

**Town And Country Planning Act 1990**

**Proof of Evidence of Mr Daniel  
Brown on Behalf of the Appellant  
Regarding Planning Matters**

**Appeal by: Aldi Stores Ltd**

**Site Address: Homebase, Sturlas Way, Waltham Cross, EN8 7BF**

**LPA Reference: 07/21/0519/F**

**PINS Reference: APP/W1905/W/22/3292367**

June 2022

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- A. Homebase Ltd representations to the Broxbourne Local Plan Examination (1<sup>st</sup> October 2018).
- B. Letters of support to application Ref. 07/21/0519/F from landowner and Homebase Ltd (July 2021).
- C. Representations on behalf of the landowner in support of the planning appeal and in objection to the draft Waltham Cross Town Centre Planning Framework (20<sup>th</sup> June 2022).
- D. Representations on behalf of Homebase Ltd to the draft Waltham Cross Town Centre Planning Framework and draft Park Plaza North Development Brief (21<sup>st</sup> June 2022).
- E. Planning Appeal Ref. PP/W1905/W/18/3213919, 143-145 High Street, Waltham Cross (May 2019).
- F. Planning Appeal Ref. APP/W1905/W/19/3243274, 133 High Street, Waltham Cross (October 2020).
- G. Table showing residential commitments in Waltham Cross Town Centre extracted from overall housing trajectory data, published by Broxbourne Council in November 2021.
- H. Planning Committee report, planning application ref. 07/21/1260/O, 133-137 High Street, Waltham Cross (25<sup>th</sup> May 2022).
- I. Planning Committee reports, planning application ref. 07/18/130/F, 99 High Street, Waltham Cross (25<sup>th</sup> November 2020 and 17<sup>th</sup> December 2019).
- J. Briefing Note in connection with the viability and deliverability issues associated with the draft Waltham Cross Town Centre Planning Framework (May 2022).
- K. Strategic Housing Land Availability Assessment (June 2017) Site Specific Appraisal (Ref. WX-U-13).
- L. Linked-Trip Effects of 'Town-Centre-First' Era Foodstore Development: An Assessment Using Difference-In-Differences, Environment and Planning Urban Analytics and City Science 2017, Vol. 44(1) 160–179.
- M. *'Warning of Economic Downturn as Interest Rates Rise'*, BBC News, 5<sup>th</sup> May 2022.
- N. *'Inflation Hits 9% With Poorest Households Facing Even Higher Rates'*, Institute for Fiscal Studies, 18<sup>th</sup> May 2022.
- O. *'New Data Confirms Aldi as the UK's Cheapest Supermarket'*, Aldi UK Press Office, 25<sup>th</sup> March 2022.
- P. Extracts from the Broxbourne Retail & Leisure Study (July 2015) and accompanying Addendum (June 2016).
- Q. *'Aldi Betters Lidl's 'Highest Paying Supermarket' Claim with Wage Rise'*, The Grocer, 15<sup>th</sup> December 2022.

# 1. Qualifications and Experience of Witness

- 1.1 My name is Daniel Brown and I am an Associate Director in the Planning, Development and Regeneration team of Avison Young.
- 1.2 I am instructed by the appellant Aldi Stores Ltd ('Aldi') to provide evidence to this inquiry in respect of general planning matters. This includes the relevant decision-taking and planning policy framework that should be applied. This proof also directly addresses the Council's first reason for refusal. It deals with the relevant planning balance test to be applied and serves to bring together the principal arguments and to draw overall conclusions regarding the proposal's acceptability. In doing so I rely upon the evidence of my colleagues:
- Mr Justin Griffiths, Senior Associate Architect at The Harris Partnership; and,
  - Mr Tim Britton, Associate Transport Planner at Connect Consultants.
- 1.3 I hold a Bachelor of Arts honours degree in Urban Studies and Planning from the University of Sheffield together with a post-graduate diploma in Town Planning from the same university. I am a member of the Royal Town Planning Institute.
- 1.4 Having graduated in 2005, I have approaching seventeen years' experience in the field of town and country planning, all of which has been gained within the private sector. I have previously worked at four other planning consultancies and have been in my present role with Avison Young since August 2019.
- 1.5 During the course of my professional career, I have been involved in various aspects of town and country planning, including the preparation, submission and management of major planning applications and the handling of appeals. However, my work has focused, in particular, on retail and leisure development and the planning policy and development management issues associated with the promotion of such schemes. I have acted for a variety of national food retailers including Tesco, Asda, Sainsbury's, Marks & Spencer and Aldi.
- 1.6 I personally have been acting for Aldi across a wide variety of projects since 2012. Examples of such projects include securing permission for new foodstores and improving Aldi's existing trading portfolio through conversions, floorspace extensions, and the relaxation of existing restrictive planning conditions.
- 1.7 I have been working with Aldi in relation to the appeal site since January 2020. This has included co-ordination and attendance of a pre-application meeting on 11<sup>th</sup> March 2020 and the preparation, submission and ongoing management of a planning application made on 27<sup>th</sup> April 2021 (Ref. 07/21/0519/F). This planning application is now the subject of Aldi's appeal.
- 1.8 I can confirm that the evidence which I have prepared and provide for this appeal is true and has been prepared and is given in accordance with the guidance of my professional institution (Royal Town Planning Institute). I also confirm that the opinions expressed are my true and professional opinions, irrespective of by whom I am instructed.

## 2. Introduction

### Background

2.1 The appeal is made against the refusal by Broxbourne Council (as Local Planning Authority, LPA) of planning application reference 07/21/0519/F at Homebase, Sturlas Way, Waltham Cross, EN8 7BF. This application, made in full and submitted by Aldi Stores Ltd ('Aldi'), proposed the:

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

2.2 The planning application was submitted to Broxbourne Council ('Broxbourne') on 27<sup>th</sup> April 2021. It was validated on the same day and was given a target determination date of 27<sup>th</sup> July 2021. On Thursday 15<sup>th</sup> July 2021 correspondence was received from Broxbourne stating that the planning application was to be determined at the Planning and Regulatory Committee meeting of 28<sup>th</sup> July 2021. The officer recommendation (as set out in the Committee Report) was one of refusal and members of the Planning and Regulatory Committee followed this recommendation at the meeting of 28<sup>th</sup> July 2021 (i.e. 13 weeks and one day after the application was validated). The Decision Notice was issued by Broxbourne on 9<sup>th</sup> August 2021 and contains five reasons for refusal. A copy of the Decision Notice is provided as Core Document 3.2, whilst the Planning Committee Report is Core Document 3.1. For the avoidance of doubt, the stated reasons for refusal are as follows:

- 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).
- 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).
- 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.
- 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.
- 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.

- 2.3 At a Case Management Conference ('CMC') of 3<sup>rd</sup> May 2022, the Inspector confirmed that the main issues are:
- The effect on the potential for the comprehensive mixed use of the site;
  - Whether the proposal would integrate with the town centre and improve connectivity;
  - Whether the proposal would be acceptable in terms of connectivity for cyclists and pedestrians;
  - Whether the proposal includes adequate parking provision; and,
  - Whether the proposal would cause harm for neighbouring occupiers in relation to noise.

## **Change in Council Position Regarding Reasons for Refusal**

### *Noise Impact (Reason for Refusal 5)*

- 2.4 The Council's position on the reasons for refusal has changed since the application's determination. This follows the submission of a revised Noise Impact Assessment ('NIA') on 17<sup>th</sup> May 2022 (Revision 3), and a further minor revision (Revision 4) dated 26<sup>th</sup> May 2022. The revised assessment includes information regarding the exact specification and location of the building's proposed mechanical plant. The lack of the make / model of equipment in the application stage NIA was considered, in the Council's view, to make it deficient and therefore inadequate in terms of demonstrating that there would be no unacceptable noise impacts.
- 2.5 The Council's Environmental Health Officer has accepted the findings of the revised NIA (Revision 4) and this is confirmed in the agreed Statement of Common Ground relating to Noise Matters, dated 20<sup>th</sup> June 2022 (Core Document 4.5). The Local Planning Authority has now determined that the noise impact of the proposed development's mechanical plant would be acceptable on the residential amenity of surrounding occupiers, subject to the imposition of an appropriately worded planning condition. Accordingly, noise impact is no longer being advanced by the Council as a reason for refusal (previously reason five) and this is set out in Core Document 4.5.
- 2.6 The Appellant's position is that this is a matter which was always capable of being conditioned by reference to acoustic outcomes, however the revised position of the EHO is nonetheless welcomed.

## **Purpose of this Evidence**

- 2.7 I have been the planning agent for the appeal proposal since the planning application's submission. The appellant's case is set out in three Proofs of Evidence.
- 2.8 My evidence deals with general planning matters. This includes the relevant decision-taking and planning policy framework that should be applied. This proof also directly addresses the Council's first reason for refusal. It deals with the relevant planning balance test to be applied and serves to bring together the principal arguments and to draw overall conclusions regarding the proposal's acceptability.

2.9 My evidence is structured as follows:

- **Section 3** – Provides a description of the site and its surroundings;
- **Section 4** – Sets out the proposed development;
- **Section 5** – Provides a review of the relevant planning policy;
- **Section 6** – Addresses the Council's first reason for refusal;
- **Section 7** – Outlines the favourable material planning considerations associated with this scheme; and,
- **Section 8** – Undertakes the planning balance exercise.

2.10 As part of the preparation of this evidence, and to assist the Inquiry, a 'Parent' Statement of Common Ground ('SoCG') dealing with general planning matters linked to the proposed development has been agreed with the Local Planning Authority. The Parent SoCG (Core Document 4.4) establishes common ground and the main areas for dispute which are consistent with those identified in the CMC. A separate SOCG in relation to noise impact matters has also been prepared.

## **Accompanying Evidence on Behalf of the Appellant**

### *Design, Layout and Integration (Reason for Refusal 2)*

- 2.11 The evidence of Mr Griffiths deals with matters of design and layout, as well as the scheme's integration and connectivity with the wider town centre. With regards the scheme's connectivity and integration, he explains that the definition of the appeal site as forming part of the town centre is not a matter of disagreement and that by virtue of its very existence the site and proposals are integral to the town centre. The extent to which the proposals enhance integration between the site and other parts of the town centre is therefore the only realistic matter for debate.
- 2.12 In this regard, Mr Griffiths' evidence explains that the proposals enhance the level of integration of the appeal site with the rest of the town centre by providing a clearer and safer arrangement for visitors than that which currently exists. A number of logical reasons are given as to why the proposed pedestrian access arrangements and site layout provide a significant enhancement to integration with the town centre compared to the existing position.
- 2.13 In terms of the re-orientation of the customer entrances of the retail units (which is a notable concern of the Council in 'integration' terms) Mr Griffiths makes the important point that this re-orientation is necessary to accommodate the two retailers in a practical sense, based on their trading floorspace requirements. However, doing so to accommodate Aldi would of itself enhance the site in terms of its connectivity and integration. This is given that foodstores such as Aldi have a far greater propensity than the existing DIY operator to generate linked shopping trips and spin-off trade for other town centre businesses. This is a point also explored in detail as part of the 'material considerations' outlined at Section 7 of my Proof of Evidence.
- 2.14 In relation to the reorientation of the unit's customer entrance, Mr Griffiths also highlights that the eastern and northern elevations of the building are equally visible from the adjacent roundabout with

Winston Churchill Way. Therefore, the surrounding urban layout provides an opportunity to appreciate more of the building when viewed from this direction. Further, the glazing proposed will result in a significant increase in the active frontage of the building, creating a more interesting frontage than presently exists – thereby enhancing the potential for integration in this sense.

- 2.15 Turning to character and appearance, based on photographic images of the existing building and computer-generated images of the proposals, Mr Griffiths demonstrates that the application proposals represent a clear enhancement to the character and appearance of the building and the wider site in almost every respect. He highlights that the betterment achieved through the design modifications are acknowledged at paragraph 8.14 in the Council's Planning Committee Report (Core Document 3.1) which acknowledges that the *"...design modifications proposed represent an improvement..."*. He also emphasises that repurposing and upgrading the building in the manner proposed is a sensible strategy in sustainability terms, which will minimise the loss of embedded carbon in the existing built form, whilst addressing other planning objectives.
- 2.16 In drawing conclusions, Mr Griffiths explains that whilst he considers the scheme as submitted to be acceptable in the context of the Council's Design and Sustainable Construction policies, nonetheless ongoing dialogue with Hertfordshire County Council ('HCC') Highways officers have identified further potential connectivity / integration improvements which the appellant is content to provide. Accordingly, his evidence explains that further minor design enhancements which respond to the reason for refusal and comments made by the highway authority can be readily secured by condition, should the Inspector consider them to be necessary.

*Access by Pedestrians, Cyclists and Public Transport and Adequacy of Car Parking Provision (Reasons for Refusal 3 and 4)*

- 2.17 The evidence of Mr Britton deals with the accessibility of the site for pedestrians, cyclists and those using public transport. It also discusses the proportionate connectivity improvements that will be provided to promote these modes of transport and justifies the proposed car parking provision of the scheme.
- 2.18 In relation to cycling, Mr Britton explains that in his view the site is already accessible by bicycle. Works proposed within the site will provide a dedicated, safe 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. Externally, the existing footway at the site's north-eastern corner will be widened – benefiting access by approaching cyclists. Discussions with HCC in advance of the Inquiry have suggested that, in their view, no further cycle access improvements (outside the site) would be suitable / justifiable and are not being sought by the highways authority.
- 2.19 Mr Britton's proof also demonstrates that the site is accessible on foot and that there is evidence of existing pedestrian connectivity between the site and surrounding areas. This is informed by an up-to-date survey of pedestrian movements at the existing pedestrian access to the site. The findings of the survey are that the site location and existing internal and external connectivity appears to be attractive to pedestrian use.

- 2.20 Mr Britton explains that this connectivity will be proportionately enhanced through works both within the site and externally. Within the site a dedicated, safe, level route for pedestrians will be provided across the car park aisles (via demarcated crossing points and areas) to the north-eastern corner. A fingerpost style sign can also be secured by condition which directs pedestrians towards the main pedestrian access at the north-eastern corner of the site, maximising pedestrian safety. Externally, the existing footway at the site's north-eastern corner will be widened. Discussions with HCC in advance of the Inquiry have established that no further pedestrian access improvements (outside the site) would be suitable / justifiable and are not being sought.
- 2.21 With regards improvements to promote the use of public transport, Mr Britton's Proof of Evidence explains that the site is accessible by public transport, with bus being the most likely used mode. In terms of enhancing connectivity via bus, it is explained that discussions with HCC in advance of the Inquiry have identified necessary improvements to the southbound bus stop outside 250 and 252 High Street (c.130m north of the Sturlas Way / Winston Churchill Way roundabout). HCC considers that these improvements would be appropriate, suitable and justifiable and the appellant is willing to accept a condition requiring their provision prior to the opening of the foodstore. HCC have confirmed that no further public transport improvements would be suitable/justifiable. It has therefore been demonstrated that proportionate connectivity improvements will be provided as part of the scheme to promote public transport use.
- 2.22 In relation to the adequacy of the car parking provision proposed as part of the development, based on statistical analysis informed by up-to-date survey data on parking demand / usage at the Homebase unit, Mr Britton's proof shows that the car park (at 155 spaces) provides enough spare capacity to accommodate both proposed retailers. The survey data also clearly indicates that the existing pedestrian accessibility from the site to the surrounding area is good and 'linked shopping trips' are already likely to be taking place, this importantly establishes that there is no reason to think that such linked trips will not occur and increase into the future.
- 2.23 In summary, the evidence of Mr Britton establishes that the appeal site is without doubt highly accessible for pedestrians, cyclists and those using public transport, given its town centre location. Notwithstanding this, the scheme itself, through both internal and external works, will provide proportionate enhancements to connectivity in order to further promote the site's usage through these sustainable modes of travel. Of note is the fact that agreement has been reached with HCC as part of pre-Inquiry discussions that further off-site works would not be suitable/justifiable and therefore are not being sought.
- 2.24 In relation to the adequacy of future car parking provision, Mr Britton's evidence demonstrates that the proposed number of spaces (155) will provide enough spare capacity to accommodate both proposed retailers. This is based on statistical analysis informed by up-to-date parking demand and pedestrian survey data. Finally, Mr Britton's Proof of Evidence also addresses other highways matters which are raised by the Council's Statement of Case. Whilst these do not relate directly to the reasons for refusal, he helpfully comments upon them in order to assist with the Inspector's consideration of the scheme.

Drawing the above together, Mr Britton's proof robustly demonstrates that the proposed development would provide proportionate and sufficient connectivity improvements for cyclists and



pedestrians, and improvements to promote the use of public transport. It would therefore accord with Policies TM1, TM2 and TM3 of the Local Plan. Furthermore, the scheme's car parking capacity would be sufficient to accommodate the two retailers proposed and, on this basis, there would be no conflict with Policy TM5.

### **Matters Agreed**

- 2.25 It is agreed within the Parent SoCG (Core Document 4.4) that the proposed development would not cause any unacceptable adverse effects with regard to matters relating to surface water drainage, trees and landscaping, and biodiversity and ecology. This is subject, where appropriate, to mitigation measures that will be secured via planning condition.
- 2.26 Furthermore, it is confirmed by the SoCG concerning noise impact matters (Core Document 4.5) that the noise impact of the proposed development's mechanical plant would be acceptable on the residential amenity of surrounding occupiers, subject to the imposition of an appropriately worded planning condition. I have accordingly not commented further on the above matters as part of this Proof of Evidence.

### 3. Description of Site and Surroundings

- 3.1 This section describes the site's location, its surroundings and the specific characteristics of the site itself. Much of this section is agreed as part of the Parent SOCG, albeit there are some areas of disagreement and as such the appellant's position on the site and its surroundings are set out below.

#### Site Location and Relationship with the Town Centre

- 3.2 The planning application site takes the form of an existing freestanding retail unit (Homebase) and its associated external sales area, storage areas, car parking, vehicular access / egress, and landscaping. It is located to the west of Sturlas Way and south of Winston Churchill Way (A121). It is immediately south-west of an important five-arm roundabout at the northern end of the town centre and can be regarded as a 'gateway site' which is visible to those using the local highway network. Its visibility and vehicular accessibility emphasise its strength as an existing retail location, with it being well placed to attract those residents venturing into the town centre from the north as well as pass-by custom.
- 3.3 As agreed at paragraph 2.3 of the Parent SoCG (Core Document 4.4), the planning application site is wholly within the northern boundary of 'Waltham Cross town centre' (as defined by the policies map which supports the Borough of Broxbourne Local Plan, June 2020). Paragraph 8.2 of the Planning Committee Report (see Core Document 3.1) states that:

*"The application site lies wholly within Waltham Cross town centre. The proposal to subdivide the existing store in order to retain a smaller Homebase store and provide a new food retail store (Aldi) in this location accords with the NPPF as being a suitable use that does not require application of the sequential test (paragraph 86 of the NPPF). It also falls within the retail hierarchy of a town centre use as set out in Policy RTC1".*

- 3.4 I agree with the Local Planning Authority that the application scheme (a foodstore) does not need to demonstrate compliance with the sequential test, and that this use is compatible in the context of Local Plan Policy RTC1 ('Retail Hierarchy'). Logically this must in turn mean that there is agreement that this site as 'in-centre' in town centre policy terms, and that additional trade created by the proposed sub-division of the existing unit will amount to a beneficial increase in town centre trade and should therefore be welcomed in principle by the Council.
- 3.5 In view of its town centre location, the site is in close proximity to a wide range of existing retail, leisure, and commercial uses, as well as public car parking facilities and public transport modes (including bus and rail). This is agreed at Paragraph 2.4 of the Parent SoCG. It is highly accessible for the proposed uses therefore, affording the opportunity for linked trips between Aldi and Homebase as well as with the remainder of the town centre.

#### Site Description and Features

- 3.6 The application site is broadly rectangular in shape and extends to approximately 1.2ha in size.
- 3.7 Vehicular access / egress is currently taken from the south-eastern boundary of the site from a junction with Sturlas Way. Sturlas Way links directly to the A121 (Winston Churchill Way / Monarchs

Way) immediately north of the site and also to Park Lane to the south of the site. Both Monarchs Way and Park Lane provide pedestrian linkages to the other shops and services of Waltham Cross town centre.

- 3.8 The site as existing contains a square shaped, large-format non-food retail unit which is occupied by Homebase – a national-multiple home improvement retailer. This building occupies a central position within the site and backs onto the southern boundary, facing east. Car parking wraps around the building to the north and east (providing some 192 spaces in total), whilst to the west is an enclosed, part covered / part open-air 'garden centre' – for plants and outdoor goods sales. Also on the western boundary (south-western corner of the site) is the retail unit's existing servicing area, which is accessed via a servicing road immediately south of the building and adjacent to the southern boundary.
- 3.9 The building itself, which is two storeys in height, extends to 3,435 sq. m Gross Internal Area ('GIA') at ground floor level, with a mezzanine floor of 884 sq. m (i.e. 4,319 sq. m total). It is understood that the net sales area of the building is 2,565 sq. m at ground floor level and 739 sq. m at mezzanine level (i.e. 3,304 sq. m total). The unit's associated, open, outdoor garden centre sales area extends to approximately 1,398 sq. m. Finally, the retail unit currently has a projecting single-storey lobby on its eastern elevation which extends to 73 sq. m GIA.
- 3.10 The building is of steel frame construction with a mixture of external finishes, including brick and high-level profiled cladding. On the eastern and northern elevation of the building, the high-level cladding is cloaked with a net banner. As a retail unit the building looks relatively dated by modern standards and is in need of investment. The northern elevation in particular appears relatively blank, despite its prominence from the five-arm roundabout at the north-eastern corner of the site. It is architecturally unprepossessing and may be said to be 'of its time'.
- 3.11 In relation to boundary treatments and landscaping, there is a landscaping strip along the site's eastern boundary with Sturlas Way. This includes a number of small trees and one larger one at the north-eastern corner of the site. A line of well-established coniferous trees is positioned along the site's southern boundary, within the limits of the appeal site itself. These mature trees effectively screen views into the site from the residential properties to the south on Ruthven Avenue. There is also a well-established boundary on the western side of the site, including a brick wall and mature landscaping extending above. Again, this largely screens views into the site from the residential properties located to the west on Leven Drive.

