

APPEAL REFERENCE: APP/W1905/W/22/3292367
LOCAL PLANNING AUTHORITY REFERENCE: 07/21/0519/F

PROOF OF EVIDENCE OF:
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SENIOR PLANNING OFFICER

ON BEHALF OF:
BROXBOURNE BOROUGH COUNCIL

APPEAL SITE:
HOMEBASE LTD, STURLAS WAY, WALTHAM CROSS, HERTFORDSHIRE, EN8 7BF

JUNE 2022

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Appendix I – Statement by Craig Gent (Senior Environmental Health Officer)

1. INTRODUCTION

- 1.1 The Appeal is against Broxbourne Borough Council's refusal of planning application reference 07/21/0519/F. The application site is at Homebase Ltd, Sturlas Way, Waltham Cross, Hertfordshire, EN8 7BF. The planning application was received with sufficient particulars on 27th April 2021 and was subsequently refused on 9th August 2021.
- 1.2 The reasons for refusal were as follows:
1. *The proposed development would undermine the Council's ability to pursue a comprehensive mixed use development at the allocated site contrary to policies WC2, DS1, PM1, RTC2 and DSC7 of the Broxbourne Local Plan 2018 - 2033 and the Waltham Cross Town Centre Strategy (2015).*
 2. *The proposal presents a layout that is not considered to integrate with the town centre and fails to enhance the character and appearance of the wider area. The proposal would not support the Council's aim of improving the connectivity of the northern High Street area with the rest of the town centre. The proposal is considered contrary to policies WC2, PM1, DSC1, DSC3, DSC7 and DSC8 of the Broxbourne Local Plan 2018 - 2033 and the Waltham Cross Town Centre Strategy (2015).*
 3. *The proposed development would not provide sufficient connectivity improvements for cyclists and pedestrians and improvements to promote the use of public transport. The proposal is therefore contrary to policies TM1, TM2 and TM3 of the Broxbourne Local Plan 2018 - 2033 and the NPPF.*
 4. *The proposal does not adequately address the shortfall in car parking spaces at the site and is therefore contrary to policy TM5 of the Broxbourne Local Plan 2018 - 2033.*
 5. *Insufficient information has been submitted for the proposed roof plant equipment. Therefore, the noise impact upon the amenity of neighbouring occupants is not fully addressed contrary to policies EQ1 and EQ4 of the Broxbourne Local Plan 2018 – 2033.*
- 1.3 The application sought the refurbishment and extension of the existing non-food retail unit, Homebase Store, and its sub-division to incorporate an Aldi foodstore. The split would maintain 2,371sqm (currently 4,319sqm) of Gross Internal Area (GIA) for Homebase and 1,756sqm of GIA for Aldi, these were to include trade areas, staff welfare areas, lobbies and warehouse space. A mezzanine floor would remain within the Homebase store. Homebase would occupy the western side of the store and would contain an enclosed open air garden centre with a total area of 1,398sqm and Aldi would be to the east with a trade area of 1,262sqm.
- 1.4 Reason for refusal 3 is not being defended as Mr Matthew Armstrong, Area Manager (North & East) at Hertfordshire County Highway Authority, advises me that these matters have been resolved. A Statement of Common Ground for highways matters is currently being drafted.
- 1.5 Reason for refusal 5 is not being defended, and as there are no subsidiary issues I do not wish to comment further on it. Both parties have signed a Statement of Common Ground for noise matters. I also attach a statement from Mr Craig Gent, Senior Environmental

Health Officer, setting out the justification for the draft condition for delivery times (**Appendix I**). I agree with Mr Gent's statement and in the event this appeal is allowed that this condition should be imposed.

2. WITNESS DETAIL

- 2.1 My name is Marie Laidler and I am a Senior Planning Officer within the Planning Development Management Service at Broxbourne Borough Council. I have 17 years' experience of working in the Local Planning Authority sector at both County and District level. I have been employed by Broxbourne Borough Council since 2014, firstly as a Planning Officer and then promoted to Senior Planning Officer in 2018. Prior to that I was employed as an interim for 10 months at Welwyn Hatfield Borough Council. This followed a relocation from Norfolk where I worked in planning roles at Broadland District Council and Norfolk County Council for seven years.
- 2.2 I have a 2:1 BSc (Hons) in Environmental Science from the University of Brighton and an MSc in Town Planning from Anglia Ruskin University in Chelmsford. I have been a chartered member of the Royal Town Planning Institute since 2012.
- 2.3 The evidence which I have prepared and provide for this appeal (in this Proof of Evidence) is true. I confirm that the opinions expressed are my true and professional opinions.

3. SCOPE OF EVIDENCE

- 3.1 My evidence is given on behalf of Broxbourne Borough Council and concerns the following issues:
- i) the impact upon the character and appearance of the wider area due to a layout that fails to integrate with the town centre and would not improve connectivity to the northern High Street (reason for refusal 2).
 - ii) the shortfall in car parking spaces (reason for refusal 4).
 - iii) overall planning balance.
- 3.2 My evidence does not extend to the considerations relating to the allocation of the appeal site and the Council's ability to pursue a comprehensive mixed-use development that would differ substantially to the proposed development (reason for refusal 1). This aspect is addressed by Mr Martin Paine, the Council's Planning Policy Manager.
- 3.3 I take into account the conclusions of Mr Paine's evidence when reaching my views on the proposal. The focus of my review and basis of evidence is the material provided as part of the application and the subsequent revised site plan provided with the appellants appeal documentation (Core Document 4.3).

4. REASON FOR REFUSAL 1 – Potential for the Comprehensive Mixed Use of the Site

- 4.1 The reason for refusal states:

The proposed development would undermine the Council's ability to pursue a comprehensive mixed use development at the allocated site contrary to policies WC2,

DS1, PM1, RTC2 and DSC7 of the Broxbourne Local Plan 2018 – 2033 and the Waltham Cross Town Centre Strategy (2015).

- 4.2 Whilst evidence in this regard is provided within Mr Martin Paine’s proof of evidence, it is relevant here to draw on the policies associated with this reason for refusal that concern the principle of development.
- 4.3 The site allocation policy is that within Local Plan Policy WC2 with a site coverage comprising existing uses either side of Sturlas Way as shown in the indicative concept plan for the Waltham Cross Northern High Street Area below. The appeal site forms 1.23 hectares of this 2.7 hectare site allocation.



Waltham Cross Northern High Street Indicative Plan (Figure 14 of the Local Plan 2018 – 2033)

- 4.4 The whole of the allocation is to be developed as a ‘mixed use quarter’. As set out within Section 6 of Mr Paine’s evidence, the appellants have not demonstrated how the site, that is in a highly visible location, would make a positive contribution to meet the objectives of a mixed-use quarter that would connect the site with the wider town centre. Furthermore, the poor quality design of the appeal scheme would be likely to set a low bar for subsequent development elsewhere in the town centre (paragraph 6.10 of Mr Paine’s evidence). This amounts to an overall conflict with policy WC2 that could undermine the potential for implementation of the remainder of the site allocation (in particular at the Wickes site and Sawyers’ Court, as set out in Mr Paine’s evidence at 6.35-42) and is detrimental to the wider framework to Waltham Cross town centre.

