is intended that this will provide members with further comfort that the community is securing equitable benefits from the wider development.

9. CONCLUSION

- 9.1 This application is a major scheme which responds to the allocation set out in Policy CH7 of the draft Local Plan 2018-2033. It represents an opportunity for the Borough to achieve a modern community stadium with a capacity of 2000 spectators. The site lies within the Green Belt which this report has noted and examines in depth before concluding that the principle of the development is supportable. In the context of local and national policies the impact on Waltham Cross town centre is considered to be acceptable subject to condition.
- 9.2 The concept of combining a stadium and residential uses is relatively recent but has been used in the development of several other football league stadia and there is no reason to believe that it is not workable on this site where the spectator numbers are relatively low. Future residents would be fully aware of the location of their flat in considering whether to purchase.
- 9.3 As with the previous scheme, the impact of the development on the amenity of local residents is found to be acceptable as is the amenity for future occupiers when judged against the Council's SPG standards and those set out nationally by DCLG.
- 9.4 The design of the stadium and associated apartments would be modern with flat roofs, a style of construction which is considered to be entirely appropriate in the context of the character of the development and the juxtaposition of dwellings and a football stadium. The revised design of the proposed houses is more traditional with pitched slate roofs and would be more in sympathy with dwellings in the surrounding areas.
- 9.5 The likely impact on the local and strategic road system has been examined in great detail by the County Council as Local Highway Authority [LHA]. 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 in the context of a reduced capacity set at 2000 spectators. The scheme would include traffic calming and signage along the western part of Theobalds Lane and junction improvements where it meets the A10 to assist turning for longer vehicles such as coaches and HGVs. The car parking proposed on site has been assessed and found to be acceptable when set against the overall development and in the context of submitted Green Travel Plans to encourage non-car borne journeys. HCC as LHA does not object to the revised scheme.

- 9.6 The situation in relation to affordable housing and community contributions is clearly set out in paragraph 8.43 above and the Council, in order to achieve this new community asset, would forego substantial benefits. The application itself and the report set out the choice to be made in determining the application and this report recommends that the Members support the proposal. In the implementation of the scheme the detail of the planning obligation and its ability to control and assure correct delivery of the stadium and associated benefits is crucial and officers would ensure that it is fit for purpose.
- 9.7 The scheme has been re-submitted with amendments which seek to address the four reasons for refusal set out in paragraph 7.1 relating to the impact on the openness of the Green Belt due to the scale and density proposed, the design of the housing element, the implications for highway safety from use of the expanded stadium complex and lack of information in respect of the impact on dwellings to the east of the application site. The report concludes that the significantly reduced scale of development in association with improved design for the residential element and detailed clarification of the proposed relationship between houses on Montayne Road and the new houses result in a scheme which is worthy of support by the Council.
- 9.8 As the scheme is a major application in the Green Belt the proposal is required to be submitted for consideration by the Secretary of State. Members are therefore recommended to permit the application subject to it not being called in by central Government.
- 10. RECOMMENDED that planning permission be granted subject to, submission to and clearance by the Secretary of State, the applicant completing a planning obligation under s.106 of the Town and Country Planning Act 1990 (as amended) for the terms set out in this report and the conditions set out below.**

Conditions

- 1) **GEN01A Standard Time Limit – 3 years**
- 2) **Submission of reserved matters, external appearance, internal layout and disposition of uses**
- 3) **GEN07 Development in Accordance With Numbered Plans**
- 4) **Development phasing**
- 5) **GEN13 Approval of Materials**
- 6) **GEN14 Approval of Surfacing Materials**
- 7) **GEN15 Fencing**
- 8) **Landscaping scheme**
- 8) **LS02 Landscaping Details including tree planting and tree protection**
- 9) **LS03 Replacement Planting**
- 10) **RES17 Parking spaces prior to occupation**
- 11) **Commercial parking spaces prior to occupation**
- 11) **VEH01 Visibility Splays to both junctions on Theobalds Lane**
- 12) **VEH18 Foul water drainage**
- 13) **Development in full compliance with the submitted flood risk assessment**
- 14) **Submission and approval of the detailed SuDS system proposed to be installed, including all the surface water disposal, storage tanks**

- 15) **Roads, accesses and parking areas to be constructed in accordance with the approved plans**
- 16) **Construction Environment Management Plan including on-site parking for contractors' vehicles and wheel washing for construction vehicles to be submitted and approved prior to commencement of works**
- 17) **Submission of full details of site investigation [including asbestos], site remediation and final validation**
- 18) **Hours of construction work (8-6) Mon-Fri, 8-1 Sat and no Sundays or Bank Holidays**
- 19) **Submission of details of all external lighting**
- 20) **No development of the artificial grass pitch shall commence until details of the design and layout, including details of surfacing, line marking and fencing have been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The pitch shall be implemented, constructed and maintained in accordance with the approved details for the duration of its operational use.**
- 21) **Stadium Artificial Grass Pitch Certification**
- 22) **Residential Development Ball Strike Prevention**
- 23) **Site waste management Plan to be submitted and approved prior to commencement of works**
- 24) **Maximum gross retail floorspace of 500sqm**
- 25) **Details of ecological site enhancement**
- 26) **Piling**