## Site Surroundings

- 3.12 In terms of the site's surroundings, to the north is the A121 dual-carriageway (Winston Churchill Way), beyond which is a public house (The Vine) and an established residential area. To the west of the site is another densely populated residential area comprising terraced and semi-detached two-storey dwellings, this includes Leven Drive and Leven Close. Immediately south of the site is Ruthven Avenue, a residential street with not insubstantial rear gardens. These rear gardens back onto the planning application site albeit a line of mature coniferous trees stands on the boundary and obscures views into the site from the south. The relationship to a significant population of people

able to easily walk to the proposed new Aldi is a particularly important feature in the Appellant's decision to invest in this location.

- 3.13 To the east and south-east of the site, on the opposite side of Sturlas Way, is the wider town centre of Waltham Cross. Immediately east is a three-storey apartment building with office uses at ground floor level. South of this use (south-east of the site) is a Wickes home improvement store and its associated car parking. Further south again (less than 100m from the site) commences Waltham Cross' high-street, a pedestrianised street which extends some 500m south and is flanked on both sides by retail, leisure and service uses.
- 3.14 The town centre contains some 160 unit shops and some 39,400 sq. m of floorspace (Source: Experian GOAD, February 2022). This includes a range of national multiple retailers including Argos, Boots, W H Smith, New Look, Superdrug, Peacocks, Costa, Holland & Barrett and Vodafone, amongst others. Many of these retailers are housed within the centre's covered shopping mall – The Pavilions Centre. The town centre also benefits from two existing foodstores in the form of Lidl at the southern end of the centre and a Sainsbury's supermarket contained within the Pavilions Centre. Waltham Cross appears to be a popular and well used town centre, with Experian GOAD data from February 2022 finding that it has a unit vacancy rate of just 6.9% compared to a national average of 13.8%.
- 3.15 In summary, the site is in retail use and its surroundings can be characterised as being a mix of residential and retail in terms of form and function. The site forms part of Waltham Cross town centre and its wider retail and leisure offer is directly accessible from the planning application site to the south.

## Accessibility

- 3.16 Direct vehicular access to the site is provided by Sturlas Way on the eastern boundary, with this road linking to the A121 immediately north of the site. The A121 (Winston Churchill Way) is an arterial vehicular route into Waltham Cross from the east / west and a road which ultimately connects the settlement to the M25 to the south. The site clearly has a prominent location in relation to the local road network from which it is readily accessible.
- 3.17 The site is accessible to pedestrians, cyclists and users of public transport by existing infrastructure. The nearest bus stops are 120m to the north of the site on High Street and provide services to Hertford and Cheshunt in the north, Waltham Abbey in the East, Waltham Cross further south and Potters Bar to the east. The site is located 350m south of Theobalds Grove Train Station, which provides a direct regular service to Cheshunt and central London. It is also 700m north-west of Waltham Cross train station, which provides services to central London, Hertford, Bishops Stortford and Stratford.
- 3.18 The application site is accessible to pedestrians by existing footpaths and the wider town centre (which is largely pedestrianised) is located immediately south-east of the site. In light of the local pedestrian facilities present, the site is evidently well connected to the local pedestrian network with opportunities for customers to make trips by foot. There are also opportunities for future staff members to walk to work.

- 3.19 The application site is also accessible by bicycle. Given that the roads local to the site are urban in character, cycling provides the opportunity to access the future Aldi foodstore by a sustainable mode of transport. Cycle parking for both staff and customers is already present at the Homebase unit. However, further such cycle parking would be provided as part of the proposed development in accordance with the prevailing local guidance.
- 3.20 In summary, the application site is highly accessible by private car and other motorised vehicles (such as heavy goods vehicles) given its proximity to the A121. It has also been explained that the land is readily accessible by public transport, bicycle and on foot from the surrounding area. Given its town centre location and evidently accessible nature, the application site represents a suitable and sustainable redevelopment opportunity for the scale and form of foodstore development proposed.

### **Other Site Constraints**

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

## 4. Proposed Development

4.1 The planning application seeks 'full' permission for the refurbishment, extension and external alterations to an existing 'Use Class E' non-food retail unit currently occupied by Homebase, to enable it to trade as part foodstore (Aldi) and part non-food retail unit (Homebase). Alongside works to the building itself, the scheme involves modifications to an existing external 'garden centre' (outdoor sales area), the current car parking layout, and other associated site works. The proposals are located at the existing Homebase unit on Sturlas Way, Waltham Cross, EN8 7BF.

### Specifics of the Development Proposals

4.2 The precise nature of the development proposals is set out below and are presented on supporting Proposed Layout Plan (Ref. 2924-COR-111F), which was accepted by the Planning Inspector as a substitute plan at the pre-Inquiry meeting. The planning application seeks 'detailed' planning permission for the following:

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

- Provision of 5 motorcycle parking spaces;
- Of the 155 proposed parking spaces, 4 will also be equipped with Electric Vehicle Charging Points ('EVCP') and below ground infrastructure will be put in place to add up to a further 16 EVCPs in the future;
- 18 short-stay bicycle parking spaces (9 Sheffield cycle hoops) for customers, and 10 long-stay bicycle parking spaces (located within the store's warehouse) for staff; and,
- Soft and hard landscaping works across the site, including new landscaping to improve the aesthetic appearance of the site along its eastern and western boundaries in particular. In accordance with advice contained within the Arboricultural Impact Assessment ('AIA'), it is proposed that the existing tree at the north-eastern corner of the site (Tree T1) is removed on safety grounds and compensated for elsewhere in the site.

4.3 The existing building on site is subject to a s.52 obligation under the 1971 Town and Country Planning Act, at the time that the agreement was entered into the unit did not fall within the town centre. However, that position has now changed and it is agreed that the location is a town centre one such that the restriction on the sale of food items from the store is plainly no longer appropriate necessary or appropriate. Should the appeal be allowed then the Appellant will make an application to the Upper Chamber to seek to remove this restrictive covenant as no longer being necessary. I recognise that this is not something that is before the Inspector, but I raise it for completeness.

4.4 The below section describes in detail the various components of the development proposals.

### **Overview of Aldi Discount Foodstore Format / Business Model**

4.5 In terms of format, the proposed Aldi foodstore will have a GIA of 1,756sq.m and a net trading area of 1,262sq.m. The trading floorspace within every Aldi store is consistent at around 1,200sqm to 1,400sqm. This is to enable the range of identical products sold within each Aldi store to be arranged and displayed on a consistent basis. The gross floor area of new Aldi stores (i.e. the trading floorspace plus back of house area) varies slightly within a range of approximately 1,700sqm to 2,000sqm. Again, the aim is to ensure that the stores are built to a consistent specification in order to facilitate efficient delivery and distribution of products to each Aldi store in the portfolio.

4.6 With regards the nature of the food retail development proposed, it is significant that Aldi operate as a Limited Assortment Discount ('LAD') retailer. This essentially means that the number of core food product lines stocked within each Aldi store is identical and deliberately restricted to around 2,000. This is in stark contrast to the 20,000+ product lines that you would find in a superstore operated by one of the UK's 'mainstream' convenience retailers and is the reason why all Aldi foodstore's are of a uniform size and format.

4.7 The core retail offer within an Aldi store (approximately 80% of the net sales area) seeks to replicate the most regularly purchased items within a family's weekly or 'bulk' food shopping trip. The vast majority of products stocked are Aldi branded and through economies-of-scale these goods can be sold at heavily discounted prices without impacting upon quality. Stock is generally presented on

pallets or shelves within display ready packing cases where possible to aid efficiency and reduce unnecessary overheads. Savings which can then be passed directly on to the consumer.

- 4.8 Aldi's focus on the key products that typically make up 'bulk' food shopping trips means that they do not sell certain 'ancillary' lines that are normally found in mainstream supermarkets, including tobacco. In addition, there is no staffed butchery, fishmonger, delicatessen or hot food-counter, and Aldi's foodstore format does not accommodate customer café/restaurants or in-store franchises such as a Post Office, dispensing pharmacy, dry-cleaning, opticians, betting office, travel agent or photo processing. These factors are important when considering the trading effects of an Aldi foodstore; as clearly in Aldi's case the potential for cross-over with the offer of independent high-street retailers is far less than it is for 'mainstream' food retailers that stock a far wider spectrum of goods. This means that a future Aldi shopper will still be wholly reliant upon existing traders in Waltham Cross for the vast majority of their specialist food retail (i.e. butcher), non-food retail, retail service, and leisure needs. It increases the propensity for Aldi shoppers to link a trip with the wider town centre as part of their food shopping trip.
- 4.9 Notwithstanding the above, the Aldi foodstore, as with all modern supermarkets, will also stock a very limited range of non-food goods (approximately 20% of the net sales area). The range of non-food goods in an Aldi store is purely ancillary to the food offer in floorspace terms, and it is also significant that the products stocked ('Special Buys') mirror seasonal demand such that there is a constant variety in terms of range and choice, with no particular type of comparison goods predominating. In this fashion, the potential for an Aldi foodstore to compete with high-street comparison goods retailers is extremely limited.
- 4.10 Aldi's business model in part rests upon a significant volume of 'walk in' trade from nearby residential areas, and therefore the relationship of a proposed store to a resident population is important not merely to ensure staff accessibility but also the foundation of its likely customer base. To that end this site is especially well served with a resident population of over twenty-seven thousand people within a 20-minute walk of the proposed new store.

## Homebase

- 4.11 The current Homebase unit extends to 4,319 sq. m (GIA) across its ground and mezzanine floors, it is understood to have a net sales area of 3,304 sq. m. The proposed Homebase unit will have a total GIA of 2,371 sq. m, and a net sales area of 1,514 sq. m (across ground and mezzanine levels). Accordingly, there will be a reduction in the Homebase unit's net sales area of over 50% as part of the proposed scheme.
- 4.12 The reduction in the unit's size will allow Homebase to use their floorspace more efficiently, better addressing the changing retail needs of customers within the Waltham Cross area. Notwithstanding this, the store will still continue to sell a similar range of home improvement focussed products, including paint and decorating equipment, kitchens and bathrooms, garden and outdoor products, lighting and electrical, furniture and home storage, and other products associated with the DIY retail market.



- 4.13 This floorspace rationalisation is part of a wider national approach by Homebase and other DIY operators to look to use their floorspace more efficiently and thereby corresponds with a wider sustainability objective of minimising the need for new build development involving demolition and the loss of embodied carbon.

## **Layout**

- 4.14 In terms of layout, as the submitted Proposed Site Plan (Ref. 2924-COR-111F) illustrates, the site's existing building remains in its current, centralised location albeit the customer entrances will be relocated from the eastern elevation to the northern elevation. The Aldi foodstore will be accommodated within the eastern half of the existing building and Homebase will occupy the western half (both orientated north).
- 4.15 The arrangement of internal vehicular routes and customer car parking will remain comparable to the existing position, this involves vehicular access remaining at the south-eastern corner of the site and car parking occupying the northern and eastern parts of the site. The reduction in the site's car parking capacity from the current position can be attributed to the fact that the bank adjacent to the building's eastern elevation will be lost to the Aldi store's new servicing dock. This represents the main change in car parking layout.
- 4.16 The accessible parking spaces (8) as well as the parent and child spaces (8) will be located immediately north of the new customer entrances on the northern elevation of the proposed retail units. The location of these specialist spaces will offer straightforward access to the foodstore / Homebase entrance as well as Sturlas Way.
- 4.17 The Proposed Layout Plan shows that there will be a dedicated pedestrian footway from the store entrances east across the car park to Sturlas Way, via a new connection onto the pedestrian highway. Sturlas Way provides a direct pedestrian link into the wider town centre to the south.
- 4.18 The Aldi store's servicing area will be positioned at the foodstore building's south-eastern corner (south-eastern corner of the site). The foodstore's plant compound will also be positioned at the south-eastern corner of the site, on top of the servicing dock. The rationale being to maximise the distance between this necessary supporting machinery and the closest sensitivity receptors.
- 4.19 The Homebase unit's servicing arrangements will remain as existing. The servicing yard will continue to be positioned on the site's western boundary (south-western corner of the site). It will be accessed via a servicing road immediately south of the building and adjacent to the southern boundary.
- 4.20 The re-orientation of the foodstore and Homebase units within the existing building such that they sit north to south (as opposed to east to west) is favoured by the retailers and from a wider layout perspective, as it enables the respective customer entrances to provide a strong presence and frontage to the five-arm roundabout immediately north-east of the site. Furthermore, as explained in the Proof of Evidence of Mr Griffiths, this re-orientation is necessary from a practical perspective, to accommodate the trading floorspace requirements of the two retailers in terms of number and width of aisles, and their supporting back of house areas.

4.21 In summary, the proposed layout clearly offers the potential for integration with the wider retail uses of Waltham Cross town centre, given that straightforward pedestrian access to Sturlas Way will be achieved. A key objective of the development from the applicant's perspective (both commercially and in layout terms) is to provide a scheme which responds appropriately to what is a prominent site for those travelling into Waltham Cross town centre from the north. Re-orientating the customer entrances to the northern elevation of the existing unit is a requirement from a practical perspective, as explained in detail in Mr Griffiths' evidence, in order to accommodate the necessary trading floorspace of the two retailers. However, it also offers the potential to provide a presence to the five-arm roundabout immediately north-east.

## Design

4.22 In terms of their design, the proposed external alterations to the existing building (to create two separate units), promotes a clean, contemporary approach. In particular, the design changes will involve utilising extensive glazing on the unit's northern elevation. Here, the building will benefit from two feature projecting glazed customer entrance façades.

4.23 The extensive use of glazing on the foodstore's northern elevation will offer views into the sales areas for those approaching the town centre from the north, adding interest to this elevation and creating an inviting, active frontage to the scheme. The use of glazing will also provide an expansive customer entrance.

4.24 Alongside the new glazing proposed on the northern elevation, the application seeks to modernise and refresh the primary public facing elevations of the building in other ways. For example, the existing brick panels between the brick piers on the east and north facing elevations will be covered with new white render finish (brick piers will be cleaned). This will give the building a more contemporary feel.

4.25 In addition, the existing high level parapet cladding will be re-decorated in a single colour (anthracite) and a new solid canopy (anthracite) will be provided over new customer trolley areas. Meanwhile, a new paladin fence (anthracite) will be provided separating the reduced outdoor 'garden centre' from the car park. The proposed loading pod extension will be clad using flat composite cladding panels finished in metallic silver.

4.26 With regards scale and massing, the proposed retail units would remain of the same height as the existing Homebase store. The units will therefore remain lower in height than many surrounding commercial and residential buildings – such as the four-storey residential apartment block on the opposite side of Sturlas Way.

4.27 In summary, the proposed refurbishment, extension and external alterations to the existing non-food retail unit (to create two retail units), will be of a contemporary design with a strong horizontal emphasis and will be constructed using modern methods and materials. The works will modernise and refresh the primary public facing elevations of the unit, giving the building a far more contemporary feel than at present and offering a notable enhancement in terms of its appearance, and that of the wider site.

## Landscaping

- 4.28 In relation to boundary treatments and landscaping, the site currently benefits from an existing landscape strip along its eastern boundary with Sturlas Way. This includes a number of small trees and one larger one at the north-eastern corner of the site. The submitted Arboricultural Impact Assessment ('AIA') states that this north-eastern tree (Tree T1) merits removal in view of the fact that it is leaning noticeably and is unsafe. The tree's root system has also damaged the pedestrian highway to the north-east of the site and has cracked a boundary wall. The other key landscape feature of the existing scheme is a line of well-established coniferous trees along the site's southern boundary. This screens the rear of the building and its servicing yard from the residential properties to the south.
- 4.29 In terms of the landscaping works proposed, low-level screen planting will be replaced / enhanced along the eastern boundary. This will seek to soften the edge of the site from Sturlas Way by providing a mixed species native hedge. In addition, a new specimen tree (a Silver Birch) and shrub planting is proposed at the north-western corner of the site. This new tree will be provided in compensation for the loss of tree T1 at the north-eastern corner of the site. Finally, it is proposed that the well-established coniferous trees along the site's southern boundary will be retained, in order to screen views into the site from the south. The proportionate works proposed to both boundary treatments and landscaping with therefore inevitably enhance the appearance of the site when compared to the current position.

## Car & Cycle Parking

- 4.30 The proposed car park will provide a total of 155 shared customer car parking spaces which will be targeted at those using the Aldi and Homebase stores but will also be available to those wishing to use surrounding facilities in Waltham Cross town centre as part of a linked shopping trip. It is envisaged that a 90-minute time limit will be placed upon the car park's usage, to enable linked trips to take place whilst preventing long-term abuse. However, should the Inspector consider that a longer duration is necessary then this can be agreed as part of a planning condition. Maximum duration of stay would be enforced by an Automatic Number Plate Recognition ('ANPR') system, and one is already installed within the Homebase car park. However, should further clarity be required on future car parking management then the appellant would be willing to agree a 'car parking management scheme' by condition which would commit to a regime and on-going control (such as ANPR).
- 4.31 As part of the total number of car parking spaces proposed, 8 accessible spaces for disabled customers and 8 spaces for parents with children will be provided. The car park will also include 4 spaces that are equipped with Electric Vehicle Charging Points ('EVCP'). Furthermore, below ground infrastructure will be put in place to add up to a further 16 EVCPs in the future, future proofing the Aldi and Homebase stores in terms of this emerging mode of private travel.
- 4.32 The site will include 18 short-stay cycle spaces (9 Sheffield cycle hoops) located in front of the northern elevation of the foodstore (and shared also with Homebase). These spaces will have good visibility from both inside the foodstore and from those passing along Sturlas Way. 10 Long-stay cycle spaces will be provided in both the Aldi and Homebase warehouses for staff, whilst showers, lockers and changing facilities will also be incorporated into the units.

4.33 In addition, Mr Britton's evidence explains that works are proposed within the site to provide a dedicated, safe route for both pedestrians and cyclists from the proposed customer entrance, across the car park aisles (via demarcated crossing points and areas), to the north-eastern corner of the site. Externally, the existing footway at the site's north-eastern corner will be widened – benefiting access by approaching cyclists and pedestrians. Accordingly, it is clear that the application scheme will deliver important enhancements to the car park which will result in more legible routing for non-car visitors.

## **Servicing**

- 4.34 Servicing access will be taken from Sturlas Way, utilising the same vehicular access junction as provided for customer traffic. The Homebase unit's servicing arrangements will remain as existing. The servicing yard will continue to be positioned on the site's western boundary (south-western corner of the site). It will be accessed via a servicing road immediately south of the building and adjacent to the southern boundary. It is also understood that Homebase's servicing frequency and duration will remain as it currently does.
- 4.35 The Aldi store's servicing area (or 'dock') will be positioned at the foodstore building's south-eastern corner (south-eastern corner of the site). It will incorporate a delivery ramp, sheltered canopy, and dock leveller system which means products can be unloaded without any external activity, such as forklift trucks, scissor lifts or cages. Servicing is therefore a much swifter and quieter process than it is for larger mainstream foodstore's with a traditional 'service yard' arrangement.
- 4.36 In terms of the servicing procedure itself at the planned Aldi store, in the case of Heavy Goods Vehicle ('HGV') deliveries, this would typically take 30 - 60 minutes and is a straightforward exercise given that Aldi's stock is delivered on pallets which are simply rolled into the warehouse, utilising the automated dock levelling system. Furthermore, as part of Aldi's delivery process the responsibility for the unloading of a servicing vehicle rests with its driver, as such there is no potential for delay in the process as it is not necessary to wait for store staff to deal with the vehicle on its arrival (as is the case with many other mainstream convenience retailers). Goods deliveries will be received to the 'back of house' area which will be accommodated in the southern part of the Aldi foodstore.
- 4.37 It is anticipated that the Aldi foodstore will receive an average of four HGV deliveries per day. Three articulated HGV deliveries per day come from the Regional Distribution Centre ('RDC') and there is one delivery per day of milk by a local supplier, usually using a medium sized goods vehicle. Daily deliveries of milk, bread and morning fresh produce are received prior to, or as early as possible after, the store opening in the morning, and are delivered by one Aldi HGV and one milk delivery vehicle.
- 4.38 All Aldi delivery vehicles are equipped with Reversing Cameras and Audible Warning Systems enabling the driver and customers to be aware of the reversing vehicle. Where required, a trained 'Pedestrian Marshal' is utilised by the store to guide pedestrians in a safe manner whilst a service vehicle is manoeuvring. HGV access to the service area has been designed to accommodate the required turning manoeuvres of the largest servicing vehicle in Aldi's fleet (a 16.5m articulated goods vehicle) and a 'swept path analysis' is presented as part of Appendix 4 of the Transport Assessment (Core Document 1.11) showing this entering and leaving the site safely and in forward gear.

4.39 Deliveries will be required on every day that the foodstore is open for trade to ensure the availability of fresh produce, including Sundays and Bank Holidays<sup>1</sup>. Accordingly, the applicant is seeking to negotiate through an appropriately worded planning condition minimum servicing hours at the discount foodstore of:

- 07:00 hours to 23:00 hours – Mondays to Saturdays; and,
- 09:00 hours to 21:00 hours – Sundays.

4.40 These hours of servicing have been justified as appropriate in noise impact terms as part of the submitted Noise Impact Assessment (Revision 4, 26<sup>th</sup> May 2022) and are now agreed as part of the Statement of Common Ground on Noise Matters (see Core Document 4.5).

### Hours of Operation

4.41 Aldi's foodstores are open seven days per week (including the majority of Bank Holidays) but the company does not promote 24-hour trading, as is the case with many of the UK's other 'mainstream' food retailers. Accordingly, Aldi are seeking control via condition of minimum operational hours of:

- 08:00 hours to 22:00 hours – Mondays to Saturdays; and,
- 09:00 hours to 18:00 hours – Sundays.

(Note – Sunday trading laws mean that the Aldi store can only open for up to six hours on a Sunday. This will typically be 10:00 hours to 16:00 hours.)

4.42 Homebase does not envisage any changes to their current hours of operation. Furthermore, it is noted that there are no restrictions currently in place on operational hours based on the building's original planning permission (application reference. 7/383-84, as amended by variation of condition application reference 7/0383-84).