- 4.5 It is also set out in Mr Paine's evidence (para's 2.2 – 2.5) that the Council's vision is clearly to deliver a high quality in all new development in terms of design, built form and how it relates to its surroundings. This is reflected in Policy PM1 (Sustainable Place-Making) with its principles of aiming to ensure that development should be well-connected into existing neighbourhoods and that mixed use developments are able to interconnect land uses. The application is unable to fulfil the Council's vision as it is contrary to the objectives of the wider site allocation.
- 4.6 Policy DS1 lists the sites selected for development including Waltham Cross northern High Street, one of only two strategic development sites in the urban area of the borough. As set out in Mr Paine's evidence (para's 3.2 – 3.6), the WC2 site allocation plays an important role in making efficient use of urban land reducing the pressure on the surrounding Green Belt. The appeal proposal, being contrary to the objectives of the site allocation, would not make efficient use of the site. It is also at odds with Policy DSC7 (Comprehensive Urban Regeneration), which opposes development that would compromise the regeneration of an area or implementation of the wider development of an area. The comprehensive approach to development within the site allocation is addressed further within Mr Paine's evidence (paragraphs 3.12 – 3.18).
- 4.7 The appeal proposal was also refused under Policy RTC2 (Development within town, district and local centres, neighbourhood centres and shopping parades). Mr Paine's evidence sets out in para's 4.2 – 4.8 that '*vitality and viability*' is one of a number of criteria used to assess the acceptability of development proposals in those locations. A range of factors can be acceptable such as a mix of uses to spread activity throughout the day and into the evening, providing for social as well as retail needs. The appeal proposal, whilst providing a potential retail need, would not meet long-term plans to ensure the integrity of the High Street is not eroded by inappropriate piecemeal development. Furthermore, Mr Paine sets out in paragraph 4.8 of his evidence that vitality also includes the attractiveness and accessibility of the northern end of the High Street, enhancing public realm, and improving connectivity. Each of these represent qualities that might be expected to feature in proposals for the area.
- 4.8 The Waltham Cross Town Centre Strategy (2015), as cited in Mr Paine's evidence (para 5.4) contains five objectives. The Strategy has informed the production of the Local Plan and proposes improvements to the town centre including that of the northern High Street along with its weaknesses (para 5.6 of Mr Paine's evidence). The appeal proposal, which orientates the building away from the town centre, would further exacerbate the sense of the stores 'turning their backs on this end of the high street'.
- 4.9 For the above reasons, the principle of the appeal proposal was not accepted as it was considered to be profoundly detrimental to the Council's vision for regeneration of the town centre.

5. REASON FOR REFUSAL 2 – Town Centre Integration and Connectivity

- 5.1 The reason for refusal states:

The proposal presents a layout that is not considered to integrate with the town centre and fails to enhance the character and appearance of the wider area. The proposal would

not support the Council's aim of improving the connectivity of the northern High Street area with the rest of the town centre. The proposal is considered contrary to policies WC2, PM1, DSC1, DSC3, DSC7 and DSC8 of the Broxbourne Local Plan 2018 - 2033 and the Waltham Cross Town Centre Strategy (2015).

- 5.2 The reason for refusal cites the layout as not integrating with the town centre and fails to enhance the character and appearance of the wider area. The layout forms a part of the overall design of the scheme, this is not just a matter of appearance but how that layout affects other matters for consideration with the issues of:
- i) Layout and orientation of the built form and its impact upon the character and appearance of the wider area; and
 - ii) Connectivity of the northern High Street area with the rest of the town centre.
- 5.3 It should be noted and for clarity, during the process of this appeal that there are three site layout plans under review. The first being that which was considered within the application process (Core Document 1.18). The second was agreed for consideration in commencing with this appeal at the Appeal Case Management Conference on 3rd May 2022 (Core Document 4.3). Finally, a third revised plan that has been progressed during the Appellants discussion with the County Highway Authority (reference: 2924-COR-111 rev J) and that I understand will be provided within a Highways Statement of Common Ground.
- 5.4 I will first set out my appraisal below with reference to the agreed substituted plan (Core Document 4.3) and then update on the revised plan.

Policy Context

National Planning Policy Framework (NPPF)

- 5.5 The application was received on 27th April 2021. During the timeframe of its determination the NPPF (dated February 2019) was replaced with a new version published on 20th July 2021. The new version presents significant changes following the 'Living with Beauty' report (published January 2020), commissioned by the Government, and as a result places greater emphasis on design in creating sustainable and beautiful places throughout. The NPPF is also now supported by the National Design Guide and National Model Design Code.
- 5.6 Section 12 (Achieving Well-Designed Places) of the NPPF is relevant as it sets out the objectives for design stating that the planning and development process should fundamentally achieve the creation of high quality, beautiful and sustainable buildings and places (para. 126), continuing with *'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*.
- 5.7 Paragraph 134 is specifically relevant as it states that *'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'*. This paragraph replaces para. 130 of the former NPPF (2019) which states *'design should not be used by the decision-maker as a valid reason to object to development'*. It now emphasises that *'significant weight'* should be given to

development which reflects local design policies and government guidance on design. Paragraph 134 strengthens the considerations of design in any new development and raises the requirement from 'refusal of poor design' to 'refusal of anything not well-designed'. Mediocre design would have been accepted under the former NPPF (2019). A development not of particular high design merit can now be refused.

134. Development that is **not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵²**, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, **significant weight should be given to:**
- a) **development which reflects local design policies and government guidance on design**, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
 - b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

⁵² Contained in the National Design Guide and National Model Design Code.

Extract from NPPF (2021)

130. **Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions**, taking into account any local design standards or style guides in plans or supplementary planning documents. **Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.** Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Extract from NPPF 2019

National Design Guide

- 5.8 The National Design Guide (NDG) provides a series of tests for assessing whether a place is well-designed or not, setting out ten characteristics of a well-designed place that bring together a range of established urban design principles such as built form (density, height and layout), movement, identity and public space. If they are not met, the guide states that it can then be concluded that a proposal is not well-designed. These places should come with a design concept that has evolved taking into account influences from layout, form, appearance and details of the proposed development drawing inspiration from the site, its surroundings or a wider context (Para. 15 and 16). The NDG reinforces the Council's aspirations for a high standard of design for all development as set out in Local Plan Policy DSC1.

