

Appeal by Aldi Stores Ltd
Proposed Discount Foodstore and Non-Food Retail Unit, Homebase,
Sturlas Way, Waltham Cross, EN8 7BF

Transport Proof of Evidence

Tim Britton

LPA Reference: 07/21/0519/F
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1.0 INTRODUCTION

1.1 Personal Details

- 1.1.1 This is the Proof of Evidence of Tim Britton. I am a member of the Chartered Institution of Highways and Transportation. I have approximately 15 years' experience in the discipline of transport planning.
- 1.1.2 I am an Associate Transport Planner at Connect Consultants, which is a specialist firm of Transport Planning and Highway Design consultants, with whom I have worked for nearly five years. Connect Consultants has a client base that includes a number of national and multi-national clients in the public and private sector, including Aldi Stores Limited.
- 1.1.3 Prior to joining Connect Consultants I worked in central Bristol for a little over three years as a Senior Transport Planner and latterly a Principal Transport Planner for JMP Consultants, a nationally-based engineering consultancy which was taken-over by international multi-disciplinary consultancy Systra. I have also worked for a total of approximately two years in two local authorities, working in the fields of development management and transport policy, before which I worked for approximately five years for international multi-disciplinary consultancy Atkins, initially in Winchester and later in Bristol.
- 1.1.4 I am familiar with the Appeal Site.
- 1.1.5 In preparing my Proof of Evidence (PoE), I have adhered to the professional standards expected by the professional bodies to which I belong, and those expected of a professional Transport Planner.

1.2 Statement of Common Ground

- 1.2.1 The Local Planning Authority is Borough of Broxbourne, herein referred to as 'the Council'.
- 1.2.2 Hertfordshire County Council (HCC) as local highway authority, and Connect are at the time of writing in advanced discussions as to a Statement of Common Ground (SoCG) and it is hoped that this SoCG will narrow the issues of dispute between the parties by the time that the inquiry takes place.

1.3 Evidence Structure

- 1.3.1 My evidence demonstrates that the reasons for refusal are unjustifiable insofar as they relate to transport considerations. The structure of my evidence is set out below.
- 1.3.2 **Section 2** of my evidence provides details of the planning application, the reasons for refusal, and the Council's Statement of Case.
- 1.3.3 **Section 3** of my evidence provides details of relevant planning policies.
- 1.3.4 **Section 4** of my evidence provides a chronology of the project in terms of Connect Consultants' input.
- 1.3.5 **Section 5** of my evidence considers Reason for Refusal 3.

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- 1.3.6 **Section 6** of my evidence considers Reason for Refusal 4
- 1.3.7 **Section 7** of my evidence refers to ongoing discussions with the highway authority.
- 1.3.8 **Section 8** of my evidence considers Other Matters which do not relate to Reason for Refusal 3 or 4, but may assist the Inquiry by responding to the Council's and HCC's comments.
- 1.3.9 **Section 9** provides a summary of my evidence.

1.4 Truth Statement

- 1.4.1 I have prepared this proof of evidence for the Appeal, in a manner consistent with my professional code of conduct. To the best of my knowledge, its contents and the professional opinions that I have expressed are true irrespective of by whom I am instructed.



Tim Britton

2.0 PLANNING APPLICATION AND REASONS FOR REFUSAL

2.1 Introduction

2.1.1 This section of my evidence provides an overview of the development proposals in terms of transport considerations, and it recites the transport related reasons for refusal.

2.2 Planning Application

2.2.1 The proposal involves the conversion of an existing retail unit in order to accommodate two occupiers within the defined town centre; details of the development proposal are summarised below.

- 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 (i.e. one of the new units) as a foodstore to be occupied by Aldi Stores Limited (1,756 sq.m GIA). Aldi's introduction will involve the construction of a new loading dock extension to the building's eastern elevation and the removal of Homebase's existing customer entrance.
- Introduction of a non-food mezzanine floor of 636 sq.m GIA to the second unit, which will continue to be occupied by Homebase. The ground floor of this unit will extend to 1,735 sq.m.
- Associated physical works to the existing car park and site layout.

2.3 Reasons for Refusal

2.3.1 The planning application was refused by Planning Committee on 28th July 2021, with the Decision Notice issued on 9th August 2021 (provided as **CD3.2**) for five reasons, two of which relate to transport matters, as set out below.

Reason for Refusal 3 (RR3)

"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"

Reason for Refusal 4 (RR4)

"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"

2.4 Statement of Case of the Local Planning Authority

2.4.1 The Statement of Case (SoC) of the Local Planning Authority, Borough of Broxbourne, further expands upon the reasons for refusal, as follows:

Reason for Refusal 3

2.4.2 Several detailed points are made by the Council which purport to relate to RR3, which have been summarised here, and I will deal with each on a point-by-point basis later in the proof:

- RR3.1. Paragraph 5.17, "The access road and access junction would need to be narrowed (the exact width tested by tracking of the largest vehicle likely to enter the site)"
- RR3.2. Paragraph 5.17, "the access raised to aid pedestrian crossing along with provision of tactile paving"
- RR3.3. Paragraph 5.17, "The required pedestrian visibility splays of 2m x 2m were also missing"
- RR3.4. Paragraph 5.18, traffic assessment is not robust, "TRICS data (an industry standard collection of traffic surveys) is not supported by real traffic surveys or counts"
- RR3.5. Paragraph 5.18, "selected peak times are not reflective of the local highway network"
- RR3.6. Paragraph 5.19, "The appeal application sets out that there would be a pedestrian link from the store entrances across the car park to Sturlas Way which would then have its own links to the town centre. However, this was not reflected in the plans. A pedestrian link only partially crossed the site and was not clearly marked out."
- RR3.7. Paragraph 5.19 "The Highway Authority also stated that a walking and cycling survey should have been provided that would set out recommendations to improve the safety of pedestrians and cyclists between the site and the town centre and Winston Churchill Way roundabout."
- RR3.8. Paragraph 5.19, "current crossing facilities for pedestrians on Sturlas Way do not contain tactile paving and upgrading of the pedestrian access to Sturlas Way is required"
- RR3.9. Paragraph 5.19, "Improvements would also be required to nearby bus stops."
- RR3.10. Paragraph 5.19, "The proposed location of the Aldi service area at the eastern elevation is not shown to have safe routes around it for pedestrians which should be provided for each direction customers will walk to the site."
- RR3.11. Paragraph 5.19, "The NPPF (paragraph 112) requires new developments to be designed so that they are safe for pedestrians and not favour motor traffic, it also seeks to minimise the scope for conflicts between pedestrians, cyclists and vehicles. Local Plan Policy TM1 (*Sustainable Transport*) also emphasises the expectation that major development proposals are to prioritise pedestrian and cycling provision within the scheme. The application failed to meet these requirements."

