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## Appeal Decision

Inquiry held on 27 July – 4 August 2021

Site visit made on 3 August 2021

**by Michael Boniface MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 13<sup>th</sup> September 2021**

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

**Cheshunt Football Club, Theobalds Lane, Cheshunt, EN8 8RU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Dean Williamson, LW Developments Ltd against the decision of Broxbourne Borough Council.
  - The application Ref 07/18/0514/F, dated 22 May 2018, was refused by notice dated 23 November 2020.
  - The development proposed is a new stadium with capacity for up to 2,000 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 1); the Northern block, comprising new facilities for Cheshunt Football Club in use classes D1, D2 and sui generis (Area 2); and the Western block, comprising new sports, community, leisure and commercial uses in use classes A1, A3, A4, A5, B1, D1 and D2 (Area 3).
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### Decision

1. The appeal is allowed and planning permission is granted for a new stadium with capacity for up to 2,000 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 1); the Northern block, comprising new facilities for Cheshunt Football Club in use classes D1, D2 and sui generis (Area 2); and the Western block, comprising new sports, community, leisure and commercial uses in use classes A1, A3, A4, A5, B1, D1 and D2 (Area 3) at Cheshunt Football Club, Theobalds Lane, Cheshunt, EN8 8RU in accordance with the terms of the application, Ref 07/18/0514/F, dated 22 May 2018, subject to the conditions contained in the attached Schedule.

### Preliminary Matters

2. The description of the proposed development contained in the application form referred to various reserved matters, but it was confirmed during the Inquiry that the application sought full planning permission for all aspects of the scheme, albeit that the Council seeks further detail in relation to Areas 2 and 3 by way of its suggested conditions. A revised description of development, omitting the reference to reserved matters, was agreed between the parties and I have used this revised description above. The changed description does not prejudice any party and I have considered the appeal on this basis.

3. On 1 September 2020 amendments were made to the Use Classes Order<sup>1</sup> which resulted in some of the proposed use classes in this case changing. However, the nature of the proposal is not materially altered by the change in use classes and the transitional arrangements of the Regulations require that the appeal be determined on the basis of those stated in the application, having been submitted long before the changes took effect.
4. Prior to the Inquiry, the Council confirmed that it would not defend its second reason for refusal relating to air quality and no evidence was presented on this topic.
5. During the Inquiry, the appellant abandoned its case that the development could not support the provision of affordable housing and other necessary planning obligations. Suitable planning obligations were agreed with the Council and a legal agreement under S106 of the Town and Country Planning Act 1990 was provided. This overcame the Council's first reason for refusal.

### **Main Issues**

6. In light of the above, the main issues are the effect on the character and appearance of the area; and the effect on the living conditions of neighbouring occupants, with particular regard to actual or perceived overlooking of properties on Montayne Road.

### **Reasons**

#### *Character and appearance*

7. Policy DSC1 of the Broxbourne Local Plan (June 2020) (LP) requires a high standard of design for all new development and sets out a range of criteria to be met, wherever possible. This reflects the objectives of the National Planning Policy Framework (the Framework) to ensure good design that is appropriate to its context.
8. The proposed development follows a previous planning application and extensive alterations following discussions with the Council over a significant period of time. The Planning, Design and Access Statement (January 2018) sets out the contextual appraisal undertaken in designing the scheme and explains the evolution of the proposal from dwellings of a contemporary design to a more traditional appearance that seek to reflect the style and appearance of other properties in the area, albeit without copying any one design or seeking to replicate the appearance of nearby properties.
9. This contextual analysis was expanded upon in evidence from the appellant's planning witness during the Inquiry, who described an area comprising of various building types, heights, periods and styles. This includes a number of relatively modern residential schemes of a similar scale and height to the buildings proposed in this case within a relatively close distance, for example at Friends Avenue. Taller buildings were also identified at Akers Court and Trinity Lane that are said to be comparable to the scale and height of the apartment buildings proposed around the main football pitch.
10. In visiting the site and surrounding area I experienced the variation in building types, heights and styles and accept that this is part of the character and

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<sup>1</sup> Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amended the Town and Country Planning (Use Classes) Order 1987

appearance of the area. The houses have been designed to reflect some of the features of the surrounding suburban development, such as the incorporation of bay windows and the indicated materials palette. They would not be a replica of adjacent properties on Montayne Road or the surrounding area but would sit comfortably alongside them, in keeping with other varied housing stock in the wider area.

