



Town and Country Planning Act 1990

Appeal by LW Developments Ltd

Cheshunt Football Club, Theobold's Lane, Cheshunt, Herts, EN8 8RU

Planning Application Reference 07/18/0514/F

Statement of Case Submitted on Behalf of the Appellant

10<sup>th</sup> March 2021

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# 1 Introduction

- 1.1 This Statement of Case is prepared on behalf of LW Developments Ltd (“the Appellant”). It relates to and is submitted in support of an appeal (“the Appeal”) pursuant to Section 78 of the Town and Country Planning Act 1990, in response to the decision by Broxbourne Borough Council (“the Council”) to refuse to grant planning permission in relation to planning application 07/18/0514/F (“the Application”).
- 1.2 Where relevant references are made to Core Documents (CD). A full list of these documents is contained within Appendix 1.

## **The Proposed Development**

- 1.3 The appeal proposes the following development (as set out on the Council's decision notice, which contains a similar description to that on the application form):

*“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).”*

- 1.4 The areas referred to above are identified on application drawing 15\_238\_PL02\_1 (CD1,17). This is explained further in Section 2.

## **Reasons for Refusal**

- 1.5 The Council refused the planning application for the following reasons (see CD3.6):

- 1. In the absence of any inclusion of affordable housing and contributions to community facilities that would mitigate the impacts of the development, the development fails to deliver a balanced package of planning obligations contrary to Policies PO1 and H2 of the Broxbourne Local Plan 2018 – 2033.*
- 2. Increased levels of motorised traffic associated with the development would exacerbate air quality issues within the A10 air quality management area without adequate mitigation contrary to Policy EQ2 of the Broxbourne Local Plan 2018 – 2033.*
- 3. The development would have an unacceptable impact on the amenity of the residents in Montayne Road bounding the site by way of overlooking and the perception of being overlooked, contrary to Policy EQ1 of the Broxbourne Local Plan 2018-2033.*

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

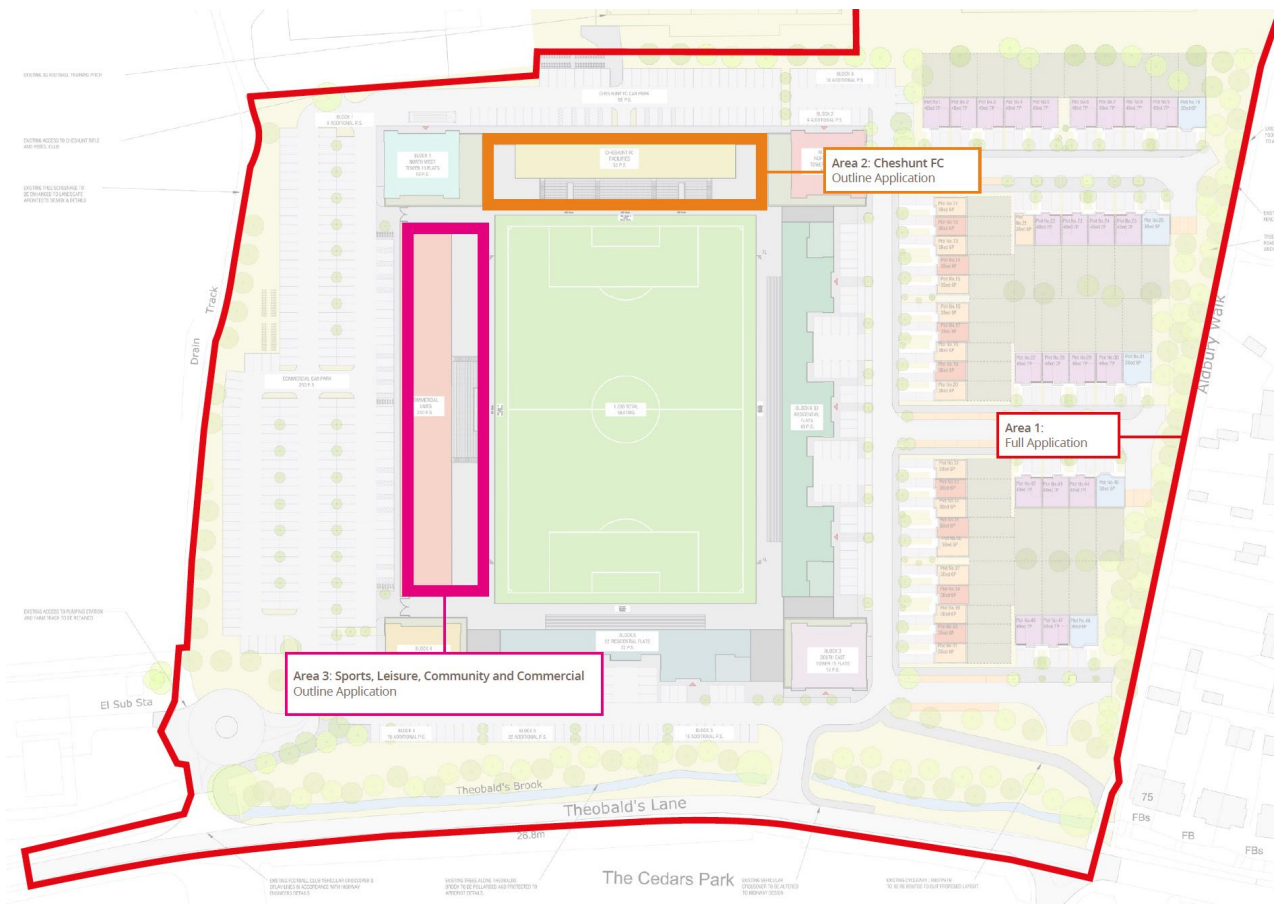


## 2 The Proposed Development

- 2.1 The appeal proposes a new stadium for Cheshunt Football Club (FC), as well as new sports and community facilities, and supporting commercial development, new housing and apartments.

### Application Areas

- 2.2 The different application areas referred to in the description of the proposed development (see Section 1) are identified on application drawing 15\_238\_PL02\_1 (CD1.17), and also in the image below (taken from page 2 of the Planning, Design and Access Statement (PDAS, CD1.3)).



- 2.3 These areas are as follows:

Area	What it Covers	Permission Sought
Area 1	The area proposed for new housing, the corner, eastern and southern blocks around the stadium (all of which would be in residential use), the stadium and football pitch, and the wider site including all areas of landscaping and car parking.	Full details are provided.

Area 2	The northern block, which would include facilities relating to Cheshunt Football club, and the adjacent seating area.	Matters relating to the appearance of the block and its internal layout are not yet specified, and are for future determination.
Area 3	The western block, which would incorporate new sports, leisure, community and commercial facilities, and the adjacent area of seating.	Details of the building's appearance are provided, but its internal layout is left for future determination.

### Summary of the Proposals

- 2.4 This appeal relates to proposals for a mix-use development including new sporting, community, commercial and residential development. The proposals comply with Policy CH7 of the newly adopted Broxbourne Local Plan, which was written to reflect the content of this planning application (see Section 5 below).
- 2.5 The rationale for the proposed development is to provide a range of new facilities which would benefit the local community, including not only a new stadium and facilities for Cheshunt Football Club (FC), but also a range of other facilities which could benefit members of the local community, including those for other sports. New commercial development would provide the Club with a sustainable income, and pay for the ongoing maintenance of the facilities. New residential development, in the form of houses and apartments, would pay for the construction costs. The benefits the appeal proposals would bring are set out in Section 3 below, and in further detail within Section 7 of the Planning, Design and Access Statement (PDAS, CD1.3).

## 3 Rationale for the Proposals

- 3.1 The proposed development would bring a very wide range of benefits to local people. This has already been recognised by the Council in its decision to remove the application site from the Green Belt, and allocate it for precisely the same development as is proposed by this appeal. The Local Plan policy was in fact modelled directly on the appeal proposals.
- 3.2 The proposals are intended to provide a number of substantial benefits for Cheshunt FC. Most fundamentally, they would provide the Club with a viable future, in contrast to its state when LW Developments acquired it on the verge of bankruptcy in 2011. It would have a new stadium and excellent new facilities, which would help to facilitate the Club's future growth. The stadium would initially have capacity for 2,000 supporters (slightly less than its current capacity for 2,180 people), with the potential for it to be further expanded through future planning applications, as the Club grows in stature. It would also be provided with a new income stream, which would be generated by the northern and western blocks. The Club's income from these facilities would be guaranteed by the s106 legal agreement.
- 3.3 As the Club grows, this would enable it in its goal of expanding its already extensive engagement with the local community, and the range of benefits it brings, such as in relation to engaging with young people, and encouraging participation by all in sport.
- 3.4 Further new sports facilities would also be provided within the site, relating to a range of sports, and not just football. This would help to address the shortfall in the provision of sports facilities in the southern part of the Borough, and also that the proposals respond to deficits identified by the Council's own Leisure Facilities Strategy.
- 3.5 These facilities are not financially viable in isolation, and new housing is required to fund them. The new homes are also required by the newly adopted Local Plan as part of the Council's housing land supply, to be delivered in the short-term.

## 4 The Appeal Site and Surroundings

### The Appeal Site

- 4.1 The appeal site is an area of brownfield land which is already occupied by Cheshunt Football Club. It is laid out with a large gravel-covered car park, the existing football stadium, various buildings used by the Club, a modern 3G football pitch, and grass pitches.
- 4.2 The land is owned by Hertfordshire County Council, and held by Broxbourne Borough Council on a 999-year lease. Cheshunt FC has a 30-year lease on the land, with 20 years remaining.
- 4.3 Much of the site was excavated for a gravel pit in the first half of the 20<sup>th</sup> century, and it has since been used for landfill. The Phase I and II Geo-Environmental Assessments by EPS (CD1.13) record that there is some potential for contamination from the historic fill material, meaning that in order to accommodate development there is a need to raise the level of the land by 0.6m, to cap the underlying material.
- 4.4 Planning permission has previously been granted (application 07/13/0574/F) and partly implemented for much of the land within the site to be raised up to a level of up to 30m AOD. The existing ground level has already been raised to 30m AOD on the northern part of the site, through the addition of soil capping, to accommodate football pitches above the landfill. On the southern part of the site, where housing is proposed, it has been raised by around 0.6m, through the addition of a soil capping similar to that used on the land to the north for the creation of football pitches. As such, it is currently at a similar level to that which it would be if the proposed development were to be constructed. However, if the land were to be used for football training pitches, as allowed by the above planning permission, the land would be raised around a further 1.5m, to 30m AOD. This has not been done to date, so as to allow for the site's redevelopment for housing, as envisaged by this appeal, and the Local Plan.
- 4.5 The site contains a number of buildings which date back to the construction of the stadium, shortly after the second world war. Some of these have been refurbished by LW Developments, following their acquisition of the Club in 2011, and details are provided within Section 3 of the PDAS. However, these buildings, and the stands within the stadium, have a limited useful life, and they are becoming increasingly expensive to maintain, as they age.
- 4.6 The site benefits from a verdant southern boundary, alongside Theobold's Lane and Theobold's Brook; some of the trees at the south-eastern corner of the site are covered by a Tree Preservation Order (LT6-298 [No.10] 2017). The mature trees which line the road would be retained, and the protected trees would not be affected by the proposed development. The site's eastern boundary is defined by a public right of way, which is at a lower level than the application site. The northern boundary is marked by a private track, leading to Albury Farm, which is also on lower ground. To the west of the site is farmland, beyond which is the A10 dual carriageway.

### The Surrounding Area

- 4.7 To the immediate east of the appeal site are houses on Montayne Road, which historic maps suggest date from around the 1960s. These houses comprise typical two-storey semi-

detached houses of pebble-dash and red brick, and red-brick bungalows. To the north of this is Friends Avenue, with typical estate housing dating from the 1990s. Further to the north is Albury Ride, which is lined by well-preserved and more ornate Victorian semi-detached houses on its northern side, and typical inter-war semi-detached housing on its southern and northern sides; these houses all have very long back gardens. There is little inter-connectivity between these streets, and also little uniformity in terms of the design of the houses and plot sizes, other than that they are all reflective of the time they were built, and the piecemeal way in which the land on which they are located has become available over time.

- 4.8 This pattern is typical of many other streets in the nearby area. Historic maps show that the area to the west of the railway line and Crossbrook Street were largely covered by glasshouses up until at least the 1960s. Houses on the surrounding streets, such as Theobold's Road and Dudley Avenue, were also built in the 1960s. The date of their construction has led to them having a similar character and typical architectural style to Montayne Road.
- 4.9 Also to the east of the site is the Holy Trinity Church of England Primary School. The school buildings are set around 120m from the site's boundary, and the intervening land is covered by its playing fields.
- 4.10 To the south of the site is Cedar's Park, a public park which lies on the site of Theobold's Palace, a 16<sup>th</sup> century building. A few above-ground fragments of the building remain, and these are Grade II listed, whilst the site is also designated as a Scheduled Ancient Monument. The northern boundary of Cedar's Park is marked by a Grade II listed wall, which dates from the 17<sup>th</sup> century.
- 4.11 To the north of the site is The Cheshunt Club, which specialises in indoor and outdoor bowls, cricket, hockey, boxing and squash. Also to the north-west is Cheshunt Rifle and Pistol Club.

### **Accessibility**

- 4.12 The appeal site is in a location which allows it to be accessed by a range of modes of transport. It is close to a number of primary and secondary schools, and the centres of Cheshunt and Waltham Cross, as is explained in Section 4 of the PDAS, and also in the Transport Assessment (CD1.4). It is also within walking distance of Theobold's Grove railway station, which provides a regular connection to London Liverpool Street. The railway station is also on a number of bus routes, which provide good connections to towns in the surrounding area. This location is entirely suitable for a mixed-use development such as that proposed.

# 5 The Appellant's Case

## Compliance with the Development Plan

- 5.1 Policy CH7 relates specifically to both the application site, and the development proposed by this appeal. The supporting text to the policy, at paragraph 7.17 of the Local Plan, confirms that the Council supports in principle the proposals to redevelop the stadium, and provide sporting, commercial and community activities, plus new homes *“around the stadium and between the stadium, and the existing urban edge at Montayne Road”*. The concept plan (figure 6 of the Local Plan) shows this arrangement, plus a landscape buffer at the site's southern end. This description and image both correspond with the appeal proposals.
- 5.2 Policy CH7 itself contains three elements, which are reproduced in the table below, alongside the corresponding aspect of the appeal proposals.

	<b>Policy CH7 Requirement</b>	<b>Appeal Proposals</b>
1.	Enhanced facilities and football stadium;	A new 2,000 seater football stadium;  The northern block would contain 2,400 sq m floor area to include changing rooms, clubhouse, function suite, club offices, meeting rooms, classrooms, hospitality boxes, canteen, spectator bar and concessions.
2.	A development of approximately 4,000 square metres net floorspace for community, business, leisure and ancillary retail uses;	The western block would contain 4,000 sq m floor area including retail, community facilities, health, sport and leisure facilities, offices, restaurants and cafes, a bar, hot food take-aways and a taxi office.
3.	Approximately 165 new homes.	163 homes are proposed, comprising 115 apartments and 48 houses, with a mixture of 1, 2, 3 and 4 bedroom properties.