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- RR3.12. Paragraph 5.19, "The proposed car park layout does not provide any path markings that would otherwise ensure the safety of pedestrians within its design."
- RR3.13. Paragraph 5.20, "...The Highway Authority comments provided at the time of the application consultations stated that better internal pedestrian link paths from the footway of Sturlas Way would be expected for pedestrians at three desire line points..."
- RR3.14. Paragraph 5.21, "The new service area would present potential obstruction with customers travelling to the site by car at the point of manoeuvring in and out of the nearest car parking spaces to the loading bay. The proposal set out that on average four HGV deliveries would take place per day and required every day to provide fresh produce. The proposed delivery times overlap with the store opening times and could cause congestion within the site. The Homebase store will continue its use of the service area to the south and south west of the store. Its service frequency and duration will continue as existing. The proposal would not provide a servicing arrangement that is considered safe and convenient for other traffic entering the site and is considered contrary to Local Plan Policy TM3 (Access and Servicing)."
- RR3.15. Paragraph 2.22 "These matters, taken together were concluded to result in a proposal that did not adequately address connectivity for pedestrians and cyclists to the site from Sturlas Way and ultimately was refused on this basis as being contrary to Local Plan Policies TM1, TM2 and TM3 and the NPPF."

Reason for Refusal 4

- 2.4.3 Several detailed points are also made in relation to RR4, which have been summarised here, and I will deal with each on a point-by-point basis later in the proof:
- RR4.1. Paragraph 2.24 "The total of 193 spaces were required and therefore a shortfall of 36 spaces was presented."
- RR4.2. Paragraph 2.25 "Whilst the number of car parking spaces is suggested within the submission to suit both stores, the issue of insufficient pedestrian accessibility improvements to and within the site places significant doubt over the acceptability of this shortfall. Without the 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."

3.0 PLANNING POLICY

3.1 Introduction

3.1.1 This section of my evidence provides details of relevant planning policies. The policies referred to are found within the Core Documents.

3.2 NPPF

National Planning Policy Framework (provided as **CD5.1**)

3.2.1 NPPF (as updated 20 July 2021) paragraph 108 is provided below:-

"Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). 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."

3.2.2 NPPF paragraph 110 is provided below:-

"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."*

3.2.3 NPPF paragraph 111 is provided below:-

"Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

3.2.4 NPPF paragraph 112 is provided below:-

"Within this context, applications for development should:

- *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- *address the needs of people with disabilities and reduced mobility in relation to all modes of transport*
- *create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- *allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- *be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

3.2.5 NPPF paragraph 113 is provided below:-

"All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed."

3.3 Policies Referred to in Reasons for Refusal and Associated Policies

Broxbourne Local Plan (2018-2033) (provided as **CD6.1**)

3.3.1 Policy TM1 of the Local Plan is provided below.

"Policy TM1: Sustainable Transport

Sustainability initiatives

I. 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. Detailed evidence of this process must be included in the Transport Assessment and supporting Travel Plan accompanying a planning application.

Pedestrian movement

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.

V. The Council will support proposals that protect and enhance the New River towpath, pedestrian routes to, and within, the Lee Valley Regional Park and connections by foot to other open spaces.

Cycling provision

VI. Development proposals must provide for cycle facilities through the use of accessible and safe routes to and around the site, the provision of cycle storage and cycle parking areas. Guidelines regarding the number of cycle spaces can be found in Appendix B.

Public transport

VII. 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."

3.3.2 Policy TM2 of the Local Plan is provided below.

"Policy TM2: Transport and New Developments

I. 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.

II. To demonstrate the likely impact of a development proposal on movement patterns and flows in an area, a Transport Assessment or a Transport Statement will be required.

III. Travel Plans must be submitted where the development involves major residential development, employment and other commercial development, and non-residential institutions such as schools and colleges. The Travel Plan will need to demonstrate that mitigation of the transport impacts of the proposal is achievable, and include provisions for monitoring.

IV. The Council will encourage the use of appropriate design and traffic calming measures to meet the needs of various movement corridors users."

3.3.3 Policy TM3 of the Local Plan is provided below.

"Policy TM3: Access and Servicing

I. New development proposals must provide for adequate, safe and convenient servicing arrangements, access points and drop-off areas.

II. Adequate provision must be made for the movement and turning of emergency vehicles and refuse vehicles in all developments."

3.3.4 Policy TM5 of the Local Plan is provided below.

"Policy TM5: Parking Guidelines

I. Planning applications will be determined with regard to the Car Parking Guidelines in Appendix B.

*II. 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.**"*

My emphasis.

3.3.5 Notable points: the parking ratios are described as "Guidelines", rather than "Standards", and no mention is made of maxima or minima which are sometimes present in Parking Standards documents elsewhere. The fact that they are referenced within policy TM1 does not mean that they are to be treated as anything other than guidelines to inform the development management process.

3.3.6 The implication of "Guidelines" is that they are provided as a starting point, and that variations are permissible. This should be particularly relevant if the variations are supported by evidence.

3.3.7 The point regarding a "sensible balance" is further elaborated upon in accompanying notes in the Local Plan which highlight (at paragraph 30.17) the potential that:

"Insufficient parking can create significant on-street parking problems in and around key destinations such as strategic employment sites, town centres, railway stations and shopping centres. Too much parking provision can promote car usage at the expense of sustainable transport, creating additional congestion on the road network and reducing the quality of the local environment."

Appendix B – Car and Cycle Parking Guidelines

- 3.3.8 The parking guidelines, presented in Broxbourne Local Plan Appendix B – Car and Cycle Parking Guidelines, are summarised as follows, referring to the Use Classes quoted in the Broxbourne Local Plan (with the current Use Classes (amended 2020) included in brackets).
- 3.3.9 “Use Class A1 Retail Foodstores” (amended to Use Class E(a)), for “b) Food supermarkets exceeding 500m² GFA but not exceeding 2,500 m² RFA” (as per the proposal): Car Parking Guidelines = 1 space per 18m² GFA. Cycle Parking Guidelines = “1 s/t space per 150m² GFA, plus 1 l/t space per 10 f/t staff”.
- 3.3.10 “Use Class A1 Non-food Retail” (amended to Use Class E(a)), for “a) Non-food retail warehouses with garden centres” (as per the proposal): Car Parking Guidelines = 1 space per 25m² GFA. Cycle Parking Guidelines = “1 s/t space per 350m² GFA, plus 1 l/t space per 10 f/t staff”.

4.0 PROJECT CHRONOLOGY

4.1 Introduction

4.1.1 This section of my evidence will provide details of the project chronology in terms of Connect's input.

4.2 Transport Chronology

4.2.1 An overview of the transport chronology is provided below.

4.2.2 Connect submitted a pre-application request to HCC dated 1st October 2020. The service sought by the pre-application request was for HCC to "Review and provide comments (via email) on draft Transport Statement or Transport Assessment". The pre-application request was accompanied by Connect's Draft Transport Assessment (TA) dated October 2020. A pre-application response was received from HCC dated 25th November 2020.

4.2.3 A full TA dated April 2021 was submitted with the planning application (application validated by BBC on 27/04/2021). The TA is provided as **CD1.11**.