11. At two and three stories, the houses would be taller than the largely two storey properties on Montayne Road and particularly so, the adjacent bungalows. The greater height would be particularly apparent from Montayne Road given the much higher ground levels within the site and the need for further capping. However, the taller elements of the development would be located some distance away from these adjoining residential areas and the proposed dwellings would drop down to two stories closest to the boundary with Montayne Road, providing some visual transition. The fact that the proposed buildings would be taller than their neighbours is not in itself harmful to the character and appearance of the area. In this case, the transition in building heights towards the periphery of the site, good level of separation from neighbours and the appropriate design of the houses lead to an entirely suitable addition to the area that would sensitively and efficiently make use of this allocated brownfield site.
12. The Northern, Western and apartment blocks surrounding the football pitch would be somewhat taller than the houses within the scheme and of a more contemporary design. That said, they would also be screened to a large extent by the proposed houses and the substantial landscaping along the boundary nearest to the A10 and Theobalds Lane which includes large trees the subject of Tree Preservation Orders. The 3G football pitches would occupy the remaining open land to the North. Even at their considerable height, these buildings would not be overly prominent from the surrounding streets.
13. The height of these buildings, at up to 5 storeys, is more akin to the scale of development seen around the town centre and more urban parts of Cheshunt but is also reflective of the nature of the development being created. LP Policy CH7 anticipates an enhanced stadium, football facilities, other sporting facilities, commercial and community uses and approximately 165 dwellings. As I have set out, whilst Theobalds Lane and Montayne Road are suburban in appearance, the site is close to much larger buildings, as well as the A10 and the site of a recently permitted data centre, which will see further large-scale development nearby. For these reasons, the scale and height of development proposed in this case would not appear out of keeping or excessive. The sports hub and commercial facilities are appropriately scaled for their intended public use and would assist in creating a sense of place and character as a destination within the Borough.
14. The existing landscape boundaries are to be retained, providing a good level of screening and verdant setting for the development. Opportunities exist for further landscaping within the site and this is shown indicatively on the drawings submitted. A suitable scheme of landscaping could be secured by way of condition to ensure an appropriate appearance for the area and to soften the built form.

15. Overall, I conclude that the development would be of a high-quality design in accordance with Policy DSC1 of the LP and the Framework. The development would not harm the character and appearance of the area.

*Neighbours living conditions*

16. The proposed development would be orientated with the side elevations of two storey houses facing towards the rear of properties on Montayne Road, beyond an area of intervening open space, landscaping and a wide public right of way (Albury Walk). The closest distance between the proposed and existing buildings would be around 31m, from no.62 Montayne Road, where two side windows are proposed.
17. Despite the difference in land levels between the proposed and existing properties, the potential for any overlooking from the proposed ground floor dining room could be readily mitigated by the existing and proposed boundary landscaping.
18. The first-floor window would serve the proposed stairs/landing, a non-habitable room where future occupants would not be likely to spend time or sit and enjoy views. Again, existing and proposed landscaping could provide some screening, albeit that this would likely be less effective in winter months when trees are not in leaf. In addition, the parties have proposed a condition which would require obscure glazing of the window, avoiding the potential for overlooking. The distance involved between windows would be in excess of all the distances sought by the Council's Borough-wide Supplementary Planning Guidance (adopted 2004 and updated in 2013) (SPG). This is notwithstanding that the relationship in this case would not be between habitable room windows as anticipated by the SPG and where more harmful overlooking is more likely to occur. Nevertheless, the suggested condition is necessary and could be secured to protect neighbours living conditions, noting the significant levels difference between properties.
19. Whilst there would remain some potential for existing occupants to perceive overlooking from these obscure glazed first floor windows, there is little to support such concerns. It is not realistic to expect that any meaningful glimpses of people passing by the windows would be possible given their position, the room they serve, the distance at which the window would be seen and the intervening landscaping and boundary treatments. No material harm to living conditions would result from any such perception in this case. I have had regard to the appeal decision referenced by the Council<sup>2</sup>, which did find harm from the perception of overlooking, but the site circumstances are in no way comparable to this scheme, the separation distances in that case being a fraction of that here and so the decision does not alter my conclusions.
20. The proposed houses would also incorporate front balconies. These would be further still from the neighbouring properties and the most private parts of their gardens close to the dwellings. Furthermore, the orientation of the proposed buildings is such that only obscure views towards Montayne Road would be possible and again, this would be from a significant distance with intermittent landscaping intervening. I do not consider that any harmful overlooking would occur under these circumstances. As such, the condition suggested by the Council for privacy screens is not necessary.