- 5.3 The policy wording was prepared in consultation with the Appellants, and modelled on the appeal proposals. This is clear given the close correspondence between the number of dwellings, and the floor area of the non-residential buildings, and the layout of the development. The Council's report to the most recent Planning Committee concluded that *“It is considered that the principles of the scheme are fully in accordance with the three components which make up Local Plan Policy CH7”* (CD3.5, paragraph 8.3).
- 5.4 The appeal proposals also comply with the development plan's other policies. This was confirmed by the Council's committee report, which considered the proposed development in detail, and concluded it was entirely acceptable in each respect. The reasons for refusal, which were the product of the Planning Committee, do not reflect either the advice of the professional officers who advised the Committee. We consider each of these in turn below.

## The Council's Inconsistent Approach

- 5.5 This appeal relates to proposals which have already been revised once, following the Council's refusal of an earlier planning application (07/16/1369/F). As with the current proposals, that earlier application was refused by the Council's Planning Committee, contrary to Officers' advice. The reasons for refusal, and further details of the recent planning history, are set out in Section 2 of the Statement of Common Ground. These reasons related to the design of the proposed houses; the scale and density of the proposals and the effect on the openness of the Green belt; a concern relating to the capacity of the highway network, and the ability to accommodate the proposed capacity for 5,192 spectators; and a lack of information relating to the relationship with properties on Montayne Road.
- 5.6 The current appeal represents revised proposals, which were altered to respond to these reasons for refusal; this is noted in Section 1 of the PDAS (CD1.3). Once again, Officers supported the application, and they also concluded that the amendments made to the proposals had addressed the Council's previous reasons for refusal. Nevertheless, when the Council's Planning Committee initially considered the current proposals in December 2018, they resolved to refuse the application for a single reason, relating to the openness of the Green Belt. If the Planning Committee had considered that this revised application also failed to address their previous reasons for refusal, they would surely have used them once again, having already resolved to refuse the application.
- 5.7 Faced with this single reason for refusal, Officers sought legal advice, and the subsequent report to the Planning Committee (CD3.4, paragraph 1.2) commented as follows:
- "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."*
- 5.8 When they came to consider the application again in November 2020, the new Local Plan had been adopted, and the site allocated for development, and removed from the Green Belt. However, the Planning Committee resolved to refuse the application for four new reasons (also set out in the Statement of Common Ground below, and in Section 1 above); these were not matters which concerned them in December 2018, when they considered the same application.
- 5.9 The Planning Committee, and by extension the Council, have acted entirely inconsistently. They have chopped and changed their mind about the acceptability of the same proposals, in the face of consistent professional advice to the contrary. They have also refused an application on which their own policy was modelled, and which clearly complies with their newly adopted Local Plan. The Local Plan states that *"The Council is supportive in principle of the development"* (CD5.1, paragraph 7.17). In refusing this application they have acted unreasonably.



## First Reason for Refusal – Affordable Housing and Contributions to Community Facilities

5.10 The Council's first reason for refusal is as follows:

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

5.11 In contrast, the report by Officers to the Planning Committee (CD3.5, paragraph 8.40) concluded as follows:

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

5.12 Given that the reason for refusal did not follow the recommendation in the report, the Council's reasoning is unclear. The advice from Officers was in contrast very clear, that affordable housing could not be provided. An addendum to the report explained that LW Developments are committed to accepting a greatly reduced developers' profit, well below the level that would normally be expected, of c. 3.5%. A claw-back mechanism within the s106 agreement also allows for an open-book appraisal of the development as built, with any profit above 15% (which Officers accepted as a more realistic and typical developers' profit) to be split between LW Developments and the Councils.

5.13 To insist on the provision of affordable housing and further financial contributions towards other community facilities would render the development financially unviable, and prevent it from occurring. This would be contrary to Local Plan Policy CH7, which requires this development to take place. Paragraph 7.17 of the Local Plan also confirms that the housing will fund the construction of the other facilities within the site. The housing trajectory within the Local Plan also anticipates that it will provide housing within the first few years of the Local Plan period. The Council's first reason for refusal is illogical in light of these considerations, and it undermines the delivery of the Local Plan.

5.14 A statement by Paul Maidment of Savills, regarding financial viability, is included at Appendix 3. This confirms that the previous viability assessment remains robust, and that the viability of the proposed development has if anything worsened since it was undertaken.



5.15 The statement at Appendix 3 records that allowance has been made for s106 financial contributions of £270,000. This is to be spent on highway improvements to Theobald's Lane. The s106 Heads of Terms agreed with Officers during the determination of the application set this out as follows:

*HIGHWAYS CONTRIBUTION*

- *A sum of £270,000 has been allowed for a raft of off-site road improvements to Theobalds Lane as agreed with Herts Highways. These include:*
  - *Traffic calming measures by way of 3no. speed cushions along Theobalds Lane (WSP submitted plan 19827-SK-02);*
  - *Tactile paving and dropped kerbs to junctions along Theobalds Lane (WSP submitted plan 19827-SK-01);*
  - *Widening of the radii at the Theobalds Lane/A10 junction (WSP submitted plan 19827-SK-03);*
  - *Provision of a new bus shelter on the northbound route outside of Theobalds Grove station*
- *Any monies outstanding from the above will provide funding for other transport improvement measures such as the removal of the chicane on Theobalds Lane, the Park Plaza roundabout or the College Road/Church Lane junction. Payment towards these improvements will remove any financial contributions/planning conditions relating to the increase in the capacity of the stadium in the future.*

5.16 Officers recognised that this was the maximum level of s106 contributions which the proposed development could provide, as is noted in the Council's committee report, as noted above. Officers accepted that the £270,000 funding should be spent only on highway improvements, and not on other s106 matters.

5.17 The Council's reason for refusal alleges inconsistency with Policies PO1 and H2. This is incorrect, as both policies allow for reduced contributions to be made (or none at all), where this is dictated by considerations of financial viability.

**Second Reason for Refusal – Air Quality**

5.18 The Council's second reason for refusal is as follows:

2. *Increased levels of motorised traffic associated with the development would exacerbate air quality issues within the A10 air quality management area without adequate mitigation contrary to Policy EQ2 of the Broxbourne Local Plan 2018 – 2033.*

5.19 Again, this reason for refusal runs contrary to the advice from Officers. The Council's Environmental Health Officers did not raise any objection, subject to a financial contribution towards the monitoring of air quality in the local area.

5.20 The planning application was accompanied by an Air Quality Assessment by Hawkins Environmental (CD1.8). This concluded that the site was suitable for residential development, and also that the proposed development would not have any unacceptable effect on air

quality in the local area, with appropriate mitigation measures in place (for instance relating to construction dust). It also concluded that traffic generated by the development would have a negligible effect on local air quality.

- 5.21 A further statement from Nick Hawkins of Hawkins Environmental is included at Appendix 4. This notes that local air quality is improving, with lower pollutant levels recorded in 2019 than in 2014, when the original study was undertaken. It concludes that the development would still have a negligible effect on local air quality, and that the second reason for refusal is not valid.

### **Third Reason for Refusal – Impact on Residents of Montayne Road**

- 5.22 The Council's third reason for refusal is as follows:

3. *The development would have an unacceptable impact on the amenity of the residents in Montayne Road bounding the site by way of overlooking and the perception of being overlooked, contrary to Policy EQ1 of the Broxbourne Local Plan 2018-2033.*

- 5.23 The Council's committee report (CD3.5, paragraphs 8.18 and 8.19) commented as follows on this issue:

*"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 in terms of light and privacy. 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].*

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

- 5.24 As the above report notes, the proposed development complies with the Council's SPG relating to separation distances between windows, intended to prevent overlooking. It also confirms that the SPG remains the specific means by which the Council judge whether any proposal complies with the more general wording within Policy EQ1, which simply seeks to avoid detrimental impacts in terms of matters including outlook and overlooking.

- 5.25 The sections shown on drawing 15\_238\_PL31, submitted with the application and included in the committee report, illustrate the relationship between the proposed development and these houses. They detail that there would be generous separation distances between the houses. These houses are all semi-detached, and any distant view from the appeal site of the gardens on Montayne Road would be far less intimate than that which the occupants of each house already have of their neighbour's garden. We agree with Officers, that the proposals are entirely acceptable in this regard.
- 5.26 The houses on the ends of the terraces closest to Montayne Road would be two-storeys in height. They would have windows in their side elevations, but the second-storey window would be to a stairwell. This window could be obscure glazed if required, and this is a matter which can be controlled by a planning condition.
- 5.27 We have noted in Section 4 that planning permission exists to raise the level of the ground further, by around 1.5m, if this land were to be used as a football pitch. In that circumstance, spectators, players and coaches would stand on the land at the side of the pitch, substantially higher than would be the case under the current proposals, and very close to the site's boundary edge. The relevant planning permission has already been implemented, with the construction of the pitches at the northern end of the appeal site, and so could be completed in the future if required. There is also no requirement under that planning permission for landscape planting to be provided along the site's eastern boundary under that existing permission, and so these views would not be filtered. This is the logical fallback position, should planning permission not be granted for the proposed development.

#### **Fourth Reason for Refusal – Unacceptable Design and Impact on Visual Amenity**

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

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

- 5.29 The Council's committee report concludes as follows (CD3.5, paragraph 8.16):

*"Overall it is considered that this scheme represents a high quality standard of layout and design that would contribute to the character and appearance of the local area."*

- 5.30 The same report also considered the design of the various buildings, and whilst noting that they would be more visible than the existing single-storey buildings within the site, it concludes that they would be appropriate additions to the area.
- 5.31 As we have noted above, the Council's Planning Committee have previously refused an application for a similar development, again contrary to Officers' advice, on the basis of the appearance of the proposed housing. In that case, the reason for refusal stated that *"The design of the houses is not in keeping with the adjacent area which would result in an incongruous development..."*. No objection was raised to the design of the apartments blocks around the stadium, which were of a very similar design to the current proposals; from this, we assume that the Committee did not intend the current reason for refusal to relate to the apartments, but only to the houses. Following that refusal, the application proposals were revised, and the houses were redesigned to have a more traditional appearance, using traditional materials.

Images of the two designs are included below (the previous proposals on the left, current proposals on the right).



- 5.32 The style and appearance of the houses has changed significantly, and the revised design now proposed is more similar to that of housing in the surrounding area, which tends to be built of red brick, with pitched roofs, and often with projecting bay windows. The appearance, design and materials proposed for these houses, and the other buildings within the site, would not be at all out of keeping with the character of the local area. Moreover, the scale of the proposed buildings would also be entirely acceptable. Further evidence will be provided on these points.
- 5.33 The Planning Committee's decision to reject the design of the revised houses for the second time, despite a very different design having been put forward, suggests that this is in fact more an objection in principle, rather than one which is rooted in the specific design proposed.
- 5.34 It should also be noted that, as this development is allocated by the Local Plan, the Planning Committee's objection to the proposals cannot be to the general scale and form of development proposed. The Local Plan requires around 165 dwellings to be provided in the same general arrangement as is proposed, with apartments around the stadium, and housing in the area to the east of this. It is very clear, as we note above, that the appeal proposals comply with the Local Plan in this regard.

### **Benefits from the Proposed Development**

#### *Benefits to Cheshunt Football Club*

- 5.35 The proposed development would provide the Club a new stadium and excellent new facilities, which would help to facilitate the Club's future growth. The stadium would allow for future expansion, as is required if the Club is to be able to gain promotion to higher leagues. The Club would also be provided with a new income stream, which would be generated by the northern and western blocks. The Club's income from these facilities would be guaranteed by the s106 legal agreement.
- 5.36 The Club would also be provided with a long lease on the appeal site, allowing it to plan for the future; the current lease only has 20 years remaining.
- 5.37 The Football Club is closely involved with many members of the local community, and it runs a wide range of activities which benefit the local community. These are listed in Section 3 of the PDAS (CD1.3); they include a wide range (now over 30) football teams to encourage participation in sport by a very wide range of people; they also include a number of other

initiatives relating to engaging with young people, and helping them with training and opportunities to develop through sport. The Club also engages extensively with local schools and community organisations, and hosts many non-football activities. It also provides full and part-time employment for local people. A larger, more successful and better funded Club would be able to greatly expand the scope of its projects with the local community, and offer more jobs.

- 5.38 Details of the Club's current activities, and its plans for the future in the event that this appeal is allowed, are set out in a statement by Dean Williamson, Chair of Cheshunt FC, and Director of LW Developments, at Appendix 2.

#### *The Provision of Sports Facilities*

- 5.39 The northern and western blocks would contain a variety of sports facilities which would be of benefit to local people and sports clubs (not just Cheshunt FC). This would include a gym, and a variety of indoor sports facilities, which may for instance include a sports hall suitable for a range of different sports. The intention is that the facilities would be designed in a way which would allow them to be used for a number of purposes by several different organisations and by local people.
- 5.40 Section 4 of the PDAS (CD1.3) notes both that there is a shortfall in the provision of sports facilities in the southern part of the Borough, and also that the proposals respond to deficits identified by the Council's own Leisure Facilities Strategy. The allocation of the site in the Local Plan has confirmed that the Council recognises the importance of providing these facilities in this location. There is a potential synergy with the Cheshunt Club, which is based just to the north of the site, and which encompasses a number of different sports. The two facilities together would help to create a sports hub which would serve the southern part of the Borough, and the wider surrounding area.

#### *The Provision of Community Facilities*

- 5.41 New community facilities would be provided in the western block. The PDAS notes (CD1.3, paragraph 7.35) that these facilities could, for instance, include flexible meeting spaces which could be used by community, religious and theatre / music groups, sports therapy services, a health centre, and a creche. The precise mix of facilities has not yet been determined, as greater flexibility will help to ensure that the space is well used. In addition, as the Club grows over time, it would be able to expand its current range of activities, as noted above.

#### *Economic Benefits*

- 5.42 Section 7 of the PDAS (CD1.3) also outlines the range of economic benefits which the proposed development would bring. This includes benefits through grass-roots investment in sport, which would generate increased economic output and local jobs. The new office space and small business facilities proposed in the western block can also help to boost employment in the local area, and facilitate local businesses.
- 5.43 It is also well established that new homes provide an economic benefit. This comes not only in the short-term through construction jobs, but also in the longer-term due to the way they support local businesses, and increased Council Tax receipts. In addition, national policy identifies that a lack of suitable housing is a barrier to economic growth (NPPF, paragraph 81).



- 5.44 The rental income which the development would generate could also benefit the Borough and County Councils, depending on whether this option was to be taken up by the Councils. The Council's report to the Planning Committee notes that *"They could provide for a significant increase in financial returns to the Councils that would provide returns to the community."* As Broxbourne Borough Council holds a 999 year lease on the site, the Applicant has offered the option of either accepting a capital payment of £3,081,651 for the purchase of a long lease for the Football Club, or to take an income share in the proposed western (commercial) block. This capital payment would be greater than the best value, as determined by the Council's independent consultant, Knight Frank.

