

CLOSING COMMENTS

On behalf of Broxbourne Borough Council (“the Council”)

Introduction

1. These closing submissions are structured around the Inspector’s outstanding main issues as set out at the Case Management Conference and confirmed at the beginning of the Inquiry. Therefore, they address the following issues in turn:
 - (1) The effect of the proposal on the potential for the comprehensive mixed use of the site;
 - (2) Whether the proposal would integrate with the town centre and improve connectivity;
 - (3) Whether the proposal includes adequate parking provision.
2. As confirmed by the Council in opening, in light of new evidence submitted in the course of the appeal, the Council no longer maintains its reasons for refusal relating to the acceptability of the proposal in terms of connectivity for cyclists and pedestrians, and in relation to noise.
3. I conclude by considering the overall planning balance.

Main Issue One: Effect of the development on the potential for the comprehensive mixed-use of the site

4. This main issue will be addressed under four main sub-headings:
 - (1) Background to Policy WC2;
 - (2) The correct interpretation of the policy – including the approach it takes to applications that come forward in advance of a masterplan;
 - (3) Does the development amount to harmful incremental development;

(4) Overall policy compliance and the weight to be given to policy conflict.

Background to Policy WC2

5. The regeneration and improvement of Waltham Cross town centre is a “*key priority*” for the Council.¹ The re-development of the Northern High Street area is an important part of delivering that overall priority, and the need for its “*revitalisation*” 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
6. 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
7. As Mr. Paine explained, whilst the TCS as a document ought not to be given much weight for the purpose of development management decisions, this vision has evolved and been translated into adopted development plan policy in Policy WC2 (Waltham Cross Northern High Street) of the recently adopted Broxbourne Local Plan (“the Local Plan”). That policy sets out how the Council will achieve that vision articulated in the TCS. Indeed, the Local Plan specifically cross-references the vision articulated in the TCS as being relevant to understanding its policies for Waltham Cross town centre.⁴ Therefore, the TCS remains relevant in understanding the approach to be taken to the appeal site under the Local Plan.

The correct interpretation of Policy WC2

8. The correct interpretation of Policy WC2 is clear. Three preliminary points should be made, so far as is material to this application.
9. First, the policy states that the allocation as a whole is to be developed as a “*mixed-use quarter*”.

¹ CD 6.1 – page 7 (all references within the Local Plan are to PDF pages).

² CD 7.1 – pages 4, 15, 23,

³ CD 7.1 – pages 12 and 13.

⁴ CD 6.1 – paragraph 11.3 on page 81, and see also Policy WC1 on page 81 and Policy RTC2 on page 135.

10. That phrase is not defined in the Local Plan, but reading the Local Plan as a whole, in light of the TCS, the meaning of the phrase “*mixed-use quarter*” is two-fold:

- (1) Applying the ordinary and natural meaning of the word, as Mr. Paine explained, the reference to a “*quarter*” means that the Local Plan envisages that there should be some sense of a coherent or unifying identity to the allocation which would serve to contribute to the regeneration of the town centre.

That interpretation is reinforced when the Local Plan is read as a whole, as it must. Policy PM1 considers that “*major development*”, of which this is one, “*must also establish their own identities through the establishment of sustainable place-making principles*”.⁵ Further, Policy DSC7 – which applies to all the strategic development allocations⁶ – makes clear that the Council will pursue the comprehensive development of the allocations.⁷ Therefore, reading Policy DSC7 together with Policy WC2, what is proposed on the allocation is a comprehensively redeveloped mixed-use quarter. As part of that allocation, it is anticipated that the appeal site will contribute to that comprehensive redevelopment.

- (2) It is important that the new “*quarter*” includes the provision of housing as part of the new “*mixed-use*”. As the plan makes clear, the new mixed-use quarter is proposed to “*promote the long-term vitality of the town centre*”.⁸ That vitality is to be achieved by creating a “*living and working*” town centre: one of the five key objectives of the TCS.⁹ The strategy is for an increased resident population creating a demand for a broader range of shops;¹⁰ creating a more “*inviting*” and “*safe*” environment;¹¹ and ensuring that the town centre remains “*active and busy throughout the evening*”.¹² Increasing the quantum of residential development in the northern part of the town centre will

⁵ See CD 6.1 – page 32.

⁶ Waltham Cross High Street North is a strategic allocation – see Policy DS1 on page 19 of the Local Plan (CD 6.1).

⁷ CD 6.1 – page 120.

⁸ CD 6.1 – page 7.

⁹ See CD 7.1 – page 12.

¹⁰ To, as the TCS puts it on page 8: “*draw more people to the town by attracting a wider range of shops in an enhanced town centre with a more places to eat, drink, and be entertained*”

¹¹ See Vision and Objectives on page 12.

¹² As above.

spread activity throughout the day and drive increased footfall to a part of the centre that is dominated by charity shops and fast-food takeaways; particularly in the evenings.¹³ Indeed, Policy WC2 specifically references the importance of increased footfall to the northern end of the High Street and sees increased residential development as the way to do this.¹⁴

This approach is entirely consistent with the National Planning Policy Framework (“NPPF”) which states, at paragraph 86(f), that planning policies should: *“recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.”*

11. So, Policy WC2 seeks a comprehensively developed and integrated mixed-use quarter across the allocation, both to the east and the west of Sturlas Way; one that contributes to the vitality and viability of the town centre by increasing the amount of residential development in the area.
12. Second, the objective of the policy is for a residential-led mixed-use development to come forward on the appeal site itself.¹⁵ That is clear from the policy wording. Paragraph (b) of the policy explains that the *“mixed-use quarter”* will comprise *“the potential for significant housing development, possibly as part of a mixed-use development incorporating the existing store”*.
13. There is nothing in the policy wording to suggest that the retention of the “status quo”, i.e. the existing Homebase store, was actively sought by the policy. Not only is that scenario not referred to in the policy text, but when the Local Plan is read as a whole and in context such an outcome would be inconsistent with the aims of the policy set out at paragraph 10 above. Indeed, the Planning Statement submitted with the application on behalf of the Appellant recognised, rightly, that Policy WC2 sought a residential-led, mixed-use development on the site.¹⁶

¹³ As explained by Mr. Paine in EiC and as will have been apparent on the site visit.

