

# Statement of Common Ground

**Planning Appeal by Aldi Stores Ltd**

**Refurbishment, Extension and External Alterations to Existing Non-Food Retail Unit to Enable it to Trade as Part Foodstore and Part Non-Food Retail Unit, Alongside Modifications to Existing External Garden Centre, Car Parking Layout, Landscaping, and Other Associated Site Works**

**Homebase, Sturlas Way, Waltham Cross, EN8 7BF**

June 2022

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# 1. Introduction

1.1 This Statement of Common Ground has been prepared and submitted by Avison Young ('AY') on behalf of Aldi Stores Limited ('Aldi') and Broxbourne Borough Council ('Broxbourne BC') and relates to an appeal against the refusal of planning application reference. 07/21/0519/F at Homebase, Sturlas Way, Waltham Cross, EN8 7BF. The description of development of the detailed planning application is as follows:

*"Refurbishment, extension and external alterations to existing non-food retail unit to enable it to trade as part foodstore and part non-food retail unit, alongside modifications to existing external garden centre, car parking layout, landscaping and other associated site works".*

1.2 This Statement addresses the following areas of common ground between the appellants and Broxbourne BC:

- Description of the site and surrounding area;
- Site planning history;
- The proposed development;
- Planning policy context; and
- Matters agreed.

1.3 This Statement should be read alongside the Appeal Statements of Case and other submitted documentation.

## 2. Description of Site and Surroundings

- 2.1 This section describes the site's location, its surroundings and the specific characteristics of the site itself.

### Site Location

- 2.2 The planning application site takes the form of a freestanding retail unit (Homebase) and its associated external sales area, storage areas, car parking, vehicular access/egress and landscaping. It is located west of Sturlas Way, Waltham Cross (EN8 7BF), immediately south-west of its junction with Winston Churchill Way (A121).
- 2.3 The planning application site is wholly within the northern boundary of 'Waltham Cross town centre' (as defined by the policies map which supports the Borough of Broxbourne Local Plan, June 2020).
- 2.4 The site is in close proximity to a wide range of existing retail, leisure and commercial uses, as well as public car parking facilities and public transport modes (including bus and rail).

### Site Description and Features

- 2.5 The application site is broadly rectangular in shape and extends to approximately 1.2ha in size.
- 2.6 Vehicular access / egress is currently taken from the south-eastern boundary of the site from a junction with Sturlas Way. Sturlas Way links directly to the A121 (Winston Churchill Way / Monarchs Way) immediately north of the site and also to Park Lane to the south of the site. Both Monarchs Way and Park Lane provide pedestrian linkages to the other shops and services of Waltham Cross town centre.
- 2.7 The site as existing contains a square shaped, large-format non-food retail unit which is occupied by Homebase – a national-multiple home improvement retailer. This building occupies a central position within the site and backs onto the southern boundary, facing east. Car parking wraps around the building to the north and east (providing some 192 spaces in total), whilst to the west is an enclosed, part covered / part open-air 'garden centre' – for plants and outdoor goods sales. Also on the western boundary (south-western corner of the site) is the retail unit's servicing area, which is accessed via a servicing road immediately south of the building and adjacent to the southern boundary.
- 2.8 The building itself, which is two storeys in height, extends to 3,435 sq. m Gross Internal Area ('GIA') at ground floor level, with a mezzanine floor of 884 sq. m (i.e. 4,319 sq. m total). It is understood that the net sales area of the building is 2,565 sq. m at ground floor level and 739 sq. m at mezzanine level (i.e. 3,304 sq. m total). The unit's associated, open, outdoor garden centre sales area extends to approximately 1,398 sq. m. Finally, the retail unit currently has a projecting single-storey lobby on its eastern elevation which extends to 73 sq. m GIA.
- 2.9 The building is of steel frame construction with a mixture of external finishes, including brick and high level profiled cladding. On the eastern and northern elevation of the building, the high level cladding is cloaked with a net banner.
- 2.10 In relation to boundary treatments and landscaping, there is a landscaping strip along the site's eastern boundary with Sturlas Way. This includes a number of small trees and one larger one at the

north-eastern corner of the site. A line of well-established coniferous trees is positioned along the site's southern boundary.