*The Provision of New Homes*

- 5.45 The provision of housing would be a benefit even if there was not a shortfall in the supply of housing land. National policy clarifies that it is the Government's objective to boost the supply of housing (NPPF, paragraph 59). However, there have been many years of under-provision in the supply of housing. In addition, there is still a significant shortfall in the supply of deliverable housing land, meaning that this under-supply is likely to continue into the foreseeable future. This is set out within the Statement by Roland Bolton of DLP's Strategic Planning and Research Unit (SPRU), at Appendix 5).
- 5.46 It will be shown that the negative effects of a shortfall in the supply of housing are substantial. This includes the worsening affordability of market housing, and a range of adverse social and economic effects, which are noted by national planning policy (for instance at NPPF, paragraph 8). These negative effects are particularly acute in Broxbourne, which is more deprived than other parts of Hertfordshire and the wider surrounding area (see the PDAS, paragraphs 4.21-4.28).
- 5.47 Although the Local Plan was, at the time of writing, adopted only 7 months ago, it is already clear that there is a very substantial shortfall in the supply of housing land. The reasons for this are inherent in the Local Plan's approach, which is to provide the bare minimum number of allocated sites, and the Plan sets out a housing trajectory which, based on the Council's optimistic view of the situation, shows only a surplus of 19 dwellings for the period 2018/19 – 2022/12. Waller Planning argued at the Local Plan Examination that this was very clearly inadequate, and also that it was impractical to rely on the NPPF 2012 (against which the Local Plan was considered) definition of deliverable housing land, as planning applications will be judged against the NPPF 2019 definition. We consider that the Local Plan's approach has left the Council utterly unable to demonstrate a suitable supply of housing land, as required by NPPF paragraph 73. This is also further explored by Mr Bolton's Statement.
- 5.48 In light of the Local Plan's failings, there is not just a current shortfall in the supply of housing land, following longstanding under-supply of housing, but also little prospect that the supply will be made up in the short-term. This is in large part due to the fact that Broxbourne is a Green Belt authority, and opportunities to provide new housing are very limited. In this context, the homes which this appeal propose would be of particularly great value.
- 5.49 It must also be noted that the Council's most recently published housing trajectory, within the Local Plan, relies on the delivery of new homes from the appeal site. By refusing the application to which the appeal relates, the Council have essentially condemned themselves to a shortfall in their housing land supply, even on their own calculations. The proposed development could be completed within 5 years of the appeal being determined.

5.50 These benefits are substantial, and they weigh heavily in favour of granting planning permission.

**The Presumption in Favour of Sustainable Development**

5.51 The presumption in favour of sustainable development, set out at paragraph 11 of the NPPF, also weighs in favour of allowing this appeal. This is due to the proposals' compliance with the development plan. It is also engaged by the Council's failure to publish up to date details of their housing land supply; and due to the shortfall in the supply of housing, illustrated by Mr Bolton; and due to the failure to meet the level of housing delivery required by the Housing Delivery Test.

## 6 Reasons for Allowing the Appeal

- 6.1 There are very many reasons for allowing the appeal.
- 6.2 The appeal proposals comply with the policies of the development plan. Most specifically, they meet the requirements of Policy CH7, which relates to the application site, and the proposed development.
- 6.3 The Council's reasons for refusal allege that the proposed development would not comply with the relevant policies of the development plan. However, the matters mentioned in the reasons for refusal are not substantiated, and they run contrary to the professional advice the members of the Planning Committee were given. There are no grounds for concluding that the reasons for refusal are valid.
- 6.4 The proposals would bring a wide range of benefits, including the provision of new sporting and community facilities, as well as new housing. It is notable that this range of benefits has already been judged by an independent planning Inspector to be sufficient to provide the exceptional circumstances required to justify the site's removal from the Green Belt. Now that the appeal site no longer lies within the Green Belt, and is instead allocated for the same development as is proposed by this appeal, it is no longer necessary to apply anything like the same high policy test in order to grant planning permission.
- 6.5 It will be demonstrated that there is currently a shortfall in the supply of deliverable housing land within Broxbourne Borough. The Council have also failed to meet the requirements of national policy by publishing details of an up-to-date supply of deliverable housing land. In addition, the level of housing delivered in the past three years has fallen short of that required by the Housing Delivery Test. There are, in short, a number of reasons for the tilted balance provided by the presumption in favour of sustainable development to be applied to all proposals for residential development, in accordance with paragraph 11 of the NPPF.
- 6.6 Due to the shortfall in the supply of deliverable housing land, the benefits which the appeal proposals would bring are now even greater than those considered by the Local Plan Inspector. Providing new homes, at a time when there is a shortfall in both the provision and future supply of deliverable housing land, is a further substantial benefit which the appeal proposals would bring. Both this and the other benefits weigh very heavily in favour of granting planning permission. On top of this, the presumption in favour of sustainable development weighs further in favour of granting planning permission.
- 6.7 It is notable that neither the Council's committee report, or the decision notice, acknowledge the relevance of the presumption in favour of sustainable development. This matter was also not mentioned during the Planning Committee's consideration of the planning application. There is no evidence that the Council have correctly assessed the proper balance of considerations in determining the planning application. There are no grounds for concluding that the Council's reasons for refusal would outweigh both the significant benefits which the appeal proposals would bring, and also the tilted balance provided by the presumption in favour of sustainable development.



- 6.8 Paragraph 11(c) of the NPPF is clear that, as the appeal proposals comply with the development plan, they should be approved without delay.
- 6.9 Even if it were to be concluded, as the Council have, that the proposals did not comply with the policies of the development plan, and NPPF 11(c) was not engaged, NPPF 11(d) would be engaged due to the Council's failure to publish a supply of housing land, the shortfall in the supply of housing land, and the failure against the Housing Delivery Test. There are no policies in the Framework which indicate that planning permission should be restricted (NPPF 11(d)(i) and footnote 6). There would also not be any adverse impacts which would significantly and demonstrably outweigh the substantial benefits which the appeal proposals would bring (NPPF 11(d)(ii) and footnote 7). NPPF 11d is engaged, and this renders the policies which are the most important for determining the application out of date.
- 6.10 We consider that the proposed development complies with the policies of the development plan. But if it were to be considered that any weighed against approving this development, the weight which could be accorded to them would be limited, due to their being rendered out of date by NPPF 11(d). Conversely, the weight which must be attributed to the provision of new homes at this time is very high. The weight which must be attributed to the many and varied public benefits the proposed sports and community facilities would provide is also very high.
- 6.11 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications and appeals to be determined in accordance with the development plan, unless material considerations indicate otherwise. It is clear that the proposals accord with the policies of the development plan, and that they should be approved. There are no material considerations which would indicate a different view should be taken. On the contrary, there are a range of matters which weigh very heavily in favour of granting planning permission. In addition, the presumption in favour of sustainable development weigh in favour of the appeal proposals. There is no doubt that planning permission should be granted without further delay.

## 7 Determining this Appeal

- 7.1 This Statement of Case outlines the Appellant's case in lodging this appeal, including summaries of specialist matters relating to the above reasons for refusal. Due to the complexity of the matters raised, we consider that it will be necessary to consider this appeal at a public inquiry. We consider the best way to address each of the relevant issues below.
- 7.2 Planning matters, including the weight to be attributed to different policies, the application of the presumption in favour of sustainable development, and proper balance of planning considerations, will require cross-examination. This is particularly important as the application has been refused contrary to the advice of Officers, and there is a need to cross-examine the Council's representative, to fully understand the rationale behind their position. This is important not only for this appeal, but also for decisions within the Borough, and the way the Council will continue to apply the policies of its recently adopted Local Plan.
- 7.3 Matters relating to viability also require cross-examination, in order to fully test and understand the various complex factors and specialist judgments which inform each side's position.
- 7.4 Matters relating to air quality could be considered in a round-table discussion.
- 7.5 Matters relating to living conditions, design, character and appearance could also be considered in a round-table discussion.
- 7.6 Matters relating to the supply of housing land are particularly complex, and relate to a number of different sites. We consider that, should the Council disagree with us on the question of whether there is a shortfall in the supply of housing land, or the methodology for calculating the available supply, these matters would need to be addressed through cross-examination. It is however anticipated that matters relating to the delivery of housing on individual sites could be addressed through round-table discussions.
- 7.7 The Application raised a substantial level of public interest. Accordingly, the Appellant considers that the most appropriate appeal procedure is for a public inquiry to be held.
- 7.8 We also consider that it will be necessary to present further evidence in due course, in the form of Proofs of Evidence. This Statement of Case has been prepared in this expectation.

# A1 Appeal Core Documents

CD Ref	Name	Drawing No. (or) Reference	Date
<b>CD1 - Application Documents</b>			
CD1.1	Application forms and certificates		24/05/2018
CD1.2	Covering letter		24/05/2018
CD1.3	Planning, Design and Access Statement		24/05/2018
CD1.4	Transport Assessment		24/05/2018
CD1.5	Framework Residential Travel Plan		24/05/2018
CD1.6	Framework Workplace Travel Plan		24/05/2018
CD1.7	Stadium Event Travel Plan		24/05/2018
CD1.8	Air Quality Assessment		24/05/2018
CD1.9	Archaeological Desk-Based Assessment		24/05/2018
CD1.10	Drainage Strategy		24/05/2018
CD1.11	Ecological Appraisal		24/05/2018
CD1.12	Flood Risk Assessment		24/05/2018
CD1.13	Geo-Environmental Assessment (Phases 1 and 2)		24/05/2018
CD1.14	Supplementary Gas Monitoring Statement		24/05/2018
CD1.15	Noise Assessment		24/05/2018
CD1.16	Tree Survey		24/05/2018
CD1.17	Application Drawings (15_238_PL01 - 15_238_PL30)	15_238_PL01 - 15_238_PL30	24/05/2018
CD1.18	LW Developments' Response to Sport England Queries		18/07/2018
CD1.19	Waller Planning Letter accompanied by 120 letters of support		18/07/2018
CD1.20	Proposed Block Plan	15_238_PL02B	30/07/2018
CD1.21	Vehicle tracking of refuse vehicle	19827-ATR-08 P02	30/07/2018
CD1.22	Framework Residential Travel Plan, Revision 1		01/08/2018
CD1.23	Framework Workplace Travel Plan, Revision 1		01/08/2018
	Financial Viability Appraisal		14/08/2018
CD1.24	Montayne Road Section Drawing	15_238_PL31	10/09/2018
CD1.25	Proposals for the restoration of the watercourse (response to EA)		17/09/2018
CD1.26	Proposed Block Plan	15_238_PL02C	24/09/2018
CD1.27	Parking Plan	15_238_PL15B	24/09/2018

CD1.28	Vehicle tracking of refuse vehicle	19827-ATR-08 P02	24/09/2018
CD1.29	Thrings letter, with letters of support and petition appended		08/10/2020
CD1.30	Indicative Western Block Layout	16_238_PL10B	11/10/2018
CD1.31	Service Charge and Management Plan	15_238_PL44A	11/10/2018
CD1.31	Indicative Northern Block Layout	15_238_PL46A	11/10/2018
CD1.32	S106 Heads of Terms		13/10/2020
CD1.33	E-mail correspondence regarding viability		16/10/2020
CD1.34	Letter regarding changes to the use classes order		16/10/2020
CD1.35	Biodiversity net gain calculation		27/10/2020
CD1.36	Transport Technical Note	18086/N01	09/11/2020
CD1.37	Proposed Block Plan 15_238_PL02E		09/11/2020
CD1.38	Proposed Pedestrian / Cycle Plan 15_238_PL50		09/11/2020
<b>CD2 - Appellant Documents</b>			
CD2.1	Housing Delivery Test Results 2020		20/01/2021
CD2.2			
<b>CD3 - Council Documents</b>			
CD3.1	First Application - 07/16/1369/F - Planning Committee Report		26/07/2017
CD3.2	First Application - 07/16/1369/F - Decision Notice		15/08/2017
CD3.3	Appeal scheme - 07/18/0741/F - First Planning Committee Report		18/12/2018
CD3.4	Appeal scheme - 07/18/0741/F - Second Planning Committee Report		23/09/2020
CD3.5	Appeal scheme - 07/18/0741/F - Third Planning Committee Report		10/11/2020
CD3.6	Appeal scheme - 07/18/0741/F - Decision Notice		23/11/2020
CD3.7	Response to the Financial Viability Appraisal from the Council's Consultant		2018
<b>CD4 - National Policy</b>			
CD4.1	National Planning Policy Framework		March 2012
CD4.2	National Planning Policy Framework		July 2018
CD4.3	National Planning Policy Framework		February 2019
CD4.4	National Planning Practice Guidance	<a href="#">Link to PPG website</a>	

<b>CD5 - Local Policy</b>			
CD5.1	Broxbourne Local Plan 2018-2033		June 2020
CD5.2	Broxbourne Local Plan Policies Map 2018-2033		June 2020
CD5.3	Broxbourne Borough-Wide Supplementary Planning Guidance		2013
CD5.4	Local Plan Examination Document 4F, Housing Trajectory		September 2018
<b>CD6 - Appeal Decisions</b>			
CD6.1			
CD6.2			
<b>CD7 - Case Law</b>			
CD7.1			
CD7.2			
<b>CD8 - Related Applications</b>			
CD8.1			
CD8.2			
<b>CD9 - External Reports</b>			
CD9.1			
CD9.2			

# A2 Statement by Dean Williamson re. Cheshunt Football Club

**Cheshunt Sports Village SOC Appendix**  
**Dean Williamson**  
**Chairman Cheshunt FC, Director LW Developments**

I'm often asked why I'm involved in non-league football. As with any community organisation, it's a huge commitment of time and energy, and the rewards are not always apparent.

Our family became acquainted with Cheshunt Football Club through my younger brother who played for the youth teams at various ages. We saw first-hand the important role the club played in the community in which we lived. This is why, following approaches by the club when it encountered financial difficulties back in 2011, we decided as a local business to take over the club to ensure its survival.

Since then, we have strived to become a flagship community football club for all ages, abilities and backgrounds. It has been an arduous task, but an extremely rewarding one.

The rewards of running/owning a community sports club are not financial. It is certainly not a pastime for those seeking financial gain.

For me the rewards are seeing the joy the club brings to people and the difference it makes to the lives of many who are involved with the club, be they young children, senior players, volunteers, coaches, staff or supporters. It's knowing that we provide an environment that people feel a part of and take pride in, a sense of togetherness with opportunities to make friends and develop personally, all the while making a positive contribution to the health, well-being and social cohesion of our local community. I attach to this note a speech given to the planning committee in support of our proposal from a local resident and club member, which illustrates this perfectly.

This is why I'm passionate about the club, what we do, and its future.

### **The Club Today**

The club today is unrecognisable to the one that we took over 10 years ago. As a company, LW Developments has invested significantly in improving the facilities the best we can, which, coupled with grant funding from the Football Foundation and Sport England, has resulted in the refurbishment of the club house and function suite, renewed stadium facilities, remodelling and improving the existing grass pitches and installing a new 3G artificial pitch. This has allowed the club to grow the number of teams and community programmes and become the leading football club in the Borough of Broxbourne. I attach some before and after photos of our facilities.

Even in the four years since we first submitted our application for Cheshunt Sports Village, the club has continued to grow at an exceptional rate:

- We now have more than 30 teams playing under the Cheshunt FC banner, ranging from the senior teams to the grassroots youth, college, disability and walking

football teams. This season we added the Borough's only competitive women's side along with new girls' teams, providing a pathway of opportunity for female players in the local community.

- Over 100 local children now attend our weekly soccer school and holiday camps that are open to all boys and girls between the ages of five and 11, designed to encourage children to develop a love of sport.
- We continue with the wider promotion of sport within the community, participating in the Active Broxbourne network and Broxbourne Community Open Days, as well as being a main sponsor of the annual Broxbourne Youth Awards.
- We have partnered with the Waltham Cross & District Primary Schools Sports Association to host football tournaments, and we provide work experience placements to secondary school students.
- We have been key partners in delivering vital safety education to thousands of children in the borough, including the Tackling Track Safety Campaign with National Rail and the Robbie Lea Water Safety Partnership.
- The club has also become home to a growing number of other community and business organisations such as Impulse Dance, Slimming World and UK Power Networks.