4.2.4 Comments received from HCC relating to the Travel Plan, dated 25th May 2021.

4.2.5 Comments received from HCC relating to the TA, dated 14th June 2021.

4.2.6 Following receipt of the HCC responses, Connect emailed HCC on 2nd July 2021 setting out which aspects of the HCC response required discussion, and seeking to arrange a meeting.

4.2.7 A meeting invitation was sent for 5th July 2021 but HCC declined the meeting.

4.2.8 A follow up email was sent by Connect on 8th July 2021 expressing the urgency of the discussions as the scope of the traffic surveys required urgent agreement to allow the surveys to be undertaken before the imminent school summer holidays.

4.2.9 The scope of the surveys was clarified by email on 9th July 2021. Traffic surveys were undertaken on Wednesday 14th and Saturday 17th July 2021, but the results were not received by Connect in time to be analysed and submitted to HCC before the planning application was refused.

4.2.10 The planning application was determined at the planning committee held on 28th July 2021.

4.2.11 The decision notice dated 9th August 2021 sets out the refusal reasons.

4.2.12 The planning application was based on the proposed site layout plan Revision D (the Harris Partnership Drawing '2924-COR-111D').

4.2.13 The appeal Inspector has since accepted Revision F (the Harris Partnership Drawing '2924-COR-111F') as a substitute proposed site layout plan.

4.3 Section Conclusions

4.3.1 As can be seen from the chronology, the time frame between receipt of HCC comments on 14th June 2021 and refusal of the planning application did not allow for sufficient

responses to HCC comments. Perhaps if the time frame had been longer, most of the issues brought to this appeal could have been resolved to HCC's satisfaction.

5.0 CONSIDERATION OF REASON FOR REFUSAL 3

5.1 Introduction

5.1.1 This section of my evidence addresses the points raised in Reason for Refusal 3, and specifically expanded upon in the Council's SoC.

5.1.2 The wording of RR3 is as follows:

Reason for Refusal 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"
(My emphasis)

5.1.3 RR3 relates only to not providing "*sufficient connectivity improvements for cyclists and pedestrians and improvements to promote the use of public transport*".

5.1.4 It refers to Local Plan policies TM1, TM2 and TM3, and the NPPF.

5.2 Connectivity Improvements for Cyclists

5.2.1 The TA identifies that the site is readily accessible by cycle.

5.2.2 In addition to cyclists being able to use the vehicular site access on Sturlas Way, site layout plan Revision F provides a clear route for cyclists from the proposed customer cycle parking, across the car park aisles (via demarcated crossing points and areas), to the north eastern corner of the site, at the Sturlas Way / Winston Churchill Way roundabout.

5.2.3 Externally, site layout plan Revision F includes widening of the existing footway route around the north eastern corner of the site from the existing 2m to the proposed minimum of 3m, with an easing of the 90-degree corner adjacent to the proposed motorcycle parking.

5.2.4 Currently, cyclists are directed to dismount when approaching this location along the southern side of Winston Churchill Way (from the west), and so it is an inescapable conclusion that cyclists benefit from this widening (even if dismounting and pushing their bicycles).

5.2.5 During a meeting held on 17th May 2022, HCC indicated/confirmed that no further cycle facility improvements (outside the site) would be suitable/justifiable and therefore would not be sought by HCC.

5.2.6 The additional points raised in the Council's SoC which relate to the substance of RR3 are addressed as follows:

RR3.7 that "a walking and cycling survey should have been provided..."

5.2.7 The TA identifies that the site is accessible by cycle. Proportionate improvements to the cycle network are provided at the north eastern corner of the site which benefits existing cyclists as well as customers of the development. The highway authority has been unable

to identify any further cycle network improvements which would be suitable or justifiable. This supports my view that there are no further improvements required.

5.3 Connectivity Improvements for Pedestrians

- 5.3.1 The TA identifies that the site is readily accessible by foot.
- 5.3.2 A question relevant to this point is: what evidence of existing pedestrian connectivity between the site and the surrounding areas is available?
- 5.3.3 A survey of pedestrian movements at the existing pedestrian access to the site (on Sturlas Way) has been undertaken, on Thursday 19th May 2022 and Saturday 21st May 2022, between 0700-1900 hours on both days. Pedestrians were classified and counted by groups.
- 5.3.4 The results are summarised as follows:
- Thursday – 138 departures and 107 arrivals (numbers of groups)
 - Saturday – 265 departures and 152 arrivals (numbers of groups)
- 5.3.5 The technical note at **Appendix CCL/01** provides further details and analysis of the survey data.
- 5.3.6 As a proportion of vehicular traffic movements in and out of the site access (counted on the same days, and across the same time periods), the pedestrian departures represent 20.2% (Thursday) and 26.5% (Saturday) of vehicular arrivals, and the pedestrian arrivals represent 15.8% (Thursday) and 15.2% (Saturday) of vehicular departures.
- 5.3.7 During both survey days, the counted number of departing pedestrian groups is higher than the counted number of arriving groups.
- 5.3.8 There could be several explanations for this, including but not limited to: pedestrians returning to a parked vehicle after the survey period ended, pedestrians arriving to the site via the vehicular access (at which pedestrian movements were not counted, or another route), drivers using the Homebase car park to drop off pedestrians (who then travel elsewhere and do not return to the site).
- 5.3.9 Irrespective of these minor differences between arrivals and departures, and on the basis of the survey, the site location and existing internal and external connectivity appears to be attractive to pedestrian use.
- 5.3.10 This existing high level of pedestrian activity in and out of the site could be argued to undermine the need for any further enhancements to secure adequate pedestrian connectivity, since the site already appears attractive to pedestrians.

Pedestrian Improvements

- 5.3.11 Nevertheless, internally, site layout plan Revision F provides a route for pedestrians from the proposed customer entrances, across the car park aisles (via demarcated crossing points and areas), to the north eastern corner of the site, at the Sturlas Way / Winston Churchill Way roundabout.
- 5.3.12 In general, the proposed internal site layout is laid flush (i.e. store entrance, walking areas, parking spaces and car park aisles are all level). This is for the convenience of

those pushing shopping trolleys, using a wheel chair, push chair, or another similar device.

- 5.3.13 Pedestrian routes can be highlighted using suitable coloured surfacing (it is understood this can and will be controlled by condition).
- 5.3.14 Some pedestrians arriving from the south along Sturlas Way could also choose to access the site from the footway adjacent to the vehicular site access. Once inside the site, these pedestrians will have the same status as customers who have arrived by car, parked in the car park, and subsequently walk through the car park to the store entrance.
- 5.3.15 The Appellant is content to accept a condition to provide pedestrian signage (e.g. a fingerpost style sign) near to the vehicular access directing pedestrians towards the main pedestrian access at the north eastern corner of the site.
- 5.3.16 Externally, site layout plan Revision F includes widening of the existing footway route around the north eastern corner of the site from the existing 2m to the proposed minimum of 3m, with an easing of the 90-degree corner adjacent to the proposed motorcycle parking.
- 5.3.17 Currently, pedestrians share this area with cyclists (who are advised to dismount), and so it is a logical conclusion that pedestrians also will benefit from this widening.
- 5.3.18 Furthermore, during a meeting held on 17th May 2022, HCC indicated/confirmed that no further pedestrian facility improvements (outside the site) would be suitable/justifiable and therefore would not be sought by HCC. Again, this reflects my professional view that no further improvements are required to make the site suitably accessible to pedestrians.
- 5.3.19 The points raised in the Council's SoC which relate to the substance of the Reason for Refusal are addressed as follows:

RR3.1 that "the access road and junction would need to be narrowed..."

