
OPENING COMMENTS

On behalf of Broxbourne Borough Council

1. The regeneration and improvement of Waltham Cross town centre is a “*key priority*” for the Council.¹ The need for “*revitalisation*” of the Northern High Street in particular has been identified since as far back as 2015 when the Council’s Waltham Cross Town Centre Strategy (“the TCS”) identified its “*relatively low levels of footfall*”, “*sense of closure*” and the need for improvements to its attractiveness and accessibility.²
2. The TCS set out a vision of a “*living and working town centre*” supporting a “*range of choices for urban living*” with “*integrated streets and public spaces*” which would “*remain active and busy throughout the evening as well as the daytime through a rich mix of uses*”.³
3. Policy WC2 (Waltham Cross Northern High Street) of the recently adopted Broxbourne Local Plan (“the Local Plan”) sets out how the Council will achieve that vision. Through a new strategic urban land allocation, a new mixed-use quarter is proposed to “*promote the long-term vitality of the town centre*”.⁴ 150 homes are allocated to the east of Sturlas Way with the “*potential for significant housing development, possibly as part of a mixed use*”

¹ CD 6.1 – page 6.

² CD 7.1 – pages 4, 15, 23,

³ CD 7.1 – pages 12 and 13.

⁴ CD 6.1 – page 6.

development incorporating the existing store” to the west of Sturlas Way on the appeal site – ensuring a *“living and working town centre”* and the efficient use of precious brownfield land in a heavily constrained district.⁵

4. The allocation is to be developed in accordance with a comprehensive masterplan to ensure that the twin aims of an integrated new *“mixed-use quarter”*, with the potential for significant levels of housing, is realised.⁶
5. Since the Local Plan was adopted, just over two years ago, the Council has been progressing the delivery of the allocation. Land has been acquired; work has been carried out on exploring the potential massing for the allocation; discussions have continued with a number of affected landowners regarding potential relocation; a draft Planning Framework for the Town Centre as a whole has been published for consultation; and the first permission on the allocation has been approved. The next stage in the process is the development of a masterplan for the allocation, work on which is due to commence soon.
6. Of course, all of this takes time, and the overall delivery of the allocation will take a number of years. That is not surprising or unexpected. It was always envisaged that development on the allocation as a whole, and this site in particular, would take place towards the end of the plan period.
7. However, the Council is on track to realise the significant potential for this part of Waltham Cross Town Centre.

⁵ CD 6.1 – page 81.

⁶ CD 6.1 – page 81.

8. The likely timescales for delivering the allocation, and the importance of ensuring that what is delivered is an integrated and well-designed new quarter, helps explain why Policy WC2 includes the crucial wording that “*incremental development of the area will be resisted*”.⁷
9. This wording addresses applications like this, that come forward in advance of the proposed masterplan (applications after the masterplan has been approved, on the other hand, must be “*in accordance*” with it).
10. Clearly, for the delivery of Policy WC2 to be realised, it is important that development granted consent prior to the development of the proposed masterplan does not prejudice the aspirations of the policy. Therefore, whilst this development is not contrary to Policy WC2 simply because it is not a housing scheme, it is contrary to the policy because it amounts to harmful incremental development that would prejudice or constrain the Council’s ability to deliver the allocation.
11. Why that is the case is explained in Mr. Paine’s proof. In this short opening, I highlight only three of the important points (this list is far from exhaustive):
 - (1) The development would prejudice the ability to secure relocation of the existing Homebase from the site to Park Plaza North as envisaged by the Local Plan.⁸ Whilst a relocated Homebase would be compatible with both the Local Plan policy for Park Plaza North and its emerging Development Brief (which identifies a relocated

⁷ Policy WC2 – CD 6.1 – page 81.

⁸ See Policy PP2 – CD 6.1 - page 77.

Homebase within its conceptual masterplan), the relocation of a Homebase and an Aldi would not be.

(2) The grant of permission would make both the need for a compulsory purchase order (“CPO”) to bring forward development on the appeal site more likely; and its prospects of being granted less likely. The considerable investment that this development would pump into the site would reduce the prospect of a successful voluntary acquisition of the site by the Council, forcing the Council to resort to CPO powers. The fact that permission for a recently refurbished and extended store had been granted on the site would reduce the prospects of securing a CPO.

(3) The long-term retention of a Homebase and Aldi on the appeal site would have a knock-on effect on the ability to bring forward a comprehensively developed and integrated “mixed use quarter” on the allocation as a whole. It would prejudice the ability to relocate other uses (such as those at Sawyer’s Court) from elsewhere on the allocation onto the appeal site and would constrain the Council’s ability to create connectivity from the appeal site through to the High Street.

12. In short, the development will likely set in stone what will happen on this key part of the allocation for the next 30-plus years. The potential for significant housing delivery on this part of the allocation would be undermined, as would its relationship with the remainder of the allocation.

13. Compounding these harms is the fact that the development is not “*well designed*” within the meaning of paragraph 134 of the National Planning Policy Framework (“NPPF”)

turning its back on the town centre and facing instead the high boundary wall fronting onto Winston Churchill Way to the north of the site. Pedestrians heading up Sturlas Way from the south and east would be confronted with a view of the service area and loading bay of the new Aldi in front of a visually uninteresting eastern façade. The significant opportunity to provide an improved active frontage from the site onto Sturlas Way in this “gateway” location would be lost. That design choice (and it is a choice, notwithstanding the suggestion that there is no design solution that permits entrance to the new stores from the east) would limit the effectiveness of attempts to improve the visual integration of this part of the allocation with the remainder.

14. Indeed, even if the policy context of Policy WC2 is put to one side, the development should be refused on design grounds alone. The NPPF states at paragraph 126 that “*the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve*” (emphasis added) and that development that is not well designed should be refused (at paragraph 134). That is a deliberately high bar, and reflects the importance that the NPPF places upon good quality design. This development fails to meet it.

15. Finally, the development fails to provide sufficient parking. This is not simply a question of it failing to meet the Car Parking Guidelines set out in the Local Plan.⁹ It is recognised that these are, as the name suggests, guidelines and that Policy TM5 only requires that “*regard*” be had to them.¹⁰ However, they do provide a useful starting point and that starting point is a significant shortfall in provision against the guidelines (151 spaces

⁹ At Appendix B.

¹⁰ CD 6.1 at page 176

against a guideline of 249 spaces – a 40% shortfall).¹¹ The Council has carefully considered the accumulation survey data presented in Mr. Britton’s proof and rebuttal evidence but remains of the view that taking into account the realistic capacity of the car park; the likely fluctuation in parking demand across the day; and the potential for “linked trips”, the shortfall in car parking spaces at the site would risk overspill car parking onto the adjacent roads.

16. Reason for refusal 5 (noise impact) has been resolved, subject to condition.¹² As has reason for refusal 3 (connectivity improvements for cyclists and pedestrians and improvements to promote the use of public transport), subject to the revisions shown on Site Layout Plan rev. K.¹³

17. Overall, our case is straightforward: the development is clearly contrary to the Local Plan taken as a whole. That conflict is significant and ought to be given significant weight. Whilst there are benefits of the proposal that amount to “material considerations” for the purpose of section 38(6) of the Planning and Compulsory Purchase Act 2004, these are not of sufficient weight to justify departure from the development plan.

18. For those reasons, which we will develop in our evidence and in closing, we will ask you in due course to dismiss the appeal.

ANDREW PARKINSON

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¹¹ See paragraph 6.5 of Ms. Laidler’s Proof.

¹² See Appendix I of Ms. Laidler’s Proof

¹³ See Highways SOCG appended to Mr. Britton’s Rebuttal.

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