¹⁴ See the supporting text at CD 6.1 - paragraph 11.4 on page 82.

¹⁵ Albeit that, as Mr. Paine acknowledged in EiC, the failure of the appeal scheme to provide housing does not in of itself mean ta there is a policy conflict.

¹⁶ See CD 1.4 at paragraph 6.16: *“It is acknowledged that the unit’s refurbishment proposals do not seek to deliver residential-led, mixed-use development on the site, as sought by Policy WC2”*

14. Of course, it is correct that paragraph 11.5 of the supporting text states that negotiations with the landowner and Homebase “*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*”. However, this is merely an acknowledgment that what is sought by the allocation may not in fact be achieved.
15. That text was added given that Homebase’s position during the examination meant that there was uncertainty about whether “*significant housing development*” could in fact be delivered on the site. The supporting text, and the deletion of a specific number of residential units on the western side of Sturlas Way, was added to reflect that uncertainty and the potential difficulties in achieving that significant housing development.
16. However, the objective of the policy – what it positively sought – remained unchanged. The main modifications were merely added to acknowledge the difficulties in achieving it.
17. Third, 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 on the appeal site, was realised.¹⁷
18. That background leaves the important question of the approach taken by Policy WC2 to applications, such as this one, that come forward in advance of a masterplan.
19. It is common ground that Policy WC2 does not require a single planning application to be submitted to deliver the development sought by the allocation.
20. It is also clear that, once a masterplan is produced, applications within the allocation must be “*in accordance*” with it. Should an application depart from the masterplan, it will be in breach of the policy.
21. So, how does the policy address applications such as this that come forward in advance of the masterplan?

¹⁷ CD 6.1 – page 81.

22. It appears that the Appellant takes the view that such applications must by definition be in accordance with the policy since there is no masterplan for it to prejudice.
23. That simply cannot be right.
24. The starting point is the factual position at the time that Policy WC2 was found to be sound and when it was subsequently adopted. It is agreed that:¹⁸
- (1) Policy WC2 does not contain any timescales for the production of a masterplan;
 - (2) At the time the Local Plan was examined and adopted there was no masterplan before the Inspector even in draft, and nor was there any suggestion that one was imminent;
 - (3) Any masterplan would need to consider options for relocating the Wickes and the Homebase stores to Park Plaza North and therefore there is a degree of connection between the masterplan to be prepared for this allocation and the masterplan to be prepared for Park Plaza North under Policy PP2 of the Local Plan;¹⁹
 - (4) At the time of examination, no masterplan had been prepared or was imminent for Park Plaza North.
25. Given all that, Mr. Brown accepted that it was foreseeable that there may be a period of time after the adoption of the Local Plan, and before the preparation of a masterplan for the Policy WC2 allocation. It was also agreed that it was foreseeable that applications may come forward within the WC2 allocation in the period before a masterplan was prepared; as has in fact occurred at 133-137 High Street.
26. Policy WC2 addresses that eventuality by stating that “*incremental development of the area will be resisted*”. That part of the policy applies to both the eastern and the western

¹⁸ All of the below agreed by Mr. Brown in xx.

¹⁹ CD 6.1 – page 78.

parts of the allocation. It addresses (entirely foreseeable) applications such as this which come forward on the allocation in advance of a masterplan.

27. What does the reference to “*incremental development*” mean?

28. It does not mean that any applications that come forward in advance of a masterplan will be necessarily be contrary to the policy. The Council has never contended that this is the case. If this was the policy intention, different language would have been used. Indeed, as Mr. Paine explained in evidence in chief, the Council has resolved to grant planning permission at 133-137 High Street in advance of a masterplan.²⁰ That is because it is possible that development which comes forward in advance of a masterplan would not compromise the delivery of the allocation because of the nature of the proposal, and its relationship with other parts of the allocation. That was the case on 133-137 High Street.²¹

29. Rather, the approach taken by the policy is – as one would expect – more nuanced. Development may come forward in advance of a masterplan provided that it does not undermine the Council’s ability to achieve the objectives of the allocation. In other words, development is “*incremental*”, and therefore harmful, if it would constrain the Council’s ability to achieve the comprehensive development sought by the allocation. Therefore, as Mr. Paine explained,²² “*incremental development*” has the same meaning as “*piecemeal development*” as that term is used in Policy DSC7.²³

30. This should not be a controversial interpretation of the policy. It is consistent with the approach taken by the Town Centre Framework²⁴ and is consistent with the approach taken by Mr. Brown in his written evidence.²⁵

²⁰ CD 9.3.

²¹ See paragraph 9.1 of the Officer’s Report at CD 9.3: “*although Local Plan policy WC2 seeks to resist incremental development, this scheme has been designed so as not to compromise development of sites to the north and it is considered that approval of this scheme could be a catalyst to other sites being brought forward in the overall allocation.*”

²² In EiC.

²³ See Policy DSC7 – CD 6.1 – page 120.

²⁴ CD 7.2 at page 5.

²⁵ See Mr. Brown’s Proof at paragraph 6.23 – with emphasis added: “*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*” and at paragraph 8.14: “*Utilising the building and site in a more efficient and economically advantageous way through the introduction of an Aldi*

31. Indeed, it would be surprising if the policy did not deal with both what should happen before a masterplan was adopted as well as dealing with the position after one had been. To have been found sound, this policy must have been found to be deliverable. If there was no restriction on what could come forward on the allocation in advance of the masterplan, by the time that the masterplan has been produced, the mixed-use quarter envisaged by the policy may not be deliverable. As Mr. Paine explained, that would jeopardise the Council's aspirations for a mixed-use quarter with a strong identity and it would prejudice the ability to achieve significant housing on precious brownfield land in a heavily constrained district and therefore put pressure on the Green Belt.²⁶

32. Mr. Brown rightly accepted²⁷ that if a policy can be read in a way that makes it deliverable, or in a way that makes it undeliverable, the former interpretation should prevail. The Council's interpretation renders the policy deliverable; the Appellant's does not. Indeed, if the Appellant was right this Inquiry could have simply put Policy WC2 to one side after establishing that there was no masterplan: the question of what impact the development would have on the potential for the comprehensive mixed-use of the site (to adopt the wording of the main issue) would not even arise. That is plainly both unrealistic and contrary to good planning.