- 5.3.20 Site layout Revision F does narrow the site access junction. This is explored as follows:
- 5.3.21 The existing access junction has a road width of 13.1m. The southern kerb radius is approximately 2m. The northern kerb radius is a compound radius, of approximately 15m to approximately 4m.
- 5.3.22 The access junction drawing submitted in the TA includes a width of 9.9m. The southern kerb radius is as existing. The northern kerb radius is 8m.
- 5.3.23 This geometry is to accommodate the service vehicle swept path as set out at Appendix 4 of the TA.
- 5.3.24 The existing pedestrian crossing of the site access has dropped kerbs on both sides, and a crossing distance of 16.3m when measured along the approximate centre of the footway.
- 5.3.25 The distance is 14.7m when measured along the back edge of footway, and 22.5m measured along the edge of carriageway (longer distance is a result of the junction radii).
- 5.3.26 The proposed crossing in the TA (reflected on site layout Revision F) provides dropped kerbs at the access, with a crossing distance of 14.0m taken along the approximate centre of the footway.

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- 5.3.27 The distance is 12.5m along the back edge of footway, and 19.5m along the edge of carriageway (as a result of the junction radii).
- 5.3.28 The layout submitted with the TA (and reflected in Revision F) appropriately narrows the crossing width (compared with the existing width) by 2.3m measured along the approximate centre of the footway.
- 5.3.29 The delivery vehicle tracking on Revision F is shown on drawing 19094-SK220621.1 provided at **Appendix CCL/05**.

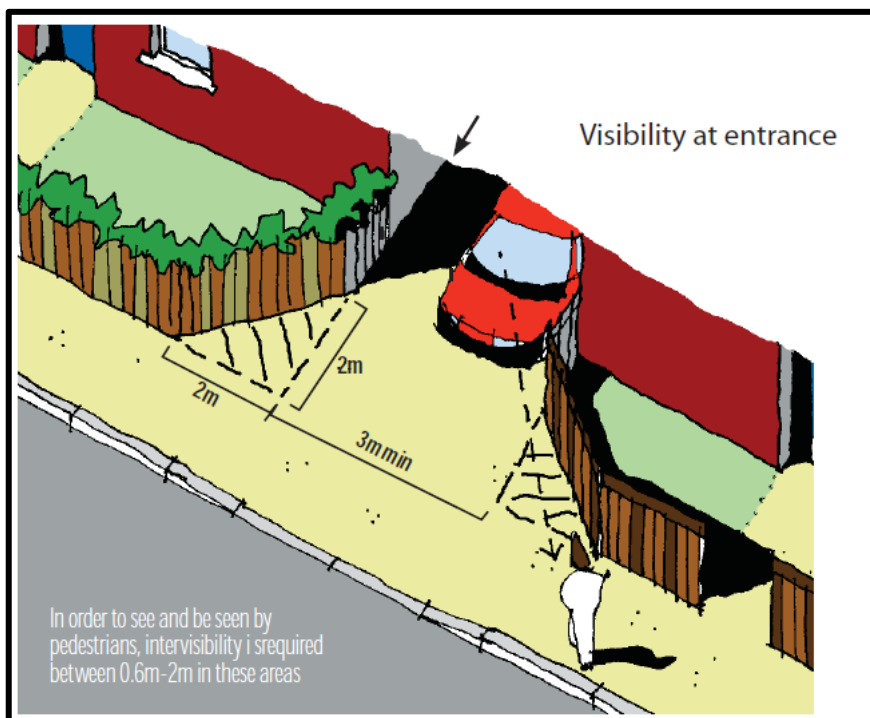
RR3.2 that "the access [should be] raised..."

- 5.3.30 A raised crossing is generally not advisable at a location where vehicles, including delivery vehicles, will be turning.
- 5.3.31 During a meeting on 9th May 2022, HCC agreed that locating raised crossings somewhere without turning vehicles is desirable, and also that HCC would not be seeking a raised crossing at the site access.
- 5.3.32 Nonetheless, the Appellant is content to accept a condition to provide suitable tactile paving at the proposed site access.

RR3.3 "pedestrian visibility splays..."

- 5.3.33 Pedestrian visibility splays are normally only considered in situations where a vehicle emerging from a shared or individual private driveway needs to cross a footway or other pedestrian route. In such a situation, the 2.0m x 2.0m visibility envelope, provided along the back edge of the highway limit, allows pedestrians (and cyclists if the driveway crosses a shared or cycle-only facility) to have visibility of the emerging vehicle, and vice-versa.
- 5.3.34 The diagram at **Figure 1** illustrates this concept.

Figure 1 – 2.0m x 2.0m Pedestrian Visibility Splays



Source: "The Kent Design Guide, making it happen – highways (design standards – residential & industrial)"

5.3.35 The proposed site layout does not include any locations with this form of access or similar vehicle crossover, and therefore my view is that 2.0m x 2.0m pedestrian visibility splays are not applicable at the appeal site.

RR3.6 regarding a pedestrian link "from the store entrances across the car park to Sturlas Way which would then have its own links to the town centre."

5.3.36 Firstly, I understand that the site is already located within the defined Town Centre, and so "links to the town centre" presumably means links to other parts of the Town Centre such as the pedestrianised area.

5.3.37 If the intended meaning was relating to connectivity to the pedestrianised area of the northern end of High Street, then there are already links to this location, as follows:

- Across Sturlas Way to the eastern side, then north along Sturlas Way, passing the Sturlas Way / Winston Churchill Way roundabout, south on Monarchs Way, and joining the pedestrianised northern end of High Street.
- Across Sturlas Way to the eastern side, through the Wickes car park, joining the pedestrianised northern end of High Street.
- Across Sturlas Way to the eastern side, then south along Sturlas Way, east on Park Lane, joining the pedestrianised northern end of High Street.

5.3.38 The route via Winston Churchill Way roundabout is slightly longer in distance than the other two routes, and is via footways and crossings within the public highway.

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- 5.3.39 The route via Wickes car park is shorter in distance but crosses third party land (which is outside of the Appellant's control). It is understood that there are intentions to redevelop this site, and that the redevelopment would remain permeable.
- 5.3.40 The route via Park Lane has some discontinuous pedestrian features, for example where Sturlas Way joins Park Lane, the footway along the eastern side of Sturlas Way stops, and there is a junction and a development access between the Sturlas Way footway, and the pedestrianised part of Park Lane.
- 5.3.41 During a meeting on 9th May 2022, HCC agreed that additional improvements to the Park Lane route would be disproportionately expensive and unwarranted, and on the basis of the other routes available (both via the public highway, and via the Wickes car park), no further pedestrian facility improvements would be sought outside of the site.

