

**Proof of Evidence of GERARD CHRISTOPHER WADE FRICS**

**Appeal ref: APP/W1905/W/21/3271027**

**Local Authority Planning Application ref: 07/18/0514/F**

**Cheshunt Football Club, Theobald's Lane, Cheshunt, EN8 9LY**

**Submitted on the 29<sup>th</sup> June 2021.**

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## **1. Introduction**

- 1.1 The Appeal is against Broxbourne Council's refusal of planning permission under Application number 07/18/0514/F. The Application site is Cheshunt Football Club, Theobalds Lane, Cheshunt, Hertfordshire, EN8 9LY.
- 1.2. The Planning application was refused on four grounds, but my evidence will focus on the first ground for refusal as set out below.

*"In the absence of any inclusion of affordable housing and contributions to community facilities that will mitigate the impacts of development, the development fails to deliver a balanced package of planning obligations contrary to Policies PO1 and H2 of the Broxbourne Local Plan 2018-2033".*

- 1.3 I will also refer to the underlying issue of the appropriate balance of community benefit linked to the proportionality of these proposals when compared with comparable clubs and facilities.

## **2. Witness details**

- 2.1 My name is Gerard Christopher Wade and I am a Chartered Surveyor specialising in Planning and Development. I am a Director of Derrick Wade Waters Chartered Surveyors and also a Director of DWW Design an RIBA Chartered Practice. I have over 40 years' experience at Partner/Director level within a multidiscipline environment covering all aspects of development consultancy.
- 2.2 I have acted for a large number of public and private sector clients advising upon residential, commercial and leisure projects and have advised both developers and local authorities in the preparation and review of financial viability assessments relating to Section 106 obligations including affordable housing.
- 2.3 As an example, I was involved in the planning and delivery of the major Harlow Sports Centre redevelopment. This involved the relocation of the original Wet and Dry Sport Complex to a new site adjacent to Harlow College together with a new ground for Harlow Town Football Club. The project was financed primarily from the sale of the existing sites for residential development.
- 2.4 I have been assisted in preparing my evidence by Mr Bryan Engwell FRICS, Chartered Quantity Surveyor former Director of Derrick Wade Waters and by Mr Mark Cotton RIBA ARB Chartered Architect and Associate Director of DWW Design.

## **3. Scope of Evidence**

- 3.1 My evidence is given on behalf of the Council of the Borough of Broxbourne (BBC) and is focused on one of the main issues of the case as referred to in the introduction that is *"whether suitable planning obligations would be secured to mitigate the impacts of the development, with particular regard to affordable housing and community facilities (having regard to financial viability)"*. I have considered the balance of the proposals for mitigation against the current and future reasonable needs of Cheshunt Football Club when looked at in the context of the Football League system.
- 3.2 The evidence that I have prepared and provide for this appeal is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

3.3 In particular, I have had regard to the RICS Guidance note *Assessing viability in planning under the National Planning Policy Framework 2019 for England, 1<sup>st</sup> Edition, March 2021*.

#### **4. Viability**

4.1 I received instructions from Borough of Broxbourne in October 2018 to carry out a review of the Financial Viability Assessment (FVA) produced by Savills on behalf of LW Developments.

4.2 On the 12<sup>th</sup> October 2018 I received a full version of the Financial Viability Assessment (FVA) prepared by Savills, together with basic indicative layouts for the commercial and clubhouse elements of the scheme. The FVA described as the Toolkit Viability Assessment was prepared by Paul Maidment, Associate Director for and on behalf of Savills UK Limited dated August 2018. This included a Viability Cost Plan (VCP) prepared by Madlins Construction and Property Consultants prepared on behalf of LW Developments and dated 11<sup>th</sup> January 2018. This was the document I was asked to review along with my QS Director, Mr Bryan Engwell.

4.3 My instructions were to provide a general commentary on the evidence provided and to provide an evaluation of the overall proposal based on the application submitted.