## Site Surroundings

- 2.11 In terms of the site's surroundings, to the north is the A121 dual-carriageway (Winston Churchill Way), beyond which is a public house (The Vine) and an established residential area. To the west of the site is another densely populated residential area comprising terraced and semi-detached two-storey dwellings, this includes Leven Drive and Leven Close. Immediately south of the site is Ruthven Avenue, a residential street the gardens of which back onto the application site.
- 2.12 To the east and south-east of the site, on the opposite side of Sturlas Way, is the wider town centre of Waltham Cross. Immediately east is Sawyers Court, a three-storey apartment building with office uses at ground floor level. South of this use (south-east of the site) is a Wickes home improvement store and its associated car parking. Further south again (less than 100m from the site) commences Waltham Cross' high-street, a pedestrianised street which extends some 500m south and is flanked on both sides by retail, leisure and service uses.
- 2.13 The town centre contains over 150 unit shops and some 39,000 sq. m of floorspace. This includes a number of national multiple retailers including Argos, Boots, W H Smith, New Look, Superdrug and Vodafone, amongst others. Many of these retailers are housed within the centre's covered shopping mall – The Pavilions Centre. The town centre also benefits from two existing foodstores in the form of Lidl at the very southern end of the centre and a Sainsbury's supermarket contained within the Pavilions Centre.

## Accessibility

- 2.14 Direct vehicular access to the site is provided by Sturlas Way on the eastern boundary, with this road linking to the A121 immediately north of the site. The A121 (Winston Churchill Way) is an arterial vehicular route into Waltham Cross from the east / west and a road which ultimately connects the settlement to the M25 to the south. The site clearly has a prominent location in relation to the local road network from which it is readily accessible.
- 2.15 The nearest bus stops are 120m to the north of the site on High Street and provide services to Hertford and Cheshunt in the north, Waltham Abbey in the East, Waltham Cross further south and Potters Bar to the east. The site is located 350m south of Theobalds Grove Train Station, which provides a direct regular service to Cheshunt and central London. It is also 700m north-west of Waltham Cross train station, which provides services to central London, Hertford, Bishops Stortford and Stratford.
- 2.16 The application site is accessible to pedestrians by existing footpaths and the wider town centre (which is largely pedestrianised) is located immediately south-east of the site.
- 2.17 Cycle parking for both staff and customers are already present at the Homebase unit.

## **Other Site Constraints**

- 2.18 The site's building is not listed and nor is it located within, or in close proximity to, a Conservation Area. The Environment Agency Flood Risk Mapping shows the site to fall within Flood Zone 1 ('low probability'). There are no Tree Preservation Orders (TPOs) within the appeal site boundaries.

## **Summary**

- 2.19 Both parties agree that this represents an accurate description of the site and the surrounding area.

### 3. Planning History

3.1 A planning history search of the application site has been undertaken which revealed the following relevant planning permissions associated with the site:

- 07/14/0265/AC sought permission for the re-branding of the store with internally illuminated fascia signs, non-illuminated pole signs, totem sign and window vinyl signs. Planning permission was granted in May 2014.
- 07/09/0669/F sought permission for the continued use of land within the site as a hand car wash without compliance with Condition 1 of planning permission 7/1017/07/F/WX dated 28.12.07 (Condition 1 sought the discontinuation of the use by 21<sup>st</sup> December 2009). Planning permission was granted in November 2009.
- 7/1017/07/F/WX sought permission for a hand car wash and valeting services in the car park of the site. Planning permission was granted in December 2007.
- 7/0757/05/F/WX applied to vary Condition 18 of planning permission (Ref. 7/0383-84) to allow the sale of all non-food items from the existing retail unit. Planning permission was granted in October 2005.
- 7/0717/02/F/WX sought permission for a rear conservatory and replacement side canopy. Planning permission was granted in September 2002.
- 7/411/2001 sought permission for a side extension to the garden centre with additional doors. Planning permission was granted in September 2001.
- 7/148/1995 sought permission for the demolition of the garden centre wall and construction of new wall and resurfacing of car park. Planning permission was granted in April 1995.
- 7/383-84 sought permission for the erection of a single storey retail store with open air garden centre and ancillary car parking. Permission was granted in May 1984. This is the original planning permission at the site.
- 7/632/1982 Sought the replacement of existing buildings by erection of 5,639.4 sq. m (60,701 sq. ft) buildings for Class A1 retail use - excluding sale of food / car parking and temporary garden centre. Permission was granted in February 1984.