33. Therefore, the development will be contrary to Policy WC2 if it undermines or prejudices the Council's ability to pursue a comprehensive mixed-use development across the allocation in the manner sought by Policy WC2. In those circumstances it will amount to "*incremental development*" that the policy says should be resisted.

Does the development amount to "incremental development"?

34. I turn next to consider whether the development results in such prejudice. Before doing that, however, it is necessary to set the context by considering (i) the importance of the appeal site within the allocation and (ii) the likely timescales for the delivery of housing on the appeal site.

foodstore cannot logically be regarded as undermining the Council's ability to pursue a comprehensive mixed-use development."

²⁶ CD 6.1 – page 81. See also Policy H1 of the Local Plan.

²⁷ In xx.

Importance of the site

35. The appeal Site forms a significant part of the overall allocation.²⁸ Indeed, the land to the west of Sturlas Way is equally important under the allocation as land to the east.²⁹ Whilst the appeal site is separated from the High Street, the Town Centre Strategy underlined the need to improve the town centre gateways, including on Sturlas Way.³⁰
36. In particular, the Council sees the appeal site as being important in creating additional pedestrian connectivity to the High Street. The Council proposes to create a new public plaza at the northern end of the High Street as a new focal point for this part of the town centre. A new pedestrian street will join that public space from Sturlas Way.³¹ A significant quantum of housing development is sought on the site to provide a key driver for footfall to the northern High Street. As Mr. Paine explained, homes generate evening foot traffic, as residents will naturally gravitate to the town centre for entertainment in the evenings; and therefore, housing is required on the site in order to make the new pedestrian street viable. Further, the Homebase site offers the potential for relocation of residents from Sawyers Court, enabling the redevelopment of the existing block that is a visual detractor in a gateway location.
37. Therefore, the development of the site is integrally linked to the development of the remainder of the allocation. Decisions made on the appeal site affect what will come forward on the allocation to the east of Sturlas Way.

Timing of development coming forward on the allocation as a whole, and the appeal site in particular

38. There are no timescales for the delivery of the allocation, either in Policy WC2 or elsewhere in the Local Plan. However, 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;³² work

²⁸ See Mrs. Laidler's Proof at paragraph 4.3: the appeal site forms 1.23 hectares of the 2.7-hectare site allocation.

²⁹ Whilst the appeal site was marked as a "potential inclusion" in the TCS, that strategy had evolved by the time the Local Plan was submitted (as one would expect) and by that point both sides of Sturlas Way seen of equal importance in terms of their role within the allocation.

³⁰ See CD 7.1: "*The Council wants to make sure that all of the arrival points into Waltham Cross Town Centre are of a high quality and as attractive, green and sustainable as possible.*"

³¹ See, for example, the massing image at page 5 of the Town Centre Framework (CD 7.2).

³² The Council has acquired land at 120 High Street and also acquired the Pavilions Shopping Centre in November 2020.

has been carried out on exploring the potential massing for the allocation;³³ discussions have continued with a number of affected landowners regarding potential relocation;³⁴ a draft Planning Framework for the Town Centre as a whole has been published for consultation;³⁵ the first permission on the allocation has been approved;³⁶ and a Draft Development Brief for Park Plaza North has been published.³⁷

39. On any reasonable analysis, the Council has made good progress towards the delivery of the allocation. It is on track to realise the significant potential for this part of Waltham Cross Town Centre.

40. The next stage in the process is the development of a masterplan for the allocation, work on which is due to commence in the Autumn. That will lead to a Supplementary Planning Document for the delivery of the allocation.³⁸ As Mr. Paine explained,³⁹ it was not reasonable to expect the Council to have commenced work on a masterplan before now as two key influences on the form that masterplan will take have not yet been resolved. Those are the sale of Park Plaza North, which will determine how co-operative the new landowner is likely to be with the relocations aspect of Policy WC2; and secondly the outcome of this Inquiry, because that could affect the nature of the masterplan for reasons that I will come onto shortly.

41. Therefore, the Council has progressed matters as much as it can at this stage. Yes, there is no delivery partner on board, and no alternative planning application pending on this site. However, that would be unrealistic and undesirable before the vital work that has already been carried out had been completed; and given that the development of the allocation is at a “crossroads” with this appeal.

³³ See massing proposals at page 18 of Mr. Paine’s Proof and pages 5, 8 and 15 of the Town Centre Framework – CD 7.2.

³⁴ As Mr. Paine explained in EiC, discussions have taken place with Wickes, who support the policy approach in principle, so long as they have a suitable location site. There have also been a number of conversations with Metropolitan Housing Association, owners of most units in Sawyers Court who seem very positive about the potential for housing at the Homepage site.

³⁵ See CD 7.2.

³⁶ See Appendix A to Mr. Paine’s Proof.

³⁷ CD 7.4.

³⁸ Mr. Paine in EiC.

³⁹ In EiC.

42. In terms of future timescales, whilst recognising that it was hard to give an exact quantification of timescales given that the situation is “fluid”, Mr. Paine considers that it might be 10-15 years before development came forward on the site if the appeal was dismissed – taking into account the need to prepare a masterplan, relocate the existing uses, and obtain planning permission before completions could begin on site.⁴⁰

Prejudice

43. In order to assess the impact that this development would have on the ability of the Council to achieve the objectives sought by Policy WC2, it is necessary to consider two scenarios: first, what is likely to happen if the appeal is dismissed; second, what is likely to happen if the appeal is allowed.

44. Turning first to the position if the appeal is dismissed.

45. Homebase’s position is that if the appeal is dismissed it will renew its lease over the entirety of the site. That position, which has not been able to be tested at this Inquiry, ought to be treated with a degree of scepticism. Homebase is currently holding over and has not yet entered into a new lease for the building.⁴¹ It has explained in correspondence that the current store is “*too large for our current requirements*” and that there is “*surplus space*”.⁴² The appeal proposals form part of a process of “*right sizing*” that it is carrying out across its portfolio.⁴³ In those circumstances, it is unlikely to be in its best interests to take out a lease over the entirety of the existing building. Indeed, the landowner has said that in the event that the appeal was dismissed it would explore the potential for “*subdivision by a non-food retailer*”.⁴⁴ On balance, therefore, there is a very real prospect that the “status quo”: i.e. Homebase occupying the entirety of the existing building, would not be maintained.