RR3.7 that "a walking and cycling survey should have been provided..."

- 5.3.42 The TA identifies that the site is accessible by foot. Proportionate improvements to the pedestrian network are provided at the north eastern corner of the site which will benefit existing pedestrians as well as customers of the proposed development. HCC has been unable to identify any further pedestrian network improvements which would be suitable or justifiable.
- 5.3.43 The pedestrian survey appears to already demonstrate high levels of pedestrian activity between the site and other destinations.

RR3.8 that "current crossing facilities for pedestrians on Sturlas Way do not contain tactile paving..."

- 5.3.44 This statement is not explicit, however one could reasonably assume that this relates to Sturlas Way south of the site access, on the eastern side, relating to the walk route via Park Lane (which is incomplete).
- 5.3.45 The primary walking route to the pedestrianised area at the northern end of High Street (via the public highway) is via the Winston Churchill Way roundabout. As agreed with HCC, improvements to the route via Park Lane would be disproportionately expensive and unwarranted (see paragraph 5.3.41). See also the comment made by HCC detailed at paragraph 5.3.18.

RR3.10 regarding "safe routes around [the Aldi service area] for pedestrians..."

- 5.3.46 Pedestrians are encouraged to walk to and from the store via the pedestrian access at the north eastern corner of the site, and via the demarcated route which does not pass the service area.
- 5.3.47 Aldi are an experienced operator and well used to managing pedestrian access within the car parks of the site, particularly where there is a close interface with servicing. Aldi take the care of their customers very carefully and therefore there are a variety of operational management techniques which can be deployed such as signage, carefully timing deliveries etc. Fundamental to this is an acceptable layout. In this case the layout has been carefully arrived after detailed discussions with the operator.

RR3.11 regarding NPPF Paragraph 112

- 5.3.48 Site layout Revision F seeks to prioritise pedestrians and cyclists, but also balances the needs of the development occupiers in terms of operations, servicing, layout and customer car parking.

RR3.12 that the "proposed car park layout does not provide any path markings that would otherwise ensure the safety of pedestrians..."

- 5.3.49 The internal site layout is laid flush for a number of reasons, including assisting the manoeuvring of trolleys, push chairs, wheelchairs and other similar uses, therefore the demarcated areas are flush and (theoretically) capable of being overrun by vehicles.
- 5.3.50 A car park is a shared environment between pedestrians (with and without trolley) and vehicles, with each user operating with respect and understanding for the other.
- 5.3.51 Some car parks are laid out with pedestrian strips; these are perhaps more relevant when pedestrians are not loading shopping in to car boots and where car park aisles are one-way, such that segregation is natural and maintainable (i.e. pedestrians are not stepping around shopping trolleys), whereas in a retail environment perhaps it is preferable for the areas within the car park to be shared, such that vehicle drivers do not assume sole rights over the "vehicle area" of the aisle, on the basis that the pedestrians have their own area. Thus, segregated areas in a shared use space can on occasion provide to be counter-productive.
- 5.3.52 From Aldi's experience of operating stores across the country (e.g. at the Aldi store in Bishop's Stortford), it is not necessary to provide dedicated pedestrian path markings throughout the car park.
- 5.3.53 However, should the Inspector determine that this is a necessary inclusion to the site layout in order to make the development acceptable, the Appellant is nonetheless willing to include a scheme to provide such marked paths in a revised site layout.

RR3.13 that "better internal pedestrian link paths from the footway of Sturlas Way would be expected for pedestrians at three desire line points..."

- 5.3.54 As discussed above, the primary pedestrian access point is from the north eastern corner of the site, and there is the possibility for pedestrians to access the site via the footway adjacent to the vehicular site access, should they choose to.

5.4 Improvements to Promote the Use of Public Transport

- 5.4.1 The TA identifies that the site is accessible by public transport (with bus being the most likely used mode for the proposed development).
- 5.4.2 Discussions during meetings with HCC (on 9th and 17th May 2022) have identified that HCC consider improvements to the southbound bus stop outside 250 and 252 High Street (c.130m north of the Sturlas Way / Winston Churchill Way roundabout) would be appropriate, suitable and justifiable.
- 5.4.3 The improvements would be in the form of raised kerbing (e.g. Kassel Kerb) at the southbound bus stop location.

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- 5.4.4 The appellant is content to accept a condition to provide raised kerbing at the southbound bus stop outside 250 and 252 High Street (approximately 130m north of the Sturlas Way / Winston Churchill Way roundabout).
- 5.4.5 Furthermore, during a meeting held on 17th May 2022, HCC indicated/confirmed that no further public transport improvements would be suitable/justifiable and therefore would not be sought by HCC.
- 5.4.6 The points raised in the Council's SoC which relate to the substance of the Reason for Refusal are addressed as follows:
- RR3.9 that "improvements would also be required to nearby bus stops"
- 5.4.7 This is discussed above at paragraphs 5.4.2 to 5.4.4, and are understood to be resolved to the satisfaction of HCC, subject to the appropriate condition securing the bus stop works.

6.0 CONSIDERATION OF REASON FOR REFUSAL 4

6.1 Reason for Refusal 4

6.1.1 This section of my evidence addresses the points raised in Reasons for Refusal 4, and specifically expanded upon in the LHA SoC.

6.1.2 The wording of RR4 is as follows:

Reason for Refusal 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"

6.1.3 RR4 relates only to a perceived shortfall in car parking spaces.

6.1.4 It refers to Local Plan policy TM5.

6.1.5 The detailed points made in the Council's SoC are helpful in identifying the perception which appears to have led to the conclusion that there is a shortfall in car parking:

6.1.6 RR4.2 states that *"...the issue of insufficient pedestrian accessibility improvements to and within the site places significant doubt over the acceptability of this shortfall [compared with the Parking Guidelines]"*

6.2 Provision of Car Parking

6.2.1 As identified in the TA, and as updated for site layout Revision F, the appeal site does not provide the full guideline parking provision as calculated using the Parking Guidelines at Appendix B of the Local Plan which seek a *"sensible balance"* of car and cycle parking spaces based on the nature of the proposal.

6.2.2 The car parking guidelines are set out at Section 3.3 above, and in the technical note at **Appendix CCL/02**.

6.3 Car Parking Survey

6.3.1 Two surveys have been undertaken of the Homebase car park:

- Wednesday 14th July 2021 and Saturday 17th July 2021, 0900-1900 hours.
- Thursday 19th May 2022 and Saturday 21st May 2022, 0700-1900 hours.

6.3.2 Full details of the survey and results are provided in the technical note at **Appendix CCL/02**.

6.3.3 The peak of the parking demand was surveyed as 78 vehicles (at 12:30-12:45 on Wednesday 14th July 2021) and 76 vehicles (at 11:30-11:45 on Saturday 17th July 2021).