The club has received numerous community awards in recognition of its active role within the community. These include winning the Community Club of the Year 2017 at the Active Broxbourne Sports Awards, runners up for the Community Club of the Year Award at the Herts Sports Partnership 2017, as well as being shortlisted for the same categories in subsequent years.

In 2019 we were rewarded on the pitch with promotion to step three of the non-league football pyramid, a day that will live long in the memory of everyone involved at the club. We now sit just one division below the national league.

### **Rationale and Objectives of Cheshunt Football Club**

We want to continue our good work and grow the number of teams and community projects that we run. However, whilst the club is now running within its means, this is not enough to grow and sustain it in the future, given our lack of capital, limited stadium facilities and lack of opportunity for income generation.

Despite our investment in the club and its refurbishment, the fact is the buildings are over 70 years old, inefficient to run with a short economic life and have become outgrown by the club. The size of our changing rooms do not meet current FA guidelines for step 3, and the FA has given the club one year's grace pending our planning application for Cheshunt Sports Village. A further promotion to step 2 will require a significant increase in stadium facilities to meet ground grading conditions. This includes more spectator seating, more entrances



and an upgrade to the existing floodlights. The minimum ground grading requirements for each step are summarised in the table below (Cheshunt is currently in step 3).

Step	Capacity	Seated Accommodation	Entrances	Dressing Rooms (each)	Floodlights
Football League	5,000	1,000 year 1 2,000 year 2+	8 entrances	min 30sqm	avg. 500 lux
Step 1	4,000	500 across two stands	8 entrances	min 18sqm	avg. 250 lux
Step 2	3,000	250 in one stand	6 entrances	min 18sqm	avg. 180 lux
Step 3	1,950	250 across two stands	3 entrances	min 18sqm	avg. 120 lux

Table 1. FA National Ground Grading Requirements

In order for the club to grow and move forward, we need new and larger facilities, and this requires significant investment and sustainable streams of income.

Therein is the rationale for Cheshunt Sports Village:

#### Funding Objectives

- The residential element of the scheme will fund new football, community and commercial facilities.
- In turn, income from the commercial facilities will provide the club with a sustainable income to cover running costs and to invest into its teams, education and community programmes.

#### Football Objectives

- The scheme will provide the club with a new stadium which will enhance the match day experience for supporters and allow the club to compete at higher levels. The built form around the pitch will serve as the amphitheatre to which spectator stands can be installed on a progressive basis as and when required by the FA ground grading guidelines and subject to future planning permissions. The design of the proposed stadium safeguards the club to compete in the Football League.

#### Community Objectives

- Cheshunt Sports Village will provide new community and leisure facilities that help address existing deficits in the borough, combat the high levels of obesity in Broxbourne and meet demand from the future growth in population.

#### Economic Objectives

- The scheme will create future jobs, inward investment and meet housing need.

There are many examples of residential enabling development being used to deliver new sports and community facilities. Below are examples of how such enabling schemes are helping to deliver new facilities for two non-league clubs like Cheshunt. The difference with our proposals is that the club is not being relocated to make way for the new development. The club and stadium will be at the heart of Cheshunt Sports Village, creating a true live, work, play environment.

A new stadium and associated facilities will give the club a far brighter future. It will enable us to continue to build on our role as a cornerstone of the local community, enabling us to significantly increase the range of services and teams we offer as well as facilities for local people.

The status of the club and its ongoing growth and success makes an important contribution to the social well-being of the local community, encouraging participation in sport and developing lives of a wide range of people of all ages and backgrounds. The club has opened its doors to the whole community, which is shown in the general sense of pride and ownership that its members, visitors and local organisations feel towards the club.

It has been an honour to guide the club through this part of its long history, and I know that Cheshunt Sports Village will not only be a significant step forward for Cheshunt Football Club, but for Cheshunt and the Borough of Broxbourne as a whole.

Dean Williamson MRICS  
Chairman

**Cheshunt Sports Village SOC Appendix**  
**Dean Williamson**

*This is a speech given at the planning committee in favour of Cheshunt Sports Village:*

Hello, thank you for letting me speak on behalf of Cheshunt football club today. My name is Paul Forsey, I have been a Cheshunt resident for over 20 years. My son Max was born and raised here. He was born with growth and developmental issues, which has led to numerous problems throughout his life.

We wanted our son to be involved in sport, but after trying multiple times we couldn't find anywhere suitable. After speaking to a friend who was involved in Cheshunt football club, he mentioned they have a pan disability team. Max and I went along to watch a first team game one week and met the manager and some of the players who were regulars watching the games, being involved with the disability team meant they get in for free, a fantastic incentive by the club.

Max went to training the next day and he hasn't looked back since. I was amazed at the difference in him, he felt included, part of a team and it was fantastic to witness, he was so happy. I have seen this on many occasions since, I help every training session and matches because there are so many young men with varying levels of disability, we would regularly get 25 or more at Sunday morning training and Thursday evenings. We have seen young men who turn up, extremely shy, low on confidence and some occasions not speaking for the first couple of sessions, to see the young men progress and grow, is an absolute joy.

As someone who goes to the ground so often, I have seen firsthand how busy the pitches are, with boys, girls, men and women. There is a large group of older men who play walking football after us on a Thursday.

The pan disability teams at Cheshunt have all achieved lots of success, lots of league and cups wins, with Cheshunt entering at least 3 teams in most competitions. They have had so many wonderful experiences, including playing at the Tottenham foundation, Watford training ground and playing a competition at Chelsea on the main pitch, and many more. These are experiences they will remember for the rest of their lives.

Max has continued to grow and develop as a young man we are extremely proud of, but as in the rest of his life we struggled to find work for him. After speaking to Dean the chairman he offered him an opportunity as an assistant grounds man, Max has been doing this for the last couple of years now and he absolutely loves it, working most days and helping match days, he has been made to feel like part of the Cheshunt football club family and we couldn't be prouder of the independent young man he has turned into. We owe a massive debt of gratitude to the Williamsons and Cheshunt football club. The club has played a massive part of my sons' development, we both love going to games home and away our promotion to the Isthmian premier league at Bracknell will be a memory we'll have for the rest of our lives.

The club plays a big role in the community, from pan disability, women's football, men's and boys' teams, I have seen first hand the range of people who go and support the club, men, women, families and young people. I have spoken to pensioners who regularly attend the

games, they have told me how much they get out of going to watch live sport and supporting their local club. The club plays a vital role in the community for mental and physical wellbeing. Cheshunt football club needs the help of the council to help it continue to grow and develop, the viewing facilities and changing area are basic and don't compare to Ware and Harlow's. The planned development will allow the club to grow and continue to help more and more people in the community.

# Award Winning Community Club



## Men's Team



## Women's Teams





# Award Winning Community Club



## Boys Youth



## College Programmes





# Award Winning Community Club



## Disability Teams



## Walking Football Teams





# Award Winning Community Club



## Soccer Schools



## Community Awards





# How Far We've Come



## Clubhouse - Exterior





# How Far We've Come



## Clubhouse - Interior





# How Far We've Come



## Function Suite – Exterior

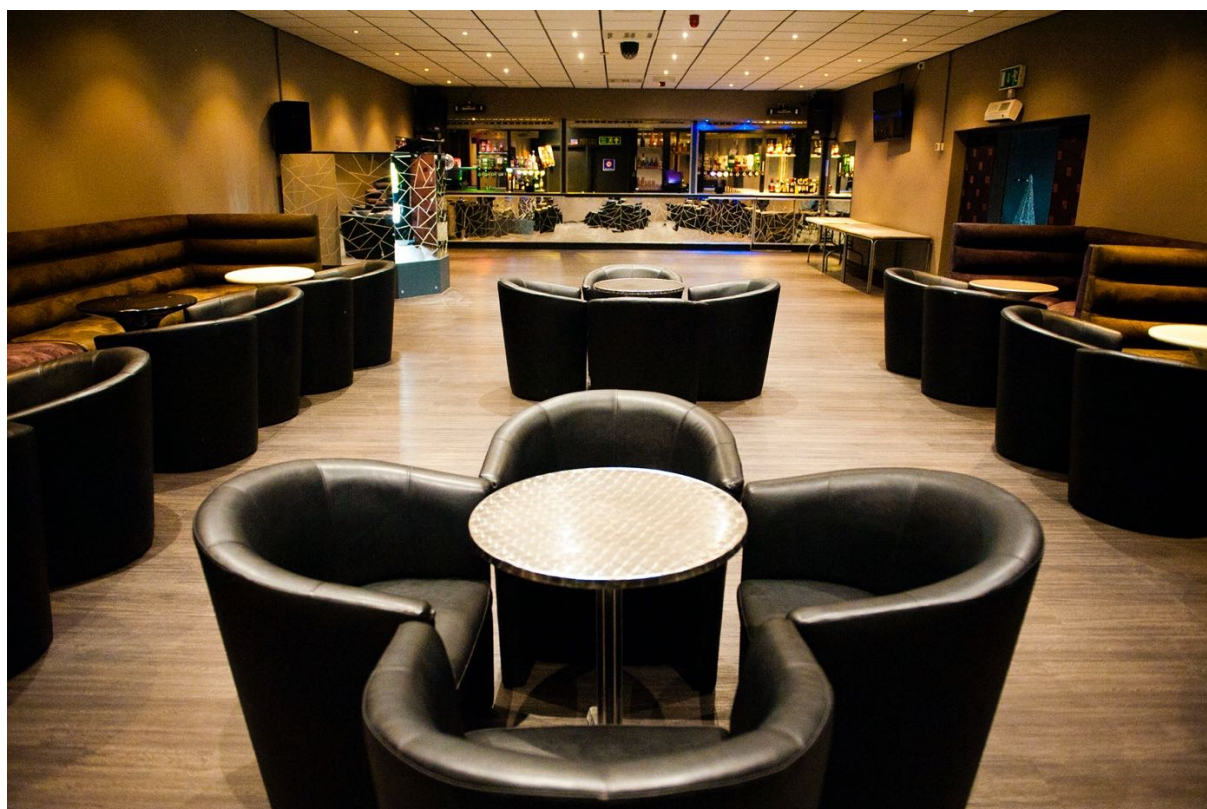




# How Far We've Come



## Function Suite - Interior





# How Far We've Come



## Car Park





# How Far We've Come



## Stadium





# How Far We've Come



## Stadium





# How Far We've Come



## Stadium





# How Far We've Come



## All Weather Pitch





# How Far We've Come



## Grass Pitches



## Cheshunt Sports Village SOC Appendix

### Dean Williamson

#### Case Studies

##### Boston United

Boston United play in the national League North, the level above Cheshunt FC. In 2015 planning permission was granted for a mixed-use scheme which includes a new community 5,000 capacity stadium for Boston United Football Club and its extensive community programmes as well as approximately 500 homes and commercial and leisure facilities (ref: B/14/0165).

The scheme is to be delivered by Chestnut Homes Ltd, a local, family-owned business that took over the football club in 2007. Similar to Cheshunt FC, Boston Utd had a lease on their previous ground, which was ageing and no longer fit for purpose. There were limited opportunities to generate income on both match and non-match days, rendering the club economically unviable, which was having an adverse impact on the progression of the club and the ever-growing community programmes the club provides.

The delivery of the new stadium through enabling development provides a stadium that is financially viable and helps secure a future for the club and the wide range of community, sports, education and training programmes that it delivers. The stadium, which will be taken on a long leasehold basis by the Boston United Football Club Community Interest Company, includes a sports hall, an all-weather 3G pitch for community use, plus educational and conferencing facilities.

The scale of the enabling development is the minimum that is required to make the scheme viable. The scheme was unable to deliver a full suite of policy obligations, with 20% Affordable Housing agreed



## Tilbury FC

Tilbury FC play in the Isthmian Division One North, the league below Cheshunt FC. In January 2021 a resolution to grant permission (ref: 20/00242/FUL) was awarded for a new 3,000 capacity stadium and 122 new homes on the club's existing ground in the Green Belt, which has been the club's home since 1950. The current ground is dilapidated and at the end of its useful economic life.

The new stadium will be a community asset providing a sports hall, gym, an all-weather 3G pitch, plus function rooms and educational facilities.

The residential development is the enabling development that directly funds the new stadium and its facilities. Owing to the viability of the development, no affordable housing is provided, and the ability to fund other planning obligations is reduced.



# A3 Statement by Paul Maidment re. Financial Viability

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# **Cheshunt Sports Village Theobalds Lane Cheshunt Hertfordshire EN8 8RU**

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## **Financial Viability Statement**



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<b>5. Conclusion</b>	<b>7</b>



## **Instructions**

This Financial Viability Statement is submitted to LW Developments to confirm the process and detail of the Toolkit Viability Assessment that was issued by Savills in August 2018, which subsequently was assessed and agreed by the Local Authorities Assessor.

## **Report Limitations**

Although this report has been prepared in line with RICS valuation guidance, it is first and foremost is for information purposes only. Therefore it should be noted that, as per Professional Standards 1 of the RICS Valuation Global Standards 2020 incorporating the International Valuation Standards, advice given expressly in preparation for, or during the course of, negotiations or possible litigation does not form part of a formal 'Red Book' valuation and should not be relied upon as such.



# 1. Executive Summary

1.1 This statement has been prepared and submitted by Savills on the request of LW Developments to confirm the detail and process in respect of the Toolkit Viability Assessment as issued by Savills in August 2018 to support the planning application 07/18/0514/F in respect of the the subject site.

1.2 The assessment was carried out using Argus Developer, (Version 6).

The site is located in Theobalds Lane which is accessed from the Great Cambridge Road (A10) being north of the A10/M25 junction. Since the last viability appraisal the scheme has been reduced in sale and density, with a Freehold Land Value Provided.

The revised proposed scheme was for the redevelopment of the existing football ground to provide a 2,000 capacity stadium, new football facilities for Cheshunt FC, including changing rooms, classrooms and club house, a community block having various use classes, along with 163 residential units.

Savills appraised the following submission for LW Developments:

- 145,539 sq ft NIA of Residential Accommodation comprising one and two bedroom apartments that are located in the four corners of the stadium and within the south and east blocks. Three and four bedroom houses are provided on the vacant land to the east of the stadium;
- 25,833 sq ft of replacement facilities for Cheshunt Football Club which is located in the north block;
- 34,464 sq ft of lettable commercial space that is located in the west block; and
- 2,000 seat stadium.

1.2 When preparing the submission of the Toolkit, we were provided specialist advise from the following consultants:

- Schedule and Plans from Bryant & Moore;
- Costs from Madlins;
- Residential Values from Lanes New Homes;
- Commercial Values from Paul Wallace Commercial.

## 2. Methodology

### 2.1. Financial Viability Assessments

2.1.1. In line with the NPPF, and local strategic planning guidance, site-specific financial viabilities are a material consideration in determining how much and what type of affordable housing should be required in residential and mixed-use developments.

2.1.2. As such, viability appraisals can and should be used to analyse and justify planning obligations to ensure that Section 106 requirements do not make a scheme unviable.