46. Rather, it is realistic to suppose that Homebase would seriously explore the potential for relocation to a “right-sized” store on Park Plaza North – likely in combination with Wickes who, as Mr. Paine explained, are supportive of such a move when its existing lease expires

⁴⁰ Clarified in xx.

⁴¹ Confirmed by Mr. Brown in xx.

⁴² Appendix D to Mr. Brown’s Proof.

⁴³ CD 1.2.

⁴⁴ Appendix C to Mr. Brown’s Proof.

in 2028.⁴⁵ Policy PP2 of the Local Plan⁴⁶ states that the Park Plaza North site is allocated for a mix of employment uses including: “*Bulky goods retailers that need to be relocated as a result of regeneration developments proposed within Waltham Cross Town Centre*”. The current conceptual masterplan for the site indicates how a Homebase could be accommodated within that site.

47. So far as the landowner’s position is concerned, clearly at present it considers that its best commercial option is to redevelop the appeal site for a Homebase and an Aldi – and therefore it understandably fully supports the appeal. However, if the appeal is dismissed, that particular commercial option will no longer be on the table. Clearly, the landowner would then re-evaluate its commercial options. Whilst one option that would be explored is the sub-division of the store with a different retailer, the prospect of the landlord deciding instead that a mixed-use redevelopment is the best commercial option cannot be ruled out. Indeed, such an option has been explored in the past, when it submitted a pre-application mixed-use scheme on the appeal site.

48. Clearly, there are no certainties. It is a difficult exercise to predict what will happen in the no scheme world, and to read between the lines of statements from two parties who have not appeared at the Inquiry (the landowner and Homebase) and who naturally are supportive of the current proposal. However, it is far from fanciful to suppose that a refusal of permission could well lead to the relocation of Homebase and proposals for the mixed-use redevelopment of the site being revitalised.

49. In those circumstances, development could begin on the site in 10 years – at a similar timescale to the remainder of the allocation. The appeal site could be comprehensively masterplanned and developed with the remainder of the allocation. The important pedestrian connections between the appeal site and the northern end of the High Street would be viable, and could be planned as part of the re-development of the Wickes site. The existing residential units on Sawyers Court could be relocated to the appeal site, unlocking the re-development of that important gateway site. In short, the comprehensive

⁴⁵ Mr. Paine in EiC and xx. CD 11.4 confirms that Wickes’ lease entered into a 10 year lease in 2018.

⁴⁶ See CD 6.1 – page 77.

mixed-use quarter envisaged by the Local Plan, and a key aspiration of the Council since 2015, would be unlocked.

50. The position would be very different were the appeal to be allowed.
51. The starting point is that the appeal proposals involve a considerable amount of investment from both Aldi and Homebase. As Mr. Brown explains, the overall economic value of Aldi's investment in Waltham Cross is anticipated to be in the order of £4.5m and there will also be "considerable investment" by Homebase associated with the relaunching of their existing store.⁴⁷ Plainly, both Aldi and Homebase will want a return on that investment; and the 20-year lease that Aldi proposes to enter into. The prospect of relocation to Park Plaza North would not be a viable proposition. With a permitted store in a town centre location, Aldi would not voluntarily move to an out of town centre location either in the short-term or the long-term.
52. Even if the occupiers were willing to consider relocation, whilst a relocated Homebase would be compatible with both the Local Plan policy for Park Plaza North and its emerging Development Brief, the relocation of a Homebase and an Aldi would not be. Policy PP2 does not envisage the location of a food retailer on Park Plaza North and such a use would be contrary to Policy RTC1, which requires main town centre uses such as foodstores within defined town centre boundaries.
53. Therefore, for the next 30 years, absent a compulsory purchase order ("CPO"), any planning for the appeal site would have to accommodate both a Homebase and an Aldi. The possibility of relocation envisaged by Policy WC2 would be put to an end.
54. That is important because the Council's current proposals for the appeal site do not include the retention of the existing building.⁴⁸ Indeed, creating a well-designed new residential-led neighbourhood on the appeal site around the constraint of the existing "big box" building would be inherently difficult. Mr. Griffiths recognised that it would be "highly undesirable" to build flats above the existing building⁴⁹ and that the most likely scenario

⁴⁷ In EiC.

⁴⁸ See CD 7.3.

⁴⁹ In xx.

for a mixed-use development on the site would require the remodelling of the existing store and for its occupiers to relocate.⁵⁰ That is why the policy does not refer to the retention of the existing building, but rather the possibility of retaining the “*existing store*”⁵¹ in a “*remodelled*”⁵² capacity.

55. Therefore, whilst Mr. Brown said for the first time verbally in evidence in chief that Aldi would be open to discussions about a mixed-use scheme on the appeal site, in reality such a use would be very likely be incompatible with the retention of the existing building into which it would have invested a considerable amount of capital.

56. The grant of permission would therefore significantly constrain the Council’s ability to comprehensively develop the appeal site and the allocation as a whole. It would prejudice the ability to relocate other uses (such as those as Sawyers 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. As Mr. Paine explained, it would be difficult to justify the concept set out in the Town Centre Framework of a new east-west pedestrian street linking the appeal site directly into a new plaza at the northern end of the High Street. This would undermine the attractiveness and safety of this northern plaza, particularly in the evenings.

57. In that respect, whilst there may be an increase in the number of pedestrian trips into and out of the appeal site with the introduction of an Aldi store, the reality is that - as both Mr. Griffiths and Mr. Britton recognised - the majority of visits to the store will be by car.⁵³ It is common sense that the extent of pedestrian activity associated with the appeal proposal compared to that with a ground floor retail use with 150 flats above is incomparable.

58. Realistically, therefore, the grant of permission would make the need for a compulsory purchase order to bring forward mixed-use development on the appeal site far more likely.

⁵⁰ In xx.

⁵¹ See paragraph (b) of Policy WC2.

⁵² See paragraph 11.5 of the supporting text to Policy WC2.