4.4 At the time it was noted that our work in reviewing the cost information within the submitted FVA would be limited to assessing compliance with industry standard published cost comparisons and indices (BCIS) information informed by our own experience. I was assisted in this by Bryan Engwell FRICS Chartered Quantity Surveyor.

4.5 The VCP refers to a football club having a 5,000 seat/standing stadium along with a new pitch, clubhouse and associated facilities. In the body of the VCP, figures relate to a stadium having 2,610 seats with 2,390 standing. I am advised that the current proposed stadium capacity is to be 2,000 seated/standing of which approximately 1,000 are seated. This I understand to be a result of the restriction on Highway grounds. On the basis of the information provided up to the date of determination, the cost plan had not been amended to reflect this substantial change in capacity.

4.6 The current drawings show a seated covered terrace attached to and forming part of the proposed clubhouse building and having a capacity of circa 700 seats. This part of the application is in outline only. Also shown is a smaller seated stand to be constructed to the west side of the pitch directly attached to the proposed commercial block with a seating capacity of circa 600. This part of the application is also in outline only and is dependent upon delivery of the commercial block building. It is proposed further that a projecting canopy will be attached to the southern and eastern residential blocks to provide cover for standing spectators.

4.7 The relevant issue here is that the stadium proposals are unclear as to both the relevant number of seats, the total capacity and the costs associated with them. There has been no adjustment to the cost figures from the VCP (which as I have stated was based on a 2,610 seater/5,000 capacity stadium) other than a reference in the Appellant's Statement of Case that the BCIS all in cost index as between 1<sup>st</sup> quarter 2018 and 1<sup>st</sup> quarter 2021, showing a 0.31% increase. Madlins added a comment that they themselves were seeing increases in the order of 2.4%. This deals only with a possible inflationary adjustment with no reference to cost adjustment based on reduced capacity.

- 4.8 I understand that the Appellant has now accepted that these costs were substantially overstated and I await details of the correct costs based upon the current scheme. Any savings should in my view be applied towards affordable housing costs.
- 4.9 I have today been provided by the Appellant with a table of results from 4 revised Argus Appraisals. I have not had time to consider the implications of the updated figures provided which show substantial differences from those included within the initial appraisal. In particular, I need full details of the changes to build costs and the changes in gross development values. None of the figures provided are as yet agreed.
- 4.10 In their statement of case the Appellants make reference to a statement by Paul Maidment of Savills regarding financial viability which confirms that the previous viability assessment remains robust and that the viability of the proposed development has if anything worsened since it was undertaken. The table referred to in 4.10 above, indicates the opposite to be true and I look forward to receiving full details in due course.

## 5. Proportionality

- 5.1 As part of my brief, I was asked to consider the proportionality of these proposals in as much as they relate to the current league position of Cheshunt Football Club and its reasonable aspirations to advance within the Football League structure. To perform this exercise, I have considered the current league structure for English Football Clubs, a summary of which is reproduced in tabular form below.

Level	League(s)/division(s)							
1	Premier League							
2	EFL Championship							
3	EFL League One							
4	EFL League Two							
5 (Step 1)	National League							
6 (Step 2)	National League North				National League South			
7 (Step 3)	Northern Premier League Premier Division		Southern League Central Division		Southern League South Division		Isthmian League Premier Division	
8 (Step 4)	Northern Premier League Div. 1 East	Northern Premier League Div. 1 Midlands	Northern Premier League Div. 1 West	Southern League Div. 1 Central	Southern League Div. 1 South	Isthmian League Div. 1 South Central	Isthmian League Div. 1 North	Isthmian League Div. 1 South East
9 (Step 5)	Combined Counties League Premier Division North Combined Counties League Premier Division South Eastern Counties League Premier Division Essex Senior League Hellenic League Premier Division Midland League Premier Division North West Counties League Premier Division Northern Counties East League				Northern League Division One Southern Combination League Premier Division Southern Counties East League Premier Division Spartan South Midlands League Premier Division United Counties League Premier Division North United Counties League Premier Division South Wessex League Premier Division Western League Premier Division			
10 (Step 6)	Combined Counties League Division One Eastern Counties League Division One North Eastern Counties League Division One South Hellenic League Division One Midland League Division One North West Counties League Division One North North West Counties League Division One South Northern Counties East League Division One				Northern League Division Two South West Peninsula League Premier Division East South West Peninsula League Premier Division West Southern Combination League Division One Southern Counties East League Division One Spartan South Midlands League Division One United Counties League Division One Wessex League Division One Western League Division One			