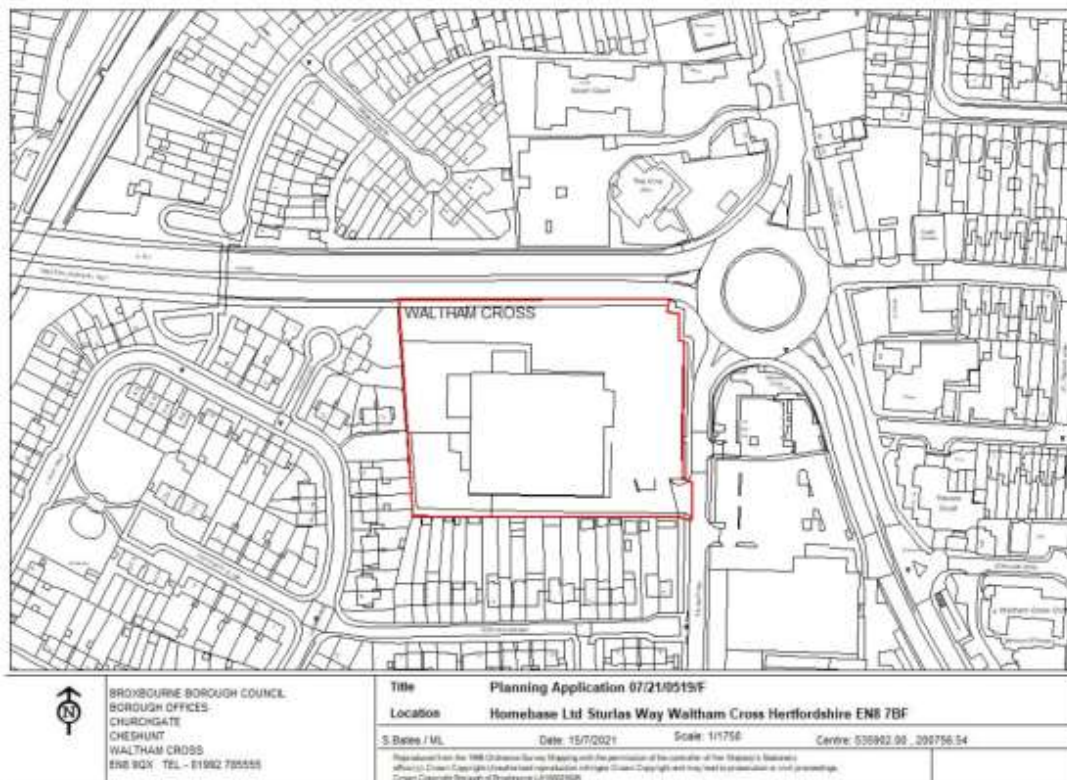
- 5.9 Para. 133 ‘well designed buildings relate well to the public spaces around them. The interface between building and public space is carefully designed so that it is positive and appropriate to its context and to the occupants and passers-by who use them’.

Broxbourne Local Plan

- 5.10 The Broxbourne Local Plan 2018 – 2033 was adopted on 23rd June 2020. The application site represents land allocation WC2 in the Local Plan which would bring about a mixed-use quarter of Waltham Cross within the northern High Street area.
- 5.11 The extracts for the policies cited within the second reason for refusal have previously been provided as part of this Appeal and are also within the Local Plan (Core Document 6.1) along with supporting text. The relevant policies are WC2, PM1, DSC1, DSC3, DSC7 and DSC8.

Layout and orientation of the built form and its impact upon the character and appearance of the wider area

- 5.12 The layout and orientation of the proposed development presents a failure in enhancing the sites character and appearance of the area.
- 5.13 To put it in context, the site is located to the north west edge of the town centre. It is bounded by the Winston Churchill Way to the north, which is the main link to the town centre from the A10. To the east it is bounded by the road frontage of Sturlas Way that provides the vehicular route to Homebase, Wickes and Fishpools further to the south and the wider residential estates to the south and west. It is therefore a mixed character presented by these movement corridors, residential and town centre uses.



Site location (Officer Committee Report – Core Document 3.1)

- 5.14 In terms of the site characteristics the existing entrance to the building is to the east elevation facing Sturlas Way. Sturlas Way links to the town centre to the south via Park Lane. This route is a safe and convenient route that avoids pedestrians walking along the busy Monarchs Way to the east at the end of the High Street. Sturlas Way also provides the vehicular route to the main access point at the south east corner of the site, with the existing soft landscaping, vehicular, pedestrian and cycle routes into the site along this frontage. For this reason, the eastern boundary facing Sturlas Way is considered the active frontage that is an important focus within this appeal.



Site vehicular entrance and exit along Sturlas Way and Homebase east elevation



Site frontage along Sturlas Way

- 5.15 In contrast, the northern road facing frontage onto Winston Churchill Way is less meaningful as an active frontage and this is due to the substantial boundary wall which ultimately screens the site from wider view to the north with the dual carriageway beyond and further high wall on the opposite side of Winston Churchill Way.