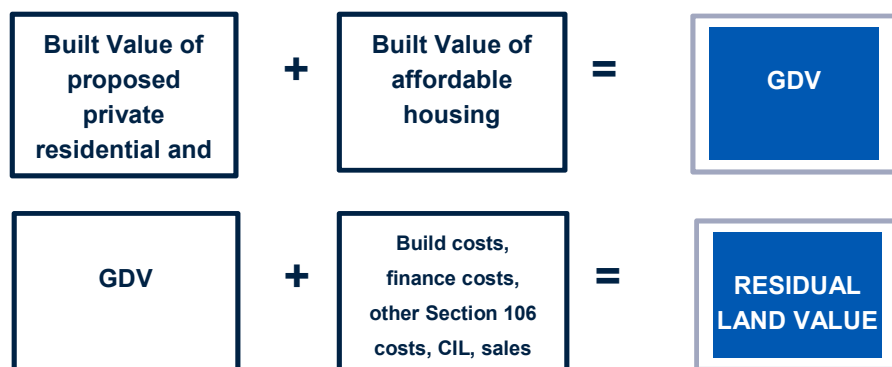
2.1.3. The RICS define financial appraisals for planning purposes as:

*'An objective financial viability test of the ability of a development project to meet its costs including the cost of planning obligations whilst ensuring an appropriate site value for the landowner and a market risk adjusted return to a developer in delivering a project'.*

2.1.4. The logic is that, if the residual value of a proposed scheme is reduced to significantly below an appropriate viability benchmark sum, it follows that it is unviable to pursue such a scheme, and the scheme is unlikely to proceed.

### 2.2. Residual Land Valuation

2.2.1. The financial viability of development proposals is determined using the residual land valuation method. A summary of this valuation process can be seen below:



Land Value (RLV) is then compared to a **site value benchmark**. If the RLV is lower and/or not sufficiently higher than the **benchmark** the project is not technically viable

### 3. Appraisal Modelling Assumptions

3.1 The following input were used in order to understand the viability of the project.

Input	Assumption Used
Basic Site Information	User defined number of dwellings 163 Residential Units.
Choice of Input Method	User defined dwelling types by quantity.
Land Value	A fixed Land Value of £1,418,051 was included as provided by the client..
Unit Areas	<p>A schedule of proposed residential and commercial areas broken down by unit along with a set of plans as provided by Bryant and Moore architects, that extends to:</p> <ul style="list-style-type: none"> <li>• 163 residential units, having a total NIA of 145,539 sq ft;</li> <li>• Cheshunt FC facilities building, having a GIA of 25,833 sq ft;</li> <li>• Income producing commercial space of 34,464 sq ft, with a GIA extending to 43,078;</li> <li>• Stadium and Football Pitch.</li> </ul>
Interest Rate	A debit interest rate of 6.5% debit and a credit of 0.10% within our Argus Appraisal, this is in line with standard viability parameters, equating to a total interest calculation of £5,189,765.
Developers Return	The appraisal was calculated on a Fixed Land methodology, allowing the Profit on Cost to calculate the viability of the project.
Ground Rents	Ground Rents at £300 per flat unit were included, applying a yield of 5% (20 Years Purchase) to the annual receipt, this provides a capital value of £690,000.
Income Generating Commercial	34,464 sqft of commercial space was included, having use class A1, A3, B1, D1 and D2, applying a rental of between £10 to £15 sqft, and adopting a yield of 8% (12.5 years purchase), this provided a capital receipt of £5,624,700, as advised by Paul Wallace Commercial.
Unit Values	Outturn Residential Sales Values were entered at £57,585,00 equating to a rate of £395.67 per sq ft, this is based upon advice received from Lanes New Homes.
Affordable Values	Affordable Housing was not included as the scheme was not viable given the cost of providing new sports facilities and community facilities.
Cheshunt FC Football Club House	The Club House has been included allowing a capital receipt of £600,000, within the cash flow, this has been entered at June 2022, once the stadium and pitch has been completed.

<b>Input</b>	<b>Assumption Used</b>
Build Costs	Within the appraisal the construction costs were included as advised by Madlins in the sum of £48,131,130.
Professional Fees	Professional fees of 8% were included for the Proposed Development, which extend to a total of £3,850,490.
Development Programme	The total development programme extended to 64 months commencing from June 2018. Within the Argus Appraisal block charts were provided for each element of the project.
Residential Sales Programme	Residential Sales commenced with Block 1, with sales following construction on a clockwise bases assuming an average of 4 sales per month.
Section 106	Planning obligations were included at £270,000 for the total project.
Residential Sales and Letting Costs	<p>Sales Costs were entered as follows:</p> <ul style="list-style-type: none"> <li>• Marketing has been entered at a total of £131,500;</li> <li>• Sales agents fee at 1.5%, which extends to a total of £872,775;</li> <li>• Sales legal fee at £1,000 per unit, which extends to a total of £164,000.</li> </ul> <p>In respect of the commercial element of the scheme, the following inputs were included:</p> <ul style="list-style-type: none"> <li>• Letting fee of 15%, extending to £65,912;</li> <li>• Letting Legal at 5%, extending to £21,971.</li> </ul>

Please be aware that the timings as noted above are those that were included to support the original Toolkit Viability Assessment.

## 4. Viability Appraisal Results

In including all of the inputs as included in section 3;

- 145,539 sq ft NIA of Residential Accommodation comprising one and two bedroom apartments that are located in the four corners of the stadium and within the south and east blocks. Three and four bedroom houses are provided on the vacant land to the east of the stadium;
- 25,833 sq ft of replacement facilities for Cheshunt Football Club which is located in the north block;
- 34,464 sq ft of lettable commercial space that is located in the west block; and
- 2,000 seat stadium.

The Argus Appraisal generated a profit on cost of 6.48%, including a Fixed Land Value of £1,418,051 and assuming Section 106 Contributions of £270,000, as advised in the table below:

Fixed Land Value	Section 106 Contributions	Profit on Cost
£1,418,051	£270,000	6.48%

## 5. Conclusion

5.1.1. We appraised the proposed scheme against a fixed land value of £1,418,015 in order to fully understand the economics of the development and understand assuming the informed level of Section 106 contributions of £270,000, what level of profit would be generated.

5.1.2. Under standard methods of Viability, guidance provided by both the NPPF and the RICS suggests a profit level of 15 to 20% on GDV (17.65 to 25% on cost) should be assumed as reasonable within their guidance. Savills Private Finance advise for funding purposes, most lending institutions require a minimum of 16.67% on GDV (20% on Cost), rising dependant on the complexity and risk of the project.

Clearly at the time of submission, to deliver a project as included, falls short of being viable under normal methods of calculations (6.48% on Cost) and would be unlikely to attract funding from any major loan institution, therefore so could not afford to include any further liability in the delivery of on-site affordable housing, or PiL.

5.1.3. To confirm the findings of any Toolkit submission, the LPA will appoint their own independent assessor to provide their opinion on the economics of the project. In this instance the LPA appointed Gerry Wade FRICS, who confirmed:

*“Our overall view is that we are satisfied with the methodology adopted by the various consultants in arriving at their revenue and cost figures as included within the Toolkit Viability Assessment subject to the various”*

In considering the Refusal Notice, date 23/11/2020, as issued by Borough of Broxbourne, point 1 refers to the absence of affordable housing and contribution to community facilities as reasons for refusal. Borough of Broxbourne’s own assessor Gerry Wade confirmed that they were satisfied with the methodology adopted along with the various consultant’s revenues and cost provided. So the viability assessment proved that the scheme could not support any further liability of on-site affordable housing or PiL as it only produced a profit on cost level of 6.48%, if the LPA required any further calcification, support or information, they have had in excess of 2 years to request. In respect of the community facility, on site sports, community and leisure facilities are being provided.

5.1.4. In normal circumstances, most developers who had a scheme producing 6.48% of profit level would have walked away from the development. In this instance he applicants are the owners of the current facility and have already supported the Football Club and community with the delivery of 3G training pitches adjacent to the current facility. So they are committed and are willing to proceed with the development, even though profit levels are lower than those required under normal measurements of viability.

5.1.5. We must bring to your attention that the original Toolkit Viability Assessment submitted is over 2 years expired and the market place is completely different today, particularly with the current Covid 19 pandemic, so assumptions and inputs would have changed. We have however included and update indices calculation from Madlins, they are suggesting an uplift of 2.4% and we have run a Nationwide House Price calculator, which shows an uplift average of 3.97%.

**Paul Maidment**  
Associate Director

+44 (0) 1245 293280  
+44 (0) 7870 999159  
[pmaidment@savills.com](mailto:pmaidment@savills.com)

## Paul Maidment

---

**From:** Nick Clark <N.Clark@madlins.co.uk>  
**Sent:** 20 January 2021 15:11  
**To:** Paul Maidment  
**Subject:** SPAM Cheshunt  
**Attachments:** Cheshunt Sports Village - viability estimate issue 9 11th January 2018 .pdf

**EXTERNAL EMAIL: Be cautious when opening attachments or clicking links**

Paul

1Q2018 was my last cost estimate so indice was 326 its now 327 so a 0.31% increase in 3 years – amazing! Whereas I don't think this is realistic BUT its something you can use ( I would have suggested 2.4% as this is what I am seeing )



Back to home



## Indices

Define

Results

View

### View



Use common base 1Q

BCIS All-in TPI

Base date: 1985 mean = 100

#### Recent changes

Percentage

Date	Index	Equivalent sample	On year	On quart
1Q 2018	326	98	8.3%	2.8%
2Q 2018	326	94	6.2%	0.0%
3Q 2018	327	90	6.9%	0.3%
4Q 2018	330	85	4.1%	0.9%
1Q 2019	331	74	1.5%	0.3%
2Q 2019	334	66	2.5%	0.9%
3Q 2019	334	61	2.1%	0.0%
4Q 2019	332	55	0.6%	-0.6%
1Q 2020	334	Provisional	0.9%	0.6%
2Q 2020	334	Provisional	0.0%	0.0%
3Q 2020	329	Provisional	-1.5%	-1.5%
4Q 2020	327	Provisional	-1.5%	-0.6%
1Q 2021	327	Forecast	-2.1%	0.0%
2Q 2021	328	Forecast	-1.8%	0.3%
3Q 2021	331	Forecast	0.6%	0.9%
4Q 2021	335	Forecast	2.4%	1.2%

Regards

**Nick Clark** : Partner

# MADLINS

Construction & Property Consultants

**Mob: 07775 908655**

**Tel: 01483 751600**

**Woking: Nova Scotia House 70 Goldsworth Road, GU21 6LQ**

**London: 60 Gray's Inn Road, London WC1X 8AQ**

**[www.madlins.co.uk](http://www.madlins.co.uk)**

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## Nationwide

### House Price Index

House Price calculator

### House Price Calculator

If you have a Nationwide mortgage, we may be able to give you a better idea of how much your home is worth using your mortgage account number. Get a property valuation

### Instructions

**Property Value:** Enter the price paid for, or a more recent valuation of your property. Please ensure the value is entered without commas, for example 150000, rather than 150,000

**Valuation Date 1:** The date when your property was purchased, or revalued

**Valuation Date 2:** Date for which you would like a new estimate of your property's value

**Region:** Select region which the property is situated in. If you are not sure which region the property is in, click on the link below to find your region.

To find out how the value of your property has changed please use the calculator below (this is updated shortly after the end of each quarter - March, June, September and December):

**Please note:** The Nationwide House Price Calculator is intended to illustrate general movement in prices only.

The calculator is based on the Nationwide House Price Index. Results are based on movements in prices in the regions of the UK rather than in specific towns and cities. The data is based on movements in the price of a typical property in the region, and cannot take account of differences in quality of fittings, decoration etc.

For an accurate valuation of your property we would always recommend you consult a local estate agent or surveyor.

## House Price Index calculator

Please enter the details of your last valuation

Property value:

Min: £0

Max: £2,000,000

Valuation year 1

▼

2018

Valuation quarter 1

▼

Q1

Property region:

Outer Metropolitan ▼

Outer Metropolitan

What Region?

Valuation year 2

2020 ▼

2020

Valuation quarter 2

Q4 ▼

Q4

Calculate

Valuation date 1 (Q1 2018):

£300,000

Valuation date 2 (Q4 2020):

£311,903

Percentage change:

3.97%

## Legal Information

The Nationwide House Price Indices are prepared from information that we believe is collated with care, but no representation is made as to their accuracy or completeness. We reserve the right to vary our methodology and to edit or discontinue the indices at any time, for regulatory or other reasons.

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# A4 Statement by Nick Hawkins re. Air Quality

## Cheshunt Sports Village - Air Quality - Technical Summary

The following document summarises the original air quality assessment prepared in connection with the redevelopment of Cheshunt Sports Village, on Theobolds Lane, Cheshunt on behalf of LW Developments.

The original air quality assessment was prepared in September 2016. The assessment covered two main areas:

1. The impact of the local area on the development – i.e. are onsite pollutant concentrations a constraint upon the development of the site; and
2. The impact of the development on the local area. Specifically:
  - a. The impact of changes in traffic associated with the development;
  - b. The impact of combustion emissions from onsite plant; and
  - c. The impact of construction dust emission during the construction phase of the development.

This assessment has been undertaken in accordance with the Department of Environment, Food and Rural Affairs' (Defra) current *Technical Guidance on Local Air Quality Management (LAQM) (TG16)* and the Institute for Air Quality Management and Environmental Protection UK's *Land-use Planning & Development Control: Planning for Air Quality* (May 2015) (since updated). A risk-based assessment of the likely impact of construction on the air quality of the local environment was conducted in accordance with the Institute of Air Quality Management's 2014 edition of the *Guidance on the assessment of dust from demolition and construction*.

### The Impact of the Local Area on the Development

The assessment shows that an Air Quality Management Area (AQMA) is located to the west of the development site, located around the A10, starting just north of the junction of Theobolds Lane and the A10 and extending to the junction of the A1170 at Turnford. However, air pollution modelling using the Breeze Roads detailed dispersion model noted that in 2014 (the baseline year) and in 2018 (the proposed opening year of the development), pollutant concentrations of all pollutants would be below the National Air Quality Objective levels.

The results therefore show that the site would be considered suitable for residential development, since pollution onsite would not be prejudicial to health. Consequently, it was considered that pollutant concentrations on the proposed development site would not be a constraint upon the development of the site.

### The Impact of the Development on the Local Area

The assessment notes that it is not anticipated that any largescale plant is proposed in association with the development, that could have an impact on local air quality.

The impact of construction on local air quality has been considered. A construction dust risk assessment has been carried out which identifies that the dust emission magnitude for all four activity areas (demolition, earthworks, construction and trackout) are considered "medium". It is considered that the sensitivity of the area is "high" in relation to dust soiling, but low in relation to human health and ecological receptors. This therefore identifies that site as a "medium

risk site” is respect of dust soiling from demolition, trackout, earthworks and construction. Consequently, a dust management plan (DMP) was recommended incorporating a number of specific mitigation measures based on the site specific risks. It was considered that with a DMP, the residual impact is likely to be insignificant.

Details of traffic associated with the development was provided by WSP, who indicated the number of vehicle movements generated by the proposed development. The traffic generated on Theobolds Lane from the proposed development was in the region of 900 AADT, with around half of this traffic heading west on Theobolds Lane onto the A10. The results of the assessment showed that the impact of the increase in traffic flow was very small at the worst affected sensitive receptors, such that the percentage change in concentrations relative to the National Air Quality Objective was very small. In line with the IAQM guidance, the traffic impact of the proposed development was considered “negligible” based upon the traffic data provided by WSP. Consequently, the proposed development was not anticipated to have a significant impact on the air quality of the local area and air quality within the AQMA was not predicted to be significantly adversely affected.