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<sup>2</sup> APP/W1950/W/20/3265422

21. Existing residents have raised further concerns about impacts on outlook and loss of light but given all of the foregoing, particularly the level of separation, design of the proposals and intervening landscaping, I do not consider that any material harm to living conditions would result in these respects, albeit that views from the existing properties would clearly change.
22. Overall, the development would not harm the living conditions of residents on Montayne Road and I find no conflict with Policy EQ1 of the LP or the SPG in so far as they seek to protect living conditions.

### **Other Matters**

23. The application was accompanied by a detailed Transport Assessment (December 2017) which was considered and accepted by the Council and the Local Highway Authority. It concludes, with suitable highway improvements, that the highway network can accommodate the proposed development without highway safety or capacity issues and there is no evidence before the Inquiry that leads me to a contrary conclusion. Whilst local residents raise concerns about parking in the area when the existing football club is in use there is no reason to conclude that the proposed football facilities would exacerbate any such issues, the stadium capacity being capped at 2000 spectators, somewhat less than its existing capacity of 2180. Parking would be provided on site for the proposed commercial and residential uses in accordance with the Council's parking standards so as to avoid additional impacts on the local highway network in respect of parking. The development would be located close to existing services, facilities and public transport and a Travel Plan would promote sustainable travel patterns.
24. A range of other technical assessments accompany the application, dealing with topics such as air quality, archaeology, heritage, drainage, contamination, ecology, flood risk, noise and trees. All of the assessments conclude that the development can proceed without material harm or would provide an enhancement. Again, the Council accepts these conclusions and I do not take a different view, subject to appropriate conditions and planning obligations.

### **Planning Obligations**

25. Policies H2 and PO1 of the LP require the provision of affordable housing and contributions towards local infrastructure necessary to mitigate the impacts of the development. Following the close of the Inquiry, a completed legal agreement was submitted in accordance with an agreed deadline. This provides for the provision of 40% affordable housing and financial contributions towards education facilities, strategic highways improvements, sustainable transport, health facilities, youth services, sport and recreation and local highway improvements in the vicinity of the site. These contributions have been calculated with reference to the Council's Draft Infrastructure Delivery Plan 2018-2033 (IDP) and seek to mitigate the impacts of the proposed development on local infrastructure. In addition, management schemes would be secured for the clubhouse and stadium, commercial block and estate and provisions would be made for drainage connections, fire hydrants and a Travel Plan. The parties agree that the obligations are necessary as a result of the development and otherwise meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulation 2010 and I agree.

26. For reasons that were not satisfactorily explained during the Inquiry, the Council, in its capacity as the site lease holder, was not willing to become party to the agreement and nor is the County Council in its capacity as long lease holder. This has potential implications for the enforceability of the planning obligations, albeit that it can be expected that public bodies would act in the public interest. In light of this, the parties agreed that a condition should be attached to any planning permission which requires any party taking an interest in the land to enter into similar planning obligations. The Planning Practice Guidance (PPG) does not deal specifically with this scenario but envisages that in exceptional circumstances, a condition of this type might be used<sup>3</sup>. Without such a condition, it would not be safe to grant planning permission and the development would be put at risk despite the appellant's efforts to secure the necessary planning obligations. Under these circumstances, I am satisfied that a condition could overcome the issue and ensure that the planning obligations are properly secured.