Northern boundary looking west



Northern boundary looking east

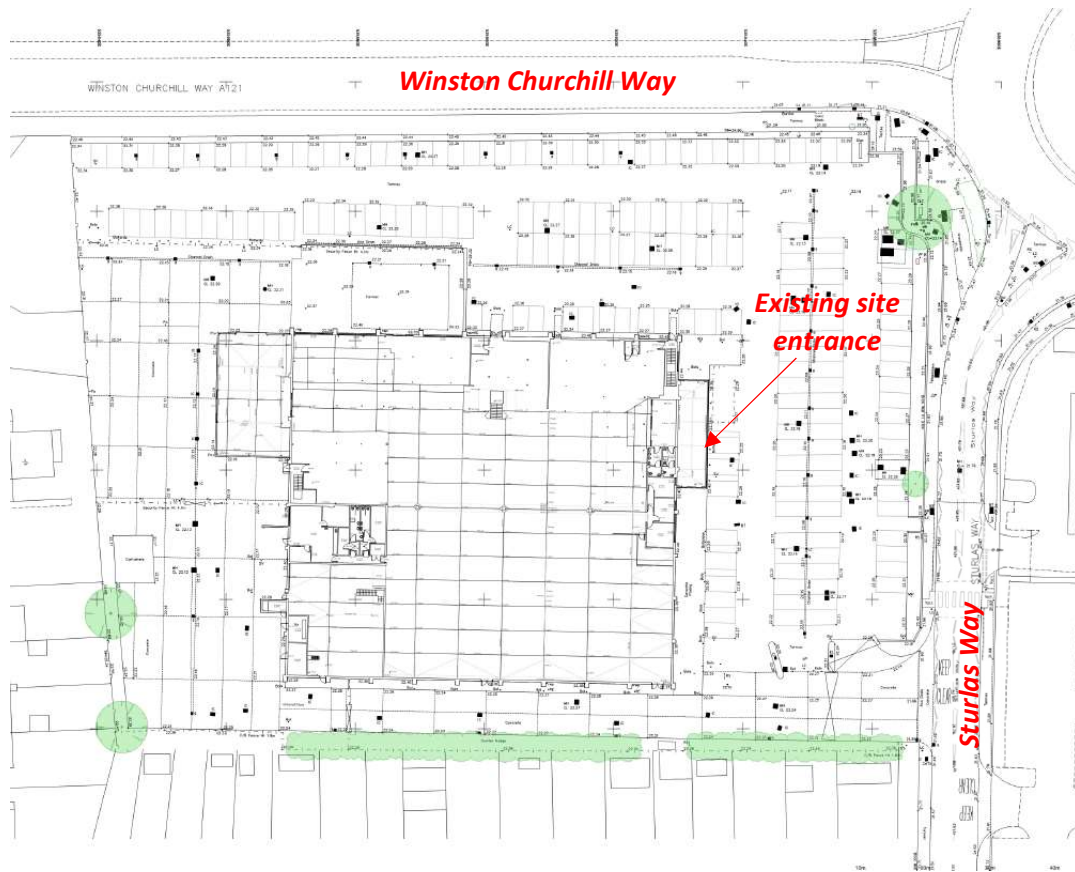


View across the site from the north eastern corner

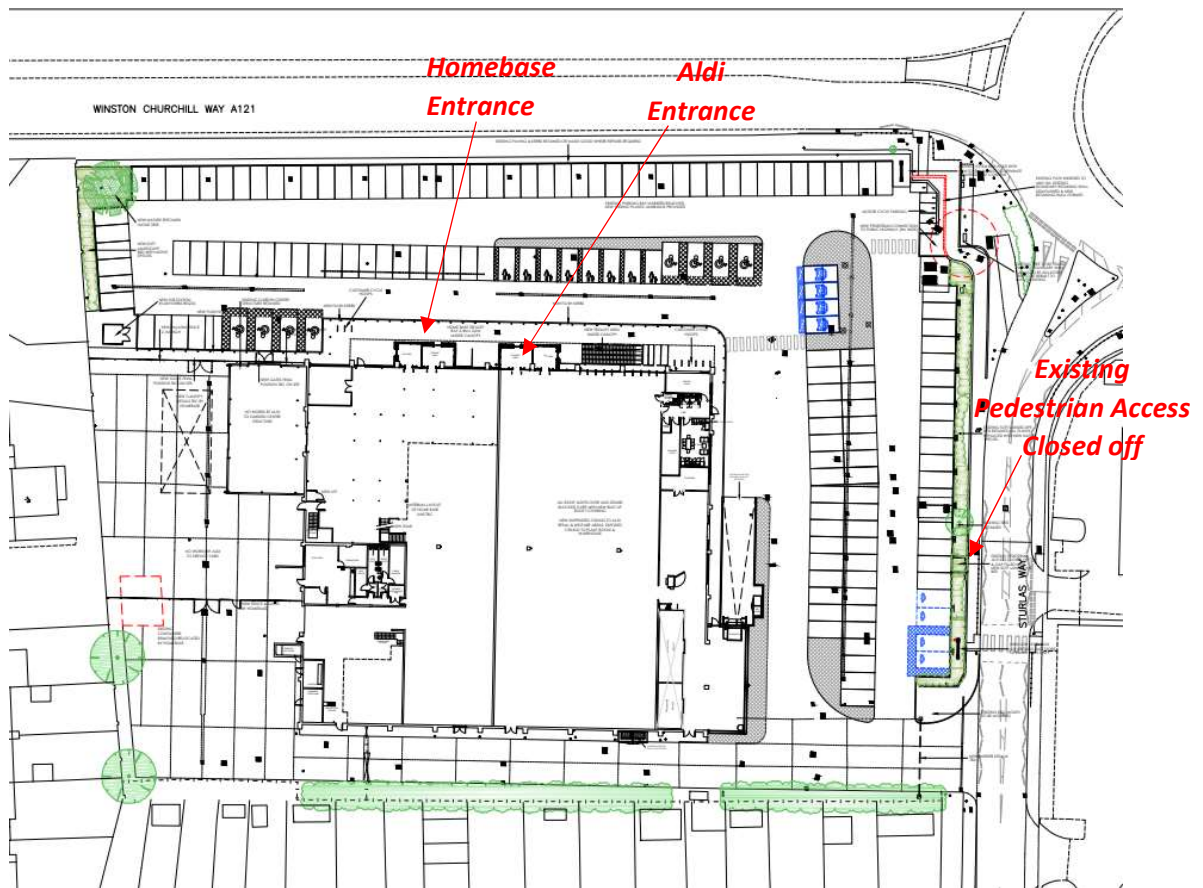
- 5.16 The proposal would significantly alter the existing arrangement so that two entrances for the stores would be located to the north elevation serving Homebase and Aldi. Extensions to the built form are also proposed to the north and east elevations that would incorporate a ramp measuring 19m in length with a width of 5m sloping downwards along the eastern

extension that would provide the service area and loading bay requirements for the Aldi store.

- 5.17 The supporting text to Local Plan Policy WC2 sets out that this northern end of the High Street (together with the Wickes store to the east) ‘turns its back’ on the street and creates closure to the pedestrian core, consequently limiting footfall. The site allocation seeks to improve the relationship of the appeal site with the rest of the site allocation and ultimately integrate it with the wider town centre. In doing so it would seek to bring a scheme closer to the street frontage to integrate it with the redevelopment of the eastern area of the site allocation. However, this proposal would exacerbate the concern relating to a development that ‘turns its back’ on the town centre as it would create further isolation from the active site frontage, given that the entrances would face away from Sturlas Way. The status quo would maintain a street frontage onto Sturlas Way; therefore the proposed scheme would be more harmful to the wider area as it would lack integration with the town centre.



Existing site plan (Core Document 1.14)



Proposed site plan (Core Document 4.3)

5.18 The above demonstrates that the proposed orientation of the development would be harmful, and in any event would not be a marked improvement over the existing layout. The appellant sets out within para. 7.17 of their statement that the proposal would *'modernise and refresh the primary public facing elevations'* and would constitute a high quality design that would be of *'overall benefit of the character and appearance of this part of the town centre'*. As set out in paragraph 134 of the NPPF 2021 under sub-paragraph (b) the design improvements can be given significant weight *'so long as they fit in with the overall form and layout of their surroundings'*. Whilst the proposal does not amount to outstanding or innovative design under this paragraph, it does not demonstrate a well-designed scheme. Although it would *'modernise and refresh'* the building it would not fit in with the overall form and layout of its surroundings and is ultimately a poorly designed scheme.

5.19 The NDG sets out ten characteristics of a well-designed development, the following are those considered relevant to this appeal:

Context

5.20 This relates to the setting and location of the development and the attributes of its immediate, local and regional surroundings. An understanding of the site's context influences the location, siting and design of new developments. Specifically, relevant to this appeal is para. 40 which bullet-points well-designed places that are *'integrated into their surroundings so they relate well to them'* and are *'influenced by and influence their context positively'*. The proposal does not achieve this characteristic of a well-designed proposal as the building faces away from what the Council considers to be a street

frontage that integrates the site to the wider town centre. The proposal does not demonstrate an understanding of the importance of the existing situation of the building, its active frontage and routes to the site.