### Summary

4.43 In summary, the proposed refurbishment, extension and external alterations to the existing non-food retail unit (to create two retail units), will promote a contemporary design with a strong horizontal emphasis and will be constructed using modern methods and materials. The works will modernise and refresh the primary public facing elevations in particular, giving the building a more contemporary feel than at present, and will also be to the benefit of the local and wider environment.

4.44 The application site is and will remain accessible to pedestrians by existing footpaths and the wider town centre (which is largely pedestrianised) is located immediately south-east of the site. Internal and external works will also proportionally enhance the site's accessibility, particularly for non-car modes. Parking facilities will be available both to customers and those wishing to use the wider town centre as part of a linked shopping trip. Car parking management can be agreed via a '*car parking management scheme*' condition where this is considered necessary.

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<sup>1</sup> The majority of Bank Holidays are treated as a typical trading day by Aldi and as such standard Monday to Saturday opening and servicing hours are observed. Aldi stores are closed on Easter Sunday, Christmas Day, Boxing Day and New Year's Day.

## 5. Planning Policy Overview

5.1 The planning policies of relevance to this appeal have been agreed as part of the SOCG. Below I summarise the key elements of the policies and, where appropriate, provide analysis of the relevance of the individual policies which establish the correct context for the assessment of the proposed development.

### Introduction

5.2 The Development Plan for the purposes of this planning application comprises the Broxbourne Local Plan, which was adopted on 23<sup>rd</sup> June 2020. The Plan covers a 15-year period from 2018 to 2033.

5.3 Accordingly, the *'starting point'* in the determination of planning applications within the Broxbourne area is the Local Plan (see Core Document 6.1). Alongside the Local Plan (the development plan), there are other local and national planning policy documents that represent material considerations in the determination of this planning application to varying degrees. These policy documents include:

- National Planning Policy Framework (July 2021) – Core Document 5.1;
- National Planning Practice Guidance – Core Document 5.2; and the,
- Waltham Cross Town Centre Strategy (March 2015) – Core Document 7.1.

5.4 I am also of the view that some of the findings of the Broxbourne Retail & Leisure Study (July 2015) and its accompanying Addendum (June 2016) are of relevance to the determination of this planning application. I summarise the data which I consider to be of relevance within this section, whilst relevant extracts from the Studies themselves form Appendix P to my evidence.

### The Statutory Development Plan

5.5 The policies of relevance to the appeal which are contained within the Broxbourne Local Plan (2018 – 2033) are summarised as follows, I have marked with an asterisk those which are alleged to be breached by the Council's first reason for refusal:

#### Strategic Policies

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

#### Place Making

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

Waltham Cross Policies

- 5.8 **Policy WC1 (Waltham Cross Town Centre)** explains that the Council will support proposals which accord with the following town centre priorities:
- *A vibrant town centre throughout the daytime and the evening;*
  - *Redevelopment of the northern High Street (see below);*
  - *Public realm improvements throughout the High Street and beyond;*
  - *Additional homes in and around the town centre; and*
  - *Conserving and where possible enhancing the historic environment.*
- 5.9 **Policy WC2 (Waltham Cross Northern High Street)\*** The introductory text to this policy explains (Paragraph 11.4) that the northern end of the High Street presently sees relatively low levels of footfall and has a level of vacancy higher than the southern end. This latter observation is no longer accurate given the improvement of the town centre's health in the years following the preparation of the Local Plan. Indeed, the latest Authority Monitoring Report (2020 – 2021) which forms Core Document 8.1 shows at Figure 9, Page 29, that the town centre's vacancy rate is now less than 6%. The current national average is 13.8% based on calculations by data specialist Experian GOAD (June 2022).
- 5.10 Paragraph 11.4 explains that previous endeavours to redevelop the northern end of the High Street for a retail led development have not attracted investors. Indeed, our understanding is that the '*previous endeavours*' referenced relate to the 2012 Draft Waltham Cross Town Centre Strategy which was published for consultation but not adopted and proposed a 3,500 sq. m food superstore as the focus of the northern High Street area's future redevelopment, presumably to address the issue of a lack of footfall. The supporting text states that the Town Centre Strategy (i.e. the 2015 publication) therefore now promotes the site for a mixed-use, high density development of apartments, shops and community uses.
- 5.11 Paragraph 11.5 states that the estimated capacity of the eastern part of the site is for 150 new homes and that this would entail the relocation of Wickes, potentially to Park Plaza North (see Policy PP2). The western part of the allocation (the application site) comprises the Homebase store and the paragraph explains that:
- "Negotiations will take place with both the landowner and Homebase to establish the most sustainable future for this site. That may result in the status quo, a redevelopment incorporating a re-modelled Homebase store, or the closure of the Homebase store and its potential relocation".*
- 5.12 The subsequent policy wording of WC2 is that the 'Waltham Cross Northern High Street' area will be developed as a mixed-use quarter comprising:
- a) On the land east of Sturlas Way, approximately 150 homes;*
  - b) On the land west of Sturlas Way, the potential for significant housing development, possibly as part of a mixed-use development incorporating the existing store;*
  - c) 40% affordable housing;*

d) *Shops/commercial/community ground floor uses.*

5.13 The policy also states that:

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

#### Park Plaza Policies

5.14 **Policy PP2 (Park Plaza North)** is a Local Plan employment land allocation immediately west of the settlement of Waltham Cross. Paragraph 10.5 explains that it is well placed to accommodate the relocation of businesses that may be necessitated by several regenerative developments being promoted by this Local Plan, including the Waltham Cross Northern High Street site (Policy WC2). The wording of Policy PP2 itself explains that '*Park Plaza North*' is allocated for a mix of employment uses as follows:

- Bulky goods retailers that need to be relocated as a result of regeneration developments proposed within Waltham Cross Town Centre; and,
- A mix of B1, B2 and B8 uses on the remainder of the site.

#### Retail

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

5.16 Supporting policy text Paragraph 23.4 states that the Policies Map shows the boundaries of the Borough's town, district and local centres, including Waltham Cross Town Centre. Paragraph 23.5 continues that national policy sets out 'main town centre uses' which are considered appropriate within these defined centres. This includes retail development. Paragraphs 23.8 and 23.9 reflect the '*town centre first approach*' advocated by national Government, in that retail uses should be directed to town centres first, and then to edge-of-centre sites, before finally out-of-centre locations.

5.17 **Policy RTC2 (Development within Town, District and Local Centres, Neighbourhood Centres and Shopping Parades)\*** states that the following criteria will be used to consider the acceptability of new development proposals, including extensions, alterations and changes of use within the Borough's town, district, and local centres:



- a) *whether the development enhances the historic character of the centre (where relevant) and the public realm;*
- b) *the role of the centre and services it provides;*
- c) *the vitality and viability of the centre;*
- d) *the provision of safe access, full and complete servicing arrangements, and parking;*
- e) *any adverse impacts upon the centre or residents in terms of noise, fumes, smells, litter and general disturbance.*

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

#### Design

- 5.19 **Policy DSC1 (General Design Principles)** states that the Council expects a high standard of design for all development and wherever possible, development proposals must, amongst other things: *'enhance local character and distinctiveness, taking into account: existing patterns of development; significant views; urban form; building typology and details; height; roof form; fenestration detail; materials; building lines and other setbacks'*
- 5.20 **Policy DSC2 (Extensions and Alterations to Existing Development)** relates to proposals of this nature and states that extensions and alterations to existing buildings will be required to respect the character and design of the original building.
- 5.21 **Policy DSC3 (Design affecting the Public Realm)** states that development proposals which create, or have a significant impact on, the public realm should, amongst other things, maximise legibility and permeability of the public realm through the layout of buildings, landmarks and landscaping. They should also seek to maintain flexibility of use, uncluttered spaces, and easy movement through the space through the use of public art, street furniture and infrastructure including signposting/way finding.
- 5.22 **Policy DSC4 (Management and Maintenance)** states that to ensure the long-term attractiveness and usability of open and public spaces, the Council will seek to ensure that a high standard of management and maintenance is planned for the development over its lifetime.
- 5.23 **Policy DSC7 (Comprehensive Urban Regeneration)\*** states that the Council will pursue the comprehensive development of the strategic development allocations within the Plan and will resist piecemeal development of those areas that do not accord with agreed masterplan. In addition, the policy states that the Council will promote comprehensive regeneration elsewhere where it is appropriate to do so and will oppose developments that would compromise such regeneration or the implementation of the wider development of an area.
- 5.24 **Policy DSC8 (Shopfronts and Fascias)** requires that new and altered shopfronts must respect the scale, proportion, character and materials of the building and adjoining buildings in the street scene.

It continues that shop fronts should also sit within the framework of the existing building structure and façade style.

#### Transport and Access

- 5.25 **Policy TM1 (Sustainable Transport)** states that the Council will expect all major development proposals to show how ways to reduce car use and promote alternative ways to travel have been considered and incorporated into the development. With regards to pedestrian movement, the policy states:
- 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.
  - Development proposals must clearly demonstrate how pedestrian movement and connections have been prioritised and provided for.
  - All new paths should be safe, direct, appropriately lit and signed. They should be suitably constructed for all users, and provide direct and easy access to services and facilities
- 5.26 The policy also requires development proposals to provide for cycle facilities through the use of accessible and safe routes to and around the site, as well as the provision of cycle storage and cycle parking areas. Finally, policy TM1 states that all major developments should contribute to improved public transport, including infrastructure and revenue contributions for enhanced services, and should ensure that internal layouts do not impede the passage of buses.
- 5.27 **Policy TM2 (Transport and New Developments)** states that development will not be permitted where there would be a severe impact on the transport network. Development proposals must ensure that the safety of all movement corridor users is not compromised.
- 5.28 **Policy TM3 (Access and Servicing)** states that new development proposals must provide for adequate, safe and convenient servicing arrangements, access points and drop off areas.
- 5.29 **Policy TM5 (Parking Guidelines)** refers to Broxbourne's car parking guidelines. It states that the Council will seek a sensible balance of car and cycle parking spaces based on the nature of the proposal, site context and wider surrounding area, and accessibility of shops, services and sustainable transport infrastructure, with the overall aim of reducing private car use.

#### Residential Amenity

- 5.30 **Policy EQ1 (Residential and Environmental Quality)** states that all proposals for development within the urban area must avoid detrimental impacts on the amenities enjoyed by the occupiers of neighbouring properties in terms of daylight, sunlight, outlook and overlooking. It also states that proposals which generate dust, noise and odour must not result in a material harm to the amenity levels currently enjoyed in an area.
- 5.31 **Policy EQ4 (Noise)** states that new development, and extensions or alteration to existing developments, emitting noise levels noticeably above background levels on a consistent or

consistently periodic basis, should be sited away from noise sensitive land uses including residential accommodation, schools and health facilities. If this is unavoidable, the Council will consider a range of factors, including the acceptability of measures incorporated into development proposals to mitigate the impact of noise on noise sensitive land uses.

## Material Considerations (National)

### National Planning Policy Framework (July 2021)

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

addressed, and so that opportunities for avoiding and mitigating any adverse effects can be included. Opportunities to promote walking, cycling and public transport use are to be identified and pursued.

- 5.39 Section 11 of the NPPF (Making effective use of land) supports as far as is possible the re-use of previously developed land and vacant buildings for development.
- 5.40 Section 12 of the NPPF (Achieving well-designed places) confirms that good design is a key aspect of sustainable development and creates better places in which to live and work.

### **Material Considerations (Local)**

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

- 5.41 A Town Centre Strategy was prepared for Waltham Cross in 2015 to “*guide the development and regeneration of the town centre over the medium to long-term*”. The Strategy (which forms Core Document 7.1 to this appeal) was adopted by the Council’s cabinet in March 2015. It does not form part of the statutory development plan but represents a material consideration in the determination of planning applications. However, in my view the document should be afforded only limited weight in the determination of planning applications at this point in time.
- 5.42 This is in view of the fact that it was only subject to limited consultation, and this dates back to a first draft of the document in 2012, which actually proposed a very different strategy for the northern part of the town centre (as explained below). Furthermore, the Town Centre Strategy is now over seven years old and in terms of its implementation period (see Page 48), the document identifies three time horizons: ‘quick wins’ – (implementation during 2015/16), ‘medium-term’ (implementation 2016 – 2020), and ‘longer-term’ (implementation beyond 2020). The present day (June 2022) falls into the strategy’s ‘long term’ time horizon, and we are therefore now clearly at the very furthest reaches of its intended influence. This would suggest that the document is at the end of its lifetime, is of reduced relevance, is in need of review / replacement.
- 5.43 In terms of precursors to the adopted Strategy, Page 3 of the 2015 document explains that the first draft version of the Town Centre Strategy was subject to public consultation between November 2012 and January 2013. It states that supportive responses were received to proposals within the first draft for a major new supermarket at the northern end of the High Street. However, it appears that the supermarket proposal was not taken forward into the final version of the Town Centre Strategy owing to the lack of occupier interest at that time.
- 5.44 The Council’s vision for Waltham Cross Town Centre is outlined on Page 12 of the document. This states, amongst other things that:

*“The profile of Waltham Cross town centre will grow and it will be recognised as an attractive and safe experience throughout both the day and the evening, with a broad range of shops, eating places, entertainment and services all supported by a range of community events and a vibrant street market.*

*Waltham Cross town centre will be the hub of local community life, being the first choice destination for shopping and services within the local area...”.*

- 5.45 Some of the key objectives outlined for Waltham Cross on Page 12 of the document include:
- Hosting a wide range of shops, supermarkets, entertainment, services, and places to eat and drink, supported by a lively street market and diverse community events;
  - Be the first choice for residents of Waltham Cross and southern Cheshunt;
  - Be a well-regarded retail and leisure destination for residents of south Hertfordshire; and,
  - Remain active and busy throughout the evening as well as the daytime.
- 5.46 Objective 2 of the Town Centre Strategy (Page 23 onwards) concerns promoting Waltham Cross as a modern, popular and vibrant town centre. The first paragraph of this section states that to enable this to happen, Waltham Cross needs to become a more desirable destination for shopping and leisure – with a better and more interesting mix of brands and independent businesses – and foster an enjoyable community life throughout both the day and evening, attractive and accessible to everybody who lives and works there.
- 5.47 The Waltham Cross *'Northern High Street Opportunity Zone'* is outlined on Page 24 of the report. This comprises the town centre's Homebase and Wickes stores and their associated car parks, as well as adjacent small-scale retail units – all of which are located at the northern end of the defined centre.
- 5.48 The strategy explains that the northern end of the High Street presently sees relatively low levels of footfall and has a street level vacancy rate which is significantly higher than the southern end. As I have already stated in my evidence, this is no longer the case, with the latest Authority Monitoring Report (Core Document 8.1) showing that the town centre's vacancy rate is now less than 6% (Monitoring Report, Figure 9, Page 29).
- 5.49 It states that Wickes and Homebase play a recognised role in the broad retail offer of the town centre, capturing a customer catchment from a wider area. However, the Strategy feels that these units also *'turn their back'* on the High Street, creating closure to the pedestrian core, thereby limiting footfall and the viability of the retail units.
- 5.50 Page 24 states that the *'exposure of this area could be improved'* by revising existing highway access arrangements to improve the public realm. The Council further considers that doing this could unlock the opportunity for a mixed-use redevelopment of the area north of Park Lane to provide a mix of uses that *'complement and connect more strongly with the town centre'*. It continues that the Council will seek to work with landowners and tenants of the Wickes site, as well as the adjacent Homebase site to its west, to investigate their potential for redevelopment.
- 5.51 Of note is the fact that the diagram of the *'Opportunity Zone Northern High Street'* shown on Page 24 of the Strategy highlights the Homebase store to be a *'potential inclusion'* rather than the *'main opportunity site'* of the Northern High Street area – which is the Wickes retail unit and the terraced shop units to its south.
- 5.52 Furthermore, Page 30 of the Strategy states that:
- "the Council will engage with Wickes to investigate the potential for a reformatting or redevelopment of the site within this broad opportunity zone and for the creation of new retail frontage to deliver continuity to*

*the town centre. In addition to this site, the Homebase site to the north-west of the core town centre may offer further potential for a broader range of town centre uses through a mixed-use development and stronger linkages to the town centre core" (our emphasis).*

5.53 The Homebase site is clearly regarded very much as a secondary opportunity in the Strategy, with the Wickes site the first priority for redevelopment in order to deliver the 'Northern High Street Opportunity Zone'.

Broxbourne Retail & Leisure Study (July 2015) and accompanying Addendum (June 2016)

5.54 WYG prepared the Broxbourne Retail & Leisure Study ('BRLS') in July 2015 and a subsequent very focussed addendum in 2016. The purpose of the 2015 Study is to provide an assessment of retail and leisure needs and capacity in the period to 2030, and to review the current performance of Waltham Cross town centre and the other centres within the borough. The Study acted as the evidence base to inform the Broxbourne Local Plan (2018 to 2033), as well as providing baseline information to assist in the determination of planning applications for retail and leisure development. The Retail Study Addendum of June 2016 provides the latest convenience goods expenditure capacity projects for the authority area, and also identifies the trading performance of all key foodstores.

5.55 Based on the quantitative need assessment undertaken as part of the 2015 Retail Study (Paragraph 7.3.11 / Figure 7.2) it is established that there is capacity for new convenience goods floorspace in the borough of between 9,400 sq. m net and 13,200 sq. m net by 2030. The 2016 Retail Study Addendum reduced this capacity figure (Paragraph 3.1.3) to a still considerable 6,000 sq. m net to 7,600 sq. m net (or £74.2m) by 2030.

5.56 Paragraph 9.2.7 of the Retail Study's concluding 'Recommendations and Future Retail Strategy' section states that the 'Draft Waltham Cross Town Centre Strategy' was published for consultation 2012 and makes various recommendations for the ongoing development of Waltham Cross, including redevelopment of the northern High Street area to provide a supermarket of up to 3,500 sq. m.

5.57 In view of the 'quantitative need' which was forecast by the Retail Study, Paragraph 9.2.9 of the recommendations section of the Retail Study explains that there is very little opportunity for significant town centre expansion within the Borough, with the exception of the northern High Street area at Waltham Cross. It continues that, in light of the findings of the quantitative assessment, efforts should be made to bring forward the Northern High Street area for an '*improved retail and service offer*' to serve Waltham Cross. This would encourage new activity to the north of the centre and assist in meeting the substantial identified quantitative capacity across the borough.

5.58 In terms of the Retail Study (and Addendum's) specific findings in relation to the trading performance of key food and non-food stores in Waltham Cross, Table 5 of Appendix I ('Statistical Tables') of the Retail Study Addendum (2016) presents the "*survey-derived performance of stores compared to expected benchmark performance*". The table shows that:

- Lidl, High Street, Waltham Cross was found to be 'overtrading' by +£8.6m; and,
- Sainsbury's, The Pavilion High Street, Waltham Cross was found to be 'overtrading' by +£4.5m.

- 5.59 Whilst the Iceland store in Waltham Cross town centre was found to be trading slightly below benchmark levels, the 2016 Retail Study addendum shows that the centre's food retail offer as a whole is performing at +£10.6m above benchmark levels.
- 5.60 Finally, Table 21 of Appendix I ('Statistical Tables') of the 2016 Addendum shows that in terms of 'DIY goods shopping' Homebase, along with the other shops in Waltham Cross town centre (i.e. Wickes and Fishpools), were collectively found to be the most popular DIY goods shopping location within the Borough of Broxbourne Zones of the Study Area. Shops within Waltham Cross accounted for 63% of all DIY Goods Shopping taking place within the Broxbourne Zones.
- 5.61 Whilst it is acknowledged that the Council's latest Retail Study (i.e. the 2016 Addendum) is now some six years old and the specific monetary outputs may no longer be wholly reliable, we are equally not aware of any new foodstores of significance being constructed within the Waltham Cross catchment subsequently which might have altered the patterns of trade identified in 2016. Accordingly, the Retail Study Addendum's capacity modelling remains a strong indicator that there would be both quantitative and qualitative benefits in improving the food retail offer within Waltham Cross town centre, specifically through the introduction of a proportionately scaled foodstore where 'main' food shopping trips can be undertaken. There is equally no contrary evidence to suggest that Homebase remains anything other than one of the most popular DIY goods shopping locations within the Borough of Broxbourne.

Waltham Cross Town Centre Planning Framework (Draft - May 2022)

- 5.62 The Waltham Cross Town Centre Planning Framework was published as a draft document for consultation in May 2022. Its introduction explains that the Framework sets out the Council's proposed approach to development opportunities within Waltham Cross Town Centre and that it is a non-statutory document but will be treated as a material consideration in relation to development proposals and how they are assessed through the planning application process. It adds that the document will supplement the aims and objectives of the Waltham Cross Town Centre Strategy (2015). The outcome of the consultation is not yet known but from discussions with others, in addition to the landowners and the Appellant in respect of this appeal, a number of parties have written objecting to its approach. Given its status and the level of controversy surrounding it, I do not believe that it can be afforded weight in the decision-making process at this stage.
- 5.63 The third paragraph of the Framework's fourth page explains that since publication of the Town Centre Strategy in 2015, there have been two 'significant residential developments' within the town centre, involving 40 apartments at Swan Court, above the Pavilions shopping centre; and a further 40 apartments at Eleanor House, opposite the bus station.
- 5.64 Page 5 of the Framework concerns Local Plan Policy WC2 and its northern High Street allocation. It confirms that the area covers a number of sites in different land ownerships and that the Council has recently commissioned a massing model of the town centre to inform judgements about the height and massing of new development (presented at Page 5).
- 5.65 In referring to the wording of Policy WC2 specifically, the Framework (final paragraph of Page 5) explains that:

- 5.66 *"The Policy (WC2) states that incremental development will be resisted, and that the site should be developed in accordance with a comprehensive masterplan. In practice, given the marked differences in the opportunities and constraints at each part of the allocation, it is likely that different sites will come forward at different phases, and therefore it is important that developments do not prejudice the potential for development of later phases".*
- 5.67 The first paragraph of Page 6 confirms that proposals which demonstrate that they will not prejudice the potential for future development at sites in the Town Centre Planning Framework will be acceptable in principle, subject to satisfactory resolution of the relevant planning issues identified for each site.
- 5.68 Section 2 of the Framework (Page 7 onwards) references 13 sites that have been identified as presenting suitable future development opportunities. The document states that these have been grouped into short, medium and long-term opportunities on the basis of the degree of complexity in bringing forward each site, taking account of the position of the landowner; whether relocations of existing uses are required; and how far planning has progressed.
- 5.69 It is noted that there are five 'short term' opportunities identified as part of Phase 1, which the Framework considers can deliver up to 300 dwellings and commercial floorspace. Phase 2 'medium-term' opportunities are identified as being capable of delivering 600 dwellings and commercial floorspace, whilst Phase 3 'long-term' opportunities up to 140 dwellings. It is noted that the appeal site is identified as a 'medium-term' opportunity within Phase 2 that is capable of accommodating 225 dwellings and ground floor commercial floorspace.
- 5.70 The site-specific pro-forma for the appeal site (Site 2a) on Page 13 of the document expresses the view that it has potential for significant housing, possibly as part of a mixed-use development incorporating the existing store. However, it states that the landowners' current plans are unknown and redevelopment on this site is considered to be a longer-term prospect.
- 5.71 A range of planning issues associated with the site are identified, which include: safe pedestrian and cycle crossings of Sturlas Way and Winston Churchill Way; integration of the site with the town centre; ground floor development appropriate to the location of the site within the town centre boundary; customer car parking; and, improving the distinctiveness of the site when viewed from the roundabout and surrounding roads.
- 5.72 The massing model for what the Framework refers to as the 'preferred option' for the appeal site shows the potential for 140-150 apartments above an Aldi supermarket as part of a 225-unit scheme. This appears to involve building heights of between three and eight storeys. The 'preferred option' also appears to recognise the value of a foodstore in this town centre location.
- 5.73 The concluding section of the report (Section 4) states that the indicative figures provided as part of the draft framework will need to be carefully tested through more detailed work through planning applications. It comments that in the event that all of the development opportunities set out within the document come forward, it would result in around 1,000 additional apartments within Waltham Cross town centre.