⁵³ See, for example, Mr. Griffiths’ Proof at paragraph 3.2.6.

59. As Mr. Paine explained, the grant of permission would also make the prospect of that CPO of being made less likely. The fact that planning permission had recently been granted for a refurbished and extended store would make it more difficult to demonstrate a compelling case in the public interest,⁵⁴ and the level of compensation payable would increase.
60. Therefore, 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. As Mr. Paine explained, if no housing came forward on the appeal site, the chances for any improvements to the northern end of the High Street become “*very small indeed*”.⁵⁵ There would be “*no point*” in including the appeal site within the masterplan for the strategic allocation because the pattern of development on that site would be set for the foreseeable future. The proposals in the Town Centre Framework for interconnecting streets and a new public space at the intersection would probably become unviable and it would be very likely to make it impossible to achieve the objectives for Sawyers Court. Any masterplan would only cover the Wickes site and the part of the allocation that the Council owns in the central section of the east of Sturlas Way.⁵⁶ That is the very definition of prejudice.
61. 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.

Weight to be given to policy conflict

62. As such, the appeal scheme is contrary to Policies WC2 and DSC7 of the Local Plan. It prejudices the potential for delivery of significant amounts of housing on that part of the allocation; and it does not contribute to (and in fact would undermine) the requirement in the policy for comprehensively developed mixed used quarter based on a sound place-making principle.

⁵⁴ See page 6 of the CPO guidance at CD 5.4.

⁵⁵ In EiC.

⁵⁶ All of the above explained in EiC.

63. Mr. Brown accepts that Policy WC2 is not out of date, and ought to be given full weight.⁵⁷ Therefore, the conflict with the policy should be given significant weight.

Main Issue Two: Whether the proposal would integrate with the town centre and improve connectivity

64. Compounding these harms is the fact that the development is not “*well designed*” within the meaning of paragraph 134 of the NPPF.

65. It is common ground that the appeal scheme would result in an improvement in the appearance and materials used in the building. However, as the National Design Guide (“NDG”) puts it at paragraph 21: “*a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels*”.

66. Here, a fundamental “wrong choice” has been made regarding the orientation of the new building. Mr. Griffiths agreed that if that finding is made, the appeal scheme could not be said to be “*well designed*”.⁵⁸ notwithstanding the improvement to its external appearance.

67. As Mrs. Laidler explained, the eastern elevation of the existing building is its main frontage. It is agreed that that frontage is currently an “active frontage”.⁵⁹ The proposed new façade on the eastern face of the building would not be an active frontage.⁶⁰ An active frontage is defined in the NDG as being “*the front of a building with openings onto the space that generate activity and engagement between the building interior and the space outside, particularly entrances.*”⁶¹ There would be no public engagement between the building interior and the space outside and no visual connection between the interior of the building and the outside. Instead, 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.

⁵⁷ In xx.

⁵⁸ In xx.

⁵⁹ See Mr. Griffiths Proof at paragraph 3.2.15 and confirmed in xx.

⁶⁰ Agreed by Mr. Griffiths in xx.

⁶¹ See page 32 of the NDG.

68. Whilst Mr. Griffiths considered that this would be offset by an increase in “activity” elsewhere on the eastern part of the appeal site; the reality is that this improvement is overstated. There is already activity on the eastern side of the site – where there is parking and where the existing pedestrian access is located. It is unlikely that activity here will significantly increase; or that any increase would offset the detrimental changes to the building itself.
69. That is important because the vast majority of existing pedestrian trips to the site come from the south and the east,⁶² and therefore the eastern frontage of the building is of vital importance. Mr. Griffiths accepted that, all things being equal, an active frontage increases footfall.⁶³ Indeed, as Mrs. Laidler explained, the whole concept of looking to achieve an active street frontage onto Sturlas Way goes back to the site allocation which seeks to integrate the site more readily with the town centre – with the Council seeking to break away from “big box” developments that break down the relationship between the town centre and its surroundings. The appeal proposal would not do that by focussing its entrances to the north elevation. If permitted, there would be no street facing active frontage along the whole length of Sturlas Way.⁶⁴ Sturlas Way could no longer be described as a “successful street” under the NDG.⁶⁵
70. The significant opportunity to provide an improved active frontage from the site onto Sturlas Way in this “gateway” location would be lost; limiting the effectiveness of attempts to improve the visual integration of this part of the allocation with the remainder.
71. Instead, the principal elevation of the appeal site would now be the northern façade which is heavily screened from direct views from the north by a substantial boundary wall.⁶⁶ Yes, there would be some views of the northern elevation from the roundabout. However, there is nothing in the Local Plan to suggest that improving views of the Homebase from the roundabout is a particular strategic or local objective for the Council. The priority is to

⁶² See Mr. Britton’s rebuttal at paragraph 2.3.46.

⁶³ In xx.

⁶⁴ Agreed by Mr. Griffiths in xx.

⁶⁵ See paragraph 69, last bullet: “*the relationship between building fronts and backs, with successful streets characterised by buildings facing the street to provide interest, overlooking and active frontages at ground level.*”

⁶⁶ See photo at page 11 of Mrs. Laidler’s Proof and the photo at page 62 of the Officer’s Report (CD 3.1).

improve the pedestrian experience, and most pedestrians come to the site (and will continue to do so) from the east and the south.⁶⁷

72. In any event, the extent to which one can see the east and north elevations of the building changes as one walks or drive around the roundabout.⁶⁸ In truth, there would be limited ability to appreciate the extended glazed entrance to the building until one had entered the site itself and was close to the store. The main improvement in the view from the roundabout is the refreshing of the materials and overall appearance of the building and that improvement could be delivered to the same extent were the entrances to be located to the east.

73. Therefore, the new building could not be said to be well-designed. As the NDG puts it: *“Well-designed new development is integrated into its wider surroundings, physically, socially and visually”*⁶⁹ For the reasons set out above, the new development would not be visually integrated into its wider surroundings. Those surroundings include the wider allocation to the east of Sturlas Way.