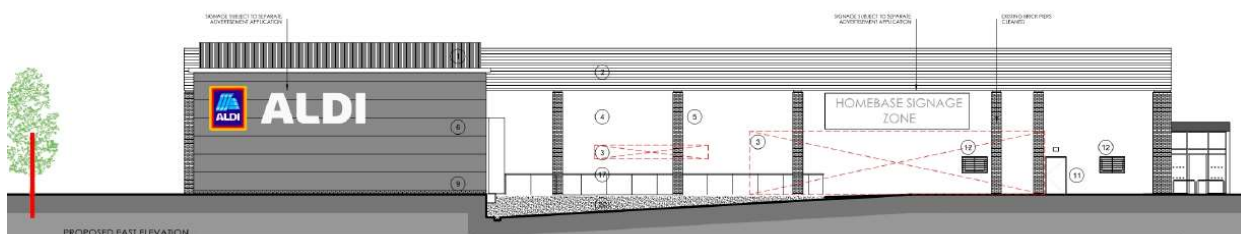
Identity

- 5.21 The NDG sets out that 'identity' or character of a place comes from the way that buildings, streets and spaces, landscape and infrastructure combine together and how people experience them (para. 50). Well-designed places, buildings and spaces – have a positive and coherent identity (para. 51) and are influenced by, for example, legibility that help people find their way around (para. 53). The orientation of the proposed building would not meet this characteristic as on approach to the site the building would face away from traffic entering, representing a movement barrier within the site. The proposal would not present a new and positive character that could otherwise enhance its identity.
- 5.22 The site, with its location at the corner of the town centre along a major approach road (Winston Churchill Way), has the potential to be a gateway development sought through its allocation under Policy WC2, which seeks a mixed-use development within the site. This proposal would not enhance the identity of the site which is further expressed within Policy DSC1 which seeks well-defined townscapes that create local landmarks and marker features.
- 5.23 The proposed elevation facing east would present the service area of the Aldi store with its associated ramp and loading bay exposed to the wider area. The appellant sets out within paragraph 7.17 of their statement that *'The works proposed to modernise and refresh the primary public facing elevations of the building will offer a far more contemporary feel than at present, to the overall benefit of the character and appearance of this part of the town centre'* (underline is authors emphasis). The primary public facing elevation as set out in this evidence is the east elevation facing Sturlas Way. The Appellant alludes to the north elevation as being the primary public facing elevation. Whilst that may appear on a site plan as having an important function facing a main route (Winston Churchill Way) into Waltham Cross, it appears on the ground to have less importance given the high boundary wall as a physical barrier separating the site from this 'frontage'. The main accesses are off Sturlas Way to the east and it is this frontage that appears as the primary public facing side of the site that is given little recognition within the appellant's case other than to improve the landscaping along Sturlas Way. The appeal proposal would face the main entrance frontage of the building away from the key views into the site that would be presented with a prominent service area that fails to make a positive contribution to the identity of the town centre.
- 5.24 Local Plan Policy DSC1 states that development proposals must *'enhance local character and distinctiveness, taking into account existing patterns of development; significant views; urban form'* and they must *'provide coherent and logical layout with active frontages'*. The proposal may well be logical to suit the requirements of both stores; however, it does not focus any attention to the wider town centre that the site should coherently integrate with.

Built Form

- 5.25 The NDG states that built form relates the development within its context. Para. 69 defines a pattern of streets and development blocks addressing street types as depending on *'the relationship between building fronts and backs, with successful streets characterised by*

buildings facing the street to provide interest, overlooking and active frontages at ground level'. These are the principles considered appropriate for this site that is not reflected in the proposal as the development removes the entrance from the street frontage, replacing it with a service area. The proposed east elevation plan below clearly demonstrates the lack of interest in this elevation that faces the active frontage along Sturlas Way.



Proposed east elevation (Core Document 1.21)



CGI provided within the application Design and Access Statement (Core Document 1.3)

- 5.26 The scale and nature of the physical works proposed are indicated within para. 7.3 of the appellants statement of case *'to not be so substantial that the proposed development would pre-determine long-term decisions about the delivery and development of the Waltham Cross Northern High Street'* and that solely internal building works to sub-divide the existing unit for non-food goods would be a *'realistic 'fall-back' position'* not requiring planning permission. If that were to be the case then the shop front would be retained as existing and would not encounter the issues raised in this section of my evidence.
- 5.27 The NDG also sets out guidance that can be used to help local authorities to create local design guides and also sets out a framework for a well-designed place. It defines well-designed projects as *'compact forms of development'* making *'efficient use of land'* that *'optimises density'*. The proposed scheme whilst providing an additional retail unit, would not make efficient use of land. In doing so it does not consider the allocation of the site and the impact it would have upon the loss of a site that would otherwise incorporate housing. It therefore goes against the wider aims of the Council that seeks to implement sustainable place making as per Local Plan Policy PM1 that requires new development to improve and complement existing towns.
- 5.28 The Council is keen to ensure that land is developed in the most sustainable way. The appeal proposal would not meet this wider aim as set out in more detail with reference to

the first reason for refusal evidenced by Mr Martin Paine. As set out in Policy DSC7 the Council will oppose developments that would compromise regeneration or the implementation of the wider development of an area.

Connectivity of the northern High Street area with the rest of the town centre

- 5.29 The second reason for refusal states that the proposal would not support the Council's aim of improving the connectivity of the northern High Street area with the rest of the town centre. Local Plan Policy DSC3 requires development that has a significant impact on the public realm should '*maximise legibility and permeability through the layout of buildings, landmarks and landscaping*'. The application site is entered from the south east corner via the only vehicular access. A customer entering the site would not directly view the main entrance to the building and therefore the legibility of the building would not be maximised. With the proposed entrances facing northwards towards Winston Churchill Way, the entrances would not be obvious to customers. The supporting text to Policy PM1 (para. 4.4) refers to the sustainable place making principles set out on page 28 of the Local Plan, specifically stating in para. 3.47 that, '*mixed-use developments are being promoted that will enable interconnection of land uses and interaction between people*'. The allocation within Policy WC2 is one such development that would improve the town centre to incorporate these principles. Entrances facing away from the town centre will deter pedestrian travel to and from the town centre and residential neighbourhoods.

Movement

- 5.30 Paragraph 77 of the NDG focusses on movement within the design of a new development stating that successful development depends upon a movement network that makes connections to destinations, places and communities, both within the site and beyond its boundaries (para. 77 of the NDG). Para. 77 '*well-designed movement network defines clear pattern of streets that – functions efficiently to get everyone around; limits the impact of car use by prioritising and encouraging walking, cycling and public transport; promotes activity and social interaction, contributing to health, well-being, accessibility and inclusion*'. Para. 82 '*prioritising pedestrians and cyclists mean creating routes that are safe, direct, convenient and accessible for people of all abilities.*'
- 5.31 The store entrances are now positioned further from the active frontage and away from the town centre. It is therefore not direct or convenient for customers approaching the site from the south. The substituted plan, agreed to be considered in proceeding with this appeal (Core Document 4.3), indicates the closure of an existing pedestrian opening into the site closest to the existing zebra crossing on Sturlas Way. This results in the only safe and dedicated option for pedestrians to the north east corner of the site and further away from the approach route to the south. Pedestrians arriving from the south, which may enter via the vehicular access, would then have no dedicated footpath access to the northern store entrances and would be required to cross in front of the service area. The revised plan remains to show a lack of pedestrian access within the site, this presents conflict between users and a pattern of pedestrian movement that evolved as a secondary element within the design of the development and is not a suitable direct or convenient arrangement.