## 6. Reason for Refusal One

6.1 Reason for Refusal One states that:

*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).*

6.2 In responding to this reason for refusal, it is my view that there are three specific matters that merit assessment:

- The interpretation of Local Plan Policy WC2 and the development options it envisions;
- Nature and scale of works proposed and whether these would constitute incremental development that would prejudice future development; and,
- The Council's Vision for the Northern High Street Area, the timescales for delivery, and the scheme's bearing on this.

### **The Interpretation of Local Plan Policy WC2 and the Development Options it Envisions**

6.3 The Council set out in both their Committee Report and Statement of Case that their 'vision' for the appeal site involves its residential-led redevelopment, involving ancillary retail uses at ground floor level. This vision is presented in an all-encompassing fashion by the Council, with there being no distinction for what Local Plan Policy WC2 envisions for the eastern and western parcels of land that comprise the allocation. For example, Paragraph 5.3 of their Statement of Case (Core Document 4.2) states that:

*"The application site lies wholly within Waltham Cross town centre. It is also an allocated site for a mixed-use development incorporating housing and the existing Homebase store as set out in the adopted Local Plan Policy WC2"*

6.4 This statement is not a wholly accurate reflection of the wording of Policy WC2, particularly in terms of its supporting reasoned justification and in the context of its formulation. It may have been accurate had the policy been adopted as the Council had originally sought. However, there were important Main Modifications made to the policy in relation to the western parcel of land (the appeal site) following representations by Homebase as part of the Local Plan examination process. These modifications have introduced more flexibility in terms of appropriate future development options on this western parcel of land specifically, requiring engagement with the landlord and longstanding tenant as well as a recognition of lease constraints.

6.5 The schedule of Main Modifications to the Broxbourne Local Plan forms Core Document 8.7 to this appeal. Modification MM11.5 (Pages 55 and 56) shows that the original wording of Policy WC2 involved no differentiation between the eastern and western parcels of land. It simply sought the delivery of 300 new homes, including 40% affordable housing and shops / commercial / community ground floor uses. However, the Inspector recommended that this wording was revised such that

there was a clear distinction between future development on the eastern side of the allocation and that on the west. The final wording is therefore clear that on the east of Sturlas Way land will be redeveloped to provide approximately 150 homes. However, on land to the west (the appeal site) there is far less certainty, with the adopted policy identifying only:

*“the potential for significant housing development, possibly as part of a mix use development incorporating the existing store”* (our emphasis).

- 6.6 The reason for this notable change in position was in light of detailed verbal and written representations made on behalf of Homebase to the Local Plan examination hearings. These representations form Appendix A to my Proof of Evidence. It was explained at the hearings that following the acquisition of Homebase by Hilco Capital from Bunnings Warehouse ('Bunnings') in mid-2018 there had been a fundamental change in the retailer's strategy for Waltham Cross. As part of preceding representations to the Local Plan in late 2017, Bunnings had expressed an interest in potentially relocating to a larger store on the 'Park Plaza North' site to the west of the settlement of Waltham Cross. However, following Bunnings' unsuccessful tenure as Homebase's owner and the retailer's subsequent acquisition by Hilco Capital (May 2018), the Waltham Cross store was re-appraised, found to still be profitable, and categorised as one which the business wished to retain and invest in over the longer-term.
- 6.7 In a letter dated 1<sup>st</sup> October 2018 (Appendix A) representations on behalf of Homebase explain in no uncertain terms that the retailer now wishes to retain their store on Sturlas Way, will be seeking to renew their lease, is looking to invest £125m into the wider portfolio and, most notably, no longer supports the principle of Policy WC2 insofar as it relates to redevelopment options for their Sturlas Way store.
- 6.8 It is important to acknowledge that at this time the freehold owner of the Homebase store and appeal site, LCP investments limited, did not necessarily support the revised position of Homebase as articulated by their new owners Hilco Capital. This was in view of the fact that a Company Voluntary Agreement ('CVA') had been approved by creditors on 31<sup>st</sup> August 2018 which saw the closure of 42 existing Homebase stores across the UK and the restructuring of other leases. During the Local Plan hearing sessions LCP were therefore seemingly still concerned about the long-term stability of the retailer and their commitment to this site. My understanding is that this view was articulated by the landowner at the hearings given the set of circumstances they faced at that time.
- 6.9 Nevertheless, on the basis of the representations made on behalf of Homebase and their appearance at the Local Plan hearing sessions, the Inspector recommended that both the wording of Policy WC2 and its reasoned justification be amended to reflect the commitment of Homebase to remain in occupation and to extend their current lease. Of particular significance in this regard was the introduction of a new paragraph 11.5 (see Main Modification Ref. 11.4, Core Document 8.7) which clearly contextualises the way in which Policy WC2 should be applied to the eastern and western land parcels of the allocation, based on the stated position of the long lease holder:

*“The estimated capacity of the eastern part of the site is for 150 new homes. This would entail the relocation of Wickes, potentially to Park Plaza North (see Policy PP2). The western part of the allocation comprises the Homebase store and negotiations will take place with both the landowner and Homebase to establish the*

most sustainable future for this site. That may result in the status quo, a redevelopment incorporating a remodelled Homebase store or the closure of the Homebase store and its potential relocation" (our emphasis)

- 6.10 Neither the Council's Committee Report in relation to the planning application (Core Document 3.1) nor their Statement of Case regarding this appeal (Core Document 4.2) makes any reference to this important contextual guidance contained within the reasoned justification. In my view, which both LCP and Homebase share, Paragraph 11.5 is emphasising that the future of the western parcel of land is intrinsically linked to its availability and the stated intentions of both the landowner and longstanding leaseholder. It is quite clear from the reasoned justification that whilst redevelopment might be one option, negotiations with the landowner and tenant may equally result in a 'status quo' whereby the site remains within retail use.
- 6.11 There has been no recognition of this flexible approach to future development options based on existing land / lease interests as part of the Council's determination of the planning application, or seemingly their approach to this appeal. Their narrative has been solely focussed on 'their vision' for the comprehensive residential-led mixed-use development across the WC2 Policy allocation as a whole, notwithstanding the outcome of the debate before the Local Plan Inspector.
- 6.12 Indeed, the reasoned justification for Policy WC2 explicitly states that "*negotiations will take place*" with both the landowner and Homebase to establish the most suitable future use for this site. In this regard, it is of significance that both LCP and Homebase wrote separately to the Local Planning Authority as part of the determination of the appealed planning application (see two letters at Appendix B) to emphasise their support for the introduction of an Aldi foodstore to the building and to confirm that the site was not available for redevelopment.
- 6.13 Consequently, upon publication of the draft Waltham Cross Town Centre Planning Framework in May 2022 – which provides the 'masterplan' that the Council intends will guide future development across the town centre – both LCP and Homebase have written strongly in objection (see Appendices C and D). The landowner and existing tenant have again emphasised that there is no desire on their part to see the site redeveloped for a residential-led scheme in the foreseeable future, and that the Planning Framework document itself is fundamentally flawed, without evidence, and entirely misguided. They have also reiterated their support for the introduction of an Aldi foodstore given both the immediate benefits that it can offer the site and wider town centre, and the fact that Aldi can be introduced quickly through what are relatively minor works to an existing, longstanding retail unit.
- 6.14 If the landowner and tenant's position hadn't been made clear with their representations to the planning application in 2021, then surely, following their representations to the Planning Framework, this must now be beyond any doubt. It is self-evident that the latter, very recent representations to the Planning Framework must constitute the '*negotiations*' which Paragraph 11.5 of Policy WC2 states will inform the '*most sustainable future for this site*'. They are a categorical rejection of the residential-led vision for the site by both Homebase and LCP on grounds of its ill-conceived nature and lack of deliverability. On this basis, it must be concluded that the 'status-quo' of the site remaining in retail use is the most logical and realistic option for the foreseeable future, having regard to the stated intent of the landowner and tenant and the leasehold constraints imposed on its future availability.

- 6.15 The Local Planning Authority may argue that even if there are ambiguities in relation to Policy WC2's intent for land to the west of Sturlas Way, then the Town Centre Strategy of 2015 (see Core Document Ref 7.1) also seeks comprehensive residential-led mixed-use development across the Northern High Street area and that Policy RTC2 requires that planning applications should have regard to their relevant Town Centre Strategy. Notwithstanding the fact that I believe this document can only be afforded limited weight, given its age and targeted implementation period, in my view there is actually very little difference in the way that the Homebase site is treated in both the Town Centre Strategy and Policy WC2 of the Local Plan.
- 6.16 For example, I note that the diagram on Page 24 of the Strategy refers to the Homebase site as being one for "*potential inclusion*" in the Northern High Street revitalisation area, rather than forming part of the "*Main Opportunity Site*". This would suggest that its inclusion and future redevelopment was far from a certainty in the Council's eyes – much like the difference between land to the east and west of Sturlas Way in Local Plan Policy WC2. Furthermore, the second paragraph of Page 30 explains that the Homebase site "*may offer further potential for a broader range of town centre uses through a mixed-use development*" and that the Council "*will engage with the landowner and tenant to explore its potential*". In practice, these statements are no different to the guidance contained within the reasoned justification to Policy WC2.
- 6.17 As has already been explained, this engagement or negotiation with Homebase and LCP has already taken place through the publication of the draft Planning Framework and the landowner / tenant's subsequent representations of objection, and if anything, the situation is even more firmly against the prospect of a residential-led redevelopment. Rather two national retailers wish to invest in a part of the town centre which has long been recognised as warranting additional investment in order to secure greater footfall.
- 6.18 I also envisage that the Local Planning Authority will make reference, as they have in both their Committee Report that Statement of Case, to the fact that the landowner themselves (LCP) made a pre-application enquiry with Broxbourne Council in early 2019 involving a residential-led mixed-use scheme. They may suggest that this represents evidence that there is an underlying desire by LCP to see the site redeveloped in-line with the Council's 'vision'. In response, the landowner has subsequently informed the Council and Inspectorate through detailed June 2022 representations in regard to this appeal and the draft Planning Framework (see Appendix C) that they have absolutely no commercial interest in pursuing a residential-led scheme. Reliance upon a superseded position in promoting a redevelopment strategy is therefore difficult to understand. However, two further factors are of relevance in relation to LCP's historic pre-application enquiry and merit reference.
- 6.19 Firstly, the context of LCP's pre-application enquiry is of critical importance. The submission is dated January 2019, which immediately follows the hearings undertaken as part of the Local Plan examination process towards the end of 2018. As has already been explained as part of my Proof of Evidence, relations between Homebase and LCP were not particularly strong at that point in time. Homebase had a CVA approved in the August of 2018, involving a number of store closures and the restructuring of leases in their remaining stores. LCP where therefore perhaps understandably sceptical about the retailer's long-term stability and I understand were exploring a variety of options, including the prospect of residential uses. However, the fact that this did not go further than initial

written pre-application advice in early 2019 emphasises that it was not an option that was being given serious consideration by the landowner. Their representatives confirm this in Section 2 of their letter of 20<sup>th</sup> June 2022 (see Appendix C).

- 6.20 The second point to make in relation to LCP's pre-application enquiry is that this was made in the full knowledge that, given the duration of their occupancy of this building, Homebase benefits, by law, from a protected tenancy and rights to renew their lease for a period of up to 15 years. In the months that followed LCP's pre-application enquiry in 2019, Homebase served a Section 26 request to initiate the lease renewal process. As emphasised in the letter from Homebase at Appendix D, this request was not objected to by LCP, despite it being the opportunity to do so and thereby potentially remove Homebase from occupation and to pursue an alternative form of development on the site. Again, this demonstrates quite clearly that LCP by that point held no commercial desire to pursue the redevelopment of what is a large, valuable town centre retail asset, a position which is consistent with their current stance in support of these proposals (see Appendix C).
- 6.21 Drawing the above commentary together, in determining this planning application the Council's interpretation of Policy WC2 has involved an all-encompassing, sweeping approach to its application, whereby their stance appears to be that all land within the allocation should conform to their 'vision' for residential-led development with ground floor commercial uses. However, as I have explained, significant modifications were made to both the policy itself and its reasoned justification at the request of the Inspector prior to adoption. These modifications promote flexibility in terms of appropriate future development options for land west of Sturlas Way, requiring engagement with the landlord and longstanding tenant as well as a recognition of lease constraints.
- 6.22 In it is self-evident that this engagement has, in a practical sense, now taken place, with the publication of the draft Town Centre Planning Framework and its associated masterplan, and consequent detailed representations by both LCP and Homebase. Their position is one of a categorical rejection of the residential-led vision for the site on grounds of its ill-conceived nature and lack of deliverability. On this basis, it must be concluded that the 'status-quo' of the site remaining in retail use is the most logical and realistic option for the foreseeable future, having regard to the stated intent of the landowner and tenant and the leasehold constraints imposed on its future availability. Based on the reasoned justification for Policy WC2, reaching this conclusion regarding the site's continued use for retail purposes is entirely reasonable and is not contrary to the policy when considered as a whole.
- 6.23 Having regard to Policy WC2, a wider consideration is whether the building's continued use for retail purposes over the foreseeable future would constitute 'incremental development' that would prejudice much longer-term development opportunities on the appeal site and on other parcels of land within the Northern High Street Area. This matter is considered in the following section accordingly.

## **Nature and Scale of Works Proposed and Whether These Would Constitute Incremental Development that would Prejudice Future Development Options**

- 6.24 The Council's first reason for refusal raises concerns that the proposed development will undermine their ability to deliver a comprehensive mixed-use development at the application site. The Committee Report also states that Policy WC2 requires that "*incremental development of the area will be resisted*" to ensure that such schemes do not form a barrier to future aspirations within the Local Plan.
- 6.25 Notwithstanding the fact that I have already explained that there is no direct policy conflict with the retention of the site in retail use (the 'status-quo') for the foreseeable future, in this section I consider whether the nature of the physical works proposed could constitute the type, scale and form of development that would be likely to prejudice the longer-term redevelopment both of the appeal site and surrounding parcels of land within the Northern High Street allocation. It also examines precisely what is meant by '*incremental development*' in the context of the wider Policy WC2 allocation and subsequent local planning guidance. Matters relating to the realism and timescales associated with the delivery of the Council's Town Centre Planning Framework and its development aspirations for the Northern High Street area are dealt with in the following section.
- 6.26 The works proposed to the existing Homebase unit to facilitate the introduction of an Aldi foodstore are set out in detail in Section 4 of my Proof of Evidence. The external works can be summarised as:
- Relocating the customer entrance points to the northern elevation (comprising some 60 sq. m of new floorspace);
  - Introducing a loading dock extension (a dock-levelling system) of 90 sq. m to the building's eastern elevation (follow demolition of the existing entrance lobby of 73. Sq. m); and,
  - Various other external changes to the building and its associated car park, such as the introduction of a white render finish to existing brick panels on the northern and eastern elevations, new glazing along the northern elevation, and the re-alignment of existing car parking spaces (including the introduction of electric vehicle charging points).
- 6.27 Remaining works will largely take place inside the building and involve changes to existing retail floorspace, such as the internal partitioning of the building and creation of sales areas and 'back of house' areas. There will also be a reduction in the size of the existing enclosed open-air 'garden centre'.
- 6.28 The works described above are simple in form and minor in nature. Whilst the introduction of Aldi will deliver significant social and economic benefits to the town centre – as this Proof of Evidence will come on to discuss – the proposed physical changes required to the building would evidently not be of an order that they pre-determine longer-term decisions about the delivery and development of the '*Waltham Cross Northern High Street*' any more so than Homebase continuing to trade in the premises in its current form. The building is the same, the quantum of retail floorspace is almost identical under both scenarios, and it must be remembered that Homebase benefits, by law, from a protected tenancy and rights to renew their lease for a period of up to 15 years. The building will therefore remain in retail use whether Aldi occupy part of the unit or not.

- 6.29 Whilst the Council may argue that the introduction of an Aldi foodstore would further complicate any future attempt to progress an alternative form of development through the use of compulsory purchase powers, I should emphasise that they have no planning powers to prevent the sub-division of the unit. This is given that sub-division is not prevented by the original planning permission for the retail unit (Ref. 7/0383-84, Core Document 8.8) and that a Section 73 planning application was approved in October 2005 to permit the sale of any non-food goods from the retail unit (Ref. 7/0757/05/F/WX, Core Document 8.9).
- 6.30 Accordingly, non-food retail tenants (as an alternative to a discount foodstore) could be introduced solely through internal building works which do not require planning permission. This could involve, for example, the introduction of a new internal customer lobby area, accessed from the existing customer entrance, from which two separate retailers would then in turn be accessed. There are a multitude of examples of such an approach to sub-division being adopted, and once such case is the Tesco Extra and Marks & Spencer units at Handforth Dean Retail Park, Coppice Way, Handforth, Cheshire, SK9 3PB. We would be pleased to provide more details of this scheme, or others, if it would assist the Inspector in relation to this point.
- 6.31 Furthermore, we note that the letter on behalf of LCP dated 20<sup>th</sup> June 2022 (see Appendix C) is explicit at Paragraph 4.13 that, should the appeal be unsuccessful, the landlord would explore their commercial options in respect of sub-division to accommodate a further non-food retailer alongside Homebase. This is given the fact that Homebase would remain in any case through their protected tenancy position. Accordingly, it is clear that internal sub-division of the unit (without planning permission) to provide two non-food retailers represents a realistic 'fall-back' position with a more than theoretical prospect of realisation, it should therefore be given material weight in decision making terms.
- 6.32 The issue of whether minor works to existing buildings within the Northern High Street area constitutes piecemeal (or 'incremental') development which would undermine the long-term aims of the Local Plan has recently been considered as part of two planning appeals within the town centre, determined in May 2019<sup>2</sup> and October 2020<sup>3</sup> respectively. Whilst one of the appeal decisions pre-dates the adoption of the Local Plan in June 2020, the other appeal was determined shortly after the Plan's adoption. These appeal decisions form Appendix E and F to my Proof of Evidence.
- 6.33 The May 2019 appeal involved the change-of-use of part of the ground and first floors of 143-145 High Street from Use Class A3 to nine flats, two ground floor Class A1 retail units, and external alterations to add windows and a door. Meanwhile, the October 2020 appeal involved the change-of-use of Class A1 storage space to create residential accommodation in the form of two new flats. Accordingly, the context of both appeals is not dissimilar to Aldi's appealed planning application, with existing floorspace being used for alternative purposes alongside minor external works.
- 6.34 In both cases the Council refused planning permission on the basis of amenity concerns over the living conditions for future residential occupiers and because the schemes would, in their view, constitute piecemeal development that would undermine delivery of their vision for the 'Waltham

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<sup>2</sup> Appeal Ref: APP/W1905/W/18/3213919, 143-145 High Street, Waltham Cross, EN8 7AP

<sup>3</sup> Appeal Ref: APP/W1905/W/19/3243274, 133 High Street, Waltham Cross, EN8 7AP

Cross Northern High Street'. This was given that both appeal sites were located within the WC2 Policy allocation area.

- 6.35 Whilst both appeals were ultimately dismissed on site-specific amenity / design grounds, significantly neither Inspector accepted the Planning Authority's arguments that a change-of-use of existing floorspace and minor external works would represent a form of 'piecemeal' development that might prejudice development aspirations across the northern end of Waltham Cross High Street. In the more recent appeal at 133 High Street, determined in October 2020, paragraph 9 of the Inspector's report states that:

*"The appeal site is an existing mixed-use property comprising retail on the ground floor and two approved flats in the front half of the first floor. The development proposed would relate only to this single property, and no substantial building works are proposed to the building to deliver the appeal proposal. No evidence has been submitted to show that there is an agreed masterplan for the area. The appeal development would not therefore be piecemeal development nor so substantial that to grant permission would undermine the plan-making process" (our emphasis).*

- 6.36 Similar statements are made by a different Inspector at Paragraph 13 of the earlier planning appeal at 143-145 High Street determined in May 2019:

*"...based on the submitted evidence, I am not persuaded that the proposed development would compromise the wider aims relative to this site. Nor that the proposed changes to the existing building would be so substantial that the proposed development would predetermine decision about the scale, location or phasing of the development of Waltham Cross Northern High Street" (our emphasis).*

- 6.37 Based on the above examples, it is clear that two separate Inspectors reporting on two different schemes have rejected the argument that minor works to existing buildings within the WC2 Policy allocation would constitute the sort of incremental development that would undermine the Council's long-term vision for the Northern High Street area. Whilst it is appreciated that the Council has very recently sought to provide further details on their 'vision' through the publication of the draft Town Centre Planning Framework, little to no weight can be afforded to this document in terms of decision making at the present time, given that it is in draft form and by no means agreed. It has only just been through a period of consultation and there are various unresolved objections raised by several key stakeholders (as explained in my evidence).