3.2 From the above planning history search, the two decisions which are of greatest relevance to this planning appeal are 7/383-84 (May 1984) and 7/0757/05/F/WX (October 2005).

3.3 Application ref. 7/383-84 was implemented and therefore represents the planning permission that is pursuant to the scheme which stands on the appeal site today. Condition 18 of Planning Permission 7/383-84 states that the premises:

*“Shall be used for the storage, wholesale and retail of articles for home decoration, maintenance and improvement, garden goods and equipment, self-assembly furniture and for no other purpose including any other purpose in Class I of the schedule to the Town & Country Planning (Use Classes) Order 1972.”*

- 3.4 Planning permission reference 7/383-84 was also subject to a Section 52 Agreement (Ref. SA049) dated 31<sup>st</sup> January 1984 which was made between the Council of the Borough of Broxbourne and Investors in Industry Developments Limited (formerly I.C.F.C. Developments Limited). This legal agreement prevented the Estate being used for *“the purposes of a retail or wholesale food shop or store”*.
- 3.5 On 28<sup>th</sup> October 2005 planning permission was granted for the variation of Condition 18 of original planning permission reference 7/0383-84. This allowed for the sale of all non-food items from the premises, rather than these being limited solely to home improvement products. This planning permission has the reference 7/0757/05/F/WX.

## **Summary**

- 3.6 The parties agree that the above presents an accurate description of the site’s planning history.
- 3.7 It is also agreed that the current position in relation to the trading restrictions in place on the retail unit at the appeal site are that it is permitted to stock any non-food items. However, it is not permitted to stock food items. This is enforced by a planning condition and a Section 52 legal agreement (Ref. SA049), which remains in place on the estate.
- 3.8 It is agreed that none of the other conditions imposed on original planning permission ref. 7/0383-84 were replicated on the more recent variation of condition planning permission Ref. 7/0757/05/F/WX.
- 3.9 It is agreed that there is no restriction (and nor has there ever been a restriction) on the ability of the existing retail unit to be sub-divided internally.



## 4. The Proposed Development

### Overview and Context of the Proposals

- 4.1 The planning application seeks 'full' permission for the refurbishment, extension and external alterations to an existing 'Use Class E' non-food retail unit currently occupied by Homebase, to enable it to trade as part foodstore (Aldi) and part non-food retail unit (Homebase). Alongside works to the building itself, the scheme involves modifications to an existing external 'garden centre' (outdoor sales area), the current car parking layout, and other associated site works.

### Specifics of the Development Proposals

- 4.2 The precise nature of the development proposals is set out below. The planning application seeks 'detailed' planning permission for the following:
- Demolition of the existing projecting customer entrance lobby on the eastern side of the building (73 sq. m of floorspace), alongside demolition of part of the enclosed 'garden centre' which currently projects north from the building;
  - External alterations to the elevations of the existing non-food retail unit (including the creation of two shop fronts on the northern elevation) in order to form two adjoining retail units;
  - The use of part of the existing floorspace (eastern half of the building) as a foodstore to be occupied by Aldi stores Ltd. This unit will have a total Gross Internal Area ('GIA') of 1,756 sq. m, of which 1,262 sq. m will be used as its net sales area. The 'back of house' area will occupy the remaining 494 sq. m of the building;
  - Aldi's introduction will involve the construction of a new loading dock extension (a dock-levelling system) to the building's eastern elevation, extending to 90 sq. m (this will form part of the back-of-house area);
  - The use of part of the remaining floorspace (western half of the building) as a non-food retail unit to be occupied by Homebase. This unit will have a total Gross Internal Area ('GIA') of 2,371 sq. m, of which 1,735 sq. m will be at ground floor level and the remaining 636 sq. m will be at mezzanine level. This non-food unit's net sales area will total 1,514 sq. m (over both the ground and mezzanine floors). Accordingly, there will be a reduction in the Homebase unit's net sales area of over 50% as part of the proposed scheme;
  - The Homebase unit will continue to be served by an enclosed open-air 'garden centre' (outdoor sales area). However, this will be reduced in size compared to the garden centre currently present on site;
  - Provision of 155 shared car parking spaces between the two units, including 8 accessible spaces, 8 parent and child spaces, and 4 click and collect spaces;
  - Provision of 5 motorcycle parking spaces;

- Of the 155 proposed parking spaces, 4 will also be equipped with Electric Vehicle Charging Points ('EVCP') and below ground infrastructure will be put in place to add up to a further 16 EVCPs in the future;
- 18 short-stay bicycle parking spaces (9 Sheffield cycle hoops) for customers, and long-stay bicycle parking spaces (located within the store's warehouse) for staff; and,
- Soft and hard landscaping works across the site, including new landscaping to improve the aesthetic appearance of the site along its eastern and western boundaries.