- 6.3.4 This indicates that there is currently spare capacity of at least 77 parking spaces (155 – 78 = 77) which is fewer than the guideline requirement for 98 car parking spaces indicated by the Local Plan Guidelines.
- 6.3.5 A car parking accumulation, based on TRICS data, has been undertaken for the proposed ALDI, indicating a peak parking demand of 44 vehicles on a weekday, and 47 on a Saturday.
- 6.3.6 Adding the two peak demands (observed Homebase parking and TRICS data for the proposed Aldi) results in a total of 122 parked cars on a weekday and 123 on a Saturday, which are both well within the proposed capacity of 155 spaces within the site.
- 6.3.7 When the Aldi and Homebase parking accumulation profiles are summed (using the 2022 Homebase survey, and Aldi TRICS data), the combined peak parking demand is 101 and 115 vehicles for the Thursday and Saturday periods respectively. This is lower than the more simplistic method of summing the individual peaks, as the data shows that the peak for each use occurs at a different time, and also that the 2022 Homebase survey resulted in a slightly lower peak demand than the 2021 Homebase survey.

6.4 Pedestrian Accessibility and Linkage

- 6.4.1 As discussed at subsection 5.3, the recent survey of pedestrian activity arriving and departing the Homebase site demonstrates substantial pedestrian activity:
- 138 pedestrian departures from the site on a Thursday (between 0700 and 1900 hours).
 - 265 pedestrian departures from the site on a Saturday (between 0700 and 1900 hours).
- 6.4.2 This data appears to present substantive evidence to the contrary of the assertion of “insufficient pedestrian accessibility” at the site, calling in to question the validity of the basis of RR4. So far as can be assessed, a significant proportion of such pedestrians appear to be linking to other parts of the town centre and using the car park as a town centre car park.
- 6.4.3 This is notwithstanding the evidence that the surveyed existing parking demand, plus TRICS based Aldi parking demand, can be accommodated within the proposed provision as well as leaving a good deal of headroom for associated town centre parking.

6.5 Car Parking Demand, Allowing for Other Factors

- 6.5.1 It is, of course, possible that the proposed reduction in floor area of the Homebase store will result in a subsequent reduction in customers, trips, vehicle trips and car parking demand. Particularly, as trip rates and the Local Plan car parking guidelines are calculated based on Gross Floor Area (GFA) which includes internal areas and garden centre areas (for retail units with a garden centre).
- 6.5.2 The existing Homebase GFA is 5,717 sq.m. (4,319 internal + 1,398 Garden Centre).
- 6.5.3 The proposed Homebase GFA is 3,769 sq.m. (2,371 internal including mezzanine + 1,398 Garden Centre).

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- 6.5.4 The proposed GFA is 65.93% of the existing GFA, so it is not unreasonable to assume that there could be a reduction in parking demand.
- 6.5.5 Based on the pedestrian survey, a proportion of the surveyed car parking demand may very well be related to destinations which are off site (and may therefore not reduce with the reduction in Homebase GFA). Full details of the survey and results are provided in the technical notes at **Appendix CCL/01**.
- 6.5.6 The survey indicates that potentially between 15.2% and 26.5% of the vehicle activity could be associated with non-Homebase use, however there is likely to be a nuanced mixture of trip types (e.g. people parking at Homebase but only visiting other locations; people parking at Homebase and making a linked-trip between Homebase and other location(s) within the town centre; walk trips to Homebase; drivers dropping-off pedestrians who then walk offsite – this list is not exhaustive).
- 6.5.7 In addition, caution should be applied as no allowance for dwell time has been made (e.g. some non-Homebase parking demand may have a higher effect because vehicles park for longer than if the visitor was there for a “purely” Homebase trip).
- 6.5.8 If we adopt the assumption that 15% of parking is non-Homebase customer use (and remains as surveyed), then the reduced parking demand is calculated as follows:
- 6.5.9 Highest peak surveyed parking = 78
- 6.5.10 Non-Homebase parking: $78 \times 15\% = 11.7$
- 6.5.11 Homebase parking: $78 \times 85\% = 66.3$
- 6.5.12 Reduced GFA Homebase parking demand: $66.3 \times 65.93\% = 43.7$
- 6.5.13 Recombine with non-Homebase parking: $43.7 + 11.7 = 55.4$.
- 6.5.14 On this basis, the future parking demand of the reduced-size Homebase store (excluding the proposed Aldi) has been calculated as a peak of 55.4 vehicles (56 vehicles in real terms).
- 6.5.15 Based on layout Revision F (total provision of 155 parking spaces), the car park provides enough spare capacity to accommodate the full Local Plan car parking Guideline amount of 98 spaces.
- 6.5.16 The points raised in the Council’s SoC which relate to the substance of the Reason for Refusal are addressed as follows:
- RR4.1 that “a total 193 spaces were required and therefore a shortfall of 36 spaces was presented”
- 6.5.17 The proposed provision is less than the Local Plan car parking guidelines suggest.
- 6.5.18 However, the data demonstrates that the proposed parking provision is palpably sufficient to accommodate the surveyed existing demand plus the predicted (using TRICS data) Aldi demand.
- RR4.2 that “the issue of insufficient pedestrian accessibility improvements to and within the site places significant doubt over the acceptability of this shortfall. Without the pedestrian links there is potential for increased vehicular travel to the site resulting in
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greater demand for parking. Therefore, the shortfall in car parking spaces was not sufficiently justified within the application."

- 6.5.19 The survey data clearly indicates that the existing pedestrian accessibility from the site to the surrounding area is presently good.
- 6.5.20 It should be noted that Local Plan Policy TM5 part II 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.**" (My emphasis)*
- 6.5.21 I put forward that the proposals do present a sensible balance based on the nature of the proposal, and that the evidence presented supports this.

7.0 ONGOING DISCUSSIONS WITH THE HIGHWAY AUTHORITY

7.1 Ongoing Discussions

- 7.1.1 There are ongoing discussions with the Highway Authority, HCC.
- 7.1.2 During these discussions, HCC have encouraged the Appellant to produce a site layout plan with further adjustments to the geometry in relation to further narrowing of the vehicular access, and some alterations to pedestrian access.
- 7.1.3 At the time of writing, the Appellant is continuing to work with HCC on this matter, which may result in a further version of the layout which will enable HCC to withdraw any objection.
- 7.1.4 For the avoidance of doubt, the discussion about any further revisions does not mean that the Appellant believes the layout in front of the Inquiry (Revision F) is in any way unacceptable, but that minor tweaks could lead to a position where highway matters could be resolved to the LHA's satisfaction which is plainly desirable.
- 7.1.5 The changes being discussed at the moment are of a very minor nature.

8.0 OTHER MATTERS

8.1 Introduction

8.1.1 This section provides details of other matters raised by the Council's SoC, and comments made by HCC which do not relate, in my view, to the Reasons for Refusal, but may assist the Inquiry by responding to the Council and HCC's comments.