- 6.38 Accordingly, in my view there is relatively little difference in terms of the policy position between the more recent October 2020 appeal decision and the present day. The Inspector's conclusions regarding the fact that there is no agreed and robustly evidenced masterplan with which building specific works would conflict remains of material relevance. Furthermore, as in the case of both appeals, the works proposed to the Homebase unit are minor in nature and the focus of the application is the reuse of existing floorspace for a different, more advantageous purpose. In the case of the two past appeal examples, this was residential use, whereas in the case of this appeal it is the repurposing of non-food retail floorspace for the sale of food goods.

- 6.39 The final matter which briefly merits examination is precisely what Policy WC2 intends when stating that the Waltham Cross Northern High Street allocation will be developed in accordance with a



comprehensive masterplan and that any incremental development will be resisted. This is in terms of whether the Council is expecting all development within the allocation to come forward as part of a single scheme (regardless of scale) supported by a masterplan. Indeed, this was my initial interpretation of the Council's position based on Paragraph 8.7 of the appeal scheme's planning committee report (see Core Document 3.1). Whilst the Local Plan is silent on this matter, helpfully the draft Waltham Cross Town Centre Planning Framework (Core Document 7.2) has clarified the position from the Council's perspective. It states at the foot of Page 5 of the document that:

*"The policy [WC2] states that incremental development will be resisted, and that the site should be developed in accordance with a comprehensive masterplan. In practice, given the marked differences in the opportunities and constraints at each part of the allocation, it is likely that different sites will come forward at different phases, and therefore it is important that developments do not prejudice the potential for development of later phases" (our emphasis)*

6.40 Accordingly, it is clear that from the Council's perspective it will be appropriate for different applicants to bring forward different sites and at different times – a position which is entirely realistic. They appear therefore to have no objection to this approach. The key consideration is whether the scheme in question would 'prejudice' the delivery of future phases of development across the Northern High Street area. This is seemingly the only type of 'incremental development' which the policy seeks to resist.

6.41 In my view this is an important clarification. It surely means that where a planning application would not fundamentally change existing built form or uses on a site, as with the appeal scheme, it would be no more prejudicial to future Local Plan aims for the site or surrounding sites than the present position. In short, small-scale works do not appear to be the type of 'incremental development' that Policy WC2 objects to based on the Planning Framework guidance. I would logically argue that this is even more so the case where, as on the appeal site, a retail use will remain for the foreseeable future regardless, and the prospect of a residential-led scheme is no more than a long-term ambition of the Council, with little evidence to support its commercial deliverability and realism over the short to medium-term (as my evidence will come on to explain).

#### Summary - Nature and Scale of Works Proposed and Whether These Would Constitute Incremental Development that would Prejudice Future Development Options

6.42 This section of my proof of evidence has examined the nature of the works proposed and whether these are of a scale and form that would undermine the Council's vision for the Waltham Cross Northern High Street. This is notwithstanding the fact that I have already explained that there is no direct policy conflict with the retention of the site in retail use (the 'status-quo') for the foreseeable future, based on the reasoned justification to Policy WC2.

6.43 It is self-evident that the works involved are relatively minor in nature. The building will remain in retail use, the quantum of floorspace will be almost identical, and whilst the external changes will evidently be of benefit to its appearance, these represents cosmetic improvements rather than substantial building works. In short, the planning application will not pre-determine long-term decisions about the delivery and development of the 'Waltham Cross Northern High Street' any more so than Homebase continuing to trade at the premises in its current form. Indeed, it will secure a

foodstore in a location that the Council sought as part of the draft Town Centre Strategy in 2012/13 and which the 2022 draft Town Centre Planning Framework document appears to envisage.

- 6.44 I have further explained that Homebase benefits from a protected tenancy to extend their lease over the long-term. The building's planning history allows for it to be sub-divided without permission and consent already exists for it to sell an unrestricted range of non-food goods. Accordingly, should Aldi's application be refused planning permission, it is realistic to suggest that Homebase and the landlord might look to introduce a second non-food retailer through internal works to the building which do not require planning permission. The landlord alludes to this in correspondence to this Inquiry (see Appendix C). I would question how such a 'fallback' scenario is any different for the future delivery of the Waltham Cross Northern High Street vision than Aldi's introduction through this planning application.
- 6.45 Two planning appeals have been identified within the Policy WC2 Northern High Street allocation, dating back to mid-2019 and late-2020 respectively and involving changes-of-use / minor works to existing retail units. In both cases the Council pursued a reason for refusal relating to 'piecemeal development' that might prejudice longer-term development aspirations in the town centre. However, in both cases, whilst the planning appeals were dismissed, the Inspectors rejected the Council's reasoning over potential conflict with Policy WC2 and Town Centre Strategy. In my view there is very little difference in terms of the policy position between the more recent appeal decision and the present day, given the outstanding objections to the Town Centre Planning Framework. The works themselves are equally minor in nature, involving largely internal changes to existing floorspace.
- 6.46 Finally, I have clarified that based on guidance contained within the Council's draft Town Centre Planning Framework, there is no objection from the Council to different applicants bringing forward different sites at different times within the WC2 Policy allocation area. The key consideration appears to be whether the scheme in question would '*prejudice*' the delivery of future phases of development across the Northern High Street area. This presumably means that a planning application for relatively minor works to existing floorspace, which is no more prejudicial to much longer-term Local Plan aims for the site or surrounding sites than the present position, does not necessarily represent incremental development that conflicts with Policy WC2.

### **The Council's Vision for the Northern High Street Area, Timescales for Delivery, and the Scheme's Bearing on this**

- 6.47 The specific wording of the Council's first reason for refusal is that the proposed development would undermine the Council's ability to pursue a comprehensive mixed-use development at the allocated site. In this final section responding to the first reason for refusal, I will examine based on available evidence the commercial realism and time horizon of the Council's ambitions for the planning appeal site and its Northern High Street vision more widely, as articulated by the very recently produced draft Town Centre Planning Framework of May 2022. This will be contrasted against the deliverability of the appeal scheme and its timings.
- 6.48 I will state from the outset that it is not my objective or indeed Aldi's objective to wholly discredit the idea that at some future point in time residential-led mixed-use development may well be a viable

and deliverable development option for the appeal site. My position is that there is very little in the way of evidence or market indicators to suggest that this is anything other than a very long-term aspiration which may, at best, be realistic at the end of the plan period (2033) and most likely beyond this timeframe. This must also be considered in the context that the appeal site will remain in retail use for the foreseeable future irrespective of the outcome of this appeal, as already set out in my proof of evidence.

#### Weight to be Afforded to the Draft Town Centre Planning Framework

- 6.49 As a starting point, it is important to highlight that the planning application was refused on the basis that it undermined the Council's ability to pursue a comprehensive mixed-use development of the site, despite the fact that there was no 'masterplan' at that point in time identifying the type, scale, composition, and timescales of 'comprehensive development' sought. This lack of clarity is reflected in the Committee Report (see Core Document 3.1) which between Paragraphs 8.4 to 8.5 provides no detail nor timescale for progressing the Council's aspirations for the appeal site or the Northern High Street area more widely. Whilst a high-level 'Masterplan Option' plan is presented on Page 68 of the Committee Report, there is no context provided to this image in terms of its origin or supporting background evidence.
- 6.50 Following the submission of this appeal and its registration by the Planning Inspectorate on 18<sup>th</sup> March 2022 there was no change in this position. However, when the Council's Statement of Case was issued at the end of April 2022, it suggested that an acceptable mixed-use scheme for the appeal site would be presented in a draft *Waltham Cross Town Centre Planning Framework* (Core Document 7.2) to be presented as part of their evidence. This draft Planning Framework was provided to the appellant on 20<sup>th</sup> May 2022 and is to be consulted upon from 23<sup>rd</sup> May to 15<sup>th</sup> July 2022. The consultation period therefore concludes the Friday prior to the opening of this appeal's Inquiry.
- 6.51 The introductory section of the draft Planning Framework explains that it is a non-statutory document which will be treated as a material consideration in relation to development proposals and how they are assessed through the planning application process. The concluding section states that following consultation all comments received will be published and where necessary the Framework may be amended prior to its adoption. I am advised that it may be that legal submissions will be made as to whether such a document could ever contain policy requirements in the manner that is hinted at in the Council's Statement of Case.
- 6.52 At the point in time at which the Inquiry opens (19<sup>th</sup> July 2022) it is evident that the Council will not be in a position to have robustly considered and reflected on all comments received as part of a consultation period which ended only four days prior. Furthermore, I present at Appendices C and D to this Proof of Evidence two detailed objections to the draft Framework document on behalf of the appeal site's landowner (LCP) and long-lease holder (Homebase). In both cases these stakeholders emphasise that the draft Planning Framework is fundamentally flawed and misguided on the basis of its erroneous assumptions regarding site / scheme deliverability timeframes (amongst other matters).
- 6.53 It is clear that these significant, informed comments by key commercial stakeholders need to be carefully addressed as part of a revised version of the Framework prior to its adoption. On this basis, with the Framework still very much in draft form, having only been subject to very recent

consultation, and with several significant outstanding unresolved objections, it cannot be afforded weight in the decision-making process at the present time.

- 6.54 Accordingly, in my view, the current policy context for the appeal site is no different than it was at the point of the planning application's determination in August 2021. This being that there remains no appropriately scrutinised and agreed 'masterplan' at this point in time which is supported by robust evidence and provides clear guidance on the type, scale, composition, and timescales of future development across the Northern High Street area.

#### Housing Growth Potential and Timescales Envisaged by the Draft Town Planning Framework

- 6.55 Whilst I do not consider that the Planning Framework can be afforded weight in the determination of the appeal scheme, its contents are of relevance from a contextual perspective in understanding the composition of development that the Council is envisaging will come forward both on the appeal site and across the Northern High Street area and town centre more widely. The document categorises future development into short, medium, and long-term opportunities. It is important to appraise the realism of such timescales based on the commercial realities of site availability / deliverability, having regard to matters such as lease constraints and other market factors such as demand and viability.
- 6.56 The primary focus of the Planning Framework appears to be to increase quite dramatically multi-level residential development within Waltham Cross town centre. The concluding section of the document suggests that should all of the development opportunities identified within the Framework come forward, it would result in around 1,000 additional apartments. I would argue that this level of residential growth in the town centre was not given particular emphasis within the relatively recently adopted Local Plan. Whilst I acknowledge that Policy WC1 (Waltham Cross Town Centre) lends support for the delivery of "*additional homes in and around the town centre*" the only site-specific figure placed against housing development is the 150 units envisioned for the eastern side of the Policy WC2 Northern High Street allocation ('land and east of Sturlas Way'). The draft Planning Framework is now seemingly suggesting that the Council's vision involves more than seven times this figure.
- 6.57 It is also notable that the Planning Framework promotes residential growth not just within the Northern High Street area but throughout much of the rest of the town centre. Of the thirteen residential-led development opportunity sites which have been identified, eight of these fall outside the Policy WC2 allocation and five within. The ambition of the document therefore clearly extends well beyond masterplanning the Northern High Street and its site-specific approach more closely resembles that of an Area Action Plan. This would be a statutory planning document and would need to be supported by a transparent evidence base the likes of which has clearly not been prepared for this draft 'Planning Framework'. I note that this disconnect was the reason why an SPD in respect of Shepherds Bush market foundered in the case of *R(Wakil Abdul) v Hammersmith and Fulham LBC (No1)* [2012] EWHC 1411, with the Court concluding that the policy approach in that case being wrongly promoted in a non-DPD.
- 6.58 Whilst the time horizon of the draft Planning Framework is not defined, I note that the housing growth it anticipates over the short to medium-term in particular appears to be highly ambitious based on past trends of housing delivery in Waltham Cross town centre. Table 1 '*Opportunity Sites*' on Page 7 (Core Document 7.2) states that across 'short-term' and 'medium-term' opportunities there is

potential for up to 900 new dwellings. Whilst 'short' and 'medium-term' are strangely not defined in the document, even if it is assumed that collectively this would cover the Local Plan period to 2033 (i.e. long-term was beyond the plan period) then that would equate to an average of 90 new dwellings needing to be delivered per annum within Waltham Cross town centre over the next ten years to reflect the broad estimations of the draft Planning Framework.

6.59 As I will come on to discuss, this level of growth and market demand does not appear to be reflected in the number of schemes which benefit from planning permission in the town centre. Furthermore, this forecast growth is not reflective of the recent delivery rates of apartments in the town centre. Page 4 of the draft Town Centre Planning Framework appears to acknowledge this. The third paragraph on this page explains that:

*"Since publication of the Town Centre Strategy, there have been two significant residential developments within the town centre: 40 apartments at Swan Court, above the Pavilions shopping centre; and a further 40 apartments at Eleanor House, opposite the bus station" (our emphasis).*

6.60 Given that the Town Centre Strategy was published in 2015 and the document is stating that the two most significant subsequent residential schemes constructed have yielded a total of 80 new units, this equates to a current average delivery rate of some 13 new apartments in Waltham Cross town centre per annum (2015 to 2021). Even if some smaller schemes have been missed and the actual average completions in the town centre is closer to 20 units per annum, there would still need to be an increase of some 350% to achieve the circa 90 apartments per annum that the draft Town Planning Framework is suggesting is possible over the 'short to medium-term' (or ten years as we have estimated). This simply does not sound realistic or reflective of the local market demand for town centre apartments over the past decade.

6.61 I have also examined the Council's housing trajectory data for Waltham Cross town centre, taken from their latest Authority Monitoring Report (November 2021). Appendix G of my proof of evidence presents a table showing the relevant residential commitments (planning permissions) in Waltham Cross, extracted from the overall trajectory data (see Core Document 8.4). My table shows that there are currently 145 residential units with planning permission in Waltham Cross town centre. I have included in this figure draft Planning Framework site 1d – 88 to 102 High Street, Waltham Cross (92 units) and site 1c – 118 High Street, Waltham Cross (10 units) for which a decision notices had not been issued at the time the trajectory was calculated but now have been.

6.62 The housing trajectory forecasts that all of the 145 units currently consented will be delivered over the financial years 2021-22 to 2025-26 (a five-year period). Breaking this total down into an average over the next five years for comparative purposes, this would equate to just 29 units delivered per annum, only broadly one third of the 90 per annum extrapolated from the draft Planning Framework target for the 'short to medium-term' which, as stated, we have assumed reflects the next decade.

6.63 Whilst I do not intend to interrogate in detail the accuracy of the Council's estimations in terms of completions per annum, I do note that of the 145 units identified, only one was shown to be 'under construction' at the time the trajectory was published in November 2021. Given that the remaining 144 had not yet started, I would suggest that it is quite possible that not all of these units will be

delivered within the five-year timeframe estimated by the Council and thus the average number of units completed per annum could in-fact be lower based on current permissions.

6.64 My view having reviewed the Council's latest housing trajectory data for Waltham Cross town centre is that the number of units currently with permission and forecast to be completed over the next five years are not in any way comparable to the dwelling numbers being suggested as possible through opportunities in the draft Town Centre Planning Framework, and particularly not over the '*short to medium-term*' time horizon. My reasoning also allows for any temporary suppression of the market over the past two years because of the coronavirus pandemic. The table at Appendix G of my report shows that there remain small schemes to be delivered from 2017 to 2019 (many of them conversions) and no sign of any historic larger-scale residential schemes granted permission pre-pandemic that have yet to be implemented simply because of aftermath market uncertainty following the pandemic. There simply is no evidence of a pipeline of new-build residential apartment schemes in Waltham Cross and the position '*on the ground*' reflects this, with very little sign of recent or current construction activity across the town centre.

#### Observations on the Opportunity Sites Identified in the Draft Town Centre Planning Framework

6.65 In now turn to the 'opportunity sites' identified within the draft Town Centre Planning Framework itself, the majority do not currently feature in the Council's housing trajectory as they neither have planning permission nor are allocated. I have similar reservations concerning the anticipated timeframe for delivery of a number of these opportunities and particularly those identified as 'short' and 'medium-term' objectives. I summarise briefly my observations on a site-by-site basis below:

- **Site 1a - 149 High Street (Classification: Short Term Opportunity):** The synopsis in the draft Planning Framework states that the site has been acquired by the Council and suggests that it has potential for a seven-storey residential building capable of accommodating up to 90 dwellings. However, details of this appear to be limited to a basic massing model and there is no publicly available information on the scheme itself, let alone details of a planning application. It appears highly unlikely that residential development on this site will realised in the 'short term' as the Planning Framework suggests.
- **Site 1b - 133-137 High Street (Classification: Short Term Opportunity):** A planning application (Ref. 07/21/1260/O) on this site for a four-storey apartment block (containing 40 flats and commercial floorspace) with basement parking was taken to Planning Committee on 25<sup>th</sup> May 2022. Whilst the committee resolved to grant permission, this would be subject to the signing of a legal agreement involving planning contributions of over £1.4m (see Committee Report at Appendix H of my proof of evidence). Paragraph 8.30 of the committee report confirms that the applicant has not committed to the contributions. This suggests that no decision notice will be issued until such time that a full viability review of the scheme has been undertaken and jointly agreed. The commentary in relation to Site 1e (99 High Street) below highlights the financial viability challenges that clearly exist in terms of residential development in the town centre, with zero contributions or affordable housing deemed acceptable on that scheme after a lengthily viability dialogue. I would suggest that a similarly lengthily process will be required at 133-137 High Street to establish a viable level of contributions and affordable housing.

Further, the application itself was made in outline with all matters reserved. Accordingly, even after scheme viability matters are resolved, a legal agreement is signed, and a decision is issued, it will still be necessary to go through the reserved matters process. In short, I would suggest that it is highly optimistic to consider that this site will deliver residential units over a 'short-term' time horizon, with the pathway to doing so far from clear.

- **Site 1c – 118 High Street (former Poundland site) (Classification: Short Term Opportunity):** Planning permission (Ref. 07/20/1084/F) was granted for a 60-room hotel (Travelodge), 10 residential apartments and ground floor commercial uses on 14<sup>th</sup> December 2021. The draft Planning Framework suggests that construction will commence in 2022 and that this is a short-term opportunity. Whilst I have no reason to dispute this, I note that only ten dwellings are proposed as part of the scheme, and these will be ancillary to the hotel development. This site is included in the current housing trajectory figure for Waltham Cross at Appendix G of my proof of evidence.
- **Site 1d – 88-102 High Street (former Embassy Cinema site) (Classification: Short Term Opportunity):** I acknowledge that there is one sizable residential apartment scheme currently in the housing trajectory figures and indeed this accounts for the vast majority of the committed units to 2025/26. This comprises a mixed-use development incorporating 92no. residential units at 88-102 High Street, Waltham Cross (Ref. 07/21/0276/F). It involves the part conversion and extension of a former cinema building. The scheme was granted permission in December 2021 following the signing of a S106 Agreement. Whilst the housing trajectory forecasts that all 92 units will be delivered by the financial year 2025-2026, I must say that I am sceptical of this. This is not only because no progress appears to have been made in terms of implementing the residential permission since it was granted in December 2021, but also because a comparably scaled aparthotel scheme (Ref. 07/18/0512/F) was granted permission on the site in March 2019 and then amended in December 2019 (Ref. 07/19/0745/F). The site itself has also been vacant for the past five years. This suggests to me at least that the landowner is considering various options prior to redeveloping this site and, whilst the residential scheme may ultimately be progressed, the recent history suggests that there is no particular urgency and the scheme's assumed 'short-term' delivery appears highly optimistic.
- **Site 1e – 99 High Street (TFC supermarket) (Classification: Short Term Opportunity):** A planning application for the conversion and extension of the upper floors of 99 High Street to provide 16 dwellings was made in February 2018 (application reference 07/18/0130/F). This scheme was first taken to planning committee in December 2019, where members resolved to grant planning permission subject to the signing of a Section 106 agreement involving a contribution of £105,000 and a commitment to the delivery of affordable housing. However, the applicant declined to sign the legal agreement on the basis that affordable housing provision and/or financial contributions would render the scheme economically unviable.

This was demonstrated through a viability appraisal prepared on the applicant's behalf, which was in turn independently reviewed on behalf of the Council. The independent appraisal concurred with the conclusions of the applicant and the scheme was taken back to planning committee in November 2020, where permission was granted without any affordable housing

or financial contributions. This Committee Report is provided at Appendix I of my proof of evidence. Of note is the fact that it records that the independent reviewer acting on the Council's behalf questioned why the applicant would proceed with the development, when it appeared to make a significant loss even without any contributions whatsoever. The response was that further value engineering would be required and that reduced profit would have to be accepted by the developer. From my observations, this scheme does not appear to have progressed since the granting of planning permission in January 2021.

Whilst this scheme remains within the Council's housing trajectory and has a target completion date of this financial year, based on the above commentary there appears to be no realistic prospect of this being achieved. The scheme evidently has significant viability challenges, and this is acknowledged in the Council's November 2020 Committee Report. It is telling that no progress appears to have been made with the scheme in the 18-months since permission was granted. In summary, based on the available evidence, I consider its inclusion as a 'short-term' opportunity to be unrealistically optimistic. Furthermore, this example serves to emphasise the financial viability challenges that clearly exist in terms of residential development in the town centre.

- **Site 2a – Homebase (Classification: Medium Term Opportunity):** I discuss the appeal site separately in the following sub-section. However, in short, there is no evidence to suggest that this site would be in a position to deliver significant, high-density residential development over the next decade given ownership and lease constraints.
- **Site 2b – Fishpools Furniture Store (Classification: Medium Term Opportunity):** I consider the inclusion of the Fishpools Furniture Store site as a 'medium term' opportunity to be a particularly optimistic assumption on the Council's part, even if this were to equate to a five-to-ten-year period. As the site synopsis in the draft Planning Framework acknowledges, redevelopment of this site (which falls outside the Policy WC2 Northern High Street allocation) is contingent on Fishpools relocating to a replacement 'bulky' non-food goods unit on the Park Plaza North employment site (Policy PP2) to the west of Waltham Cross.