## **Summary**

- 4.3 The parties agree that the above represents an accurate description of the proposed development and its specific components.

## 5. Planning Policy Context

5.1 This section provides a review of relevant planning policy and guidance at the national and local level in so far as it is material in assessing the merits of the site for the proposed development.

### Introduction

5.2 The Development Plan for the purposes of this planning application comprise;

- Broxbourne Local Plan 2018 – 2033, adopted 23<sup>rd</sup> June 2020

5.3 Accordingly, the *'starting point'* in the determination of planning applications within the Broxbourne area is the Local Plan. Alongside the Local Plan (the development plan), there are other local and national planning policy documents that represent material considerations in the determination of this planning application and these are also summarised (where relevant) in this section. These policy documents include:

- National Planning Policy Framework (July 2021);
- National Planning Practice Guidance; and,
- Waltham Cross Town Centre Strategy (March 2015).

### Development Plan

#### Broxbourne Local Plan 2018-2033 (June 2020)

5.4 The policies of relevance to the appeal which are contained within the Broxbourne Local Plan (2018 – 2033) are summarised as follows:

#### Strategic Policies

5.5 **Policy DS1 (The Development Strategy)** explains that provision will be made for between 5,000 and 6,000 net additional jobs focusing on Brookfield, Park Plaza, Cheshunt Lakeside and the town centres (such as Waltham Cross) as well as provision being made for approximately 24,000 square metres of new retail development. Policy DS1 states that strategic development sites will include *"Waltham Cross High Street North"*.

#### Place Making

5.6 **Policy PM1 (Sustainable Place Making)** states that new developments proposed within the Borough are required to complement existing town and villages and the countryside around them. Major developments must also establish their own identities through the implementation of sustainable place making principles.

#### Waltham Cross Policies

5.7 **Policy WC1 (Waltham Cross Town Centre)** states that the Council will support proposals which accord with the following town centre priorities:

- *A vibrant town centre throughout the daytime and the evening;*

- *Redevelopment of the northern High Street (see below);*
- *Public realm improvements throughout the High Street and beyond;*
- *Additional homes in and around the town centre; and*
- *Conserving and where possible enhancing the historic environment.*

5.8 The introductory text to **Policy WC2 (Waltham Cross Northern High Street)** explains (Paragraph 11.4) that the northern end of the High Street presently sees relatively low levels of footfall and has a level of vacancy higher than the southern end. It states that the Town Centre Strategy therefore now promotes the site for a mixed-use, high density development of apartments, shops and community uses.

5.9 Paragraph 11.5 states that the estimated capacity of the eastern part of the site is for 150 new homes and that this would entail the relocation of Wickes. The western part of the allocation (the application site) comprises the Homebase store and the paragraph explains that:

*“Negotiations will take place with both the landowner and Homebase to establish the most sustainable future for this site. That may result in the status quo, a redevelopment incorporating a re-modelled Homebase store or the closure of the Homebase store and its potential relocation”.*

5.10 Accordingly, Policy WC2 proposes a mixed-use quarter at ‘Waltham Cross Northern High Street’ comprising the following:

- a) On the land east of Sturlas Way, approximately 150 homes;*
- b) On the land west of Sturlas Way, the potential for significant housing development, possibly as part of a mixed use development incorporating the existing store;*
- c) 40% affordable housing;*
- d) Shops/commercial/community ground floor uses.*

5.11 The policy also states that:

- The site is to be developed in accordance with a comprehensive master plan. Incremental development of the area will be resisted;
- Masterplanning is to consider reasonable options for the relocation of the Wickes and Homebase stores;
- A section 106 agreement will accompany a future planning permission and proportionate contributions will be allocated to priorities within the Infrastructure Delivery Plan; and,
- If necessary, compulsory purchase will be pursued by the Council.

#### Retail

5.12 **Policy RTC1 (Retail Hierarchy)** is clear that the Local Planning Authority will permit town centre use development within the defined centres identified on the proposals map, providing that this is compatible with their function and position within the retail hierarchy. Waltham Cross is classed as being a ‘town centre’ and heads the local retail hierarchy alongside Hoddesdon Town Centre.