### Changes Since the Original Assessment

The assessment was conducted in 2016, based on monitoring data contained within the 2015 Updating and Screening Assessment (USA) for Broxbourne Borough Council. The 2015 USA contained monitoring from 2014. The assessment used 2018 as the future baseline year. Broxbourne Borough Council has since published their 2020 Air Quality Annual Status Report (ASR). In line with national trends, the 2020 ASR notes that monitored pollutant concentrations were lower in 2019 than in 2014.

If the assessment were to be repeated utilising the most up-to-date monitoring data and using the most-up-to-date emissions factors, given the general trend in reduction in pollutant concentrations, it is likely that the 2016 assessment would have represented a worst-case scenario in terms of both onsite pollutant concentrations and the impact assessment.

### Overview

Based upon the information provided, the air quality assessment determined that onsite pollutant concentrations would be below the National Air Quality Objectives and therefore show that the site would be considered suitable for residential development, since pollution onsite would not be prejudicial to health. Regarding the impact of the development, it is not anticipated there will be any largescale plant that could have an impact on local air quality. The construction dust risk assessment identifies that site as a “medium risk site” is respect of dust soiling from demolition, trackout, earthworks and construction. Consequently, a dust management plan (DMP) was recommended incorporating a number of specific mitigation measures based on the site specific risks. It was considered that with a DMP, the residual impact is likely to be insignificant. Based on traffic data provided by WSP, the impact of the increase in traffic flow was very small at the worst affected sensitive receptors, such that the percentage change in concentrations relative to the National Air Quality Objective was very small. The assessment shows that the overall impact of the development on surrounding air quality would be considered to be “negligible”.

Reason for Refusal 2 of the original refused scheme notes , *“Increased levels of motorised traffic associated with the development would exacerbate air quality issues with the A10 air quality management area without adequate mitigation contrary to Policy EQ2 of the Broxbourne Local Plan 2018-2033”*. Since it is considered that the proposed development is likely to a “negligible” impact on local air quality, it is considered that Reason for Refusal 2 and therefore not a valid reason for refusal.

# A5 Statement by Roland Bolton re. Housing Land Supply

For and on behalf of  
**LW Developments**

**Five Year Land Supply Assessment**

**Cheshunt Sports Village, Broxbourne**

Prepared by  
**Strategic Planning Research Unit  
DLP Planning Ltd  
Sheffield**

January 2021

Prepared by:	Sarah Biggins BSc (Hons) Student Planner
Checked by:	Roland Bolton BSc (Hons) MRTPI Senior Director
Approved by:	Roland Bolton BSc (Hons) MRTPI Senior Director
Date: January 2021	Office: Sheffield

### Strategic Planning Research Unit

**V1 Velocity Building**  
**Ground Floor**  
**Tenter Street**  
**Sheffield**  
**S1 4BY**

**Tel: 01142 289190**

**Broad Quay House (6<sup>th</sup> Floor)**  
**Prince Street**  
**Bristol**  
**BS1 4DJ**

**Tel: 01179 058850**

**4 Abbey Court**  
**Fraser Road**  
**Priory Business Park**  
**Bedford**  
**MK44 3WH**

**Tel: 01234 832740**

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## 1.0 INTRODUCTION

- 1.1 This is a report on the five year land supply situation in Broxbourne as at January 2021 in the context of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).
- 1.2 The purpose of this report is to inform the appeal of the planning application (07/18/0514/f) for a new stadium and 163 residential dwellings with associated facilities and highway access works which was a resubmission of 07/16/1369/f) at Cheshunt Football Club Theobalds Lane Cheshunt Hertfordshire EN8 8RU.
- 1.3 The appeal site is allocated in the Local Plan 2018-2033 (Adopted 23 June 2020) Policy CH7 which states:
- Policy CH7: Cheshunt Football Club*  
*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.*
- 1.4 The allocation is justified within the plan as meeting the objective (LP Paragraph 2.2) of *Housing: Provide a range of market, affordable, elderly persons and special needs housing in the form of apartments, family and executive properties.*
- 1.5 Paragraph 3.2 of the Local Plan explains that an extensive evidence base has been prepared to inform the levels of growth to be planned for to 2033. As a result, the Council has concluded that there is a need for 7,718 new homes, an average of 454 per annum
- 1.6 Paragraphs 3.7 refer to strategic allocations that have been removed from the green belt to meet the housing needs and paragraph 3.8 refers to further green belt sites to be released to meet the identified housing needs.
- 1.7 Table 1 of the Plan shows that for the period 2018 to 2023 the majority of the completions are expected to be delivered from local plan sites (2,156 dwellings). The appeal site is identified in table 2 with an indicative dwelling number of 165.
- 1.8 It is noted that the officers report considered in detail the impacts of the appeal proposal and recommends that planning permission be granted.
- 1.9 While the reason for refusal refers to the lack of affordable housing provision in the application there was no indication as to the weight placed on the importance of delivering market housing in this location. Given the background evidence to the local plan the delivery of market housing is considered to carry substantial weight in any decision and this report will investigate whether after the adoption of the plan there is a five year land supply of housing.
- 1.10 Section 3 and 4 of this report state the importance of identifying an annual 5 year supply deliverable housing land and highlight that the council have failed to demonstrate this and the lack of any published evidence means that the requirements of paragraph 73 of the NPPF are not met and the tilted balance in paragraph 11 c) is engaged.
- 1.11 It is further noted in section 4 of this report that might be attributable to the provision of market

housing that Broxbourne Council should be increased as the council has failed the Housing Delivery Test published in January 2021 in that it has only delivered 74% of its housing requirement. Again, this requires applications are to be judged in accordance with Paragraph 11 c) of the framework. This report will consider if the area also fails not only in past delivery but also in terms of the 5 year land supply.

## 2.0 NATIONAL POLICY AND GUIDANCE

2.1 The current National Planning Policy Framework ('the Framework') was published on 20th February 2019 and came into force with immediate effect.

2.2 Chapter 5 of the Framework covers the delivery of a wide choice of high-quality homes.

2.3 The Framework paragraph 73 states that:

*“local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:*

- a) *5% to ensure choice and competition in the market for land; or*
- b) *10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or*
- c) *20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.”*

2.4 The Framework (Annex A) explains that for a housing site to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

*A ‘sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*

*B where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.’*

2.5 The definition and accompanying Planning Practice Guidance ('the Guidance') plays a key role in clarifying that the part (a) sites are considered to be deliverable in principle, whereas part (b) sites require further evidence. For those sites listed in part (b) the burden lies with the local planning authority to satisfy the evidential threshold that sites are deliverable.

2.6 This definition provides a clear basis against which to assess potentially fact-sensitive judgements on individual sites in accordance with national policy and guidance, recognising that not all sites will perform to the norm.

2.7 Parts (a) and (b) of the definition in the 2019 Framework sets out a list which does not include:

- Sites that are subject to planning applications which are submitted but no decision notice issued at the base date of the assessment;
- Sites that are subject to planning applications after the base date of the assessment; and
- Sites that are identified in Strategic Housing Land Availability Assessments, development briefs, or other non-development plan documents.

- 2.8 Paragraph 007 (Ref ID: 68-007-20190722) of the Guidance goes on to state that the above definition also sets out the sites that would require further evidence to be considered deliverable, namely those which:
- Have outline planning permission for major development;
  - Are allocated in a development plan;
  - Have a grant of permission in principle; or
  - Are identified on a brownfield register.
- 2.9 The type of clear evidence needed to demonstrate deliverability, includes:
1. *“current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;*
  2. *firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers’ delivery intentions and anticipated start and build-out rates;*
  3. *firm progress with site assessment work; or*
  4. *clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.”*
- 2.10 The July 2019 changes to the Guidance make it clear that for these sites additional evidence is required and rather than any progress or evidence (as stated in the previous guidance) it must be “firm” progress.
- 2.11 As set out in the Framework, a Local Authority’s Housing Requirement is either that adopted in their strategic policies, or where these are more than 5 years old, the requirement will be determined by the Standard Methodology. As the Broxbourne Local Plan was adopted in 2020, the local plan requirement should be used.
- 2.12 The Planning Practice Guidance (paragraph 009 ID: 68-009-20190722) states that:
- “When local planning authorities wish to confirm their 5 year housing land supply position once in a given year they can do so either through a recently adopted plan or by using a subsequent annual position statement.”*
- 2.13 Paragraph 11 of the Framework describes that for decision taking, the presumption in favour of sustainable development means:
- c) *“ approving development proposals that accord with an up-to-date development plan without delay; or*
  - d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:*
    - i) *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or*
    - ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

2.14 Footnote 7 identifies that where the most important policies are out of date, that:

*“This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years”*

2.15 By not producing an annual statement on the five year land supply the council is clearly in conflict with the requirements of paragraph 73 of the NPPF and the tilted balance in paragraph 11 c) of the NPPF is engaged.



### 3.0 LOCAL POLICY CONTEXT

3.1 Broxbourne's Local Plan (2018-2033) was adopted in June 2020. The local plan Housing Requirement is based on an Objectively Assessed Need (OAN) figure of 454 homes per year for the period 2016-2033. Policy DS1 of the plan states that provision will be made for at least 7,718 dwellings over 17 years (2016 – 2033).

3.2 The housing trajectory accompanying the Local Plan states there are sufficient sites to deliver over 8,000 dwellings between 2016 and 2033 – this includes sufficient housing to address the identified undersupply of 416 dwellings during the period 2016-2018.

3.3 Furthermore, at paragraph 3.18 of the Local Plan of the local plan, it is stated that:

*“The Council will update the housing trajectory regularly through the Authority Monitoring Report (AMR) to take into account new sources of supply, the current 5-year housing supply position and whether a 5% or 20% buffer should be applied”.*

3.4 However, Broxbourne Council's most recently published five year housing land supply position dates from September 2018 (with a base date of 1st April 2018) in which they identify a housing land supply of 5.23 years (a surplus of 148 dwellings).

3.5 Correspondence with a Policy Officer at Broxbourne Council confirmed that the Council has not published a more up-to-date trajectory than that outlined in the Local Plan, nor a more recent position statement than that published in September 2018. They have said they are currently preparing an updated AMR, which will include an updated five-year housing land supply position, but that this is not expected to be published until February or March 2021.

#### a) Council's Land Supply Position

3.6 Firstly, as identified above, in accordance with paragraph 73 of the NPPF 2019,

*“Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies”.*

3.7 However, the Council's most recently published five year housing land supply position has a base date of 1st April 2018, and the next update is expected to be published in February or March 2021, this is therefore in contrary to paragraph 73.

3.8 Secondly, the PPG enables Council's to confirm their land supply position through a recently adopted plan (if produced in accordance with the 2018 NPPF) or an annual position statement (PPG ref. 68-009-20190722).

3.9 While the Broxbourne Local Plan was recently adopted in June 2020, the local plan was examined under the 2012 Framework, and therefore, in order to confirm a five year supply this would have to be done through an annual position statement. In order for the five year supply to be confirmed, the Council needed to have advised the Planning Inspectorate of their intention to do so by the 1st April, and then the statement would have had to be submitted for review by 31st July the same year (PPG ref. 68-012-20190722). These timescales have been considerably exceeded by Broxbourne Council so even if they were to publish a position statement in early 2021, it would not be reasonable to suggest that this was evidence to confirm a valid five-year housing land supply position.

3.10 As already highlighted above the Council have failed to update their five year land supply position in accordance with paragraph 73 of the Framework as such paragraph 11 c) of the framework applies and there is a tilted balance in favour of sustainable development.

#### 4.0 HOUSING DELIVERY TEST

- 4.1 As identified above, paragraph 11 of the Framework identifies that where housing delivery falls below 75% of the housing requirement over the previous 3 years as identified by the housing delivery test (HDT), the policies in determining the application are deemed out of date and the presumption in favour of sustainable development is invoked.
- 4.2 On the 19th January 2021, the 2020 HDT Measurements were published, this identifies that Broxbourne has fallen below the 75% of housing delivery (table 1), as such the presumption in favour is triggered and the development proposal should be granted permission in line with the Framework paragraph 11 unless:
- i. The proposal harms assets or areas of particular importance and a clear reason for refusal is provided; or
  - ii. The adverse effects of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole

**Table 1: 2020 HDT Measurement for Broxbourne**

HDT	Year	Dwellings	Total
<b>Number of homes required</b>	2017-18	401	<b>1,271</b>
	2018-19	454	
	2019-20	416	
<b>Number of homes delivered</b>	2017-18	302	<b>945</b>
	2018-19	492	
	2019-20	150	
Housing Delivery Test: 2020 measurement			<b>74%</b>
Housing Delivery Test: 2020 consequence			<b>Presumption</b>

Source: HDT, 2020<sup>1</sup>

<sup>1</sup> <https://www.gov.uk/government/publications/housing-delivery-test-2020-measurement>

## 5.0 LAND SUPPLY ASSESSMENT

5.1 As outlined above, the most recent land supply position was published by the Council has a base date of 1st April 2018, and identifies a supply of 5.23 years, based on a housing requirement of 454. This land supply was as follows:

**Table 2: Council's identified housing supply (base date of 2018)**

<b>Housing Requirement</b>	
Objectively Assessed Need (OAN)	454
Five Year Requirement	2,270
Shortfall	(+) 416
20% Buffer (HDT)	(+) 537
Housing Requirement (Total)	3,223
Housing Requirement (per annum)	645
<b>Housing Supply</b>	
'Commitments'	1,052
Local Plan Allocations	2,261
Windfall Sites	40
Self Build Sites	20
Total Housing Supply	3,373
<b>Years Supply</b>	<b>5.23</b>

5.2 As no updated five year land supply positions have been published by the council, in contrary to paragraph 73 of the NPPF, the 2018 trajectory will form the basis of the assessment, and the following adjustments will be made to update this to cover the period 2020/21 to 2025/26:

- Update the Housing requirement with regard to shortfall
- Review of the Council's approach to windfall / small sites
- Assessment of the Council's 'Commitments'
- Assessment to check for completions
- Review of Planning Committee reports to identify new permissions
- Application of national lead in times and delivery rates

### a) Updated Housing Requirement

5.3 The baseline of the Housing requirement remains 454 dwellings for the period 2020/21-2025/26, as it was adopted within the last 5 years as part of the Broxbourne Local Plan.

5.4 However, the housing requirement needs to be updated for the assessment period to reflect the change in shortfall. Using delivery figures from the HDT 2020 and 2019, table 3 shows that the shortfall has increased from 416 to 584 to account for under delivery between 2018/19 and 2019/20.

**Table 3: Shortfall Assessment**

	Housing requirement	Housing Delivery	Difference	Cumulative Shortfall
2016/17	454	287	-167	-167
2017/18	454	302	-152	-318
2018/19	454	492	38	-280
2019/20	454	150	-304	-584

Source: BB 5 year land supply 2018 & HDT 2018, 2019 & 2020

- 5.5 It should be noted that the HDT results are higher than the reported completions in the completions in MHCLG live table 253 but these have been used as they have been adopted by the government and not challenged by the council.
- 5.6 As a result the housing requirement for the 2020/21 to 2025/26 period has increased (see table 4).