Even if Fishpools were prepared to do this, the current position with the Park Plaza North site is that it is subject to a draft Development Brief (See Core Document 7.4) which is being consulted upon over an identical period as the draft Waltham Cross Town Centre Planning Framework. We are aware of objections to this development brief, one of which is by Homebase (see Appendix D of my evidence) and, as such, it is quite possible that its contents will be subject to change prior to adoption. Furthermore, the site is also currently being marketed for sale by the current owner Ikea, and so the future owner and their aspirations and timescales for development are entirely unknown.

Added to this uncertain context regarding ownership and non-statutory policy guidance, it is important to bear in mind that, once these matters are resolved, the ten-hectare Park Plaza North site would need to be masterplanned, progressed through the planning system, and then constructed prior to Fishpools being in position to relocate. Only then could the redevelopment of the Fishpools site commence and the scheme presented for this in the draft



Planning Framework is nothing more than a very basic massing model, suggesting that no serious thought has been given to this at this stage.

In summary, the redevelopment of this site is entirely contingent on the delivery of Park Plaza North, a ten-hectare strategic employment site which is currently for sale and whose future owners (alongside their aspirations and delivery timescales) are entirely unknown. Given the obvious uncertainties surrounding the relocation site and fact that this will have to reach the stage of completion before Fishpools can be redeveloped, we fail to see how the Council can classify this as anything other than a very long-term development opportunity at this point in time. It is baffling that it is classified as achievable over the '*medium term*'.

- **Site 2c – Wickes (Classification: Medium Term Opportunity):** The synopsis of this opportunity in the draft Town Centre Planning Framework states that Wickes indicated their support in principle for a mixed-use development on the site in response to a consultation on the draft Local Plan in 2016, subject to securing a relocation site at Park Plaza North. Accordingly, my observations in relation to Framework Site 2b (Fishpools Furniture Store) apply equally here. The ability to redevelop the Wickes site is entirely contingent upon the construction of 'bulky' non-food goods units at the 10-hectare Park Plaza North employment land allocation. The timescales for this are entirely unknown and, given that the relocation site is currently for sale and with no progress on a scheme made whatsoever, it is not unrealistic to suggest that it could be a decade or longer before Park Plaza North is available for occupation. Accordingly, my view is that the Council's suggestion that the Wickes site constitutes a medium-term opportunity is completely unrealistic and there is no evidence to support this. This, again, appears to be a very long-term project.
- **Site 2d – The Pavilions (Classification: Medium Term Opportunity):** As indicated in the draft Town Centre Planning Framework's synopsis for this site, a scheme involving the partial demolition of the Pavilions Centre's multi-storey car park and its replacement with 119 residential units was refused permission on 13<sup>th</sup> May 2020 (Ref. 07/19/0570/F). The reasons for refusal included visual impact in relation to the scale, mass and height of the development. The draft Planning Framework suggests that it may be possible to overcome this reason for refusal with a more suitable design. However, I note that the refused scheme involved an increase in height of the building of less than 10m. Reducing this further would no doubt have a consequent effect on the number of apartments that can be constructed and, by implication, the commercial viability of the scheme. I can see no evidence of a revised planning application being submitted over the past two years. I would therefore question why the Council considers that a scheme that it has rejected represents a good 'medium-term' opportunity for residential development? It could equally be plausible that the landowner has abandoned such plans completely following refusal. The lack of an appeal or subsequent application surely suggests this.
- **Site 2e – Conservative Club (Classification: Medium Term Opportunity):** The Conservative Club site was granted permission on 15<sup>th</sup> November 2008 for redevelopment to include an 8-storey building, comprising retail units at ground floor level and 1<sup>st</sup> floor level and 60 residential units over the upper six floors (Ref. 7/08/0233/F/WX). Whilst the planning

permission was renewed in 2011 (Ref. 07/11/0258/F), it has never been implemented and has subsequently lapsed. The draft Town Centre Planning Framework itself acknowledges (Page 17) that negotiations with the landowner would need to *be 're-awakened to facilitate development'*, which would suggest there has been no interest in bringing forward a scheme over the past decade. It also makes passing reference to potentially progressing this scheme in tandem with The Pavilions (site 2d) as part of a comprehensive masterplan, adding an additional level of complication.

In summary, this is a further example of a site which is classified as a 'medium term' opportunity in the draft Framework capable of delivering 70 town centre apartments. However, there is no evidence of developer or landowner interest in realising this. In fact, looking objectively at the planning history and the reality that the last planning permission is over ten years old, it is questionable what evidence qualifies this site for inclusion in the Planning Framework.

- **Sites 3a (Sawyers Court) and 3b (Royal Main Depot) (Classification: Long Term Opportunities):** I do not intend to comment on these 'long-term' opportunities, with both sites containing buildings that are already in active use. Indeed, there would be no obvious benefit in redeveloping Sawyers Court (Site 3a), with the building appearing to be less than 20 years old and already providing a source of town centre affordable housing – given that owned and managed by the Metropolitan Housing Trust. My only observation is that it is unclear to me how these two 'long-term' sites are any more or less deliverable than others identified as 'medium term' opportunities in particular.

6.66 Drawing the above commentary on the draft Town Centre Planning Framework together, I have explained that it aims for an ambitious level of residential growth across the centre, which this is arguably beyond that targeted by the Local Plan. However, this ambitious growth is not reflected in past residential completions in the town centre, as alluded to by examples contained in the draft Planning Framework itself (see Paragraph 3, Page 4). Furthermore, my analysis of the Council's latest housing trajectory data (November 2021) for Waltham Cross town centre has revealed that the pipeline of planning permissions is equally well below the draft Framework's stated residential growth aspirations. In fact, they would need to increase threefold for this to be achieved over the Local Plan period to 2023, which seems unrealistic. This evidence is important because planning for considerable residential growth (as proposed by the draft Framework) is a futile exercise if there is not the market demand to facilitate viable delivery. Furthermore, there is surely a very real risk of overstating what can be achieved in view of what is presently delivered.

6.67 Turning to the sites identified in the draft Framework and the Council's aspirations, the vast majority are identified as 'short' or 'medium-term' opportunities. The document has no doubt been prepared optimistically by the Council with the objective of promoting future residential development opportunities in the town centre. However, from my review of the specific sites it equally, and perhaps unintendedly, highlights that the new-build residential market in Waltham Cross town centre is not currently a buoyant one and faces considerable ongoing viability, ownership, availability and technical challenges.

- 6.68 This is emphasised by the fact that even those sites which the Council optimistically classifies as 'medium term' targets appear to each have a particularly complex set of circumstances surrounding them. This includes being contingent on a relocation site (Park Plaza North) where no progress has been made (see Sites 2a, 2b and 2c), serious leasehold and ownership constraints (see Sites 2a, 2b and 2c), previous residential development refused (see Site 2d), and indeed discussions regarding development being dormant for a decade (see Site 2e). No evidence is presented alongside the draft Framework to justify the time horizon envisaged or address the complex constraints affecting the largest sites identified.
- 6.69 My site-by-site analysis has also identified the financial viability challenges that clearly exist in terms of new residential development in the town centre. The commentary in relation to Site 1e (99 High Street) explains that based on a viability appraisal which was reviewed and accepted on the Council's behalf, this residential conversion and vertical extensions scheme was found to remain unviable even following the removal of financial contributions and affordable housing requirements. I note that this scheme (a 'short term' opportunity in the Framework) has not progressed in the 18-months following the granting of planning permission.
- 6.70 The evident challenges and constraints of delivering residential development in Waltham Cross town centre are only magnified in relation to the appeal site, with the draft Town Planning Framework identifying this as having the potential to yield almost double the residential units of any other site. By extension, it is therefore inevitably the highest risk re-development opportunity (particularly given the embedded values of the current retail use), and one which logic suggests will (and should) only come forward once it is clear that there is the necessary market demand to ensure that it can be delivered viably.
- 6.71 From my contextual review of the draft Planning Framework and the market and demand challenges identified across the town centre, it is abundantly clear that delivering significant residential development on the appeal site is not some 'medium-term' opportunity that with a fair wind might be delivered in the next five to ten years. It is a far more complex, much longer-term opportunity which, given its scale, would surely be one of the final pieces of a jigsaw once various other residential developments have been delivered and proven their viability through lettings / sales.
- 6.72 In any event the proposals alter the occupiers of an existing retail building – it is difficult to see why the grant of consent and the operation of an Aldi from part of the store would hamper delivery of the overall scheme at an as yet uncertain future date when the Council might turn to this site to consider what might be proposed. There is no evidence that its current aspirations are based upon market evidence let alone viability evidence, but there is no suggestion that the introduction of an Aldi onto the site would have any effect upon future aspirations (which are considered on the evidence to be highly aspirational in any event). Resisting inward investment into a town centre now because of some inchoate threat to an unknown form of development at an uncertain point in the future is not a robust approach to planning.

#### Draft Planning Framework Specific Aspirations for the Planning Appeal Site

- 6.73 Having discussed the sites identified in the draft Town Centre Planning Framework and explained that residential market demand and delivery evidence, alongside other site-specific constraints, does not

appear to support the target time horizons suggested by the document, I now briefly turn to consider specifically what the Framework envisages for the planning appeal site, the timescales stated for such development and the prospects of delivery.

- 6.74 The Planning Framework's vision for the appeal site (see Framework Site 2a, Page 13) corresponds identically with the draft mixed-use proposal presented to the Council by the landowner (LCP) as part of a pre-application enquiry in early 2019. It involves some 225 apartments provided across a range of residential blocks ranging in height from between broadly four and eight storeys. The scheme also involves ground floor commercial floorspace in the blocks furthest east facing Sturlas Way.
- 6.75 I have already explained in some detail the background to this pre-application enquiry at paragraphs 6.18 to 6.20 of my evidence. In short, in mid-2018 after a difficult trading period Homebase had been subject to a change of ownership and had successfully sought approval of a CVA which resulted in both store closures and lease restructures across their portfolio. It is therefore understandable that their landlord, LCP, were concerned about the retailer's long-term stability and were exploring, at that time, possible alternative options.
- 6.76 The fact that the mixed-use scheme tabled by LCP did not go further than initial written pre-application advice in early 2019 emphasises that it was not an option that was being explored particularly seriously by the landowner. It is therefore somewhat surprising that a basic massing model taken from the promotional architectural document for the 2019 scheme is being referred to in the draft Planning Framework as the '*preferred option*' for residential development on the site (see Planning Framework Page 13).
- 6.77 Indeed, following the publication of the draft Town Centre Planning Framework and LCP's realisation that the Council has effectively used a private and confidential pre-application 'options appraisal' scheme as the template for future mixed-use residential development on the site (without permission it should be added), they wrote to the Council to express their dissatisfaction. This letter dated 7<sup>th</sup> June 2022 (which forms part of Appendix C of my proof of evidence) confirms that LCP are not supportive of the mixed-use redevelopment of the site, that the scheme presented in the draft Framework was no more than an exploration of options on LCP's part, and that it was not tested for viability.
- 6.78 In relation to viability and deliverability matters associated with residential development in Waltham Cross town centre, Aldi has sought the professional view of Avison Young's Land and Development Specialists. They have prepared a briefing note which provides a market overview on the supply and demand for flats within Waltham Cross town centre and their broad views on the viability / deliverability of such development. This is in the context of the draft Waltham Cross Town Centre Planning Framework and its aspirations for the planning appeal site. The briefing note forms Appendix J to my proof of evidence. The key findings are that:
- The number of sales of new-build flats in Waltham Cross over the past ten years has been relatively low and those that have been sold are predominately in converted office buildings, rather than new, multi-storey, residential builds. Further, the pipeline of new town centre residential developments does not appear to be particularly strong and certainly not of the

order to project towards the Framework's target of some 1,000 new flats, even over the longer term.

- There is no obvious external stimulus to increase local demand, with Crossrail 2 on hold indefinitely and not something in their view that should influence the Framework's aspirations. It remains to be demonstrated that there will be sufficient 'demand' to absorb the proposed number of new flats proposed within the town centre.
- There appears to be no market or viability commentary to support the draft Planning Framework and a significant omission is the lack of any explanation on how car parking will be accommodated, based on the Local Plan expectations. Much of this will need to be either undercroft or basement level and this comes at considerable cost. There is no evidence of a recent scheme being delivered in Waltham Cross which has basement car parking, and this could be a significant viability barrier.
- Research into the viability of recent residential schemes in the town centre has identified concerningly high developer contribution requirements and evidence that these are being successfully challenged through viability appraisals. In other cases, schemes have permission, but it remains to be seen whether developers can afford to pay the contributions sought to deliver the units (with no obvious sign of development activity).

6.79 The overall conclusion of the Briefing Note is that all evidence points towards some very considerable viability challenges that currently exist in terms of the delivery of new build residential development in Waltham Cross town centre. On this basis, the scale and number of schemes envisaged in the draft Planning Framework appears highly optimistic. It argues that the market / viability assumptions which underpin the document and its vision should be made publicly available for transparent scrutiny prior to the adoption of such a strategy document.

6.80 The fact that the specialist has reached this conclusion is reflective of my observations on both housing delivery rates in the town centre and a lack of progress made towards realising even some of the smaller-scale residential schemes. This only reinforces my opinion that the highly ambitious residential-led redevelopment of the appeal site as envisaged by the Planning Framework would be a much longer-term proposition than alluded to in the draft document.

6.81 I must also add that the draft Planning Framework's synopsis of the appeal site (Page 13) fails to refer to the existing tenant when referencing possible timing constraints relating to future redevelopment. As already explained as part of my proof of evidence, given the duration of their occupancy, Homebase benefits, by law, from a protected tenancy and rights to renew their lease for a period of up to 15-years. They have exercised this right, having served a Section 26 request to lawfully initiate the lease renewal process. This request was not objected to by LCP, and they are working with the Landlord to agree new long-lease terms.

6.82 The current position is explained in the letter of representation by Homebase to the draft Planning Framework and this forms Appendix D to my proof of evidence. The retailer is clear that the appeal site is not available for redevelopment given their intention to remain in occupation and that this position will not change in the medium to long-term. They also explain that they have no commercial

desire to form part of any future scheme at the Park Plaza North employment land site, explaining that the proposal shown on the draft masterplan exceeds their business model requirements by some 50%.

6.83 Notwithstanding the evidence from both landowner (Appendix C) and tenant (Appendix D) regarding the appeal site's availability for redevelopment, and the separate independent advice (Appendix J) which disputes the deliverability of major residential-led development in the town centre more generally, it is also important to examine what evidence the Council themselves put forward in support of the draft Framework to justify the 'medium-term' outlook for redevelopment. From my research the reality is that there is no such evidence provided in support of the draft Planning Framework. However, I do note two clues elsewhere in their evidence base which perhaps infers their genuine beliefs on the prospects of future delivery:

- The opportunity features in the Council's Strategic Housing Land Availability Assessment ('SHLAA') which was published in June 2017. This formed part of the evidence base for the 2020 Local Plan. The site is given reference number WX-U-13 and whilst it is identified as an 'achievable' location for future residential development, this is over a period of 11-15 years. Furthermore, the site pro-forma acknowledges the fact that this is likely to be a development opportunity that will come forward at the end of the Plan period. An extract from the Council's SHLAA forms Appendix K to my proof of evidence.
- I have also examined the Council's housing trajectory data, taken from their latest Authority Monitoring Report (November 2021). The full housing trajectory can be found at Core Document 8.4. I note that 'Waltham Cross Northern High Street' is included in the data as a housing allocation (albeit it is unclear whether this relates to land east or west of Sturlas Way). Either way, the Council are not assuming that any dwellings will be delivered as part of the allocation until 2030 at the earliest.

6.84 Accordingly, both the latest SHLAA and housing trajectory data suggest that the Council does not believe that there is any prospect of residential development being realised on the appeal site over the course of this decade. Whilst my view is that these timescales could be substantially longer, the fact that even the Council appear to concede that, at best, this scheme will come forward at the end of the plan period is perhaps somewhat telling.

6.85 Drawing together the above commentary concerning the draft Planning Framework's preferred vision for the planning appeal site (Framework Site 2a, Page 13), I have explained that the scheme presented corresponds identically with the draft mixed-use proposal presented to the Council by the landowner ('LCP') as part of a pre-application enquiry in early 2019. LCP have written in response to the draft document's publication to clarify that the pre-application scheme was no more than an exploration of options and was not viability tested. They also emphasise that they are no longer supportive of the site's mixed-use development (as also explained by LCP as part of Aldi's 2021 planning application).

6.86 Independent viability / deliverability evidence has reinforced the fact that the draft Framework scheme has not been viability tested. A Briefing Note (Appendix J) has identified some very considerable viability challenges that currently exist in terms of the delivery of new build residential development in Waltham Cross town centre. Alongside viability concerns, I have highlighted that the

lack of any commentary on the lease position is a significant omission from the site-specific synopsis in the draft Framework. Homebase have written separately to the Council in response to the document's publication. They have confirmed that they benefit, by law, from a protected tenancy and lease renewal rights and have initiated this process with the support of the landlord. They intend to remain in occupation and this position will not change in the medium to long-term.

6.87 Finally, whilst the Council have not provided in support of the Framework any site-specific evidence to address the obvious problems surrounding viability, availability a deliverability, I have noted that other evidence base documents imply that they do not have any short to medium term plan to facilitate redevelopment, with both the SHLAA and latest housing trajectory acknowledging that residential development is unlikely to be realised until the end of the plan period at best.

6.88 To conclude, my view on the site-specific proposals for the appeal site are consistent with my view on the draft Planning Framework more generally. It's suggested time horizons for delivery are far too optimistic and are not supported by any market, viability or technical evidence. The appeal site is the largest identified in the Framework and would yield almost the twice the number of units as any other. It is therefore an exceptionally high-risk proposition given the current town centre residential market and, as a consequence, is unlikely to be deliverable until residential values in the centre change dramatically. I reiterate that it is a complex, longer-term opportunity which, given its scale, would surely be one of the final pieces of a jigsaw once various other residential developments have been delivered and proven their viability through lettings / sales.

6.89 On this basis, irrespective of the appeal scheme, there is no realistic prospect of mixed-use residential development being realised on the site over the foreseeable future based on the evidence available. Utilising the building in a more economically advantageous way through the introduction of an Aldi foodstore cannot therefore be regarded as undermining the Council's ability to pursue a comprehensive mixed-use development when such a scheme is clearly nothing more than a much longer-term prospect. Aldi estimate that that the physical works proposed to the building to enable their introduction would take up to ten months to complete. Even if this build programme was extended to one year, it is still abundantly clear, based on available evidence, that such a store could be trading for perhaps a decade or more before the appeal site is in a position to be redeveloped in the fashion envisaged by the Council.

### **Reason for Refusal One – Summary and Conclusions**

6.90 In responding to the first reason for refusal regarding whether the proposed development would undermine the Council's ability to pursue a comprehensive mixed-use development on the appeal site, I have had regard to what I consider to be three key interrelated matters. These are: the interpretation of Local Plan Policy WC2 and the development options it envisions; the nature and scale of works proposed and whether these would constitute incremental development that would prejudice future development; and, the Council's vision for the Northern High Street Area, the timescales for delivery, and the scheme's bearing (or otherwise) on this.

6.91 In relation to the first matter, I have explained that in determining this planning application, the Council's interpretation of Policy WC2 has involved an all-encompassing, sweeping approach to its application. They have adopted a stance whereby all proposals within the allocation must conform to

their 'vision' for residential-led mixed-use development. However, as my evidence has explained, significant modifications were made to both the policy itself and its reasoned justification at the request of the Inspector prior to the Local Plan's adoption. These modifications promote flexibility in terms of appropriate future development options for land west of Sturlas Way. The wording requires engagement with the landlord and longstanding tenant as well as alluding to potentially insurmountable barriers which may prevent redevelopment.

- 6.92 In it is self-evident that this engagement has, in a practical sense, now taken place. The Council has published a draft Town Centre Planning Framework and detailed representations have in turn been made by both LCP and Homebase. Their position is one of a categorical rejection of the residential-led vision for the site over the foreseeable future on grounds of its ill-conceived nature and lack of site availability and deliverability.
- 6.93 On this basis, it must be concluded that the 'status-quo' of the site remaining in retail use is the most logical and realistic option over the foreseeable time horizon, having regard to the stated intent of the landowner and tenant and the leasehold constraints imposed on its future availability. Based on the reasoned justification for Policy WC2, reaching this conclusion regarding the site's continued use for retail purposes is entirely reasonable and is not contrary to the policy when considered as a whole.
- 6.94 This is not to say that the site may never achieve the long-term 'vision' of accommodating residential-led mixed-use development at some future point in time, but that Policy WC2 allows for market forces to influence this and for it to remain in retail use where, as paragraph 11.5 of the reasoned justification states, this is established to be the *"most sustainable future for the site"*.
- 6.95 Having explained that there is no direct policy conflict with WC2 in retaining the site in retail use (i.e. the 'status-quo') for the foreseeable future, I have examined, as part of the second key matter identified, the physical works proposed to the Homebase unit and whether these are of a scale and form that would undermine the Council's long-term vision for the Waltham Cross Northern High Street. This is by virtue of the nature and magnitude of the changes that would result on the site and its effect on the surrounding area.
- 6.96 It is self-evident that the works involved are minor in nature. The building will remain in retail use, the quantum of floorspace will be almost identical, and whilst the external changes will evidently be of notable benefit to its appearance, these represents cosmetic improvements rather than substantial building works. Accordingly, the planning application will not pre-determine long-term decisions about the delivery and development of the 'Waltham Cross Northern High Street' any more so than Homebase continuing to trade at the premises in its current form. Homebase have confirmed through representations to the draft Planning Framework that they benefit from a protected tenancy to extend their lease over the long-term and will be doing so irrespective of the outcome of the appeal.
- 6.97 Further, I have explained that the building's planning history allows for it to be sub-divided without permission and consent already exists for it to sell an unrestricted range of non-food goods. Accordingly, should Aldi's appeal be dismissed, it is realistic to suggest that Homebase and the landlord might look to introduce a second non-food retailer through internal works to the building which do not require planning permission. LCP allude to this in representations dated 20<sup>th</sup> June 2022



(see Appendix C). I have questioned how such a 'fallback' scenario is any different for the future delivery of the Waltham Cross Northern High Street vision than Aldi's introduction through this planning application.