- 5.32 This lack of connectivity for pedestrian movement to and from the site does not promote accessibility that should be prioritised to encourage the use of alternative modes of transport that contribute to health and well-being as set out in para. 77 of the NDG and the objectives of the Local Plan (para. 2.2) to '*encourage active lifestyles and healthy choices through an integrated approach to active travel, clean and safe environments*'. The appeal proposal fails in this regard.
- 5.33 The service area would also present conflicts with customers and delivery lorries given the location of the service ramp alongside the car park rather than in a more inconspicuous location as existing to the rear of the building. Furthermore, the proposed north east corner of the site for the pedestrian access crosses the only area within the site for Aldi delivery lorries to manoeuvre and exit the site in a forward gear. These manoeuvres are restricted to daytime hours, as per the Council's Environmental Health Officers statement (Appendix I to this evidence) and agreed in paragraph 1.9 of the Noise Statement of Common Ground (Core Document 4.5). However, in restricting those deliveries it poses the conflict between users of the site and the safety of the public (including pedestrians, cyclists, parents with children and disabled users). This matter further exacerbates the unacceptable layout proposed.
- 5.34 Wider integration with the town centre destination cannot be achieved without the comprehensive development of the site alongside the wider site allocation. In any case, the development in isolation from the wider site allocation does not present a layout that could accommodate a clear and direct connection to the development potential outside of the appeal site. The appellant sets out in paragraph 7.18 of their Statement of Case that the car park would be '*free-of-charge*' and suggests that the site is within '*easy walking distance of other uses*'. However, the proposed layout presents a longer walking distance from the store entrances. Furthermore, as set out within paragraph 8.24 of the Officer Committee Report, a time restriction of 90 minutes would apply, as is the case with other Aldi stores, such as that nearby in Taverners Way in Hoddesdon. These are not sufficient matters in the case for seeking wider integration. The appeal site has indirect pedestrian access, as now proposed, with a route that is not easily navigated and is likely to be less appealing in terms of linked trips to the town centre.
- 5.35 Overall, the layout within the substituted plan (Core Document 4.3) would not be coherent and logical and would not improve connectivity to the town centre. This matter has the potential to affect the footfall recognised within the Local Plan as a major issue of this town centre location.
- 5.36 The above comments are made in relation to the agreed substituted plan (Core Document 4.3). The appellant has been discussing a further revised plan with Hertfordshire County Highway Authority. It is understood that issues relating to the matter of connectivity improvements for cyclists and pedestrians and improvements to promote the use of public transport have been resolved. However, during those discussions, the Highway Officer, Mr Matthew Armstrong, expressed delivery and servicing arrangements as an issue. Internal tracking of a service vehicle raised some concerns due to the need for a 26-metre long reversing manoeuvre within the customer car park of a very large HGV, past parent/child spaces and disabled parking spaces. Whilst a condition restricting hours of delivery to before 7am and after 10pm was previously advised as being the best way of dealing with this, I am now advised by Mr Armstrong that this issue is essentially an

internal site layout matter, not directly related to the public highway and outside of their remit. For that reason, Mr Armstrong therefore does not object to the proposed revisions. I am advised that a pedestrian marshal during such manoeuvres to warn pedestrians in the vicinity of the car park at such times would be one appropriate resolution that should be included in a commitment by condition for the submission and approval of a Parking, Delivery and Servicing Management Plan.

- 5.37 At the point of writing a Highways Statement of Common Ground has not yet been completed that would provide further clarification on this position. It is understood that all Highway matters have been resolved apart from the servicing and delivery arrangements as set out above. I am currently waiting for an update from the County Highway Officer concerning the appropriateness of a condition requiring submission of a Parking, Delivery and Servicing Management Plan and pedestrian safety matters in that regard. Until I am able to update the Inspector, all matters in relation to Reason for Refusal 2 remain valid.

Summary of Councils Issues relating to Reason for Refusal 2

- 5.38 The application was refused as the layout was considered detrimental to the character and appearance of the wider area contrary to the adopted policies listed within the refusal reason. In particular, Policies DSC1 and DSC3 that seek to ensure the layout of a new development proposal is coherent, logical and legible and that it supports the public realm, amongst other design matters. These policies are demonstrated more robustly through the National Design Guide as set out in this evidence, whereby the proposal fails to meet at least four of the ten characteristics that represent a well-designed development, these being: Context; Identity; Built Form; and Movement.
- 5.39 The connectivity of appropriate links to development outside of the site lacks the integration with the wider town centre that is sought through its allocation for a comprehensive mixed-use development alongside the remainder of the site allocation. Whilst a Highways Statement of Common Ground is yet to be provided, a revised plan has been considered by the County Highway Authority that resolves some of these concerns. However, the revised plan continues to raise an issue regarding the safety of the servicing area within the site.

Harm Identified

- 5.40 The Council's aspiration for any redevelopment of the appeal site is to break away from single storey 'big box' developments in edge of centre locations that break down the relationship of the town centre with its wide locality. The proposals would entrench the out-of-town retail park character into the town centre that does not create an identity suited to this town centre location. The appeal proposal fails to consider how the development will be experienced locally, as it turns away from the town centre; is at odds with the approach routes to the site; is not efficient use of the site; and would propagate an approach to town centre redevelopment that is notably more harmful than the status quo. The existing arrangement hosts a clear relationship with its active frontage onto Sturlas Way. Relocating the entrances for the stores to the north places a significant compromise upon the development of the site, which would ultimately be detrimentally harmful to its integration with the wider area. This amplifies the first reason for refusal that resists incremental development of the site as a barrier to its allocation, i.e. as a high density,

mixed use development that brings a significant residential population back into the town centre.

- 5.41 In terms of its appearance, the facade improvements and upgrading of the building in isolation is not harmful. However, the location of the service area at the active frontage is considered unacceptable within the streetscene along Sturlas Way. The appearance is the aspect of a building within which determine the visual impression the building makes (NDG, para 28) including the external built form of the development. Whilst the modernisation of the building is appreciated as part of this scheme, the servicing area and blank facades facing the active street frontage creates a visual impression that is not welcome to its main frontage onto Sturlas Way.
- 5.42 The proposal lacks the promotion of pedestrian connectivity from and to the town centre, a matter that would be sought from the comprehensive redevelopment of the sites allocation. This again highlights that matter of a lack of appropriate integration. In addition, internal linkages for pedestrian movement are considered harmfully unsafe given the conflicts with the position of the service area to the east and the potential for daytime movement of Heavy Goods Vehicles. This matter is yet to be fully resolved.

6. REASON FOR REFUSAL 4 – Car Parking Guidelines

- 6.1 This reason for refusal concerned the shortfall in car parking spaces as follows:

The proposal does not adequately address the shortfall in car parking spaces at the site and is therefore contrary to policy TM5 of the Broxbourne Local Plan 2018 – 2033.

- 6.2 As per paragraph 5.3 of this evidence, I set out my appraisal below with reference to the agreed substituted plan (Core Document 4.3) and then update on the revised plan.

Policy Context

National Planning Policy Framework (NPPF)

- 6.3 Section 9 of the NPPF 2021 seeks to promote sustainable transport and within which para. 108 refers to parking stating that '*In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists*'. Therefore, the matter of car parking is to be considered in connection with access for pedestrians and cyclists and is not a separate entity.

Broxbourne Local Plan

- 6.4 Policy TM5 refers to the Parking Guidelines appended to the Local Plan document (Core Document 6.1). Planning applications are determined with regard to these guidelines. The relevant section is set out in the following table extract:

Use Class	Description	Car Parking Guidelines	Cycle Parking Guidelines
A1 Retail Foodstores	a) Small Food Shops up to 500m ² gfa	1 space per 30m ² gfa	1 s/t space per 150m ² gfa
	b) Food supermarkets exceeding 500m ² gfa but not exceeding 2,500m ² rfa	1 space per 18m ² gfa	150m ² gfa plus 1 l/t space per 10 f/t staff
	c) Food superstores/hypermarkets exceeding 2,500m ² rfa	1 space per 15m ² gfa	
A1 Non-food retail	a) Non-food retail warehouses with garden centres	1 space per 25m ² gfa	1 s/t space per 350m ² gfa plus 1 l/t space per 10 f/t staff
	b) Non-food retail warehouses without garden centres	1 space per 35m ² gfa	
	c) Garden Centres up to 4,000m ² gfa	1 space per 25m ² gfa	
	d) Garden centres exceeding 4,000m ² gfa	to be decided in each case on individual merits	

6.5 The Parking Guidelines set out above would require the following car parking spaces at the appeal site:

- Food supermarket - total gross floor area (GFA) = 1,756sqm, for A1 Retail Foodstore (b) the guideline is for **98 car parking spaces** (1 space per 18sqm gross floor area).
- Homebase – total GFA (2,371sqm internal + 1,398sqm external) = 3,769sqm , for A1 Non-food retail with garden centre (a) the guideline is for **151 car parking spaces** (1 space per 25sqm gross floor area).
- Total car parking guideline = 249 spaces.