8.2 Traffic Assessment

8.2.1 This section of my evidence provides information in relation to the traffic assessment for the site. This relates to points RR3.4 and RR3.5 listed in the Council's SoC – "*TRICS data... is not supported by real traffic surveys or counts*" and "*selected peak times are not reflective of the local highway network*".

8.2.2 These two points do not appear to be related to Reason for Refusal 3 which centres around non-car accessibility.

8.2.3 Nevertheless, the comments have been addressed as follows.

8.3 Peak Times

8.3.1 The TA assessment was based on "typical" network peak hours of:

- Weekday AM peak = 08:00 – 09:00
- Weekday PM peak = 17:00 – 18:00
- Saturday midday peak = 12:00 – 13:00

8.3.2 A traffic survey has been undertaken of the Homebase site access / Sturlas Way junction, on Thursday 19th May 2022 and Saturday 21st May 2022.

8.3.3 The survey indicates that, when summing all movements at the junction and calculating the busiest rolling 60-minute periods, the peak hours are:

- Weekday AM peak = 08:45 – 09:45
- Weekday PM peak = 17:00 – 18:00
- Saturday midday peak = 12:30 – 13:30

8.3.4 The TRICS data, used in the traffic assessment contained in the TA, has been updated below and compared with the data in the TA.

8.4 Use of TRICS

8.4.1 From the website "www.trics.org", TRICS contains:

*"The TRICS® database includes over 8,000 **transport surveys**. In addition to inbound and outbound traffic and multi-modal counts (covering a wide range of separate count and mode types), the TRICS® site records include comprehensive descriptive detail on a site's local environment and surroundings, information on the size, composition and*

functions of a site, and details of on-site and off-site parking facilities. Large annual regional data collection programmes across all parts of the UK and Ireland ensure that new transport surveys are continuously added to the database.

As well as being a database of transport surveys, TRICS® is also a system that allows its users to apply inclusion criteria to calculate trip rates for their various development planning scenarios, and they can do so through a number of progressive and user-friendly filtering stages. TRICS® is constantly reviewed, and through a successful interactive and inclusive approach, feedback from member organisations assists in the constant development of new system features and enhancements. The system also includes an easily accessible directory of help files to assist users in their understanding of the database and its operations.”My emphasis.

8.4.2 As the TRICS website states, the TRICS database contains over 8,000 real traffic surveys / counts of development sites.

8.4.3 The TA contains a set of TRICS data for the existing and proposed uses, and I note that the filtering criteria were not challenged by HCC. Only that *"TRICS data is not supported by real traffic surveys or counts"*.

8.4.4 Nevertheless, the TRICS data has been updated for the proposed Aldi element of the development, to accommodate the surveyed peak hours, and the latest version of the database. The filtering criteria are as follows (geographical areas and location types matching the filtering criteria in the TA, but survey date range reduced to be more recent and reflect the recent increase in popularity of discount foodstores):

- Category '01 – RETAIL' and Subcategory 'C – DISCOUNT FOOD STORES'.
- Surveys in England, excluding Greater London.
- Surveys from 2016 onwards.
- Surveys in 'Edge of Town Centre' and 'Suburban Area' locations.

8.4.5 **Table 1** presents the revised TRICS data

Table 1 – Updated TRICS Data, Aldi

	Trip Rates			Trip Numbers		
	Arrivals	Departures	Totals	Arrivals	Departures	Totals
Weekday AM 0845-0945	3.557	3.073	6.630	62	54	116
Weekday PM 1700-1800	4.263	4.671	8.934	75	82	157
Saturday 1230-1330	6.250	6.177	12.427	110	108	218

8.4.6 **Table 2** below compares the revised TRICS data to the TRICS data presented in the TA (at TA Table 4.5).

8.4.7 Note: the weekday AM peak hours and Saturday peak hours are different between the TA data and the revised data as set out above at Section 8.3.3.

Table 2 – TRICS Data Comparison with TA (Aldi)

	Trip Numbers (TA)			Trip Numbers (Revised)		
	Arrivals	Departures	Totals	Arrivals	Departures	Totals
Weekday AM	37	25	62	62	54	116
Weekday PM	66	74	141	75	82	157
Saturday	101	106	207	110	108	218

8.4.8 The revised TRICS data shows a higher traffic attraction for ALDI in the AM, PM and Saturday peak hours (+54, +16 and +11 vehicles respectively).

8.4.9 The TRICS data has also been updated for the Homebase element of the proposed development, to accommodate the surveyed peak hours, and the latest version of the database. The filtering criteria are as follows (geographical areas, location types and date range matching the filtering criteria in the TA):

- Category '01 – RETAIL' and Subcategory 'D – DIY SUPERSTORE - WITH GARDEN CENTRE'.
- Surveys in England, excluding Greater London.
- Surveys from 2000 onwards.
- Surveys in 'Edge of Town Centre' and 'Suburban Area' locations.

8.4.10 **Table 3** presents the revised TRICS data

Table 3 – Updated TRICS Data, DIY

	Trip Rates			Trip Numbers (existing DIY)		
	Arrivals	Departures	Totals	Arrivals	Departures	Totals
Weekday AM 0845-0945	1.292	1.000	2.291	74	57	131
Weekday PM 1700-1800	1.362	1.530	2.892	78	87	165
Saturday 1230- 1330	3.218	3.232	6.450	184	185	369

8.4.11 **Table 4** below compares the revised TRICS data to the TRICS data presented in the TA (at TA Table 4.4).

8.4.12 Note: the weekday AM peak hours and Saturday peak hours are different between the TA data and the revised data as set out above at Section 8.3.3.

Table 4 – TRICS Data Comparison with TA (Existing DIY)

	Trip Numbers (TA)			Trip Numbers (Revised)		
	Arrivals	Departures	Totals	Arrivals	Departures	Totals
Weekday AM	49	29	78	74	57	131
Weekday PM	82	91	173	78	87	165
Saturday	176	183	359	184	185	369

8.4.13 In consideration of whether this difference has the potential for a material effect on the road network, the methodology set out in the TA (including trip types – see subsections 4.2 and 4.3 of the TA) has been applied to calculate the total change in Primary vehicle trips (which are new to the network).

8.4.14 Note: other trip types (such as diverted and transferred) will have an effect at the site access junction, but are assessed as being broadly already present on the highway network, as set out in the TA. This method has not been contested by HCC.

8.4.15 Using the simplifying method of comparing the net change in primary trips from the TA calculations and the calculations using the updated TRICS data, the results are as follows:

- Weekday AM Peak Hour: +7 two-way primary vehicle trips
- Weekday PM Peak Hour: +6 two-way primary vehicle trips
- Saturday Midday Peak Hour: +2 two-way primary vehicle trips

8.4.16 Given the small numbers set out above, even if the revised TRICS data were to be the basis for the traffic assessment, the conclusions of the TA are unaffected.