- 6.98 My evidence has identified two comparable planning appeal decisions, both involving changes-of-use / minor works to existing retail units within the Policy WC2 Northern High Street allocation and dating back over the past two to three years. In both cases the Council pursued a reason for refusal relating to 'piecemeal development' that would prejudice their longer-term development aspirations. However, in both cases, whilst the planning appeals were dismissed, the Inspectors rejected the Council's reasoning in regard to conflict with Policy WC2 and the 2015 Town Centre Strategy. In my view there is very little difference in terms of the policy position between the more recent appeal decision in particular and the present day. This is given the outstanding objections to the Town Centre Planning Framework. The works themselves are equally minor in nature, involving largely internal changes to existing floorspace.
- 6.99 A final point that I have explored as part of the second key matter identified, is what is meant by '*incremental development will be resisted*' in the policy wording itself. I have clarified that based on the Council's draft Town Centre Planning Framework, there appears to be no objection to different applicants bringing forward different sites at different times within the WC2 Policy Allocation area. The key consideration appears to be whether the scheme in question would '*prejudice*' the delivery of future phases of development across the Northern High Street area. This presumably means that an application such as the appeal scheme, for relatively minor works to existing floorspace, which is no more prejudicial to much longer-term Local Plan aims for the site or surrounding sites than the present position, does not necessarily represent incremental development that conflicts with Policy WC2.
- 6.100 The third key matter I have identified focusses specifically on the very recently published draft Town Centre Planning Framework, which seeks to provide the 'comprehensive masterplan' that the Council considers future development should be delivered in accordance with. Firstly, in terms of the weight that should be afforded to this document in the determination of this planning application, my evidence has explained that the Planning Framework still very much in draft form, with its consultation period ending just four days prior to the opening of the Inquiry and the Council not therefore in a position to have robustly considered and reflected on all comments received. Furthermore, we are aware of at least two significant objections to the document from key stakeholders (LCP and Homebase).
- 6.101 Given these unresolved objections, the draft Planning Framework cannot be afforded weight in the decision-making process at the present time. The current local policy context for the appeal site is therefore no different than it was at the point of the planning application's determination in August 2021, with no appropriately scrutinised and agreed 'masterplan' guiding the composition and timescales of future development across the Northern High Street area.
- 6.102 Notwithstanding my views on the weight to be afforded to the draft Town Centre Planning Framework, I have reviewed and made observations on the housing growth envisaged by the document, in addition to the individual opportunity sites identified and the timescales suggested for their future delivery. I have explained that it aims for a highly ambitious level of residential growth

across the centre, which this is arguably beyond that targeted by the Local Plan. However, this ambitious growth is not reflected in past residential completions. Furthermore, my analysis of the Council's latest housing trajectory data (November 2021) for Waltham Cross town centre has revealed that the pipeline of planning permissions is equally well below the Council's stated residential growth aspirations. In fact, they would need to increase threefold for this to be achieved over the Local Plan period to 2023, which seems unrealistic. This evidence is important because planning for considerable growth is surely a futile exercise if there is not the market demand to facilitate viable delivery. Furthermore, there is surely a very real risk of overstating what can be achieved in view of what is presently delivered.

- 6.103 Turning to the sites identified in the Framework and the Council's aspirations, from my review of their constraints it is evident that the new-build residential market in Waltham Cross town centre is not currently a buoyant one and faces considerable ongoing viability, ownership, availability and technical challenges. This is emphasised by the fact that even those sites which the Council optimistically classifies as 'medium term' targets appear to each have a particularly complex set of circumstances surrounding them.
- 6.104 Examples include being contingent on a relocation site where no progress to date has been made, serious leasehold and ownership constraints, previous residential development being refused, and indeed negotiations regarding development being dormant for a decade. No evidence is presented alongside the draft Framework to justify the time horizon envisaged or address the complex constraints affecting the largest sites identified. My site-by-site analysis has also identified the financial viability challenges that clearly exist in terms of new residential development in the town centre.
- 6.105 In relation to the appeal site itself, I have highlighted that the preferred scheme presented in the Framework corresponds identically with the draft mixed-use proposal presented to the Council by the landowner (LCP) as part of a pre-application enquiry in early 2019. LCP have written in response to the draft document's publication to clarify that the pre-application scheme was no more than an exploration of options and was not viability tested. They also emphasise that they are no longer supportive of the site's mixed-use development.
- 6.106 Independent viability / deliverability evidence has reinforced the fact that the draft Framework scheme has not been viability tested. A Briefing Note (Appendix J) has identified some very considerable viability challenges that currently exist in terms of the delivery of new build residential development in Waltham Cross town centre.
- 6.107 Alongside such concerns, I have highlighted that the lack of any commentary on the appeal site's lease position is a significant omission from the site-specific synopsis in the draft Framework. Homepage have confirmed in representations that they benefit, by law, from a protected tenancy and lease renewal rights and have initiated this process with the support of the landlord. They intend to remain in occupation over the long-term.
- 6.108 My overall view on the contents of the draft Planning Framework are that given the evident challenges and constraints of delivering residential development in Waltham Cross town centre, its suggested time horizons for delivery are far too optimistic and are not supported by any market,

viability or technical evidence. The appeal site is the largest identified in the Framework and would yield almost the twice the number of units as any other. The challenges associated with its delivery are therefore only magnified. It is inevitably the highest risk of the opportunities identified and one which logic suggests will (and should) only come forward once it is clear that there is the necessary market demand to ensure that it can be delivered viably.

- 6.109 Given the market and demand challenges identified, it is abundantly clear that delivering significant residential development on the appeal site is not some 'medium-term' opportunity that with a fair wind might be delivered in the next five to ten years. It is a far more complex, much longer-term opportunity which, given its scale, would surely be one of the final pieces of a jigsaw once various other town centre residential developments have been delivered and proven their viability through lettings / sales.
- 6.110 Drawing all of my evidence together in relation to reason for refusal one, my position is therefore that the works involved are minor in nature and will not therefore pre-determine long-term decisions about the delivery and development of the 'Waltham Cross Northern High Street' any more so than Homebase continuing to trade at the premises (which they will do irrespective of the outcome of the appeal).
- 6.111 Further, based on lease and ownership constraints, alongside limited demand and weak residential values, there is no prospect of the mixed-use residential development of the site as envisaged by the draft Planning Framework being realised over the foreseeable future. This would at best be a long-term prospect which is likely to be achieved beyond this plan period.
- 6.112 Utilising the building and site in a more economically advantageous way through the introduction of an Aldi foodstore to an existing retail unit cannot therefore be regarded as undermining the Council's ability to pursue a comprehensive mixed-use development. The physical works proposed to the building could be completed within a programme of just 12 months. It is therefore abundantly clear that, based on available evidence, Aldi's foodstore could trade for perhaps a decade or more before the appeal site is a position to be redeveloped in the fashion preferred by the Council. Over this period Aldi would evidently contribute to the 'vitality and vitality' of the centre in other, very positive ways and this is emphasised through the 'material considerations' section of my proof of evidence.
- 6.113 On this basis, it must be concluded that the 'status-quo' of the site remaining in retail use to accommodate both Homebase and Aldi is the most logical and realistic option over the foreseeable time horizon. Based on the reasoned justification for Policy WC2 (as amended following Homebase's representations to the Local Plan process), reaching this conclusion regarding the site's continued use for retail purposes is entirely reasonable and is not contrary to the policy when considered as a whole.

## 7. Material Considerations

### Benefits to the Vitality and Viability of Waltham Cross Town Centre

#### Relationship of the Appeal Site to Waltham Cross Town Centre

- 7.1 The planning application site falls wholly within the northern boundary of 'Waltham Cross town centre' (as defined by the policies map which supports the Borough of Broxbourne Local Plan, June 2020). Paragraph 8.2 of the Planning Committee Report (see Core Document 3.1) states that:
- "The application site lies wholly within Waltham Cross town centre. The proposal to sub-divide the existing store in order to retain a smaller Homebase store and provide a new food retail store (Aldi) in this location accords with the NPPF as being a suitable use that does not require application of the sequential test (paragraph 86 of the NPPF). It also falls within the retail hierarchy of a town centre use as set out in Policy RTC1" (our emphasis).*
- 7.2 The fact that the Local Planning Authority confirms that the application scheme (a foodstore) does not need to demonstrate compliance with the sequential test, and that this use is compatible in this town centre location, in principle, with Local Plan Policy RTC1 (Retail Hierarchy), must in turn mean that they regard this site as 'in-centre' in national town centre policy terms (i.e. within the Primary Shopping Area of Waltham Cross). This is given that retail uses outside the Primary Shopping Area of a town centre are required to demonstrate compliance with the sequential test, even where they fall inside a town centre boundary<sup>4</sup>.
- 7.3 Alongside the wording of the Committee Report, I also note that the site-specific commentary for the appeal site in the draft Town Centre Planning Framework (May 2022) states that the 'preferred option' could involve '140-150 apartments above an Aldi supermarket'. Whilst this is not a composition of uses that would be workable for Aldi, or a scheme they are aware of, the fact remains that the Council are seemingly receptive to the principle of a food retail use on the appeal site – albeit as part of a residential-led scheme.
- 7.4 I am also aware that the 2013 draft version of the Council's Town Centre Strategy proposed the introduction of a major foodstore as the northern anchor of Waltham Cross town centre, instead of residential-led development. However, this was ultimately dropped on the basis that no end user could be identified at that time. Whilst the Council have been unable to provide me with a copy of the draft Town Centre Strategy, I note that reference is made to the approach of the draft document on Page 3 of the adopted Town Centre Strategy (see Core Document 7.1).
- 7.5 The fact that the Local Planning Authority regards the application site as one which falls within the town centre, and which is suitable to accommodate a foodstore development based on both local and national planning policies is clearly of significance in understanding its overall benefit and the weight to be applied to this. This is given that the scheme must be regarded as an 'in-centre' retail

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<sup>4</sup> For the purposes of the application of the sequential test, Annex 2 of the NPPF explains that an 'edge-of-centre' retail development site is defined as a location that is 'well connected and up to 300m from the primary shopping area' (NPPF, Annex 2, Page 66). By implication, 'in-centre' site is one which falls within the primary shopping area, whilst an out-of-centre site is one which is beyond 300m from the primary shopping area and is not 'well connected' to it.

investment in town centre policy terms and therefore strongly supported by the Government's longstanding town centre first principle, whereby retail investment is to be directed to town centre locations wherever possible, to offer the best prospects of supporting the continued 'vitality and viability' of the centre.

#### Potential Benefits of Aldi's Introduction

- 7.6 Aldi's introduction to the Homebase unit will provide a new retail anchor at the northern end of Waltham Cross town centre. The site represents a 'gateway location' at the northern end of High Street which is eminently visible to those using the local highway network and arriving on foot. Its visibility and vehicular accessibility emphasise its strength as an existing and future retail location, with it being well placed to attract those residents venturing into the town centre from the north as well as pass-by customers.
- 7.7 Given the popularity of Aldi's brand and exceptional value of its offer, a new Aldi foodstore would become a new key attraction of the town centre, complementing the centrally located Pavilions Shopping Centre (including a large Sainsbury's supermarket) and the Lidl supermarket which serves the southern end of the centre. This would bring new visitors to the town centre, a proportion of whom may not presently shop locally. The foodstore would therefore inevitably provide a boost to the town centre in terms of increasing shopper numbers and day-to-day spend.
- 7.8 Given the site's location just a short distance north-west of the other shops and services which comprise the town centre, in my view it offers very strong potential to foster a considerable number of future linked shopping trips and consequent spin-off trade for local businesses. This is in view of the fact that the route is direct, the topography of the pedestrian route is almost completely flat, it is also well-maintained, safe and well-lit, and there are no heavily trafficked roads which need to be crossed by pedestrians.
- 7.9 Mr Britton's proof also demonstrates that the site is accessible on foot and that there is already evidence of existing pedestrian connectivity between the site and surrounding areas, including the town centre. This is informed by an up-to-date survey of pedestrian movements at the existing pedestrian access to the site. The findings of the survey are that the site location and existing internal and external connectivity appears to be attractive to pedestrian use in the town centre.
- 7.10 It is also important to add that Aldi does not represent an '*everything under one roof*' shopping destination as is the case with many mainstream foodstores. The retailer largely stocks their 'own brand' versions of the staple food products that typically comprise a family's weekly shop alongside a very limited non-food offer. There is also no in-store café, post-office, dispensing pharmacy, dry-cleaners, travel agent, opticians or photo processing. Nor will there be staffed butchery, fishmonger, delicatessen or greengrocery counters. Further, Aldi do not stock tobacco – a staple of many smaller local newsagents. Accordingly, a future Aldi shopper will still be wholly reliant upon existing traders in Waltham Cross for the vast majority of their specialist food retail (i.e. butcher), non-food retail, retail service, and leisure needs. On this basis Aldi will be complementary to much of the centre's wider offer and there will therefore be a degree of 'functional linkage', increasing the propensity for Aldi shoppers to walk into the wider town centre as part of their food shopping trip.

- 7.11 My above observations on Aldi's potential benefits to the centre in terms of linked shopping trips are supported by academic research. A particular paper of note is "*Linked trip effects of 'town centre first' era foodstore development: an assessment using difference-in-differences*" published in January 2017 by researchers at the University of Southampton's Urban Analytics and City Science Centre. This is paper, which forms Appendix L to my proof of evidence, establishes through sophisticated statistical evidence that the development of new-generation foodstores in 'in-centre' and 'edge-of-centre' locations does increase the propensity of shoppers to link their trips between foodstores and town centre shops/services.
- 7.12 Finally, whilst I note that Paragraph 8.5 of the Council's planning committee report (Core Document 3.1) comments that the existing Homebase store does not generate high levels of footfall for the town centre, in my view this is not a consequence of design and layout of the site but of the current use of the building. It is logical to assume that the majority of those shopping at Homebase are doing so to purchase either bulky or heavy gardening or DIY items. In view of the nature of the items purchased these journeys are likely to be taking place by car and, I would argue, a visit to a non-food retailer of this nature would be far more infrequent than it would be to a foodstore for most consumers. In short, the frequency and reason for visits to Homebase is evidently not commensurate with the generation of linked shopping trips. For the reasons I have outlined (and the academic research that supports this), I believe that the linked trips generated by an Aldi foodstore in the same location would be considerably greater.
- 7.13 In summary, the principle of retail development on the application site is wholly in accordance with the thrust of national planning policy for town centres, as set out in Section 7 of the NPPF, as well as the core objectives of Local Plan Policy RTC2. This is seemingly not a matter which is disputed in the Council's committee report, only the fact that a foodstore without residential uses does not accord with their residential-led vision for the site. As an in-centre retail investment Aldi's proposal is strongly supported by the Government's longstanding town centre first principle. Academic research supports the notion that foodstores within town centres are exceptionally well placed to foster linked shopping trips which will in turn drive footfall and spin off trade for wider businesses in the town centre. In my view the application site is particularly well placed to do this, given its prominent gateway location at the northern end of the town centre and the ease and safety of the pedestrian journey to other shops and services in the centre. Indeed, I have noted that the Council themselves at one time envisioned the delivery of foodstore at the northern end of High Street to, presumably, perform exactly this role.

## **Economic Benefits**

### Economic Context

- 7.14 The UK is currently facing a '*cost of living crisis*'. This relates to a fall in 'real' disposable incomes (i.e. adjusted for inflation and after taxes and benefits) that the UK has experienced since late 2021. It is being caused predominantly by high inflation outstripping wage and benefit increases. The problem is particularly acute at present because a variety of different pressures are pushing up the rate of inflation at the same time. These include high demand for oil and gas pushing up both energy prices and the cost of travel, shortages of some goods due to supply chain disruption, tax increases (April

2022), and a general increase in cost of raw materials globally. A number of these factors are being exacerbated by the economic and political uncertainty which has resulted from the Ukraine conflict.

- 7.15 The Bank of England has stated that they do not anticipate that inflation will stabilise until at least 2024 and that it could rise to 10% by the end of 2022 (see Appendix M). Whilst predictions about the full effect and longer-term implications of the '*cost of living crisis*' differ from commentator to commentator, what all appear to agree on is that the UK is likely to face an economic downturn over the short and possibly medium-term. There is the very real threat of recession should the '*crisis*' persist and, as businesses subsequently begin to struggle, the potential for unemployment will rise.

#### Consumer Choice and Competition Benefits

- 7.16 The Institute for Fiscal Studies has found that, on average, poorer households are currently experiencing higher inflation than better-off households (see Appendix N). This is because energy costs – the major driver of recent inflation – makes up a greater proportion of household budgets for low-income households. It therefore logically follows that the poorest will suffer the most and for the longest period as a consequence of the '*cost of living crisis*'.
- 7.17 In view of this economic context, it is of particular significance that Aldi is the end user and a 'discount foodstore' is proposed. Aldi are a Limited Assortment Discount ('LAD') retailer, which means that they sell only a limited number of staple product lines (in the order of 2,000) but all of their business practices are aimed at driving down costs so that they can provide exceptional value for money across the whole of their product range. A full commentary on Aldi's business model and practices can be found at Section 4 of my application stage Supporting Planning Statement (see Core Document 1.4).
- 7.18 Aldi are in fact currently the UK's lowest-priced supermarket based on research by both The Grocer and Which? over the course of 2021 (see Appendix O). Analysis by the former shows that the 'big four' supermarkets (i.e. Tesco, Asda, Sainsbury and Morrisons) are on average 19% more expensive than Aldi, based on a trolley of over 30 everyday grocery items.
- 7.19 Accordingly, it is clear that the introduction of an Aldi discount foodstore in an accessible, town centre location in the heart of the Waltham Cross community will be of particularly benefit to those seeking straightforward access to a wide range of very reasonably priced fresh produce and healthy food at a time when household budgets are being increasingly squeezed. The relatively negative economic outlook suggests that the affordability of food for the poorest in society will continue to be significant issue over the short to medium-term. Increasing consumer choice and competition within a local market is one practical way of addressing this, with other mainstream food retailers operating in the same catchment needing to keep their prices keen in order to avoid losing market share to the new entrant.
- 7.20 In the case of the food retailing market in Waltham Cross, of particular significance is the fact that the Council's latest full Retail Study 2015 (and Addendum 2016) establish that in relation to the trading performance of the two largest existing foodstores currently serving Waltham Cross, both are found to be 'overtrading' considerably when compared to company average levels. This is identified in Table 5 ('Survey-Derived Performance of Stores Compared to Expected Benchmark Performance'), of

Appendix 1 ('Statistical Retail Capacity Tables'), of the Broxbourne Retail & Leisure Study Retail Addendum (June 2016). The full table is set out as part of the Retail Study Addendum extract at Appendix P of my proof of evidence. However, by way of summary:

- Lidl, High Street, Waltham Cross was found to be 'overtrading' by +£8.6m; and,
- Sainsbury's, The Pavilion High Street, Waltham Cross was found to be 'overtrading' by +£4.5m.

7.21 Whilst the Iceland store in Waltham Cross town centre was found to be trading just below benchmark levels, the 2016 Retail Study addendum suggests that the centre's food retail offer as a whole is performing at +£10.6m above benchmark levels. This would logically suggest that overall 'demand' for food goods in the town centre is not being met by adequate 'supply', resulting in the two larger stores being put under strain by consumers and performing at a trading level beyond which would typically be expected. It also means that there is no incentive for these retailers to be competitive with their local pricing structures, given that there is clearly a captive customer base and a relatively limited choice of alternative foodstores for consumers.

7.22 Whilst it is acknowledged that the Council's latest Retail Study is now some six years old the specific monetary outputs may no longer be wholly reliable, we are equally not aware of any new foodstores of significance being constructed within the Waltham Cross catchment subsequently which might have altered the patterns of trade identified in 2016. Accordingly, the Retail Study Addendum's capacity modelling remains a strong indicator that there would be both quantitative and qualitative benefits in improving the food retail offer within Waltham Cross town centre through the introduction of a further, proportionately scaled foodstore where 'main' food shopping trips can be undertaken. It can also be confirmed that Aldi have had a longstanding requirement in Waltham Cross precisely because of the underserved consumer demand that they consider exists in the south Broxbourne area.

7.23 Drawing the above together, the available Retail Study data suggests that such a new Aldi foodstore will help to reduce 'overtrading' in the two largest existing foodstores in Waltham Cross (Sainsbury's and Lidl) and redistribute this expenditure to another, accessible town centre location. This in turn will increase consumer choice in the centre, with Aldi of particular benefit in this regard given the '*cost of living crisis*' that the UK is facing and the fact that Aldi is currently the UK's lowest-priced supermarket. Furthermore, Aldi's introduction will increase competition between the existing mainstream foodstores that already serve the local Waltham Cross catchment. This could involve fresh investment by these retailers in their existing town centres stores and / or more competitive local pricing structures to avoid losing market share to Aldi. Either way, it is clear that such competition between town centre retailers will be beneficial to local consumers by keeping costs low during a period where household budgets will continue to be squeezed, particularly for the poorest in society. In my view the consumer choice and retailer competition benefits that Aldi's proposed in-centre investment will lead to are particularly strong and should be afforded considerable weight in the determination of this planning application.

#### Job Creation

7.24 The proposed Aldi foodstore will create an additional 40-50 quality full and part-time jobs. It will also deliver further indirect jobs through services supporting the new store, and the scheme will also



provide a range of temporary construction jobs. The vast majority of Aldi's new positions will be made available to local people via targeted work with organisations such as Job Centre Plus.