**Table 4: Housing Requirement for 2020/21 to 2025/26**

<b>Housing Requirement</b>	
Objectively Assessed Need (OAN)	454
Five Year Requirement	2,270
Shortfall	584
20% Buffer	571
Housing Requirement (Total)	3,425
Housing Requirement (per annum)	685

Source: Shortfall is calculated from the HDT returns on completions as set out in table 3 above, 20% buffer as required by paragraph 73 c) footnote 30 as the Housing Delivery Test, indicates delivery was below 85% of the housing requirement

**b) Small sites / windfall**

- 5.7 The NPPF Annex 2 defines windfall to be sites that are not specifically identified in the development plan. Paragraph 70 states that  
*“Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”.*
- 5.8 In August 2018, Broxbourne published a Housing Windfall Report, this formed part of the evidence base for the local plan, to provide a justification of windfall site delivery being included as part of the housing supply. This assessment concluded that a windfall allowance of 20 dwellings per annum was justified due to the historic delivery rate (table 5).

**Table 5: Extract from 2018 Broxbourne Housing Windfall Report**

Monitoring Year	Historic Windfall on Small Sites (1-4 dwellings)	Historic Windfall on Minor Sites (5-9 dwellings)
2006-2007	7	18
2007-2008	25	6
2008-2009	17	12
2009-2010	29	34
2010-2011	18	14
2011-2012	0	8
2012-2013	1	8
2013-2014	20	0
2014-2015	27	5
2015-2016	27	15
2016-2017	59	21
2017-2018	54	39
<b>Total</b>	<b>284</b>	<b>180</b>
<b>Average</b>	<b>24</b>	<b>15</b>
<b>Average small and minor sites</b>	<b>20</b>	

5.9 This complies with the evidence required by the NPPF and as such we have left the windfall allowance in the supply.

5.10 However, as the council have accounted for small/minor sites, in addition to a windfall allowance, this could cause issues with potential double counting.

**c) Council's Commitments**

5.11 In April 2018, the land supply comprised 1,052 of Commitments, accounting for 30% of the supply. This section will seek to assess the inclusion of these commitments in the supply.

5.12 The following sites have been removed from the supply as they were under construction in 2018 and due to be completed prior to year 1 (2020/21):

- 07/14/0076/F - Former St Marys High School Site Churchgate Cheshunt Hertfordshire En8 9Ed
- 07/15/0595/RM - Cheshunt School College Road Cheshunt Hertfordshire En8 9Ly
- 07/14/0629/F - 79 Crossbrook Street Cheshunt Hertfordshire En8 8Lu
- 07/17/1089/F - 88-90 Turners Hill Cheshunt Hertfordshire En8 8Lq
- 07/16/0090/PNRES - Bartholomew Court High Street Waltham Cross Hertfordshire En8 7Tu
- 7/0628/05/LDC/HOD - Lampits Hoddesdon Hertfordshire En11 8Ed
- 07/16/0644/F - Tanfield Farm Hammondstreet Road Cheshunt Hertfordshire En7 6Pq
- 07/16/0001/F - Hazelmere Marina Station Road And Lea Road Waltham Abbey Hertfordshire En9 1Az

5.13 The following sites were considered as 'commitments' and have been moved to year 1, as without site visits there is no evidence that the site has been completed:

- 07/15/0249/F - Land Rear Of 76 High Street Hoddesdon Hertfordshire En11 8Et
- 07/15/0828/PNRES - Wellington House Trust Road Waltham Cross Hertfordshire En8 7Hf
- 07/15/0970/F (site has been completed but within the 2020/21 year) - Rear Of 40 Park Lane Waltham Cross Hertfordshire En8 8Be
- 07/17/1044/F - Units A - D Woodside Brewery Road Hoddesdon Hertfordshire En11

8Hf

- 07/18/0292/F - Unit 1 Delamare Road Cheshunt Hertfordshire En8 9Su

5.14 The following sites have been updated and moved to year 1 to reflect a new permission with increased dwellings:

- 07/15/0715/F - Cheshunt Park Farm Park Lane Paradise Cheshunt Hertfordshire En7 6Py (14 dwellings) updated to reflect new permission 07/19/0901/F (24 dwellings) approved 20/11/2020 (after the base date)
- 07/14/0026/F - Oaklands Yard Essex Road Hoddesdon Hertfordshire En11 0Bx (71 dwellings) updated to reflect new permission 07/18/1146/F (71 dwellings) approved 22/03/2020

5.15 The following sites have been removed as there is evidence that they have been completed:

- 07/17/0430/F - Wolsey Hall Windmill Lane Cheshunt Hertfordshire En8 9Aa
- 07/14/0843/F - Speakerbus Ltd Fourways House Ware Road Hoddesdon Hertfordshire En11 9Rs

5.16 The trajectory of the following sites has been maintained as they have extant detailed applications:

- 07/16/1222/F - Volkerwessels Boxwood Park Hertford Road Hoddesdon Hertfordshire En11 9Bx
- 07/17/1279/F - 126 Crossbrook Street Cheshunt Hertfordshire En8 8Jh
- 07/18/0152/RM - Land At Small Acre Nursery And Oak View Farm Crouch Lane Goffs Oak Hertfordshire En7
- 07/14/0569/O (RM pending) - Former Wormley Primary School St Laurence Drive Wormley Hertfordshire En10 6Lh

5.17 The following sites have been removed as there is no extant applications on the site:

**Table 6: Sites removed due to no extant permissions**

Site Reference	Council's supply 2020/21 to 2025/26	SPRU Supply 2020/21 to 2025/26	Adjustment
07/14/1133/O (expired) Land Adjacent To 54, 56 & 58 Kennedy Avenue Hoddesdon Hertfordshire En11 8Nw	14	0	-14
07/14/0385/O (expired) Land Rear Of 1-7 Albury Ride Cheshunt Hertfordshire En8 8Xe	12	0	-12
<b>Total</b>	<b>26</b>	<b>0</b>	<b>-26</b>

**d) Local Plan Allocations**

5.18 In April 2018, just three of these allocations had planning permission, accounting for 728 dwellings, out of the 2,261 dwellings identified in the 2018 supply. A planning history search of the local plan allocations was undertaken to assess which of these allocations have planning applications submitted.

5.19 The following local plan allocations were removed as there are no approved permissions on the sites at 1<sup>st</sup> April 2020:



**Table 7: Housing Allocations removed due to no extant applications at 1<sup>st</sup> April 2020**

Site Reference	Council projected supply 2020/21 – 2025/26	SPRU supply 2020/21 – 2025/26	Adjustment
BR1 – Brookfield Riverside	50	0	-50
BR2 – Brookfield Garden Village	410	0	-410
CH12 – Land North of Bonney Grove	0	0	0
CH14 – Land south of Hammondstreet Road	45	0	-45
WC2 - Waltham Cross Northern High Street	0	0	0
CH13 - Borough Council Offices, Churchgate	30	0	-30
CH11 - Former Eastern Playing Fields	75	0	-75
HOD6 - Land east of Dinant Link Road/Essex Rd Gateway	35	0	-35
BX3 - Gas Distribution Station	0	0	0
HOD2 - 19 Amwell Street and Scania House	60	0	-60
WC3 - Theobalds Grove Station	50	0	-50
HOD4 - Former Hoddesdon Police station	30	0	-30
CH7 - Cheshunt Football Club*	125	0	-125
GO4 - Newgatestreet Road	25	0	-25
HOD3 - Turnford Surfacing Site**	40	0	-40
<b>Total</b>	<b>975</b>	<b>0</b>	<b>-975</b>

\* Appeal site - 07/18/0514/F submitted for 163 dwellings – validated 24/05/2018 – refused 23/11/2020 – appealing

\*\*07/20/0467/F submitted for 104 dwellings – validated 12/06/2020 – approved 15/12/2020

\*\*\*07/17/0352/O submitted for 444 dwellings – validated 30/06/2020 – approved 30/6/2020

5.20 The following allocation is considered completed as it was under construction in 2018 and 82 dwellings had been started (out of the total 90 dwellings):

- LV6 - Britannia Nurseries - 07/16/1354/RM

5.21 The following applications have extant or pending applications at the base date of the assessment (1<sup>st</sup> April 2020), and the trajectory has been adjusted in accordance with the NLP build out rates and lead in times (Appendix 1):

**Table 8: Adjustments made to trajectory in line with national delivery evidence**

Site Reference	Council projected supply 2020/21 – 2025/26	SPRU supply 2020/21 – 2025/26	Adjustment
CH2 - North/South of Andrews Lane, and South of Peakes Way***	279	165	-114
CH2 - South of Andrews Lane	60	60	0
BX4 - Broxbourne School	153	153	0
CH1 - Cheshunt Lakeside	675	220	-455
CH10 - East of Dark Lane	50	50	0
CH9 - Theobalds Brook Field	90	88	-4
CH2 - Tudor Nurseries	232	165	-67
GO5 - Cuffley Hill	25	58	+33
GO3 - South of Goffs Lane	50	51	+1
GO2 - North of Goffs Lane	40	81	+41
HOD8 - Westfield Primary School	40	37	-3
HOD7 - High Leigh	400	165	-235

<b>Total</b>	<b>2,094</b>	<b>1,293</b>	<b>-803</b>
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**e) Planning Permissions since April 2018**

5.22 To update the trajectory to 2020, a search of the planning committee minutes has been undertaken to identify planning permissions that have been submitted subsequent to the April 2018 land supply.

5.23 From this the following permissions were identified, and the NLP lead in times and build out rates have been used for those sites over 50 dwellings, and for those under 50 dwellings we have assumed they will deliver within 5 years.

**Table 9: Addition of new permissions / applications at 1<sup>st</sup> April 2020**

Site Reference	Status at 1 <sup>st</sup> April 2020	Site Capacity	Dwellings included in the land supply
07/19/0570/F Pavilions Shopping Centre High Street Waltham Cross Hertfordshire En8 7Bz	Full application - pending	119	0
07/19/0653/F Scania House 17 And 19 Amwell Street Hoddesdon Hertfordshire En11 8Ts	Full application - refused	62	0
07/16/0877/F Wellington House Trust Road Waltham Cross Herts En8 7Hf	Full application - pending	25	0
07/19/0829/F Land Between Legra Avenue And Conduit Lane Hoddesdon Hertfordshire En11 8Et	Full application - pending	48	0
07/19/0179/F Beech Walk Hoddesdon Hertfordshire	Full application – approved	39	+39
07/19/0306/O Brookwall Nursery And Woodham Nursery St James Road Goffs Oak Hertfordshire En7 6Tr	Outline application – refused	26	0
07/18/1039/F High View Farm Crouch Lane Goffs Oak Hertfordshire En7 6Th	Full application - approved	10	+10
07/17/1267/O Langdons & Ballymour Andrews Lane And Land Between Andrews Lane And Burton Lane Goffs Oak Hertfordshire En7	Outline application – pending (since been approved)	60	0
07/18/0101/F Brunswick Court Rawdon Drive Hoddesdon Hertfordshire En11 8Dh	Full application - withdrawn	10	0
<b>Total</b>		<b>399</b>	<b>+49</b>

**f) 2020/21 to 2025/26 Broxbourne Housing Land Supply**

5.24 This assessment has updated the Council's 2018 land supply position by:

- Updating the Housing requirement with regard to shortfall
- Reviewing the Council's approach to windfall / small sites
- Assessment of the Council's 'Commitments'
- Assessment to check for completions
- Review of Planning Committee reports to identify new permissions
- Application of national lead in times and delivery rates

5.25 A detailed schedule of adjustments can be found in Appendix 2.

5.26 This assessment has found that for the period 2020/21 to 2025/26 Broxbourne Council possesses just 2.86 years supply of housing (table 10).

**Table 10: 2020/21 to 2025/26 Housing Supply Calculation**

	<b>Council's 5YRHLS 2018/19 - 2023/24 (April 2018)</b>	<b>SPRU 5YRHLS 2020/21-2025/26</b>
Objectively Assessed Need (OAN)	454	454
Five Year Requirement	2,270	2,270
Shortfall	416	584
Buffer due to persistent under-delivery	537	571
Adjusted Housing Requirement	3,223	3,425
Adjusted Dwelling Requirement per Year	645	685
Commitments	1,052	512
Local Plan Allocations	2,261	1,293
Additional Permissions	NA	49
Windfall Sites	40	80
Self-Build Sites	20	25
<b>Five Year Supply</b>	<b>3,373</b>	<b>1,959</b>
<b>Number years supply</b>	<b>5.23</b>	<b>2.86</b>

## **6.0 CONCLUSION**

- 6.1 To conclude, this report has firstly outlined how the persistent under delivery in Broxbourne has meant the HDT result has fallen below 75% as prescribed by thus invoking the presumption in favour of sustainable development (NPPF, paragraph 11 d), whereby development should be permitted unless the adverse effects of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
- 6.2 Secondly, due to the Council's failure to publish an annual land supply statement in accordance with paragraph 73 of the NPPF, results in the appeal falling to be determined in accordance with the NPPF paragraph 11 d).
- 6.3 Thirdly, this report has sought to update the previously published 2018 land supply to cover the period 2020/21-2025/26 using published evidence on completions and the HDT (to inform the 20% buffer) as well as a review of council's planning application data base. This updated evidence to the 1<sup>st</sup> April 2020 has found that for the period 2020/21 – 2025/26 Broxbourne has a 2.864 years supply of deliverable housing.
- 6.4 As an allocated site the NPPF paragraph 11 c requires that should the proposal meet the requirements of the development plan as a whole then the decision maker should be approving development proposals that accord with an up-to-date development plan without delay.
- 6.5 This report reveals the paucity of both the past rates of delivery of housing and future housing land supply both of which fail the requirements of Paragraph 73 of the NPPF and would individually trigger the presumption in paragraph 11 d of the NPPF.
- 6.6 This evidence highlights the importance of the timely delivery of the allocations in the Local Plan, as without the council being proactive in bringing forward such sites there will either be a substantial undersupply of housing to meet the need and/or the granting of applications and appeals on sites not identified in the recently adopted Local Plan.