### **Conditions**

27. The parties agreed a list of conditions that should be attached to any planning permission granted if the appeal were allowed. I have had regard to these suggested conditions but have altered them as necessary to improve their precision and otherwise ensure compliance with the relevant tests.
28. In addition to the standard time period for commencement of development, I have attached a condition requiring that the development be carried out in accordance with the submitted drawings, in the interests of certainty. A phasing plan for the development is also necessary given the mixed use nature of the scheme and the need for comprehensive and coordinated implementation.
29. To ensure a suitable appearance for the development, details of the proposed external materials and ground surfacing materials are required for approval by the Council. Suitable landscaping of the site is also required.
30. In the interests of highway safety, and to minimise the need for parking outside of the site, it is necessary to require details of suitable visibility splays at the access points into the site and for the proposed parking spaces to be implemented. All roads must also be suitably drained. The capacity of the stadium is capped at 2000 in accordance with the submitted application, to clarify the terms of the permission and to manage impacts on the local highway network.
31. Details of pedestrian and cycle upgrades within the site are required to ensure a permeable development and to promote the use of sustainable transport methods.
32. A Construction Environmental Management Plan is needed in the interests of highway safety and convenience and to minimise loss of amenity to adjacent residential occupiers. For the same reason, deliveries or development shall be restricted to suitable and sociable hours and any foundation piling or other penetrative foundation methods will require approval from the Council. Details of screening and boundary treatments are required to protect the living conditions of neighbouring occupants.

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<sup>3</sup> Reference ID: 21a-010-20190723



33. To ensure a suitable living environment for future occupants of the development, measures to minimise the impact of ball strikes on properties surrounding the football pitch are sought. Details of suitable bin storage and collection facilities are required for all dwellings.
34. To prevent pollution, flooding and to ensure adequate water supply, details of the proposed drainage systems within the site are sought, along with a scheme for the provision of potable water. In addition, investigation and remediation of any site contamination is required.
35. Details of all external lighting are required to ensure that light spill is minimised, to protect neighbours living conditions and biodiversity. A scheme of ecological enhancements will also be required in order to meet the requirements of LP Policy NEB1 and the Framework.
36. To ensure that the proposed artificial grass football pitch meets appropriate standards and is useful as a community sporting facility in accordance with LP Policy CH7, full details of its design and layout are required.
37. In order to protect the vitality and viability of the town centre, the amount of retail space within the development is limited to 500sqm.
38. To reduce emissions and to combat climate change, LP Policy TM4 requires the provision of electric vehicle charging points within all new developments and a scheme for such provision is secured.
39. As discussed above, at the present time the applicant is not able to bind all relevant parties and interests in the site to the terms of the planning obligations contained within the S106 agreement. In the specific circumstances of this case, it is therefore necessary to attach a condition which requires any party with a legal interest in the land to enter into the necessary planning obligations before any development is carried out.
40. For the reasons I have set out above, it is necessary to require the obscure glazing of first floor windows facing towards Montayne Road and a condition is attached accordingly. I have not attached the suggested condition relating to privacy screens on balconies given my conclusion above that these are not necessary to protect neighbours living conditions.
41. Full details of the external appearance, internal layout and the disposition of the uses for the northern and western blocks surrounding the football pitch have not been provided with the application and so further detail is required for approval by the Council.
42. The appellant has provided written agreement to all those conditions requiring the submission of details for approval prior to the commencement of development.

### **Planning Balance**

43. Policy CH7 of the LP allocates the site for a mixed sporting, community, commercial and residential development comprising enhanced facilities and football stadium; approximately 4000sqm of community, business, leisure and ancillary retail uses; and approximately 165 dwellings. There is no dispute between the parties that the proposed development is consistent with this

policy expectation and the appeal proposal therefore benefits from policy support in principle.