- 7.25 Aldi is the UK's highest-paying supermarket and their rates of pay for store staff are higher than the Government's National Living Wage and the Living Wage Foundation's recommended real living wage (see Appendix Q). It should also be noted that part-time staff are placed on 15, 20 or 25 hours per week contracts. As such, many part-time positions at Aldi would actually be viewed as effectively full-time positions in other industries, including the retail sector. Aldi is the only remaining supermarket to offer paid breaks to their store assistants and offer full training for all store positions. The schedule and facets of the training are tailored to the individual.
- 7.26 In addition to the new jobs created in the proposed Aldi foodstore, 30 existing jobs in the Homebase store will be retained. As explained in the retailer's representations to the draft Town Centre Planning Framework (see Appendix D), Homebase has served Waltham Cross from this location for the past 30 years and their store provides both direct and indirect employment, with those working within the store on a mixture of full-time and part-time contracts. As with Aldi, Homebase confirm that these are quality retail positions, with staff receiving a high level of training and encouraged to enhance their expertise through obtaining relevant qualifications, including City & Guilds.
- 7.27 In summary, it is evident that the sub-division of the existing retail unit and the introduction of an Aldi foodstore would provide a substantial amount of new employment, the majority of which would be for local people. This is in addition to the retention of existing, important local jobs at the Homebase store, as reported in a letter of support by the retailer. The scheme would also support construction jobs, albeit only for a temporary period, and there could well be other, wider economic benefits during construction associated with investment in local supply chains. These economic benefits should be given weight in the determination of the planning application, and particularly so in light of the current ongoing national economic uncertainty as a consequence of the '*cost of living crisis*' and the recent effects of the Covid-19 pandemic. The full effects of the former remain unclear.

#### Economic Investment

- 7.28 Whilst I have already examined the potential benefits of Aldi's proposed investment for the overall performance, vitality and viability of Waltham Cross town centre, it is also important to consider this investment in a broader context. The very fact that the scheme offers the guarantee of deliverable economic development and new local jobs in Waltham Cross by a national brand (Aldi) will help boost the local economy and will assist in attracting further investment to the settlement. Indeed, the overall economic value of Aldi's investment in Waltham Cross is anticipated to exceed several million pounds. The retailer's introduction will also facilitate a considerable investment by Homebase in their existing store.
- 7.29 This show of confidence in the town centre and Waltham Cross more generally could positively influence potential investment decisions by others in the residential, retail and service sectors. Again, it is considered that an economic benefit of this nature, with will deliver a tangible boost to the local economy in the short-term, should be given particular weight in the context of the current economic challenges that the UK is facing.

## Sustainability Benefits

- 7.30 The proposal is consistent with NPPF principles supporting the utilisation of suitable brownfield land in existing settlements and in promoting a more efficient use of land / buildings, particularly in sustainable locations such as town centres.
- 7.31 Aldi's introduction will also offer other sustainability benefits to the town centre, including the provision of four car parking spaces that are equipped with Electric Vehicle Charging Points ('EVCP'). Furthermore, below ground infrastructure will be put in place to add up to a further 16 EVCPs in the future. These EVCPs will be free to use for customers. There are currently only a limited number of existing EVCPs serving the town centre and therefore Aldi's proposals will offer provide a welcome boost to the centre's ability to accommodate this emerging form of private travel.
- 7.32 Mr Britton's evidence explains that the proposed development would provide proportionate and sufficient internal and external connectivity improvements for cyclists and pedestrians, alongside improvements to promote the use of public transport. This will therefore represent a further sustainability enhancement of the scheme when compared to the present position. Finally, the opportunity for the proposed customer car park to operate as a town centre car park (where linked shopping trips can start and end) should also be acknowledged.

## 8. Planning Balance

### Compliance with The Development Plan

#### Reason for Refusal 1

- 8.1 The starting point in considering whether the proposed development should be granted planning permission is the policies of the adopted development plan, in this case the Broxbourne Local Plan 2018-2033. The Council allege that the proposed development would undermine their ability to pursue a comprehensive mixed-use development at the allocated site, contrary to policies WC2, DS1, PM1, RTC2 and DSC7 of the Local Plan and the Waltham Cross Town Centre Strategy.
- 8.2 In responding to this first reason for refusal, my Proof of Evidence has had regard to what I consider to be three key interrelated matters. These are: the interpretation of Local Plan Policy WC2 and the development options it envisions; the nature and scale of works proposed and whether these would constitute incremental development prejudicing future development; and the Council's vision for the Northern High Street Area, the timescales for delivery, and scheme's bearing (or otherwise) on this.
- 8.3 With regards the policy's interpretation, I have explained that significant modifications were made to both the Policy W2 and its reasoned justification at the request of the Inspector prior to the Local Plan's adoption. This was following the participation of Homebase in the Local Plan process and their stated intention to remain in occupation (a position they have since maintained). These modifications promote flexibility in terms of appropriate future development options for land 'west of Sturlas Way'. The wording requires ongoing engagement with the landlord and longstanding tenant as well as alluding to potentially insurmountable barriers which may prevent redevelopment (i.e. long-lease constraints).
- 8.4 This engagement has, in a practical sense, taken place. The Council has now published a draft Town Centre Planning Framework which indicates their 'masterplan' for the site and detailed representations have in turn been made by LCP, Homebase and others. The landlord and tenant's position is one of categorical rejection of the residential-led vision for the site for the foreseeable future on grounds of its ill-conceived nature and lack of site availability, viability and deliverability.
- 8.5 On this basis, it must be concluded that the 'status-quo' of the site remaining in retail use to accommodate both Homebase and Aldi is the most logical and realistic option over the foreseeable time horizon. Based on the reasoned justification for Policy WC2 (as amended following Homebase's representations to the Local Plan), reaching this conclusion regarding the site's continued use for retail purposes is entirely reasonable and is not contrary to the policy wording when considered as a whole.
- 8.6 Policy WC2 may state that the site is to be developed 'in accordance with a comprehensive masterplan'. However, the scheme cannot be found in conflict with this part of the policy when there is no adopted masterplan in existence. The Council have seemingly sought to begin preparation of this through the recent publication of the draft Town Centre Planning Framework, but my evidence has explained that this document cannot be afforded weight in the determination of this planning application. It is evidently an initial draft, subject to change following input by the

public/stakeholders, and its consultation period ends just four days prior to the opening of the Inquiry. Furthermore, we are aware of several significant objections to the document from key town centre stakeholders (including LCP and Homebase).

- 8.7 More importantly this masterplan was not scrutinised at the time of the local plan examination and cannot be retrospectively treated as if it was (or will be) part of the development plan. It is no more than a material consideration whose production was encouraged by policy WC2. What is proposed in this case is investment in retail within the town centre where such a use is positively encouraged, as well as using an existing building more efficiently. It would be an odd result for the appeal to be dismissed upon the basis of a conflict with the ideas within an untested masterplan when in reality the masterplan ought to be founded upon the recognition as to what is realistic in the foreseeable future.
- 8.8 At all events, the appeal proposals involve the reconfiguration and more efficient use of an existing building. It does not involve redevelopment of the appeal site. Thus, the position after the appeal is allowed will still be that of the current building being beneficially occupied for retail purposes.
- 8.9 Turning to the 'masterplan' in the Planning Framework document itself, my evidence has shown that it raises more questions about the realism of the Council's residential-led redevelopment of the town centre than it answers. My analysis of the opportunity sites identified highlights the considerable challenges and constraints of delivering new-build residential development in Waltham Cross town centre. The suggested time horizons for delivery appear far too optimistic and concerningly are not supported by any market demand, viability or technical evidence.
- 8.10 To compound matters, the appeal site is the largest identified in the draft Framework and would supposedly yield almost twice the number of residential units as any other. The challenges associated with its delivery are therefore only magnified. It is inevitably the highest risk of the opportunities identified and one which logic suggests will (and should) only come forward once it is clear that there is the necessary market demand to ensure that it can be delivered viably. It is little wonder that the landowner has no interest in pursuing residential redevelopment over the site's existing retail use, and has made this position abundantly clear in representations.
- 8.11 Ironically, the draft Planning Framework also accepts that the appeal site is an appropriate one for a convenience store such as Aldi, with this highlighted in the 'preferred option' presented.
- 8.12 All of this points to the fact that delivering significant residential development on the appeal site is not some 'medium-term' opportunity that with a fair wind might be delivered in the next five or even ten years. It is a far more complex, much longer-term opportunity which, given its scale, would surely be one of the final pieces of a jigsaw once various other town centre residential developments have been delivered and proven their viability through lettings / sales.
- 8.13 Acknowledging this long-term time horizon for any future redevelopment of the appeal site is very important because the works proposed to the unit to introduce Aldi are minor in nature and can be delivered quickly. They will not pre-determine long-term decisions about the delivery and development of the 'Waltham Cross Northern High Street' vision as aspired to in WC2 and the Town

Centre Strategy any more so than Homebase continuing to trade at the premises (which they have explained they will do, irrespective of the outcome of the appeal).

- 8.14 For this reason, utilising the building and site in a more efficient and economically advantageous way through the introduction of an Aldi foodstore cannot logically be regarded as undermining the Council's ability to pursue a comprehensive mixed-use development. Aldi's foodstore could trade for a decade or more before the appeal site is a position to be redeveloped in the fashion preferred by the Council, in view of the market, commercial and deliverability factors outlined in my evidence.
- 8.15 On this basis, it must be concluded that the application proposals are not, as the Council allege, contrary to Policy WC2 and those other policies referenced in connection with the comprehensive development of town centre land. This is given that the policy itself deliberately promotes flexibility in terms of appropriate future development options for the appeal site, based on engagement with the landlord and tenant (i.e. allowing the 'status-quo' of the site remaining in retail use).
- 8.16 However, it is also because even if one was to adopt a view that the Local Plan's ultimate objective is the redevelopment of the appeal site for a comprehensive residential-led scheme (which I don't), then it remains the case that there is no technical breach of Policy WC2 in allowing Aldi's introduction to the existing Homebase unit. This is in view of the fact that the works are minor, can be delivered quickly, and will not pre-determine long-term decisions about alternative development options any more so than the present retail use. Such alternative development options remain simply 'long term' aspirations at this point in time, with no adopted masterplan, no support or interest in redevelopment by the landowner, significant lease constraints associated with the longstanding tenant, and evident unresolved challenges with the wider delivery of new build, large-scale residential development in the town centre. In short, the relatively minor form of works proposed will result in no identifiable harm in the context of WC2, as there is no credible alternative development option, informed by a robust, adopted masterplan, that it would impact upon the delivery of.

#### Reason for Refusal 2

- 8.17 As part of their second reason for refusal, the Council allege that 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. In response, Mr Griffiths' evidence explains that the definition of the appeal site as forming part of the town centre is not a matter of disagreement and that by virtue of its very existence the site and proposals are integral to the town centre. The only realistic matter for debate is therefore the extent to which the proposals will enhance integration between the site and other parts of the town centre.
- 8.18 That said, contrary to the reason for refusal, it is hard to see how the appeal proposals will do other than enhance the level of integration with other parts of the town centre compared to the existing position, albeit noting that there already appears to be the use of the existing site as a de facto town centre car park.
- 8.19 Through his evidence Mr Griffiths demonstrates that the application proposals will enhance, in a proportionate way, the level of integration of the appeal site has with the rest of the town centre by providing a clearer and safer arrangement for visitors than that which currently exists. The starting

point for this argument is that Aldi's introduction would of itself enhance the site in terms of its connectivity and integration, given that foodstores in town centre locations have a far greater propensity than DIY operators to generate linked shopping trips and spin-off trade for other town centre businesses.

- 8.20 In terms of the character and appearance of the site, Mr Griffiths demonstrates that the application proposals represent an enhancement to both the building and the wider site in almost every respect. He emphasises that the betterment achieved through the design modifications are acknowledged at Paragraph 8.14 in the Council's own Planning Committee Report (Core Document 3.1) which states that the "...design modifications proposed represent an improvement...". He also highlights that repurposing and upgrading the building in the manner proposed is an entirely sensible strategy in sustainability terms. It will minimise the loss of embedded carbon in the existing built form, whilst addressing other planning objectives.
- 8.21 Mr Griffiths robustly concludes that the scheme as submitted is acceptable in the context of the Council's Design and Sustainable Construction policies and specifically WC2, PM1, DSC1, DSC3, DSC7 and DSC8.

#### Reasons for Refusal 3 and 4

- 8.22 The Council's third reason for refusal alleges that the proposed development would not provide sufficient connectivity improvements for cyclists and pedestrians and improvements to promote the use of public transport. Meanwhile, the fourth reason states that the proposal does not adequately address the shortfall in car parking spaces at the site. In combination, the Council is therefore of the view that there is conflict with transportation policies TM1, TM2, TM3 and TM5.
- 8.23 In response, the evidence of Mr Britton establishes that the appeal site is without doubt highly accessible for pedestrians, cyclists and those using public transport, given its town centre location. Notwithstanding this, the scheme itself, through both internal and external works, will provide proportionate enhancements to connectivity in order to further promote the site's usage through these sustainable modes of travel.
- 8.24 In relation to the adequacy of future car parking provision, Mr Britton's evidence demonstrates that the proposed number of spaces (155) will provide more than enough spare capacity to accommodate both proposed retailers. This is based on statistical analysis informed by up-to-date parking demand and pedestrian survey data. Finally, Mr Britton's Proof of Evidence also addresses other highways matters which are raised by the Council's Statement of Case. Whilst these do not relate directly to the reasons for refusal, he comments upon them in order to assist with the Inspector's consideration of the scheme.
- 8.25 Drawing the above together, Mr Britton's proof robustly demonstrates that the proposed development would provide proportionate and sufficient connectivity improvements for cyclists and pedestrians, and improvements to promote the use of public transport. It would therefore accord with Policies TM1, TM2 and TM3 of the Local Plan. Furthermore, the scheme's car parking capacity would be sufficient to accommodate the two retailers proposed and, on this basis, there would be no conflict with Policy TM5.

### Compliance with the Development Plan - Summary

- 8.26 In view of the above I consider that the proposed development would comply with the policies of the development plan, both in terms of the specific examples give above and also when it is taken as a whole.

### **Material Considerations**

#### Waltham Cross Town Centre Strategy

- 8.27 Conflict with the objectives of the Waltham Cross Town Centre Strategy (2015) is cited in both reasons for refusal one and two. In terms of this alleged conflict, Section 6 of my Proof of Evidence (see Paragraph 6.15) explains that there is actually very little difference in the way that the Homebase site is treated in both the Town Centre Strategy and Policy WC2 of the Local Plan. Flexibility around future development options is indicated in both cases.
- 8.28 For example, the diagram on Page 24 of the Strategy refers to the Homebase site as being one for “potential inclusion” in the Northern High Street revitalisation area, rather than forming part of the “Main Opportunity Site”. This would suggest that its inclusion and future redevelopment was far from a certainty – much like the difference between land to the east and west of Sturlas Way in Local Plan Policy WC2. Further, the second paragraph of Page 30 explains that the Homebase site “may offer further potential for a broader range of town centre uses through a mixed-use development” and that the Council “will engage with the landowner and tenant to explore its potential”.
- 8.29 These statements are no different to the guidance contained within the reasoned justification to Policy WC2. It has been explained at length in my evidence that, in practice, this engagement has taken place and resulted in the landowner and tenant’s confirmation that they fully intend for the site to remain in retail use for the foreseeable future. I do not therefore consider the application scheme to be in conflict with the Town Centre Strategy.
- 8.30 Furthermore, the fact that two national retailers now wish to invest in a part of the town centre which is recognised in the Town Centre Strategy as warranting additional investment in order to secure greater footfall, means that the scheme can be regarded as fully supportive of one of the main objectives of the document.
- 8.31 Notwithstanding this, in my view the Town Centre Strategy can only be afforded limited weight in the determination of this planning application in any case. This is in view of the fact that it was only subject to limited consultation, and this dates back to a first draft of the document in 2012/13, which actually proposed a very different strategy for the northern part of the town centre, involving the introduction of a major foodstore. Furthermore, the Strategy is now over seven years old and, in terms of its implementation period, actions beyond 2020 fall within its ‘longer-term’ time horizon. The document is therefore clearly approaching the end of its intended lifetime, is in need of review / replacement, and is therefore of reduced relevance for decision making purposes.

Waltham Cross Town Centre Planning Framework (Draft)

8.32 As discussed in Section 6 of my evidence (Paragraphs 6.49 to 6.54), the draft Town Centre Planning Framework cannot be afforded any weight in the decision-making process at the present time. The Framework remains very much in draft form, its first round of consultation ended only four days prior to the opening of this Inquiry, and the Council are evidently not in a position to have robustly considered and reflected on the comments received. Further, we are aware of several significant outstanding unresolved objections, two of which from the landowner / tenant at the appeal site. The document itself states that the views of key stakeholders will be examined, and Framework revised where necessary to reflect these. The initial draft cannot therefore be given weight.

Benefits to the Vitality and Viability of Waltham Cross Town Centre

8.33 Section 7 of my evidence (paragraphs 7.1 to 7.13) has explained that the principle of retail development on the application site is wholly in accordance with the thrust of national planning policy for town centres, as set out in Section 7 of the NPPF, as well as the core objectives of Local Plan Policy RTC2. This is not a matter which is disputed in the Council's committee report, only the fact that the foodstore without residential uses does not accord with their residential-led vision for the site.

8.34 As an in-centre retail investment, Aldi's proposal is strongly supported by the Government's longstanding town centre first principle. Academic research supports the notion that foodstores within town centres are exceptionally well placed to foster linked shopping trips which will in turn drive footfall and spin off trade for wider businesses in the town centre. In my view, the application site is particularly well placed to do this, given its prominent gateway location at the northern end of the town centre and the ease and safety of the pedestrian journey to other shops and services in the centre. Further, pedestrian surveys conducted to inform Mr Britton's evidence demonstrate that people are already making journeys between the site and centre.

8.35 Finally, I have highlighted that the Council themselves at one time envisioned the delivery of foodstore at the northern end of High Street through the draft Town Centre Strategy (2013) to, presumably, perform an anchor role and foster linked-trips. The draft Town Centre Planning Framework (2022) also shows a foodstore forming part of a residential-led development on the appeal site, continuing the theme of the Council recognising the value of such an offer to the vitality and viability of the town centre.

Consumer Choice and Competition Benefits

8.36 Section 7 of my evidence (paragraphs 7.20 to 7.23) also explains that the Council's Retail Study data suggests that such a new Aldi foodstore will help to reduce 'overtrading' in the two largest existing foodstores in Waltham Cross town centre (Sainsbury's and Lidl) and redistribute this expenditure to another, accessible town centre location. This in turn will increase consumer choice in the centre, with Aldi of particular benefit in this regard given the '*cost of living crisis*' that the UK is facing and the fact that Aldi is currently the UK's lowest-priced supermarket.

8.37 Furthermore, Aldi's introduction will increase competition between the existing mainstream foodstores that already serve the local Waltham Cross catchment. This could involve fresh investment



by these retailers in their existing town centres stores and / or more competitive local pricing structures to avoid losing market share to Aldi. Either way, it is clear that such competition between town centre retailers will be beneficial to local consumers by keeping costs low during a period where household budgets will continue to be squeezed, particularly for the poorest in society.

#### Job Creation

- 8.38 The sub-division of the existing retail unit and the introduction of an Aldi foodstore will provide a substantial amount of new employment (40 to 50 jobs), the majority of which would be for local people. This is in addition to the retention of existing, important local jobs at the Homebase store (30 jobs). The scheme would also support construction jobs, albeit only for a temporary period, and there could well be other, wider economic benefits during construction associated with investment in local supply chains.

#### Economic Investment

- 8.39 The very fact that the scheme offers the guarantee of deliverable economic development and new local jobs in Waltham Cross by a national brand (Aldi) will help boost the local economy and will assist in attracting further investment to the settlement. The overall economic value of Aldi's investment in Waltham Cross is anticipated to exceed several million pounds and the retailer's introduction will also facilitate a considerable investment by Homebase in their existing store. This show of confidence in the town centre and Waltham Cross more generally could positively influence potential investment decisions by others in the residential, retail and service sectors.

#### Sustainability Benefits

- 8.40 The proposal is consistent with NPPF principles supporting the utilisation of suitable brownfield land in existing settlements and in promoting a more efficient use of land / buildings, particularly in sustainable locations such as town centres. Aldi's introduction will also offer other sustainability benefits to the town centre, including the provision of car parking spaces equipped with Electric Vehicle Charging Points and belowground infrastructure to accommodate many more at a future date. The application proposals will also provide both on and off-site enhancements that will improve links to the site and wider town centre via non-car modes. Finally, the opportunity for the proposed customer car park to operate as a town centre car park (where linked shopping trips can start and end) should also be acknowledged.

### **Conclusions on Planning Balance**

- 8.41 I consider that the appeal proposals should be allowed, due to their compliance with the policies of the adopted development plan when considered as a whole. In addition, the application of the presumption in favour of sustainable development weighs in favour of granting planning permission. On top of this, the various further social, economic and sustainability benefits I have identified, which would be brought about by the introduction of a new foodstore to this town centre location, are also matters which must be given substantial weight in the determination of this appeal.

- 8.42 Even if a decision maker were to determine that the appeal proposals did not accord with the Local Plan's policies taken as a whole, I consider that the substantial benefits that the appeal proposals would bring to this town centre location, would constitute material considerations which would outweigh any conflict with the development plan, and that the appeal proposals should still be allowed.
- 8.43 In particular, this is given that the minor form of works proposed to an existing retail unit will result in no identifiable 'harm' to much longer-term Local Plan development aspirations. The works cannot predetermine future outcomes in view of the fact that the town centre's development strategy remains indeterminate, it is not informed by a robust, adopted masterplan which has the buy in of key stakeholders and landowners. Accordingly, all indicators suggest that an alternative, residential-led form of development on the appeal site is at best many years away, if indeed achievable at all.
- 8.44 In this context, the immediate-term social and economic benefits of the application proposals for the town centre should be given substantial weight. The delivery of a foodstore will enhance 'vitality and viability' through an increased town centre customer base and consequent rise in footfall and linked shopping trips to other shops and services. It will increase consumer choice and competition in the centre's food retail sector, helping to keep food prices competitive and potentially stimulating counter investment by other retailers. It will create 40 to 50 new jobs, whilst safeguarding 30 existing Homebase positions. It will also result in physical enhancements to the building to the benefit of the site and locality's appearance. These benefits and Aldi's proposed town centre investment more generally should be afforded particular significance in light of the ongoing national economic uncertainty which has been brought about by the current 'cost of living crisis', the long-term economic effects of which remain far from clear.
- 8.45 In conclusion, I consider that the planning balance in this case is clear-cut. The proposed development accords with the policies of the development plan. There would be many substantial benefits to allowing this significant town centre investment, and there are no reasonable grounds for refusing it based on available evidence. The presumption in favour of sustainable development also applies. Accordingly, I consider that the appeal should be allowed.

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