74. That is perhaps not surprising given that Mr. Griffiths accepted⁷⁰ that the design of the scheme did not have regard to Policy PM1 of the Local Plan which states that *“major developments must also establish their own identities through the implementation of sustainable place making principles”* or Policy DSC7 which states that *“the Council will pursue the comprehensive development of the strategic development allocations within this Plan”*. Limited regard also appears to have been had to the terms of Policy WC2 itself.

75. This harm is not offset by any other connectivity improvements delivered by the proposal. Whilst a new, widened, entrance is proposed to the north-east of the appeal site, it is agreed – and demonstrated by the Appellant’s own evidence – that the vast majority of pedestrians do not enter the site from this location but from the south/east.⁷¹ That natural desire line into the site, through the existing and unchanged pedestrian entrance opposite the zebra

⁶⁷ See Mr. Britton’s rebuttal at paragraph 2.3.46 (Table 2).

⁶⁸ As will have been apparent from the site visit.

⁶⁹ At paragraph 43.

⁷⁰ In xx.

⁷¹ Accepted by Mr. Griffiths in xx.

crossing, will remain if the appeal is allowed.⁷² In truth, the changes to pedestrian connectivity are not a material benefit of the proposal.

76. Therefore, 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 test, and reflects the importance that the NPPF places upon good quality design. This development fails to meet it.

77. As Mrs. Laidler explained, the development would fail to comply with Policy DSC1, as it would not reflect local character; would not provide a logical layout with active frontages; and would see the creation of blank walls on public fronted elevations. The development would also fail to meet at least four of the ten characteristics of a well-designed place as set out in the NDG (Context, Identity, Built form and Movement) for the reasons set out in Mrs. Laidler’s Proof.

78. This policy conflict ought to be given significant weight.

Main Issue Three: Whether the proposal includes adequate parking provision.

79. The starting point for this main issue is the policy position.

80. Policy TM5⁷³ of the Local Plan states that “*Planning applications will be determined with regard to the Car Parking Guidelines in Appendix B*”. The agreed guideline figure here is 193 spaces: 98 for the Aldi and 95 for the Homebase.⁷⁴ It is common ground that those guidelines are not standards but it is also agreed that they provide a starting point for determining the acceptable level of parking provision.⁷⁵

⁷² Accepted by Mr. Griffiths in xx.

⁷³ CD 6.1 – page 177

⁷⁴ See Mrs Laidler Proof, paragraph 6.5.

⁷⁵ Agreed by Mr. Britton in xx. See also Mr. Britton Proof at paragraph 3.3.6.

81. Mr. Britton agreed that if the guidelines are to be departed from then some justification must be given and that the justification and the evidence supporting it, must be sufficiently robust to justify a variation from the standards. It is also common ground that the greater the departure from the guidelines, the stronger the evidence that is needed to justify a variation from the guidelines.⁷⁶ Here, the departure is at least 22%. This is not a “near miss” against the guidelines, and the evidence provided by the Appellant must therefore be found to be particularly robust.

82. Indeed, the extent and duration of the shortfall can be seen by considering one of Mr. Britton’s “scenarios”. Mr. Britton assessed whether the car park can accommodate the guideline figure for Aldi based on the current demand for parking on the Homebase Site.⁷⁷ At Homebase peak occupancy, there would be a shortfall of 25 spaces against the guidelines.⁷⁸ However, this shortfall does not just exist at peak times. Mr. Britton accepted that based on the 2022 data, the car park would not be able to accommodate the guideline level for Aldi for a significant proportion of the day.⁷⁹

83. Therefore, the shortfall against the guidelines is large in real terms; remains large when the current Homebase parking position is considered; and is also significant in temporal terms.

84. Two other important pieces of context need to be considered when assessing the adequacy of on-site parking:

(1) Dynamic capacity: as explained by Mrs. Laidler, above a certain level of occupancy a car park ceases to work efficiently, as competition for a limited number of available spaces results in internal congestion and a risk of conflict between cars and pedestrians. She put this level, representing the practical capacity of the car park, at around 80-85%. Mr. Britton did not dispute the principle, but put the level at around 95%. However, there is nothing in Local or National policy or guidance setting out the level above which the efficiency of a car park begins to break down. It is ultimately a matter of

⁷⁶ Everything in this paragraph agreed by Mr. Britton in xx.

⁷⁷ See Mr. Britton’s rebuttal at paragraph 2.3.15.

⁷⁸ See Mr. Britton’s rebuttal at paragraph 2.3.16.

⁷⁹ The shortfall against the Aldi guideline will exist at all times the Homebase Parking level exceeds 53 parked cars. Figure 3 of Mr. Britton’s Appendix 2 to his proof shows that based on the 2021 survey, that level will be exceeded from 10.15-1.15 and based on 2022 survey from 11 - 4.15.

judgment. Taking a robust approach, and applying a dose of common sense given the nature of the car park here (with, for example, just one entrance/exit), Mrs. Laidler's figure is to be preferred.

(2) Restricted spaces: Plan K shows 151 car parking spaces. But, of those 151 spaces, 8 are disabled parking spaces; 8 are for parents with young children; and 4 are for electric vehicles. Therefore, 20 out of the 151 spaces proposed have some restriction on their use. Even if the remaining 131 spaces are full, those restrictions will remain in place.⁸⁰ There will be a range of occupancy of those restricted spaces. There will be times when they are all used; times when none of them are used; and times when some of them are used. The extent of use will depend on the nature of the customers using the stores at any one time. Whilst these spaces plainly cannot be disregarded when considering the capacity of the car park, Mr. Britton agreed that the Inspector needs to take the fact that 20 of the spaces are restricted when reaching a judgment on the acceptability of the parking provision and that the capacity of the car park needs to be assessed against a range of spaces of between 131 and 151 spaces.⁸¹ That was not a factor that he had taken into account in any of the calculations in his written evidence.

85. Both Mrs. Laidler and Mr. Britton agree that, of the various scenarios presented by Mr. Britton, the one to focus on is the observed Homebase Parking Accumulation Profile taken together with the Aldi TRICS Parking Accumulation.⁸² That sums the parking accumulation across the day for both Aldi and Homebase to calculate the combined total parking accumulation.

86. Having regard to the agreed context set out above, this scenario falls very far short of being robust justification for departing from the guidelines.⁸³ On the contrary, it demonstrates that the level of parking on the site is insufficient.