44. I have concluded that no material harm would result to the character and appearance of the area or the living conditions of neighbouring occupants and that there would be no conflict with policies DSC1 and EQ1 of the LP. Subject to suitable conditions and planning obligations, no other material harm has been identified.
45. The improved football club and other sporting facilities, community and commercial spaces proposed would all contribute to the social and economic well-being of the area and be a benefit to local people. In addition, the scheme would deliver 163 residential units, 40% of which would be affordable housing. This provision attracts significant weight in the context of the Framework's objective to significantly boost supply, given the Council's acceptance that it cannot currently demonstrate the requisite five-year supply of deliverable housing sites in its area, and the particularly pressing need for affordable housing. This is the case even if the housing land supply shortfall is at the level suggested by the Council, which is somewhat less than the shortfall suggested by the appellant.
46. Although the most important policies for determining this appeal are out-of-date by virtue of the Council's failure to demonstrate a five-year supply of deliverable housing sites, the scheme is nonetheless compliant. It is also clear that any adverse impacts arising from the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, and the scheme benefits from the Framework's presumption in favour of sustainable development. The proposal accords with the development plan, taken as a whole, and there are no material considerations that indicate a decision other than in accordance with the development plan.

### **Conclusion**

47. In light of the above, the appeal is allowed.

*Michael Boniface*

INSPECTOR



## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Matthew Reed QC

He called:

Martin Paine BA (Hons) MSc MRTPI	Planning Policy Manager
Gerrard Wade FRICS	Director, Derrick Wade Waters Chartered Surveyors & DWW Design
Bryan Engwell FRICS	Consultant Quantity Surveyor
Jennifer Thompson BSc (Hons) MSc MRTPI	Consultant Principal Planning Officer

### FOR THE APPELLANT:

Zack Simons of Counsel

He called:

Roland Bolton BSc (Hons) MRTPI	Senior Director, DLP Planning Ltd
Paul Maidment	Associate Director, Savills
Dean Williamson MSc PGDip MRICS	Chairman of Cheshunt Football Club and Director of LW Developments
Tim Waller BA (Hons) MSc PgDip MRTPI	Director, Waller Planning

### INTERESTED PERSONS:

George Constantinou                      Local resident

## **DOCUMENTS SUBMITTED DURING THE INQUIRY**

- 1 Appellant's opening statement
- 2 Council's opening statement
- 3 Images of Data Centre approved by the Council
- 4 Consent Order in case of East Northamptonshire Council v SSHCLG, CO/917/2020
- 5 Updated Housing Land Supply SoCG and Position Statement following round table session
- 6 Updated Draft S106
- 7 PPG extracts on viability
- 8 Appellant's Note on build cost per square metre
- 9 Draft Explanatory Note on S106
- 10 Council's comments on Appellant's Note on build cost per square metre
- 11 Draft Infrastructure Delivery Plan
- 12 Further draft S106
- 13 Agreed site visit route
- 14 Further draft S106
- 15 Revised CIL Compliance Statement
- 16 Draft conditions
- 17 Council's closing submissions
- 18 Appellant's closing submissions
- 19 E-mail from Appellant agreeing pre-commencement conditions
- 20 Tracked change version of revised conditions following round table session
- 21 Final clean version of agreed conditions