Briefing Note in Respect of Planning Application 07/18/0514 – Cheshunt Football Club

Summary of the Financial Appraisal of the Development and the Impact on Planning Obligations

Head of Planning and Development

Land Ownership

The freehold of the land subject to the proposed development is owned by Hertfordshire County Council

This land is held under a 999 year lease to Broxbourne Borough Council

The sub-lease to Cheshunt Sports and Leisure Ltd (Cheshunt FC) is for a period of 30 years to 2041

For this development to be delivered, payments require to be made to both Broxbourne and Hertfordshire to extend the lease/purchase the freehold interests in the land.

The Viability of the Development

The Gross Development Value (GDV) of the development is £64,367,700. Most of this value relates to the housing (£57,585,000) but the figure also includes the enhanced capital value of the football club (£600,000) and capitalised valuations for the residential ground rents and the lettings for the commercial block (£6,182,700).

Total costs are £60,447,841 – This includes costs of construction, professional fees, marketing and letting costs, disposal fees and finance costs. It also includes costs of acquisition at £1.4 million (see below).

The costs of the facilities that would be subject to planning obligations are:

Cheshunt FC Clubhouse £3,856,499

Revenues from the operation of this building will be channelled into Cheshunt FC and provisions within the section 106 will guarantee this.

Stadium and pitch £3,965,405

Any additional revenues from the stadium (which would require higher attendances/increased ticket prices) will be channelled into Cheshunt FC and provisions within the section 106 will guarantee this.

Community/commercial building £7,483,074

Revenues from this block would prospectively be shared between Cheshunt FC and the councils (see below).

The developer's profit is the difference between the two headline figures of £64,367,700 and £60,447,841, being £3,919,859. This represents c. 6.5% of the cost. The normal developers profit on cost within an appraisal would lie between 15% and 20%.

Returns to the Councils and the Impact on Planning Obligations

The developer has offered £3,081,651 to the Councils to purchase a long term lease of the land for the Club and the apartments as well as the freehold of the housing land. This could either be taken as a capital payment and/or an income share on the proposed commercial block. This figure requires to be substituted for the £1.4 million acquisition cost above which further reduces the developer's profit to c. £2.2 million which represents c. 3.6% profit on cost. That level of commercial return would not normally be sufficient to generate the £60 million + investment required to deliver this development. The developer/investor would therefore need the confidence that costs would be lower than the standard viability appraisal would generate and/or that income would be higher. These factors can be traced through an open book approach to the development whereby the councils could "follow the money" for both the costs expended and the values generated. The Football Club is open to this on the basis that there would be a sharing of any additional returns from the development once a more standard profit of 15% on cost is attained. For the Council as planning authority in determining this planning application, that proposition represents a reasonable threshold above which any additional planning obligations should be sought. In the event that the profit exceeds this figure, the section 106 would build in provisions for a share of additional profits to cascade into planning obligations – being affordable housing and local infrastructure.

14th December 2018

FORMER INEX NURSERY, 612 GOFFS LANE ADDENDUM

Item 4: 07/19/0160/O

Location: Former Inex Nursery, 612 Goffs Lane, Goffs Oak, Hertfordshire

Description: Outline planning for assisted living residential village comprising of 105 apartments (C3) and 78 bed care home (C2) across 3 blocks of 2.5/3 storey builds including landscaping, amenity space with incorporated seating, car parking, cycle store, mobility buggy store, electric car charging points and allotments and including ground floor level mixed use retail, restaurant/café (A1/A3)

Applicants: Mrs Julia Davey, Larchglade Limited

Number of Homes

- 1.1 This planning application was resolved to be approved by the Planning and Development Committee in July 2019. The original committee report recommended that planning permission should be refused but a late submitted addendum report reversed that recommendation on the receipt of satisfactory late information. Both reports are appended to this further addendum report. At the time, the Applicant was seeking a higher number of extra care apartments but officers were only ultimately persuaded that the 105 apartments could be accommodated without more considered detail.
- 1.2 Since the foregoing resolution, planning permission has never been issued as that was incumbent on a Section 106 Agreement on which only limited progress has been made. During the intervening period, the architects have refined the designs and these indicate that a full third floor of apartments could prospectively be achieved within the outline designs viewed by the committee. This in turn has increased the number of extra care apartments from 105 to 117. Plans, elevations and sections of the extra care apartment blocks are correspondingly shown below.