⁸⁰ Agreed by Mr. Britton in xx.

⁸¹ Accepted in xx.

⁸² Mrs. Laidler EIC and Mr. Britton Rx.

⁸³ The Council can hardly be the subject of any criticism for not providing its own data. For a start, it is for the Appellant to justify the departure from the Council's own guidelines. In any event, the first time that the survey information was provided to the Council was on exchange of proofs of evidence, four weeks before the start of the inquiry and two weeks before rebuttal evidence was due. At that point it was too late for the Council to prepare survey data of its own.

87. There are a number of reasons for this. The three main reasons are as follows:
88. First, based on the 2022 Homebase parking survey,⁸⁴ the peaks of the combined parking accumulations are 101 and 115 vehicles for the weekday and Saturday data respectively.⁸⁵
89. However, the peaks are higher if the 2021 Homebase parking survey data is used instead.
90. The 2021 survey data should be used when considering if the guidelines should be departed from. Mr. Britton accepted that he had not explored the reasons behind the differences between the 2021 and the 2022 survey data.⁸⁶ It was not said that there were any particularly unusual factors in July 2021 which would explain the higher figure. We simply do not know why parking levels were higher in 2021 compared with 2022, and which year (if either) amounts to an outlier. Given that uncertainty, Mr. Britton accepted that a more robust approach would be to work off the higher figure and that this is the figure that should be adopted when seeking to justify a departure from guidelines. That is also the case because there will in any event be a degree of seasonal variation in these figures – and there may well be times of the year (Christmas for example) where they will be higher.
91. Using the 2021 figures, on a Saturday the combined peak using those figures is 121 vehicles, up from 115 and 115 on a weekday, up from 101.⁸⁷ That results in 80% capacity on Saturday,⁸⁸ based on the 151 car parking spaces shown on Plan K - the point at which Ms. Laidler identifies that the dynamic capacity of the car park will be exceeded. However, based on a capacity of 131 spaces, the occupancy would be 92%.⁸⁹ Therefore, the agreed range of occupancy is between 80-92%, depending on the degree to which the restricted spaces are being used.
92. Second, the Aldi accumulation data is taken at one-hour intervals. To properly understand the data, it is necessary to consider what happens within each hour. To take one example, for Aldi the Saturday peak is between 12:30 and 1:30.⁹⁰ In that hour, 110 cars arrive in the

⁸⁴ Carried out on 19th and 21st May 2022 – see Table 1 of Mr. Britton’s rebuttal at page 2.3.11.

⁸⁵ Mr. Britton rebuttal at paragraph 2.3.33.

⁸⁶ In xx.

⁸⁷ Mr. Britton in xx.

⁸⁸ $121/151 = 80\%$.

⁸⁹ $121/131 = 92\%$.

⁹⁰ Mr. Britton Proof at paragraph 8.4.7.

car park, and 108 cars leave. However, at the beginning of the hour, there are around 112 cars already parked in the car park.⁹¹ That leaves a capacity of between 19 and 39 spaces before the car park is completely full. The capacity of the car park already exceeds 80% at the beginning of the hour based on 131 spaces; and there is a spare capacity of 16 spaces before the occupancy exceeds 85% based on 151 spaces.⁹²

93. Across the peak hour, there are a roughly equal number of arrivals (110) and departures (108). As Mr. Britton fairly accepted,⁹³ there will be a variation in demand across the hour: periods when more cars will be arriving than departing, balanced out by periods where more cars are departing than arriving. Given that, on any analysis, the car park is at, or close to, practical capacity before the peak hour has even begun, it would not take much for the practical – or even the actual – capacity of the car park to be exceeded at times across the hour. This is not just a peak hour problem, but as Mr. Britton accepted is something that could happen across the period of 11 and 4 on a Saturday.⁹⁴

94. Third, the Aldi parking accumulation is derived from TRICS. Whilst the TRICS outputs have agreed by Hertfordshire County Council (“HCC”) in so far as they relate to traffic generation, the robustness of the TRICs outputs in so far as it relates to parking across the day was not a focus of HCC’s attention.⁹⁵ Plainly, in order to provide a robust assessment of likely parking accumulation, the TRICS sites selected will need to have broadly similar characteristics to the appeal site in so far as they affect parking. As Mrs. Laidler explained, factors that will affect parking accumulation include minimum parking time and the potential for linked trips. However, there is no evidence that the TRICs sites selected share similar characteristics to this site, and this will inevitably reduce the weight that can be afforded to the Aldi TRICs accumulation.

95. Overall, therefore, the evidence provided by the Appellant falls well short of providing a robust justification for departing from the guidelines. Rather, it suggests that there is likely

⁹¹ Agreed by Mr. Britton in xx. Mr. Britton’s Figure 3 within Appendix 2 of his Proof shows 68 parked cars from Homebase (whether the 2021 or 2022 data is used). Figure 4 shows 44 cars parked from Aldi.

⁹² Figures agreed by Mr. Britton in xx.

⁹³ In xx.

⁹⁴ In xx.

⁹⁵ See paragraph 8.1 of the Highways Statement of Common Ground (at CD 4.6) – “Both parties agree that Broxbourne Borough Council is ultimately responsible for determining the acceptability of the proposed car parking provision.”

to be insufficient parking on the appeal site at peak times, and for significant periods of the day. Indeed, Mr. Britton accepted that based on Mrs. Laidler's analysis, "*there is the potential that there could be overspill parking*".⁹⁶

96. This conclusion cannot be affected by Mr. Britton's suggestion that the existing parking demand associated with Homebase might reduce should the appeal be allowed.⁹⁷ There are two key assumptions that sit behind Mr. Britton's calculation which suggested that this might be the case. First, the assumption that 15% of the existing parking is associated with non-Homebase Trips. Second, the assumption that Homebase parking demand will reduce pro-rata with the reduction in the gross floorspace of the new store.

97. Neither of those assumptions stands up to any scrutiny.

98. Taking the first assumption first. Mr. Britton accepted that the calculation of the existing level of non-Homebase parking was "crude"; that, in any event, he had selected the lowest possible figure out of the range of non-Homebase parking;⁹⁸ that a most robust approach would be to take the higher figure; and that this would increase the predicted Homebase parking associated with the new store.⁹⁹ Overall, it was recognised by Mr. Britton that the extent of existing non-Homebase trips was inherently uncertain.

