

Rebuttal of Proof of Evidence supplied by Waller Planning dated June 2021

In respect of:-

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

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

Site Address: Cheshunt Football Club, Theobalds Lane, Cheshunt, EN8 8RU

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## Introduction

- 1.0 This Rebuttal Proof of Evidence has been prepared in response to the evidence of Mr Tim Waller of Waller Planning date June 2021.

## Viability and developer contribution

- 1-1 Mr. Waller's evidence at paragraph 3.17 outlines the Council's policies in respect of planning obligations and affordable housing.
- 1-2 Mr Waller continues through to paragraph 3.31 to consider viability relative to a costs appraisal (CD1.39) lodged previously; this position has since been revised by the Appellant through Mr Maidment's evidence. There is further clarification about the viability position following discussions between the parties.
- 1-3 As Mr Wade deals with, the appellant's position at the time of the Council's consideration of the application in November 2020 that the development would be carried out on a c. 3.5% profit on gross development value (GDV) . The costs appraisal relied upon by the appellant indicates a 6.5% profit on GDV on which, again, it would proceed with the development.
- 1-4 The Council acknowledges the sporting and recreational credentials of the development along with its strong community ties. It is clear that the proposals are not and never have been commercially driven by profit, as confirmed by Mr Williamson in Appendix 2 of the Appellant's Statement of Case in his fourth paragraph 'The rewards of running/owning a community sports club are not financial. It is certainly not a pastime for those seeking financial gain'. This is demonstrated by the fact that the profits from the housing development are being used to subsidise the unprofitable development of the football club, It is not a standard developer-profit based development. Because the development will be carried out at a profit level of 3.5% or c. 6%, this should be the benchmark against which the capacity to deliver affordable housing and other contributions should be judged. It is inappropriate to judge the viability of the scheme against standard profit levels when this evidence exists. The policy position in Clause VII of Policy H2 supports this approach. Proposals which fall short on the grounds of viability will only be acceptable when accompanied by

a full economic appraisal. Policy PO1 similarly refers to viability. The aim and requirement of the policies is to provide for contributions unless the development would be unviable with them; the evidence here is that they would not be unviable. Therefore, the Appellant's position that an increased profit rate over that previously acknowledged by the Appellant should be used to judge viability is unacceptable. There is the potential for greater affordable housing contributions because of the extent of the works that are proposed to the stadium. Mr Wade has shown that a considerable extent of the costs associated with the stadium are unnecessary to achieve the club's objectives and that, if those works were not incorporated into the scheme, there would be considerably more monies available to contribute to affordable housing and other planning obligations against either the 3.5% or c. 6% profit.

#### Overlooking and impacts on amenities of neighbouring residents.

- 1-5 Mr Waller's Proof of Evidence (from paragraphs 3-32 onwards) relies heavily on policy EQ1 and the masterplan provided as part of policy CH7. These policies are not prescriptive and do not provide any information on detailed layouts for the proposed site.
- 1-6 The Council notes that Mr Waller identifies paragraph 3-2-3 of the SPG in his proof at 3-39. However, the weight and emphasis Mr Waller places upon the requirements contained within this paragraph is minimal. The need for a higher separation distance is noted, then commented upon no further. The failure to have due regard to this element of the SPG has directly resulted in the failure to incorporate sufficient separation distances between the dwellings as proposed and those which presently exist.

#### Design and Character

- 1-7 Mr. Waller refers in paragraph 3-87 to design features, external finishes and features of the proposed new houses. Reflection on the surrounding character has been appended at the rear of Mr Wallers Proof of evidence and such a character appraisal has been absent from the application and appeal until this time. Failure to adequately consider the local character and context in the design and form of the proposed development has directly resulted in the harm identified by the Council in reason for refusal 4.
- 1-8 Appendix 3 supplied by the Appellant does not include a contextual map. The scale of development generally increases towards the urban centre, reducing towards the settlement boundaries, where the proposals are located. Crossbrook Street is the main spine road leading to Waltham Cross and

connecting to Turners Hill and the High Street. The development along this stretch reflects this function and scale of development is greater as would be anticipated. The 3d Aerial map provided below, although a little dated, does serve to demonstrate the height of surrounding development is generally 2 storey, with the immediately adjacent single storey bungalow cul-de-sac (yellow) and in the wider area, flatted blocks generally no greater than 3 storey (blue), occasionally with a loft in addition, concentrated towards the main through route that is Crossbrook Street.

Figure 1: Scale of development in surrounding area (detail is not exhaustive but intended to provide an indication of the scale and pattern of development approaching the application site).



- 1-9 The Council does not disagree that, when viewed in isolation, the design is satisfactory. The Council contends that, when viewed from the surrounding areas, in views between and above existing development, the proposals are harmful to the character and visual amenity of the area. Harmful views will also be experienced in the rear garden environments of existing dwellings and from the public footpath, Albury Ride. The proposals include three storey terraces with limited two storey elements and five storey blocks surrounding the proposed football stadium. The ground level is significantly higher on site than the surrounding area. This is demonstrated in figures 1 and 2.
- 1-10 At paragraph 3-90 Mr Waller acknowledges that the terraces do not reflect surrounding form 'The houses would be terraced, rather than being arranged in semi-detached pairs, as is typical in the surrounding streets'. Paragraph 3-91 states that terracing is necessary to make efficient use of land in order to comply with policy CH7 and acknowledges that terraces exist locally, but the Council would be clear that nearby terraces vary in length, are generally interspersed by semi-detached housing and no greater than two storey, thus are not directly comparable to the development as proposed. The Council would respond that smaller units (2-beds) would occupy less space and result in a smaller scale and form whilst still complying with policy CH7.

- 1-11 At paragraph 3.95 Mr Wallers considers the flats around the stadium. The Council does not dispute the design of the flats when viewed in isolation. However, as with the terraces of town houses, the flats fail to consider the context appropriately. The scale disregards the local context or the site's location at the edge of Cheshunt. The proposals instead are suited to a town centre location, not one on the boundary with the Green Belt.
- 1-12 Mr. Waller reaches conclusions on design in paragraph 3-111. Mr. Waller's appraisal does not consider the experience of place by users when moving from the countryside (particularly the public footpaths) towards the development, and the contrast which would exist between the open Green Belt and the scale and form of development proposed. It also does not consider the experience of residents in the surrounding area, who, instead of seeing glimpsed views of development akin to the streets in which they are travelling, would see dense and compact buildings, with long facades, infilling views between and even above existing built form.

Figure 2: Demonstrating the height by which the development exceeds the bungalows in Montayne Road



- 1.13 When arriving on site, the full scale of development would indeed be clear and, as a kinetic experience, the development would provide a destination with a character and form beyond what would be envisaged for a community club on the edge of Cheshunt and the Green Belt.