- 5.13 **Policy RTC2** concerns “**Development within Town, District and Local Centres, Neighbourhood Centres and Shopping Parades**”. It states that the following criteria will be used to consider the acceptability of new development proposals, including extensions, alterations and changes of use within the Borough’s town, district, and local centres:
- a) *whether the development enhances the historic character of the centre (where relevant) and the public realm;*
  - b) *the role of the centre and services it provides;*
  - c) *the vitality and viability of the centre;*
  - d) *the provision of safe access, full and complete servicing arrangements, and parking;*
  - e) *any adverse impacts upon the centre or residents in terms of noise, fumes, smells, litter and general disturbance.*

- 5.14 The policy continues that planning applications for new development, including changes of use, within the above centres should have regard to the relevant Council strategy, including the town centre strategies for Hoddesdon or Waltham Cross.

#### Design

- 5.15 **Policy DSC1 (General Design Principles)** states that the Council expects a high standard of design for all development and wherever possible, development proposals must, amongst other things: *‘enhance local character and distinctiveness, taking into account: existing patterns of development; significant views; urban form; building typology and details; height; roof form; fenestration detail; materials; building lines and other setbacks’*
- 5.16 **Policy DSC2 (Extensions and Alterations to Existing Development)** relates to proposals of this nature and states that extensions and alterations to existing buildings will be required to respect the character and design of the original building.
- 5.17 **Policy DSC3 (Design affecting the Public Realm)** states that development proposals which create, or have a significant impact on, the public realm should, amongst other things, maximise legibility and permeability of the public realm through the layout of buildings, landmarks and landscaping. They should also seek to maintain flexibility of use, uncluttered spaces and easy movement through the space through the use of public art, street furniture and infrastructure including signposting/way finding.
- 5.18 **Policy DSC7 (Comprehensive Urban Regeneration)** states that the Council will pursue the comprehensive development of the strategic development allocations within the Plan and will resist piecemeal development of those areas that do not accord with agreed masterplan. In addition, the policy states that the Council will promote comprehensive regeneration elsewhere where it is appropriate to do so and will oppose developments that would compromise such regeneration or the implementation of the wider development of an area.
- 5.19 **Policy DSC8 (Shopfronts and Fascias)** requires that new and altered shopfronts must respect the scale, proportion, character and materials of the building and adjoining buildings in the street scene. It continues that shop fronts should also sit within the framework of the existing building structure and façade style.

Transport and Access

5.20 **Policy TM1 (Sustainable Transport)** states that the Council will expect all major development proposals to show how ways to reduce car use and promote alternative ways to travel have been considered and incorporated into the development. With regards to pedestrian movement, the policy states:

*“II. Development must not detrimentally impact upon existing footpaths and public rights of way and proposals should, wherever possible, extend, enhance or provide for new pathways, rights of ways and equestrian routes.*

*III. Development proposals must clearly demonstrate how pedestrian movement and connections have been prioritised and provided for.*

*IV. All new paths should be safe, direct, appropriately lit and signed. They should be suitably constructed for all users, and provide direct and easy access to services and facilities”.*

5.21 The policy also requires development proposals to provide for cycle facilities through the use of accessible and safe routes to and around the site, as well as the provision of cycle storage and cycle parking areas. Finally, policy TM1 states that all major developments should contribute to improved public transport, including infrastructure and revenue contributions for enhanced services, and should ensure that internal layouts do not impede the passage of buses.

5.22 **Policy TM2 (Transport and New Developments)** states that development will not be permitted where there would be a severe impact on the transport network. Development proposals must ensure that the safety of all movement corridor users is not compromised.

5.23 **Policy TM3 (Access and Servicing)** states that new development proposals must provide for adequate, safe and convenient servicing arrangements, access points and drop off areas.

5.24 **Policy TM5 (Parking Guidelines)** refers to Broxbourne’s car parking guidelines. It states that the Council will seek a sensible balance of car and cycle parking spaces based on the nature of the proposal, site context and wider surrounding area, and accessibility of shops, services and sustainable transport infrastructure, with the overall aim of reducing private car use.