99. Turning next to the second assumption, that is that the parking demand would reduce pro-rata with the reduction in GFA of the homebase store. However, Mr. Britton recognised that it was only "*possible*" that there would be a reduction.¹⁰⁰ By definition, it is therefore also possible that the proposed reduction in floor area will not result in a reduction in car parking demand. There had been no attempt to ask Homebase about the extent to which they think demand for the store will reduce. That is highly material since Homebase consider that the reduction in the size of the store amounts to "right-sizing".¹⁰¹ This suggests that Homebase is downsizing to better match existing demand for their store. Self-

⁹⁶ In xx.

⁹⁷ See Mr. Britton's rebuttal at paragraph 2.3.31.

⁹⁸ 15.2% rather than 26.5% - see Mr. Britton's Proof at paragraph 6.5.6.

⁹⁹ All accepted in xx.

¹⁰⁰ Recognised in his Proof at paragraph 2.3.37 - "*It is possible that the proposed reduction in floor area of the Homebase store will result in a subsequent reduction in car parking demand*" (emphasis added).

¹⁰¹ See covering letter at CD 1.2: "*The reduced size of Homebase's unit will be more commensurate with their future business requirements and will safeguard the viability of their operation, with the retailer having been through a process of 'right-sizing' its portfolio over the past two years.*"

evidently, if the store was too large to match the demand, and with the development it would be the right size to match the demand, the new store would not see a reduction in parking demand.

100. For all of these reasons, Mr. Britton accepted that this scenario did not provide a robust justification for departing from the guidelines. Very limited weight ought to be given to the suggestion that homebase parking might reduce should the appeal be allowed.

101. The harm resulting from this shortfall is obvious.

102. Part II of Policy TM5 states that the Council will seek a sensible balance of car parking spaces based on a number of factors with the overall aim of reducing private car use. As it is put in the supporting text to the policy:¹⁰² *“Insufficient parking can create significant on-street parking problems in and around key destinations such as strategic employment sites, town centres, railway stations and shopping centres”*. Therefore, if the balance is wrong, and insufficient parking is not provided – the risk identified in the Local Plan is that there will be significant on-street parking problems in and around key destinations, such as this.

103. This harm was clearly identified in the Council’s Statement of Case.¹⁰³ However, Mr. Britton acknowledged that his written evidence did not demonstrate that there was no risk of on-street parking problems should on-site provision be insufficient.¹⁰⁴ In Mr. Britton’s evidence in chief it was suggested that there was the potential for existing car parks in the town centre to accommodate overflow demand. However, it is agreed that there are a number of factors that need to take into account in deciding whether this was the case, including: (i) location (ii) permitted length of stay (iii) cost and (iv) existing capacity to meet surplus demand from this site.¹⁰⁵ Mr. Britton acknowledges that there is nothing in his written evidence addressing any of these factors. Whilst some information has been since provided, crucially there remains no evidence about the existing capacity of town centre car parks.

¹⁰² At paragraph 30.17.

¹⁰³ See CD 4.2 – paragraph 5.24. Mr. Britton acknowledged that the concern about overspill parking was identified in the Council’s Statement of Case and that the Appellant was aware of it.

¹⁰⁴ In xx.

¹⁰⁵ Factors agreed as being relevant in xx.

104. Further, whilst reference was made to some comments about parking provision in the Town Centre Strategy, the Appellant contends (elsewhere in its evidence) that this document should be given limited weight,¹⁰⁶ not least because of its age, and therefore it is difficult to see how it could be relied on to robustly justify the shortfall in on-site provision.

105. Finally, the suggestion that this reason for refusal somehow stands or falls with reason for refusal 3 is ultimately a forensic “lawyer’s point” that is divorced from the reality of the evidence. As Mr. Britton accepted, it was no part of his evidence to suggest that his figures should be adjusted downwards to reflect the fact that there are pedestrian connectivity improvements to the site. If the parking provision is inadequate, and it is for the reasons set out above, that conclusion is simply unaffected by the fact that HCC has no objection based on pedestrian connectivity.

106. In those circumstances, the development is clearly contrary to Policy TM5 of the Local Plan.

Planning Balance

107. Overall, the development is clearly contrary to the Local Plan taken as a whole. As Mr. Britton accepted, that conclusion should be reached even if the only non-compliance identified is with Policy WC2. For the reasons set out above, Policy WC2 is not complied with, and nor are the relevant development plan policies relating to design and parking. That development plan conflict is significant and ought to be given significant weight.

108. Whilst there are benefits of the proposal, these are not of sufficient weight to justify departure from the development plan. Linked trips are already occurring and would continue to occur even if the scheme did not come forward; internal and external connectivity improvements are local to the site and not to the wider town centre that the site allocation development would enhance further; the level of job creation is not significant – and again would pale in comparison to that associated with a mixed-use scheme on the appeal site; and the sustainability improvements delivered by the proposal

¹⁰⁶ Mr. Brown in EIC.

are not reliant on this scheme to come forward. Mrs. Laidler was right to give these benefits “moderate” weight.

109. Ultimately, as Mrs. Laidler identified, the balance here comes down to timing. All of the benefits identified could also come forward as part of a mixed-use redevelopment on the appeal site. However, in doing so, they would be coming forward in a policy compliant manner and bring with them the other significant benefits that a residential-led proposal on the site would achieve. There is no pressing need for an Aldi store on this site, right now. And granting planning permission for one would undermine the objectives of a recently adopted Local Plan.

110. If the Council’s aspirations for this site, and the wider allocation, stall and the timescale for delivery on this site slips, then there is nothing to prevent Aldi bringing back these proposals in a few years’ time. However, at this early stage in the lifespan of the plan; when the regeneration of Waltham Cross Town Centre is progressing as planned; and is at such a critical juncture, the right decision would be to dismiss the appeal to give the Council the opportunity and breathing space to realise its vision for the Town Centre, backed and endorsed by the recently adopted Local Plan.

111. As such, the Council asks that the appeal be dismissed.

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27th July 2022