## **DOCUMENTS SUBMITTED AFTER THE INQUIRY**

- 1 Completed S106 agreement

## **SCHEDULE OF PLANNING CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 15\_238\_PL01\_1; 15\_238\_PL02\_1; 15\_238\_PL02E; 15\_238\_PL03A; 15\_238\_PL04A; 15\_238\_PL05A; 15\_238\_PL06A; 15\_238\_PL07A; 15\_238\_PL09A; 15\_238\_PL15C; 15\_238\_PL16A; 15\_238\_PL17A; 15\_238\_PL18A; 15\_238\_PL18\_1; 15\_238\_PL19A; 15\_238\_PL20\_1; 15\_238\_PL20\_2; 15\_238\_PL20A; 15\_238\_PL21A; 15\_238\_PL22A; 15\_238\_PL23\_1; 15\_238\_PL23A; 15\_238\_PL24; 15\_238\_PL25A; 15\_238\_PL26A; 15\_238\_PL27; 15\_238\_PL28; 15\_238\_PL29A; 15\_238\_PL31 and 15\_238\_PL50.
- 3) The development shall be implemented in accordance with a phasing plan which shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing on site.
- 4) Details/samples of all external facing and roofing materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority before any part of the development proceeds beyond ground floor slab level. The development shall be carried out in accordance with the approved details.
- 5) Details/samples of all ground surfacing materials to be used shall be submitted to and approved in writing by the Local Planning Authority before any part of the development proceeds beyond ground floor slab level. The development shall be carried out in accordance with the approved details.
- 6) Details of all screen and boundary walls, fences and any other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby approved proceeds beyond ground floor slab level. The means of enclosure shall be erected as approved before the relevant part of the development is occupied and permanently retained thereafter.
- 7) A landscaping scheme comprising a plan and specification shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved scheme shall be carried out and implemented within 1 year of the commencement of the development or such longer period as may be agreed in writing by the Local Planning Authority.
- 8) The landscaping scheme submitted in accordance with Condition 7 above shall comprise a contoured plan to a minimum scale of 1:500 showing the existing features to be retained, new features proposed and the treatment thereof and a specification, unless otherwise agreed in writing by the Local Planning Authority. The features to be shown on the plan shall include:-
  - i) All existing trees (including details of their trunk position, spread and species), shrubs, hedges, grass areas and whether these are to be retained, or removed.
  - ii) Proposed planting of trees, shrubs, hedges, grass areas showing the species, size of plants, planting distances/densities, and the number of plants to be used.

- iii) Details showing the location/depth and extent of any proposed underground works and/or services within the spread of existing trees.
- iv) Any alterations in ground level around existing trees, shrubs or hedges.
- v) Public footways, steps and other paved areas and the materials to be used.
- vi) The location and height of all earthworks, embankments and walls and the materials to be used.
- vii) Watercourses.
- viii) Amenity areas indicating whether these are to be dedicated to public use.

The landscaping specification shall provide details of clearance works, ground preparation, planting and maintenance techniques.

- 9) In the event of the death or destruction of any tree, shrub or hedge to which Condition 8 above relates, within 5 years of first occupation, due to felling, cutting down, uprooting or in any other manner, then unless the Local Planning Authority have dispensed in writing with this requirement there shall be replanted in its place, within such period and of such size and species as shall have been approved by the Local Planning Authority, another tree, shrub or hedge.
- 10) The residential and commercial parking spaces shown on the approved plans shall be laid out and completed before the part of the development which they serve is occupied and shall thereafter be maintained solely for the parking of vehicles.
- 11) Details of visibility splays to be provided each side of the external road accesses within which there shall be no obstruction to visibility above a height of 600mm above carriageway level shall be submitted for the written approval of the Local Planning Authority and installed as approved prior to first beneficial use of any part of the development.
- 12) Development shall not commence until details of sewage disposal including on and off-site works have been submitted to and approved in writing by the Local Planning Authority. No works which result in, or would result in, the discharge of foul sewage from the site, shall be commenced until the works referred to above have been completed in accordance with the approved details.
- 13) The development drainage systems shall be installed in full compliance with the details set out in the Drainage Strategy by Peter Dann Consulting Engineers (February 2017) submitted with the application.
- 14) Full details of a comprehensive surface water drainage system to deal with surface water from all components of the Cheshunt Sports Village facilities to include storage tanks, pipework runs and outfall arrangements shall be submitted for the written approval of the Local Planning Authority and shall be implemented in full as approved prior to first beneficial occupation of any part of the development.
- 15) The relevant building(s) shall not be occupied until all the road(s), accesses, servicing and parking areas serving the relevant part of the development hereby permitted have been constructed, surfaced and