These figures are noted as such in paragraph. 3.4.5 of the submitted Transport Statement (Core Document 1.11). Those set out in para. 8.23 of the Committee Report (Core Document 3.1) were based on internal floor area only and not that of the external space for the garden centre, which presented a reduction in car-parking requirement of **193 spaces**.

6.6 The application proposed 157 car parking spaces in total for both uses; this is now reduced to 155 spaces within the substituted plan (Core Document 4.3). The existing store currently has 192 spaces; under the Council’s current parking guidelines this is an excessive amount for the existing arrangement (existing GFA is 4,319sqm with a guideline of 172 car parking spaces). However, the guidelines indicate that a foodstore would have a higher parking requirement than the existing non-foodstore with garden centre. The total of 193 spaces was set out to be required and therefore the shortfall is **38 spaces**. If applying the external space associated with the outdoor garden centre the shortfall would be 94 spaces.

6.7 Policy TM5 sets out that a sensible balance of car and cycle parking spaces would be sought 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 the private car use. In reference to para. 108 of the NPPF 2021 as set out above, car parking levels should be considered ‘*alongside measures to promote accessibility for pedestrians and cyclists*’. Whilst the number of car parking spaces is suggested within the submission to suit both stores, and cycle parking spaces were accepted, the issue of insufficient pedestrian accessibility improvements within the site places doubt over the acceptability of this shortfall. Without suitable pedestrian links there is potential for increased vehicular travel to the site resulting in greater demand for parking. Therefore, the shortfall in car parking spaces was not sufficiently justified within the application and is maintained as such within the substituted plan. In fact, the

substituted plan presents an arrangement that is considerably worse as it removes a pedestrian opening into the site from Sturlas Way, the active frontage.

- 6.8 A revised plan has been considered by the County Highway Authority, as set out in paragraphs 5.36 and 5.37 above, however at the time of writing a Highways Statement of Common Ground has not yet been completed. The revised plan (ref. 2924-COR-111 rev. J) presents a further reduction in car parking provision to 151 spaces (a shortfall of 42 spaces when considering internal floor area).

Summary of Councils Issues relating to Reason for Refusal 4

- 6.9 The scheme would remain as a deviation from the Council's objectives for the area as a comprehensive redevelopment to improve the wider connectivity to the high street sought within its allocation. A shortfall in car parking in that sense as part of a suitable masterplan is likely to be accepted, however the proposal would not achieve those connectivity objectives to integrate the site more effectively to the high street than the existing arrangement. The nature of the proposed supermarket, aimed at discount bulk shopping rather than daily use for a small number of items, combined with ease of access directly from the main roundabout at the northern end of the town centre, makes it overwhelmingly likely that the vast majority of shoppers will arrive and depart by car. A reliance on a car to visit the site is most likely and therefore the shortfall is not fully justified.

Harm Identified

- 6.10 The shortfall in car parking spaces at the site would risk overspill car parking onto the adjacent roads that would be harmful to neighbouring uses and the flow of traffic in the area.

7. BENEFITS ARISING FROM THE PROPOSED DEVELOPMENT

- 7.1 The proposed development would result in a number of benefits as put forward by the Appellant in their statement of case. These are acknowledged as follows:

- 7.2 *Social and economic benefit to Waltham Cross Town Centre* (paragraphs 7.12 – 7.15) – The appellant sets out that the proposal would provide a discount foodstore in the only 'in-centre' site which is capable of accommodating such a foodstore. That justification is not sufficient to outweigh the conflict with adopted Local Plan policies set out within this evidence and limited weight is applied to this benefit.

- 7.3 The appellant also sets out that the proposal would be an enhancement to the vitality and viability of the town centre as one of the Council's preferred locations for retail development. Being in isolation from the wider allocation of the site, it is not considered that the proposal would significantly increase footfall or help drive spin-off trade as suggested in the appellant's statement due to the proposal being rather detached from the town centre and not brought forward comprehensively. Furthermore, as set out in Mr Paine's evidence (Section 4) in reference to vitality and viability and the supporting text to Policy RTC2 (page 133 of the Local Plan) the focus of the Local Plan is on a range of factors, including achieving a mix of uses to spread activity throughout the day and into the evening, providing for social as well as retail needs. By contrast the appellant focuses

on a narrow definition of vitality and viability which is limited to retail spend. The proposal would not sufficiently enhance the vitality and viability of the town centre as advanced by the appellant and therefore is a piecemeal development that would bear no acknowledgement to the changing role town centres have for providing social, cultural and leisure experiences. Moreover, the appeal proposal would be an inefficient use of the site which would not support the town centres role. The weight attributed to this benefit is limited.

7.4 *High quality design is of benefit to the character and appearance of this part of the town centre (para. 7.17)* – As set out in Section 5 of this evidence, the material aspect of the proposal may well be of a high quality choice to modernise the building, however the layout and design are not ‘well-designed’ in consideration of the Council’s design policies, the NPPF and the National Design Guide. These are not considered to be of benefit to the character and appearance of the area and therefore, I give minimal weight to this matter as a benefit particularly given that the government guidance applies more weight to the harm resulting from poor design.

7.5 *Benefit of linked shopping trips* – Further to the proposal being relatively detached from the wider town centre without being considered through a comprehensive development approach, the benefit of linked shopping trips would not appear to be suitably justified. Aldi stores operate a 90 minute restriction on parking which limits the reality of visitors making linked trips to the rest of the town centre. Linked trips would be associated with Homebase and therefore limited weight could be applied to this consideration as a benefit.

7.6 The above benefits can be summarised as providing only limited weight in the overall assessment. As such, they do not outweigh the harm that would result from a piecemeal development that would unacceptably segregate a site allocation and that is inappropriately designed in terms of its layout and orientation.

8. PLANNING BALANCE

8.1 The proposal is not in accordance with the Development Plan being the adopted Broxbourne Local Plan 2018 – 2033 (Core Document 6.1). As a result, the proposal should be refused unless material considerations indicate otherwise. The material considerations include the application of the presumption in para. 11 of the NPPF, this means for decision-taking in 11 (c) *approving development proposals that accord with an up-to-date development plan without delay*. The proposal fails in this regard and there are no material considerations in this particular case to indicate that the up-to-date Development Plan should not be followed.

8.2 A number of benefits have been advanced by the Appellant and these are set out within the preceding section of this evidence. Taking into account the cumulative harm arising from the proposed development, it is concluded that the benefits are not a compelling reason to outweigh the adverse impacts arising from the development when assessed against the policies of the Development Plan.

8.3 The Council has relied upon policies DS1, PM1, WC2, RTC2, DSC1, DSC3, DSC7, DSC8 and TM5 in determining this application and I comment on these below.