8.5 Traffic Assessment Conclusions

8.5.1 The updated assessment indicates that the conclusions of the TA are unaffected.

8.6 Servicing Arrangements

8.6.1 This section of my evidence provides information in relation to the servicing of the site. This relates to points RR3.14 listed in the Council’s SoC – *“the new service area would present potential obstruction with customers **travelling to the site by car** at the point of manoeuvring in and out of the nearest car parking spaces to the loading bay... The proposed delivery times overlap with the store opening times and could cause congestion within the site... The proposal would not provide as servicing arrangement that is considered safe and convenient for **other traffic** entering the site... contrary to Local Plan Policy TM3”*. My emphasis.

8.6.2 This point does not appear to be related to Reason for Refusal 3 which centres around non-car accessibility, when the point specifically mentions convenience for cars.

8.6.3 Nevertheless, the comments have been addressed as follows.

8.7 Servicing Arrangements

- 8.7.1 Aldi operate more than 900 foodstores in the UK.
- 8.7.2 At these locations, the overwhelming majority (some 80% or so) of sites operate in a similar way to the proposal site, with service vehicles:
 - a) Servicing the site during opening hours
 - b) Manoeuvring within the car park
- 8.7.3 Aldi have found this to be a safe and efficient arrangement.
- 8.7.4 All Aldi vehicles are equipped with reversing cameras and audible warning systems enabling the driver and customers to be aware of the reversing vehicle.
- 8.7.5 Where necessary, a trained Pedestrian Marshal is utilised by the store to guide pedestrians in a safe manner whilst a service vehicle is manoeuvring.
- 8.7.6 A nearby example of this type of layout, located in Hertfordshire, is the Aldi store at Bishop's Stortford.
- 8.7.7 While a service vehicle is manoeuvring in the car park, there is a potential for a small number of customer vehicles to need to wait a short amount of time while the service vehicle manoeuvres.
- 8.7.8 The technical note, at **Appendix CCL/03**, sets out details of the expected number (an average of three to four HGV deliveries per day) and type of service vehicles associated with the Aldi store, and the usual time of servicing.
- 8.7.9 The note also refers to information about the service vehicle activities associated with Homebase.
- 8.7.10 Homebase deliveries access the service yard via the service road along the southern portion of the site, and, in the unlikely event of two vehicles being present at once, one can simply wait on the service road which does not affect customers.
- 8.7.11 ALDI deliveries are managed such that two ALDI delivery vehicles being on site at once is exceptionally unlikely.
- 8.7.12 The service vehicle manoeuvre takes approximately 30-45 seconds, during this time, approximately 1-2 customer vehicles could have arrived and may need to wait. During this time the operator would use all reasonable measures to minimise conflict such as signage and the use of Pedestrian Marshals.
- 8.7.13 This length of waiting vehicles can be accommodated within the car park without any risk of queuing onto the public highway.
- 8.7.14 Therefore, this effect is, at worst, a very minor and short-lived inconvenience to car drivers.
- 8.7.15 The Appellant is content to accept a condition to provide Service Management Plan.

8.8 Servicing Conclusions

- 8.8.1 The conclusions of the TA are unaffected.

8.9 Review of Collision Statistics

- 8.9.1 Although not specified in the reasons for refusal, nor in the LPA's statement of case, HCC have requested a review of road collision records near to the site. For completeness this has been undertaken for the public highway near to the site.
- 8.9.2 The details are set out at **Appendix CCL/04**, and, based on this detailed review, there are no locations within the study area (in terms of individual conflict points, features etc.) where more than five collisions have occurred during the five-year study period.
- 8.9.3 Considering the infrequency of collisions of similar types, and the range of contributory factors, no underlying pattern of collisions, which is attributable to a road layout deficiency, has been identified.
- 8.9.4 The conclusions are that the conclusions of the TA are unchanged; the proposed development traffic effect is not likely to have a detrimental effect on road safety.

8.10 Collision Statistics Conclusions

- 8.10.1 The conclusions of the TA are unchanged.

9.0 PROOF OF EVIDENCE SUMMARY

9.1 Introduction

9.1.1 This section provides a summary of my evidence.

9.2 Summary of Evidence

9.2.1 The proposal involves the conversion of an existing retail unit in order to accommodate two occupiers within the defined town centre.

9.2.2 The planning application was accompanied by a Transport Assessment which was produced by Connect Consultants, dated April 2021.

9.2.3 Through the planning application consultation process, HCC issued a set of comments on the Transport Assessment, dated 14th June 2021, but there was not sufficient time for the applicant to fully respond to those comments before the planning application was refused at the planning committee held on 28th July 2021.

9.2.4 Perhaps if more time was available before the determination of the application, most of the issues brought to this appeal could have been resolved to HCC's satisfaction.

9.2.5 The planning application was based on the proposed site layout plan Revision D (the Harris Partnership Drawing '2924-COR-111D').

9.2.6 The appeal Inspector has since accepted Revision F (the Harris Partnership Drawing '2924-COR-111F') as a substitute proposed site layout plan.

9.2.7 The refusal of planning permission included two reasons which relate to transport matters:

Reason for Refusal 3 (RR3)

"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"

Reason for Refusal 4 (RR4)

"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"

9.2.8 RR3 relates only to not providing *"sufficient connectivity improvements for cyclists and pedestrians and improvements to promote the use of public transport"*.

9.2.9 Section 5.0 of my Proof of Evidence sets out how the matters cited in RR3 have been resolved through Site Layout Plan Revision F and through suggested planning conditions. It also provides evidence from recent surveys of pedestrian movements to/from the site which demonstrates high levels of pedestrian activity in and out of the site, likely to/from other parts of the town centre, which I argue undermines the need for any further enhancements to secure adequate pedestrian connectivity.

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- 9.2.10 RR4 relates only to a perceived shortfall in car parking spaces.
- 9.2.11 Section 6.0 of my Proof of Evidence sets out the results of recent car parking demand surveys and an analysis of the expected car parking demand of the proposed development. The analysis demonstrates that the proposed car park of 155 spaces is sufficient to accommodate the surveyed maximum parking demand of the existing Homebase store plus the predicted parking demand of Aldi, as well as leaving a good deal of headroom for associated town centre parking.
- 9.2.12 Local Plan Policy TM5 part II 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.**"* (My emphasis)
- 9.2.13 I put forward that the proposals do present a sensible balance based on the nature of the proposal, and that the evidence presented supports this.
- 9.2.14 I have also addressed each of the additional points raised in the Council's Statement of Case, and have set out how they have been resolved either through Proposed Site Layout Revision F, through suggested planning conditions, or through agreement reached during discussions with HCC that the points are unfounded.
- 9.2.15 At the time of writing, the Appellant is continuing to work with HCC, which may result in a further version of the layout which will enable HCC to withdraw any objection.
- 9.2.16 For the avoidance of doubt, the discussion about any further revisions does not mean that the Appellant believes the layout in front of the Inquiry (Revision F) is in any way unacceptable, but that minor tweaks could lead to a position where highway matters could be resolved to the LHA's satisfaction which is plainly desirable.
- 9.2.17 The changes being discussed at the moment are of a very minor nature.

9.3 Conclusions

- 9.3.1 I conclude that the Refusal Reasons 3 and 4 are not justifiable.

APPENDICES (See separate document)