- drained in accordance with the Drainage Strategy by Peter Dann Consulting Engineers (February 2017) submitted with the application.
- 16) A Construction Environmental Management Plan including HGV routing, on site contractor parking, materials storage, wheel washing along with details of measures to mitigate dust and noise from construction shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development and shall be implemented as approved for the duration of development.
  - 17) Prior to commencement of development, a detailed site investigation shall be carried out to establish the level of site contamination, to assess the degree and nature of the contaminants present and to determine its potential for environmental pollution. This should take into account the historical uses of the site. The method and extent of the site investigation shall be agreed in writing with the local planning authority. Details of measures to prevent environmental pollution including provisions for monitoring shall then be submitted to and approved in writing by the local planning authority before development commences and the development shall then proceed only in strict accordance with the measures approved. The developer must submit a validation report to the local planning authority upon completion of remediation works.
  - 18) The applicants and/or their successors in title shall ensure that no construction-related deliveries or development shall take place outside of the hours of 8.00am-6.00pm Monday-Friday and 8.00am-1.00pm Saturday. No such deliveries or work shall take place on Sunday, Statutory or Bank/Public Holidays.
  - 19) Full details of the external lighting proposed for all components of the development shall be submitted for the written approval of the Local Planning Authority, shall be installed as approved prior to first use of the relevant part of the development and shall be retained as approved thereafter.
  - 20) No development of the artificial grass pitch shall commence until details of the design and layout, including details of surfacing, line marking and fencing have been submitted to and approved in writing by the Local Planning Authority. The pitch shall be implemented, constructed and maintained in accordance with the approved details for the duration of its operational use.
  - 21) Before development proceeds beyond ground floor slab level, full details of measures to minimise the impact of ball-strikes on residential properties immediately surrounding the football pitch shall be submitted for the written approval of the Local Planning Authority and shall be installed as approved prior to first occupation of the relevant apartments and houses to which they relate.
  - 22) Details of satisfactory facilities to be provided for the storage, segregation and removal of refuse and recycling from the premises, to comply with the requirements of the Council's Waste Supplementary Planning Guidance, shall be submitted to and approved in writing by the Local Planning Authority before the relevant building is occupied. The approved facilities shall be provided before the relevant building is occupied.

- 23) The maximum gross floorspace occupied by retail use shall be 500 sqm.
- 24) A permanent and comprehensive scheme of ecological enhancement, including details of implementation phasing, for Cheshunt Sports Village shall be submitted for the written approval of the Local Planning Authority and shall be fully implemented in accordance with the approved phasing schedule.
- 25) Full details of foundation piling or other penetrative foundation methods shall be submitted for the written approval of the Local Planning Authority prior to that element of the works commencing. The foundation works shall only proceed strictly in accordance with the approved details.
- 26) Full details of the required potable water supply upgrades shall be submitted for the written approval of the Local Planning Authority and there shall be no beneficial occupation of a dwelling until the approved supply upgrades have been completed.
- 27) Full details of electric vehicle (EV) charging facilities to serve the residential and commercial components of the scheme (including any consequent supply upgrades required), to accord with the requirements of Policy TM4, shall be submitted for the written approval of the Local Planning Authority and the approved charging provisions shall be installed prior to the occupation of the relevant part of the development.
- 28) Full details of pedestrian/cycle access upgrades within the application red line boundary, and the phasing of their construction, shall be submitted for the written approval of the Local Planning Authority and shall be fully implemented as approved.
- 29) The maximum capacity of the stadium complex hereby approved shall be 2000 spectators at any one time to include all seated and standing attendance.
- 30) No works shall be carried out under this planning permission unless and until all parties with any legal or equitable interest in the said land have entered into an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (and other appropriate powers) binding such interest with the obligations contained within the Section 106 Agreement dated 18 August 2021 and title to such area of land has been properly deduced to the Council.
- 31) Notwithstanding the details shown on drawing 15\_238\_PL20\_2, the first floor east-facing side windows will be fitted with obscured glazing, to be permanently retained as such thereafter, and permanently fixed closed to a minimum height of 1.7m above internal finished floor level.
- 32) Prior to the construction of the northern block, plans must be submitted to and approved in writing by the Local Planning Authority which show the building's external appearance, internal layout and the disposition of the uses therein. The building shall be constructed and used in accordance with the approved details thereafter.
- 33) Prior to the construction of the western block, plans must be submitted to and approved in writing by the Local Planning Authority which show the building's external appearance, internal layout and the disposition of the uses therein. The building shall be constructed and used in accordance with the approved details thereafter.