- 5.2 This is sometimes known as the pyramid system and is divided into 10 levels divided further into 6 steps below the English Football League which constitutes the first four levels including the Premier League, The Championship, League One and League Two.
- 5.3 It should be noted that Cheshunt Football Club currently plays within the Isthmian League Premier Division, which is Level 7 (step 3) of the League system and other clubs playing within this League are listed below.

## Current Isthmian League members

### Premier Division

• Bishop's Stortford	4,525 (525 seated)	Club Owned Ground
• Bognor Regis Town	4,500 (350 seated)	Club Owned Ground
• Bowers & Pitsea	2,661 (300 seated)	Club Owned Ground
• Brightlingsea Regent	107 seated +150 covered terrace	Club Owned Ground
• Carshalton Athletic	5,000 (240 seated)	Ground Leased from Local Authority
• Cheshunt	3,500 (424 seated)	Ground Leased from Local Authority
• Corinthian-Casuals	2,000 (161 seated)	Club Owned Ground
• Cray Wanderers	5,000 (1,300 seated)	Club Owned Ground
• East Thurrock United	3,500 (160 seated)	Club Owned Ground
• Enfield Town	2,500	Ground Leased from Local Authority
• Folkestone Invicta	4,000 (336 seated)	Ground Leased from Local Authority
• Haringey Borough	2,500 (280 seated)	Club Owned Ground
• Hornchurch	3,500 (800 seated)	Ground Leased from Local Authority
• Horsham	1,300?	Club Owned Ground
• Kingstonian	<del>2,000 (251 seated)</del>	Groundshare with Corinthian-Casuals
• Leatherhead	3,400	Ground Leased
• Lewes	3,000	Ground Leased
• Margate	2,100 (400 seated)	Ground Leased from Local Authority
• Merstham	2,500 (174 seated)	Unknown
• Potters Bar Town	2,500 (250 seated)	Unknown
• Wingate & Finchley	1,500 (500 seated)	Unknown
• Worthing	4,000	Unknown

Average seats (From available data): 394

Average capacity (From available data): 2,897

- 5.4 I have carried out an exercise to look at the average ground capacity for all of the clubs within this League which currently stands at 2,897 with an average seated capacity of 394. This number compares with the requested seating capacity for Cheshunt of circa 1,000 seats.
- 5.5 Having regard to the reasonable aspirations of Cheshunt Football Club to advance within the League system, I have looked in detail at the average ground and seated capacity of clubs in the 2 steps above their current position along with clubs 1 step down.

League	Average Capacity (From available data)	Average Seats* (From available data)
<b>National League</b>	7,954	2,375
<b>National League South</b>	3,572	860
<b>Isthmian League</b>	2,897	394
<b>Southern League Div. 1 Central</b>	3,120	245

\*Not including all-seater stadiums

- 5.6 From the above data, more details of which can be found in Appendix 1, I believe the current reduced proposals for 1,000 seats would be more than sufficient to allow CFC to be above the average seating capacity in the league above their current level. I.e. National League South.
- 5.7 The current roof plan drawing (outline only) appears to show provision for a full length canopy attached to the proposed commercial block despite the ground plan showing a much smaller seated stand. If this is designed to allow a significant increase in seating capacity even beyond the 1,330 seats already shown on the drawings it is in my view unnecessary and disproportionate to include it at this stage
- 5.8 It is unclear as to whether or not the Developer is seeking a profit on the costs of providing the football club facilities. As the residential scheme is stated to be an

enabling development it is inappropriate to seek a normal development profit on the provision of these facilities

- 5.9 The actual ground grading requirements are set out in the table below indicating that the minimum requirement for covered seated capacity remains at 500 up to national league level (2 steps above).