**APPENDIX 1 EXTRACT OF NATIONAL LEAD IN TIMES AND BUILD OUT RATES – NLP  
 START TO FINISH REPORT 2020**

<b>Site size</b>	<b>Planning approval (time)</b>	<b>Planning to delivery (time)</b>	<b>Total lead in time</b>	<b>Delivery Rate (dpa)</b>
<b>50-99</b>	1.4	2	3.3	22
<b>100-499</b>	2.1	1.9	4	55
<b>500-999</b>	3.3	1.7	5	68
<b>1,000-1,499</b>	4.6	2.3	6.9	107
<b>1,500-1,999</b>	5.3	1.7	7	120
<b>2,000+</b>	6.1	2.3	8.4	160

## APPENDIX 2 DETAILED SITE SCHEDULE OF ALTERATIONS TO THE 2018 LAND SUPPLY POSITION

Site reference	Notes	Gross Commitment	Council Supply 2018/19 to 2023/24	Council Supply 2020/21 to 2024/25	SPRU Supply 2020/21 to 2024/25
07/14/0076/F Former St Marys High School Site Churchgate Cheshunt Hertfordshire En8 9Ed	Removed as was under construction in 2018 and due to be completed prior to year 1 (2020/21)	70	0	0	0
07/15/0595/RM Cheshunt School College Road Cheshunt Hertfordshire En8 9Ly	Removed as was under construction in 2018 and due to be completed prior to year 1 (2020/21)	51	0	0	0
07/14/0629/F 79 Crossbrook Street Cheshunt Hertfordshire En8 8Lu	Removed as was under construction in 2018 and due to be completed prior to year 1 (2020/21)	10	0	0	0
07/17/1089/F 88-90 Turners Hill Cheshunt Hertfordshire En8 8Lq	Removed as was under construction in 2018 and due to be completed prior to year 1 (2020/21)	12	0	0	0
07/16/0090/PNRES Bartholomew Court High Street Waltham Cross Hertfordshire En8 7Tu	Removed as was under construction in 2018 and due to be completed prior to year 1 (2020/21)	44	0	0	0
7/0628/05/LDC/HOD Lampits Hoddesdon Hertfordshire En11 8Ed	Removed as was under construction in 2018 and due to be completed prior to year 1 (2020/21)	33	0	0	0
07/16/0644/F Tanfield Farm Hammondstreet Road Cheshunt Hertfordshire En7 6Pq	Removed as was under construction in 2018 and due to be completed prior to year 1 (2020/21)	11	0	0	0
07/16/0001/F Hazelmere Marina Station Road And Lea Road Waltham Abbey Hertfordshire En9 1Az	Removed as was under construction in 2018 and due to be completed prior to year 1 (2020/21)	36	0	0	0
07/15/0249/F Land Rear Of 76 High Street Hoddesdon Hertfordshire En11 8Et	Site has been moved to year 1 as there is no evidence found the site has been completed.	40	40	0	40
07/15/0828/PNRES Wellington House Trust Road Waltham Cross Hertfordshire En8 7Hf	Site has been moved to year 1 as there is no evidence found the site has been completed.	12	12	0	12
07/15/0970/F Rear Of 40 Park Lane Waltham Cross Hertfordshire En8 8Be	Site has been moved to year 1 as there is no evidence found the site has been completed.  This site is completed but included as was completed in 2020/21.	11	11	11	11
07/17/1044/F Units A - D Woodside Brewery Road Hoddesdon Hertfordshire En11 8Hf	Site has been moved to year 1 as there is no evidence found the site has been completed.	22	22	22	22
07/18/0292/F Unit 1 Delamare Road Cheshunt Hertfordshire En8 9Su	Site has been moved to year 1 as there is no evidence found the site has been completed.	32	32	32	32



07/15/0715/F Cheshunt Park Farm Park Lane Paradise Cheshunt Hertfordshire En7 6Py	Site has been updated to reflect new permission (07/19/0901/F) for 24 dwellings (as opposed to 14 dwellings in previous permission 07/15/0715/F) moved to year 1.	14	14	0	24
07/14/0026/F Oaklands Yard Essex Road Hoddesdon Hertfordshire En11 0Bx	Site has been updated to reflect new permission (07/18/1146) still for 71 dwellings in previous permission 07/15/0715/F) moved to year 1.	71	71	48	71
07/17/0430/F Wolsey Hall Windmill Lane Cheshunt Hertfordshire En8 9Aa	Removed as there is evidence the site has been completed.	24	24	0	0
07/14/0843/F Speakerbus Ltd Fourways House Ware Road Hoddesdon Hertfordshire En11 9Rs	Removed as there is evidence the site has been completed.	60	60	0	0
07/16/1222/F Volkerwessels Boxwood Park Hertford Road Hoddesdon Hertfordshire En11 9Bx	The trajectory for these sites projected the site to deliver between 2020/21 and 2025/26 and as the sites have extant applications, the trajectory has been maintained.	21	21	21	21
07/17/1279/F 126 Crossbrook Street Cheshunt Hertfordshire En8 8Jh	The trajectory for these sites projected the site to deliver between 2020/21 and 2025/26 and as the sites have extant applications, the trajectory has been maintained.	10	10	10	10
07/18/0152/RM Land At Small Acre Nursery And Oak View Farm Crouch Lane Goffs Oak Hertfordshire En7	The trajectory for these sites projected the site to deliver between 2020/21 and 2025/26 and as the sites have extant applications, the trajectory has been maintained.	59	59	59	59
07/14/0569/O (RM pending) Former Wormley Primary School St Laurence Drive Wormley Hertfordshire En10 6Lh	The trajectory for these sites projected the site to deliver between 2020/21 and 2025/26 and as the sites have extant applications, the trajectory has been maintained.	13	13	13	13
07/14/1133/O Land Adjacent To 54, 56 & 58 Kennedy Avenue Hoddesdon Hertfordshire En11 8Nw	Remove as outline application has expired and the subsequent application 07/19/0544/F for the Erection of 22no. dwellings (9no. 3 bed and 13 no. 2 bed) with associated access, car parking, landscaping and infrastructure (validation 24/06/2019) was withdrawn.	14	14	14	0
07/14/0385/O Land Rear Of 1-7 Albury Ride Cheshunt Hertfordshire En8 8Xe	Site has been removed as the permission 07/14/0385/O has expired after the appeal was allowed on 09/04/2015 and so there is no extant applications on the site.	12	12	12	0
LV6 – Britannia Nurseries	Removed as considered completed as it was under construction as it was under construction in 2018 and 82 dwellings had been started (out of	90	90	0	0

	the total 90 dwellings). Application reference 07/16/1354/RM.				
BR1 – Brookfield Riverside	No Applications - delivery pushed beyond 5 year period	153	153	153	0
BR2 – Brookfield Garden Village	No Applications - delivery pushed beyond 5 year period	1,250	200	410	0
CH12 – Land North of Bonney Grove	No Applications - delivery pushed beyond 5 year period	0	0	0	0
CH14 – Land south of Hammondstreet Road	No Applications - delivery pushed beyond 5 year period	45	45	45	0
WC2 - Waltham Cross Northern High Street	No Applications - delivery pushed beyond 5 year period	300	0	0	0
CH13 - Borough Council Offices, Churchgate	No Applications - delivery pushed beyond 5 year period	75	30	30	0
CH11 - Former Eastern Playing Fields	No Applications - delivery pushed beyond 5 year period	75	75	75	0
HOD6 - Land east of Dinant Link Road/Essex Rd Gateway	No Applications - delivery pushed beyond 5 year period	35	0	35	0
BX3 - Gas Distribution Station	No Applications - delivery pushed beyond 5 year period	35	0	0	0
HOD2 - 19 Amwell Street and Scania House	No Applications - delivery pushed beyond 5 year period	60	60	60	0
WC3 - Theobalds Grove Station	No Applications - delivery pushed beyond 5 year period	50	50	50	0
HOD4 - Former Hoddesdon Police station	No Applications - delivery pushed beyond 5 year period	30	30	30	0
CH7 - Cheshunt Football Club	No Applications - delivery pushed beyond 5 year period	165	165	125	0
GO4 - Newgatestreet Road	No Applications - delivery pushed beyond 5 year period	25	25	25	0
HOD3 - Turnford Surfacing Site	Delivery pushed beyond 5 year period as no applications submitted at the base date of 1/4/2020 of the assessment.  Full application 07/20/0467/F for 104 dwellings was validated on 12/06/2020 and was approved 15/12/2020 (application submitted and approved after the base date of the assessment).	40	0	40	0
CH2 - North/South of Andrews Lane, and South of Peakes Way	Delivery pushed beyond 5 year period as no applications submitted at the base date of 1/4/2020 of the assessment.  Outline application 07/17/0352/O for 444 dwellings was validated on 12/04/2020 and was approved 30/6/2020 (after the base date of the assessment).  The NLP planning to delivery time of 1.9 years and delivery rate of 55 dpa has been applied.	444	168	279	165
CH2 - South of Andrews Lane	Outline application 07/17/1267/O for 60 dwellings was validated 11/12/2017 and approved 06/08/2020 (approval was after the base date of the assessment).  The NLP planning to delivery time of 2 years and delivery rate of 22 dpa has been applied.	60	60	60	60

BX4 - Broxbourne School	Reserved matters for 153 dwellings was validated on 24/4/2019, and approved on 24/07/2019. The NLP planning to delivery time of 1.9 years and delivery rate of 55dpa has been applied.	153	153	153	153
CH1 - Cheshunt Lakeside	Outline application 07/18/0461/O for 1,725 dwellings was validated on 09/05/2018, and approved 02/08/2019.  Reserved matters 07/9/0996/RM application for 195 dwellings was validated on 21/11/2019 and approved 05/03/2020.  The NLP planning to delivery time of 1.9 years and delivery rate of 55dpa has been applied.	1,750	405	675	220
CH10 - East of Dark Lane	Outline application 07/18/0022/O for 50 dwellings was validated 08/01/2018 and was approved 15/12/2020 (after the base date of the assessment).  The NLP lead in time of 3.3 years and build out rate of 22dpa has been applied.	50	50	50	50
CH9 - Theobalds Brook Field	Outline application 07/18/0021/O for 90 dwellings was validated on 08/01/2018 and is pending consideration.  The NLP lead in time of 3.3 years and build out rate of 22dpa has been applied.	90	90	90	88
CH2 - Tudor Nurseries	Reserved matters application 07/20/0157/RM for 360 dwellings pursuant to the outline application 07/17/0864/O was validated 20/02/2020 and approved 23/12/2020. Note: this was approved after the base date of the assessment.  The NLP planning to delivery time of 1.9 years and delivery rate of 55dpa has been applied.	360	140	232	165
GO5 - Cuffley Hill	Full application 07/19/0200/F for 58 dwellings was validated on 04/03/2019 and is pending consideration.  The NLP lead in time of 3.3 years and build out rate of 22dpa has been applied.	45	45	25	58
GO3 - South of Goffs Lane	Full application 07/19/0835/F for 51 dwellings was validated on 01/10/2019 and is pending consideration with a resolution to grant planning permission at committee in May 2020.	50	50	50	51

	The NLP lead in time of 3.3 years and build out rate of 22dpa has been applied.				
GO2 - North of Goffs Lane	<p>Outline application 07/18/1097/O for 81 dwellings was validated on 15/11/2018 and was approved 23/10/2019.</p> <p>Outline application 07/19/0160/O for 105 apartments was validated 21/02/2019 and is pending consideration.</p> <p>Full application 07/19/0154/F for 21 dwellings was validated on 20/02/2019 and is pending consideration.</p> <p>The NLP planning to delivery time of 1.9 years and delivery rate of 55dpa has been applied to extant permission 07/18/1097/O.</p>	80	80	40	81
HOD7 - High Leigh	<p>Outline application 07/13/0899/O for 523 units (with delivery of a 1FE primary school) or up to 485 dwellings (with delivery of 2FE primary school), a shop, hotel, commercial, and open space, validated 29/10/2013, and approved 02/04/2015.</p> <p>Reserved matters application 07/20/0046/RM for 100 dwellings was validated 22/01/2020 and approved 02/10/2020. Note: this was approved after the base date of the assessment.</p> <p>The NLP planning to delivery time of 1.9 years and delivery rate of 55dpa has been applied.</p>	485	250	400	165
HOD8 - Westfield Primary School	<p>Outline application 07/19/0011/O for 37 dwellings was validated 04/01/2019 and is pending consideration.</p> <p>Site is under 50 dwellings and assumed to deliver within the 5 year 2020/21-2025/26.</p>	40	0	40	37
07/19/0570/F Pavilions Shopping Centre High Street Waltham Cross Hertfordshire En8 7Bz	<p>Full application 07/19/0570/F for mixed use development including 119 dwellings was validated 01/07/2019 and is pending consideration.</p> <p>This site has been excluded as does not fall under the definition of delivery as the application is pending.</p>	119	NA	NA	110
07/19/0653/F Scania House 17 And 19 Amwell Street Hoddesdon Hertfordshire En11 8Ts	<p>Full application 07/19/0653/F for 62 dwellings was validated 29/07/2019 and was refused.</p> <p>Excluded from trajectory.</p>	62	NA	NA	0

07/16/0877/F Wellington House Trust Road Waltham Cross Herts En8 7Hf	Full application 07/16/0877/F for 25 flats was validated 22/08/2016 and is pending consideration.  This site has been excluded as does not fall under the definition of delivery as the application is pending.	25	NA	NA	0
07/19/0829/F Land Between Legra Avenue And Conduit Lane Hoddesdon Hertfordshire En11 8Et	Full application 07/19/0829/F for 48 dwellings was validated 30/09/2019 and is pending consideration.  This site has been excluded as does not fall under the definition of delivery as the application is pending.	48	NA	NA	0
07/19/0179/F Beech Walk Hoddesdon Hertfordshire	Full application for 39 dwellings was validated 27/02/2019 and was approved 31/01/2020.  Site is under 50 dwellings and assumed to deliver within the 5 year 2020/21-2025/26.	39	NA	NA	39
07/19/0306/O Brookwall Nursery And Woodham Nursery St James Road Goffs Oak Hertfordshire En7 6Tr	Outline application 07/19/0306/O for 26 dwellings was validated 03/04/2019 and refused 09/01/2020.  Excluded from trajectory.	26	NA	NA	0
07/18/1039/F High View Farm Crouch Lane Goffs Oak Hertfordshire En7 6Th	Full application 07/18/1039/F for 10 dwellings validated 25/10/2018 and approved 08/11/2019.  Site is under 50 dwellings and assumed to deliver within the 5 year 2020/21-2025/26.	10	NA	NA	10
07/17/1267/O Langdons & Ballymour Andrews Lane And Land Between Andrews Lane And Burton Lane Goffs Oak Hertfordshire En7	Outline application 07/17/1267/O for 60 dwellings was validated 11/12/2017 and approved 06/08/2020.  This site has been excluded as does not fall under the definition of delivery as the application was pending at the base date of the assessment (1 <sup>st</sup> April 2020).	60	NA	NA	0
07/18/0101/F Brunswick Court Rawdon Drive Hoddesdon Hertfordshire En11 8Dh	Full application 07/18/0101/F for 10 dwellings was validated 29/01/2018 and was withdrawn.  This site has been excluded as does not fall under the definition of delivery as the application was withdrawn.	10	NA	NA	0

**BEDFORD / SDD / SPRU**

4 Abbey Court, Fraser Road  
Priory Business Park, Bedford. MK44 3WH  
bedford@dlpconsultants.co.uk  
01234 832 740

**BRISTOL / SDD / SPRU**

Broad Quay House (6th Floor)  
Prince Street, Bristol. BS1 4DJ  
bristol@dlpconsultants.co.uk  
01179 058 850

**EAST MIDLANDS / SDD**

1 East Circus Street, Nottingham  
NG1 5AF  
nottingham@dlpconsultants.co.uk  
01158 966 622

**LEEDS**

Princes Exchange  
Princes Square, Leeds. LS1 4HY  
leeds@dlpconsultants.co.uk  
01132 805 808

**LONDON**

108 Clerkenwell Workshops,  
31 Clerkenwell Close, London, EC1R 0AT  
london@dlpconsultants.co.uk  
020 3761 5390

**MILTON KEYNES**

Midsummer Court, 314 Midsummer Boulevard  
Milton Keynes. MK9 2UB  
miltonkeynes@dlpconsultants.co.uk  
01908 440 015

**SHEFFIELD / SDD / SPRU**

Ground Floor, V1 Velocity Village  
Tenter Street, Sheffield. S1 4BY  
sheffield@dlpconsultants.co.uk  
0114 228 9190

**RUGBY / SDD**

18 Regent Place, Rugby, Warwickshire  
CV21 2PN  
rugby.enquiries@dlpconsultants.co.uk  
01788 562 233

**RTPI**

Chartered Town Planner