Residential Amenity

5.25 **Policy EQ1 (Residential and Environmental Quality)** states that all proposals for development within the urban area must avoid detrimental impacts on the amenities enjoyed by the occupiers of neighbouring properties in terms of daylight, sunlight, outlook and overlooking. It also states that proposals which generate dust, noise and odour must not result in a material harm to the amenity levels currently enjoyed in an area.

5.26 **Policy EQ4 (Noise)** states that new development, and extensions or alteration to existing developments, emitting noise levels noticeably above background levels on a consistent or consistently periodic basis, should be sited away from noise sensitive land uses including residential accommodation, schools and health facilities. If this is unavoidable, the Council will consider a range of factors, including the acceptability of measures incorporated into development proposals to mitigate the impact of noise on noise sensitive land uses.

## Material Considerations (National)

### National Planning Policy Framework (July 2021)

- 5.27 Planning policy at the national level is provided by the National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and describes how these are expected to be applied.
- 5.28 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:
- Approving development proposals that accord with an up-to-date development plan without delay, or
  - Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - The application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or
    - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 5.29 Section 4 of the NPPF (Decision-making) confirms that local planning authorities should approach decisions on proposed development in a positive and creative way by working proactively with applicants to secure developments that will improve the economic conditions of the area.
- 5.30 Section 6 of the NPPF (Building a strong, competitive economy) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 5.31 Section 7 of the NPPF (Ensuring the vitality of Town Centres) highlights the importance of promoting the vitality and viability of town centres and sets the requirements for the sequential test and retail impact test for planning applications for 'main town centre' uses that occupy edge-of-centre or out-of-centre locations. Section 7 is clear that these policy tests do not apply to 'in-centre' schemes.
- 5.32 Section 8 of the NPPF (Promoting healthy and safe community) reaffirms the importance of creating safe, healthy and inclusive places by ensuring that development encourages walking and cycling as well as active street frontages.
- 5.33 Section 9 of the NPPF (Promoting sustainable transport) states that transport issues should be considered from the earliest stages of the planning process to ensure that potential impacts can be addressed, and so that opportunities for avoiding and mitigating any adverse effects can be included. Opportunities to promote walking, cycling and public transport use are to be identified and pursued.
- 5.34 Section 11 of the NPPF (Making effective use of land) seeks to promote an effective use of land in meeting the need for homes and other uses and supports as far as is possible the re-use of previously developed land or 'brownfield land' for development.

- 5.35 Section 12 of the NPPF (Achieving well-designed places) confirms that good design is a key aspect of sustainable development and creates better places in which to live and work.

**National Planning Practice Guidance (March 2014)**

- 5.36 National Planning Practice Guidance (PPG), which was published in March 2014, supplements the policies set out in the NPPF. The Guidance does not change national planning policy but offers practical guidance as to how such policies should be applied.

**Material Considerations (Local)**

**Waltham Cross Town Centre Strategy (March 2015)**

- 5.37 A Town Centre Strategy was prepared for Waltham Cross in 2015 to guide the development and regeneration of the town centre over the medium to long term. The strategy does not form part of the development plan but represents a material consideration in the determination of planning applications.
- 5.38 Some of the key objectives outlined for Waltham Cross on Page 12 of the document include:
- Hosting a wide range of shops, supermarkets, entertainment, services, and places to eat and drink, supported by a lively street market and diverse community events;
  - Be the first choice for residents of Waltham Cross and southern Cheshunt;
  - Be a well-regarded retail and leisure destination for residents of south Hertfordshire; and,
  - Remain active and busy throughout the evening as well as the daytime.
- 5.39 Of particular relevance to the planning application site is the Waltham Cross 'Northern High Street Opportunity Zone' – which is outlined on Page 24 of the report. This comprises the town centre's Homebase and Wickes stores and their associated car parks, as well as adjacent small-scale retail units – all of which are located at the northern end of the defined centre.
- 5.40 The strategy (Page 24) states that the '*exposure of this area could be improved*' by revising existing highway access arrangements to improve the public realm. The Council further considers that doing this could unlock the opportunity for a mixed-use redevelopment of the area north of Park Lane to provide a mix of uses that '*complement and connect more strongly with the town centre*'. It continues that the Council will seek to work with landowners and tenants of the Wickes site, as well as the adjacent Homebase site to its west, to investigate their potential for redevelopment.
- 5.41 Of note is the fact that the diagram of the '*Opportunity Zone Northern High Street*' shown on Page 24 of the Strategy highlights the Homebase store to be a 'potential inclusion' rather than the 'main opportunity site' of the Northern High Street area – which is the Wickes retail unit and the terraced shop units to its south.
- 5.42 Furthermore, Page 30 of the Strategy states that:

*"the Council will engage with Wickes to investigate the potential for a reformatting or redevelopment of the site within this broad opportunity zone and for the creation of new retail frontage to deliver continuity to the town centre. In addition to this site, the Homebase site to the north-west of the core town centre may*



*offer further potential for a broader range of town centre uses through a mixed-use development and stronger linkages to the town centre core” (our emphasis).*

- 5.43 The Homebase site is regarded as a secondary opportunity, with the Wickes site the first priority for redevelopment in order to deliver the *‘Northern High Street Opportunity Zone’*.

## **Summary**

- 5.44 The parties agree that the above represents an accurate description of the adopted planning policy position with respect to the application site and the key material policy considerations which exist.

## 6. Matters Agreed

6.1 The agreed matters fall under the following headings:

- Town Centre Policy Context
- Surface Water Drainage
- Trees and Landscaping
- Biodiversity and Ecology
- Impact on Residential Amenity – Servicing

### Town Centre Policy Context

- 6.2 The application site lies wholly within Waltham Cross town centre (as defined by the policies map which supports the Borough of Broxbourne Local Plan, June 2020).
- 6.3 The proposal to sub-divide the existing store in order to retain a smaller Homebase store and provide a new foodretail store (Aldi) in this location accords with the NPPF as being a suitable use that does not require application of the sequential test (paragraph 86 of the NPPF). This is reflected in the Council's Planning Committee Report at Paragraph 8.2.
- 6.4 The proposal also falls within the retail hierarchy of a town centre use as set out in Local Policy RTC1. This is reflected in the Council's Planning Committee Report at Paragraph 8.2.

### Surface Water Drainage

- 6.5 Based on the planning application submission documentation, the proposal is not considered to increase the risk of flooding outside the site and would satisfy Local Plan Policies W4 and W5 and the NPPF subject to the submission of further detail via condition to justify the SuDS selection as set out in Paragraph 8.35 of the Council's Planning Committee Report.

### Trees and Landscaping

- 6.6 Based on the planning application submission documentation, the proposal demonstrates an acceptable landscaping scheme in accordance with Local Plan Policy NEB4. This is reflected in the Council's Planning Committee Report at Paragraph 8.40.

### Biodiversity and Ecology

- 6.7 Based on the planning application submission documentation, the proposal is considered to accord with Local Plan Policies NEB1, NEB3 and NEB4. The existing landscape features to be retained are of some biodiversity value as they assist in the green infrastructure of the urban site. The site would be enhanced further with new areas of soft landscaping. Mitigation measures are set out within the submitted Ecological Assessment. This is reflected in the Council's Planning Committee Report at Paragraph 8.43.

## Impact on Residential Amenity – Servicing

- 6.8 Based on the planning application submission documentation, the new Aldi service yard is justified in its location as being distant from residents along Ruthven Avenue. Rather, it would be closer to the residents at Sawyers Court opposite the application site on Sturlas Way at approximately 49m. However, this is an active frontage and not considered an unreasonable location in that regard. Furthermore, the proposal sets out that the service area would incorporate a sheltered canopy and dock leveller system from the ramp meaning that products can be unloaded without any external activity such as forklift trucks, scissor lifts or cages. Therefore, servicing activity, other than the arrival and departure of delivery lorries, would be largely internal. This is reflected in the Council's Planning Committee Report at Paragraph 8.29.
- 6.9 The nature of the foodstore requires fresh produce deliveries and to protect the amenities of existing residents in the area the Environmental Health department has recommended a condition restricting deliveries to the foodstore to the hours of 7am to 11pm Monday to Saturday and 9am to 9pm on Sundays only, which are considered reasonable in the event of an approval. This is reflected in the Council's Planning Committee Report at Paragraph 8.30.

## 7. Signatures

Signed on behalf of the Appellants:

**Name: D Brown**

**Position: Associate Director, Avison Young**

**Date: 14.06.2022**

Signed on behalf of Broxbourne Borough Council:

**Name: M Laidler**

**Position: Senior Planning Officer, Broxbourne Borough Council**

**Date: 14.06.2022**



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**Avison Young**

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