

Application ref: 07/21/0519/F

PINS ref: APP/W1905/W/22/3292367

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION BY Aldi Stores Ltd

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

REBUTTAL PROOF OF EVIDENCE

REASON 1: POTENTIAL FOR THE COMPREHENSIVE MIXED-USE
DEVELOPMENT OF THE SITE

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BROXBOURNE BOROUGH COUNCIL
JUNE 2022

1. My name is Martin Paine, and my experience and statement is contained in my main Proof of Evidence of June 2022.
2. Mr Brown's Proof of Evidence refers to modifications to Policy WC2 during the Local Plan examination.
3. Mr Brown correctly points out in his Proof of evidence that the pre-submission wording submitted of Local Plan Policy WC2 differs from the wording of the adopted policy, and that changes to the wording arose because of 'Main Modifications' arising from the examination, as set out in Core Document 8.7, MM11.5 (pages 55 and 56). However, Mr Brown's explanation at Paragraphs 6.5 and 6.9 of his Proof implies that the Inspector instructed the Council to include certain wording, which is not accurate.
4. After each hearing session the Local Plan Inspector issued a number of 'Action Points' (APs) in which he prompted the Council to draft modifications where he felt it necessary to achieve 'soundness'. Those Action Points asked the Council to draft modifications to some policies to ensure that they were 'justified' and 'effective'.
5. Those Action Points were posted to the examination website together with the Council's response and where necessary, proposed modifications. I attach to this document at Appendix A the Action Points and Council responses following Week Three of the hearings.
6. AP30 (page 17) stated: *"Council to propose a main modification to policy WC2, paragraph 11.4 and Figure 13 to ensure that the Plan provides an effective and justified approach to the redevelopment of Waltham Cross northern High Street and the relocation of any existing uses that may be required."*
7. At paragraph 6.5 of his Proof Mr Brown states that *"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."* Mr Brown repeats the same point at paragraph 6.9 where he states *"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."* This is not an accurate reflection of AP30, which was much more generalised in nature.
8. The statement by landowners LCP, which was attached to my Proof of Evidence at Appendix I, is cited in the Council's explanation of its proposed modifications (last page, below the table).

"Representations from the agents for the freeholders of the Homebase site are attached as an appendix. These state that "They [LCP Investments Ltd]

remain unconvinced that Homebase represents a viable option on this site. They support in principle the proposal in the Local Plan to redevelop the site and would work with the Council to consider a mixed use redevelopment of the site.” The Council considers that it is appropriate to retain the Homebase site within the site allocation, but reduce the number of dwellings proposed to 150 to reflect development of the land east of Sturlas Way only, in order to provide flexibility around the future of the Homebase site. In relation to Figure 13, this means that the only modification required is to delete the reference to ‘c. 300 dwellings’ and instead label “c.150 dwellings” on the eastern part of the site only. No modifications to the Policies Map are required.”

9. As the text at the bottom of the last page states, the Council (not the inspector) made the judgement that given the conflicting positions of Homebase (tenant) and LCP (landowner), more flexible wording was appropriate. Deletion of a housing figure for the western site reflects the comments made by LCP, which suggests that a higher level of development could be possible through a mixed-use redevelopment. Given the landowner position, the Council did not consider it justified for a specific figure to be attached to the policy for that part of the site.