Category	Minimum Capacity	Spectator facilities
Football League	5,000	<ul style="list-style-type: none"> <li>• 1,000 covered seated accommodation Year 1</li> <li>• 2,000 covered seated accommodation Year 2+</li> </ul>
<b>A</b> (Appropriate to NLS Step 1 - National League)	<b>4,000</b> (with potential to increase to 5,000)	<ul style="list-style-type: none"> <li>• Min 500 covered seated accommodation</li> <li>• At least 250 of which in one stand</li> </ul>
<b>B</b> (Appropriate to NLS Step 2 – National League North and South)	<b>3,000</b> (with potential to increase to 4,000)	<ul style="list-style-type: none"> <li>• Min 500 covered seated accommodation</li> <li>• At least 250 of which in one stand</li> </ul>
<b>C</b> (Appropriate to NLS Step 3 – Incl. Isthmian League)	<b>1,950</b> (with potential to increase to 3,000)	<ul style="list-style-type: none"> <li>• Min 500 covered accommodation</li> <li>• Of which 250 seated in no more than 2 stands</li> </ul>

*Ground Grading Requirements sourced from:*

*Football League – English Football League admission requirements, appendix 1 (membership criteria – Regulation 8) Part 1.*

*Categories A-C – FA National League system ground grading documents for 2020 / 21 season finalised July 2020.*

- 5.10 It should be noted that even if the Club were to reach the English Football League 3 steps above their current position, the required seating capacity would not exceed 1,000 in year 1 (rising to 2,000 in year 2).
- 511 Appendix 1 includes aerial screenshots of the grounds taken from Google Maps. These are included to provide a general picture of the variability of facilities provided at different league levels and I believe suggest that the proposals by CFC are disproportionate to their current and short-term needs. This shows that there are a number of comparable clubs plating in higher leagues with more limited spectator facilities.
- 5.10 In the light of the current total capacity restriction to 2,000 spectators, I believe that an initial seated capacity of circa 700, associated with the main clubhouse would be sufficient along with the standing terraces to meet the club's current/short term needs. The additional seated stand adjacent to the commercial building could be added at a later date if required.
- 5.11 The proposed reduced scheme would still allow for future capacity improvements without major alteration to the new clubhouse and adjoining seated stand as well as the standing terraces but further investment could be phased over a period of years depending upon the fortunes of the club (as is generally the case). It is worth noting that, in accordance with the relegation and promotion criteria within the system, clubs

go down as well as up. It is not in my opinion necessary to incur all of the proposed costs now.

- 5.12 In summary I believe that these proposals are disproportionate to the CFC's current needs and do not therefore provide an appropriate balance between the provision of community facilities and the proven need for affordable housing.

## 6. Development Proposal of a Comparable Club

- 6.1 Whilst carrying out research to inform my evidence, I have investigated the development proposals for a new clubhouse/stadium for Cray Wanderers Football Club (CWFC) which is currently in the same league as CFC i.e Isthmian Premier Division.
- 6.2 CWFC are located at Flamingo Park, Chislehurst, BR7 6HL. They obtained Planning Consent in September 2017 for regeneration of their site to provide a new 1,300 capacity ground with 388 seats to the front of one main clubhouse and small covered standing terraces on the other 3 sides. They are including for a '3G' pitch, 6 grass pitches and associated parking and infrastructure. Basic details are reproduced below.



Site Plan Extract





*3D Image*

- 6.3 This scheme is, we understand to be financed from an enabling development of 42 residential units (all affordable) and is expected to commence shortly.

## **Appendix 1**

### **League and Stadium Capacity Details**