- 8.4 The Development Strategy (Policy DS1) and Sustainable Place Making policy PM1 set the scene for the Council's objectives and these refer to the strategic development site of Waltham Cross Northern High Street and the requirement for new developments to complement existing towns and villages and the countryside around them respectively. Policy WC2 alongside the Town Centre Strategy and draft Town Centre Framework seeks to regenerate the town centre with the priority of improving the attractiveness and accessibility of its northern end, including the appeal site, as a mixed-use quarter. The considerations in this matter take into account Policy RTC2 which requires the development to enhance the public realm and to focus on the vitality and viability of the centre. Further to this matter policy DSC7 is cited which states that the Council will pursue the comprehensive development of the strategic development allocations.
- 8.5 I have relied upon the evidence of Mr Martin Paine in this regard to detail the background to the site allocation. Mr Paine's conclusions support the overall objectives of the Council and I agree with that assessment. The first reason for refusal therefore cites these policies collectively as being relevant to the conclusions that the proposed development would undermine the Council's ability to pursue a comprehensive mix-use development within the appeal site as part of a wider integrated site allocation to improve this corner of the town centre.
- 8.6 Further to the argument of lack of integration is the physical layout of the site. The second reason for refusal addresses this matter and is set out in two associated parts. As detailed in my evidence above in Section 5, the proposal to subdivide the building to allow Aldi to occupy the eastern half and Homebase to retain the western half of the building, has resulted in a layout that is not compatible with the town centre and does not relate to the future aspirations for regeneration of the wider site allocation within which the appeal site sits. The layout and orientation of a building forms a part of the overall design of the scheme and not just how a building would appear. It is appreciated that the proposal would modernise the building, however this alone is not sufficient to balance in favour of the development. Policies DSC1 and DSC3 are cited in this regard as these provide a basis for consideration of design principle including those that impact the public realm. I refer also to the stronger emphasis on design and creating beautiful places now sought through the NPPF and supporting guidance – the National Design Guide (NDG) which sets out the characteristics of well-designed places and what good design should mean in practice.
- 8.7 The appeal proposal fails to meet four of the ten characteristics (Context, Identity, Built Form and Movement) and as per para. 15 of the NDG it can be concluded that the development is not well-designed. The NPPF devotes Section 12 to the objective of achieving well-designed places. Specifically, the NPPF states that '*development that is not well-designed should be refused, especially where it fails to reflect local design policies and government guidance on design*' (para. 134). There is no explanation of how the concept of the appeal scheme influences the layout and appearance of the building whilst taking into account its surroundings or wider context. The WC2 policy site allocation seeks to achieve this through pursuing a comprehensive development of the site as per Policy DSC7 (Comprehensive Urban Regeneration). The scheme represents itself as an isolated entity that does not relate to the wider area as existing and would, furthermore, fail to integrate with the wider site allocation if the eastern area were to come forward for

redevelopment independently of the appeal site. Even without a site allocation the scheme would fail with its frontage towards a street scene that is not significant.

- 8.8 There is no question that the proposal therefore should be refused and is justified on this matter alone.
- 8.9 Without suitable pedestrian links there is potential for increased vehicular travel to the site resulting in greater demand for parking. Therefore, the shortfall in car parking spaces was not sufficiently justified and the appeal proposal was considered contrary to Local Plan Policy TM5 (Parking Guidelines) as set out in Section 6 of my full proof of evidence. This is maintained as such within the substituted plan. In fact, the substituted plan presents an arrangement that is considerably worse as it removes a pedestrian opening into the site from Sturlas Way, the active frontage.
- 8.10 The nature of the proposed supermarket is aimed at discount bulk shopping rather than daily use for a small number of items. Combined with ease of access directly from the main roundabout at the northern end of the town centre, makes it overwhelmingly likely that the vast majority of shoppers will arrive and depart by car without considering a healthier travel option. A reliance on a car to visit the site is most likely and therefore the shortfall is not fully justified.

9. CONCLUSION

- 9.1 The Borough of Broxbourne has constrained development options for its growing population. Development is focussed on a number of strategic sites to accommodate growth with new homes focussed on suitable urban and edge of urban sites to make the best use of land and regenerate neighbourhoods. The appeal site is within the only strategic land allocation within Waltham Cross town centre and would be for a mixed-use development of residential, retail, commercial and community uses. If allowed the appeal proposal would hinder the redevelopment aspirations of the Council to bring forward additional housing within the town centre. Housing, that is much needed, would be required to be sought elsewhere and possibly outside the urban area.
- 9.2 The proposed development would further hinder the Council's aspirations to improve the northern area of the High Street, which forms part of the town centre but lacks any integration. In its attempts to upgrade the appearance of the existing building, the appeal proposal would not enhance the site and would not relate well to its town centre surroundings to the east and south as the proposed building would be orientated away from these surroundings to which it should relate. Coupled with this is the layout that would not present an active frontage with an inviting entrance, a service area would instead be presented. A failure in any attempt to integrate the site more effectively through its connections to the town centre limits the Council's ability to achieve a gateway development at the site as part of the regeneration of the northern High Street. A recognition of the Council's overall aims and objectives for the town centre have ultimately been overlooked throughout the promotion of this appeal proposal.
- 9.3 As per Section 38 (6) of the Planning and Compulsory Purchase Act 2004 the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. In this instance, the material considerations have been

balanced and determined not sufficient to justify a departure of the Development Plan therefore this appeal should not succeed.

APPENDIX I

APPEAL REFERENCE: APP/W1905/W/22/3292367
LOCAL PLANNING AUTHORITY REFERENCE: 07/21/0519/F

STATEMENT IN RELATION TO DELIVERY NOISE BY CRAIG GENT

**ON BEHALF OF:
BROXBOURNE BOROUGH COUNCIL**

**APPEAL SITE:
HOMEBASE LTD, STURLAS WAY, WALTHAM CROSS, HERTFORDSHIRE,
EN8 7BF**

MAIN ISSUE

The application site know as Homebase, Sturlas Way, Waltham Cross, Hertfordshire, EN8 7BF, is flanked by residential properties on its east, west and southern perimeter.

The facades of the closest noise sensitive residential receptors are located at Sawyers Court on Sturlas Way and are around 30 Metres from the centre of the Homebase car park, where the anticipated turning circle has been indicated for deliveries.

The properties at Sawyers Court, are particularly susceptible to the impact of delivery noise, as they directly overlook the Homebase Car Park, which does not feature any topographical or man-made features which would help disperse and or reflect noise.

Risk from noise also increases during sleep hours (23:00-07:00), when background noise levels typically decrease in correlation with an increase in people sleeping/resting and it is likely that any deliveries taking place during these times will have an adverse impact upon residential amenity.

SUGGESTED CONDITION

The following condition was therefore recommended within Environmental Health's comments to Planning on the 26th May 2021;

Condition: Deliveries to the food store shall be restricted to the hours of 07:00-23:00 Monday to Saturday and 09:00-21:00 on Sundays.

Reason: To protect the amenities of existing residents.

It is reasonable to require the above condition, as the proposed supermarket will sell a variety of fresh/frozen produce, bread, salads and non-perishable products which will result in an exponential increase in deliveries to the Application premises, compared to the existing site use.

If the Applicant is unable to adhere to the times stipulated above, due to conflicting exigencies, then I would recommend refusal of the application.

16 JUNE 2022