EPPING FOREST DISTRICT COUNCIL
COMMITTEE MINUTES

Committee:	District Development Management Committee	**Date:**	21 December 2020
Place:	Virtual Meeting on Zoom	**Time:**	7.05 - 9.40 pm
Members Present:	S Jones (Chairman), B Rolfe (Vice-Chairman), H Brady, D Dorrell, I Hadley, S Heap, H Kane, H Kauffman, J Lea, R Morgan, J Philip, C C Pond, C Roberts, J Share-Bernia and J M Whitehouse		
Other Councillors:	S Heather and S Kane		
Apologies:	-		
Officers Present:	A Blom-Cooper (Interim Assistant Director (Planning Policy)), L Grainger (Joint Implementation Team Manager), J Leither (Democratic Services Officer), R Moreton (Corporate Communications Officer), N Richardson (Service Director (Planning Services)), J Rogers (Planning Officer) and G Woodhall (Team Manager - Democratic & Electoral Services)		
	J Backhaus and H Mitcheson (Legal Advisors to the Council)		

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45. WEBCASTING INTRODUCTION

On behalf of the Chairman, the Team Manager for Democratic & Electoral Services reminded everyone present that the virtual meeting would be broadcast live to the internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

46. ADVICE FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Committee in relation to the determination of applications for planning permission. The Committee noted the advice provided for the public and speakers in attendance at meetings of the Council's planning committees.

47. SUBSTITUTE MEMBERS

The Committee noted that no substitute members had been appointed for the meeting.

48. DECLARATIONS OF INTEREST

The following interests were declared by members of the Committee pursuant to the Council's Code of Member Conduct:

(a) Councillor D Dorrell declared a personal interest in item 8 (Planning Application EPF/2503/19 – Land to the North of Dowding Way, Waltham Abbey) of

the agenda for the meeting, by virtue of having received a notification letter for the application. The Councillor had determined that his interest was not pecuniary and indicated that he would remain in the meeting for the consideration of the application and voting thereon.

(b) Councillor H Kane declared a personal interest in item 8 (Planning Application EPF/2503/19 – Land to the North of Dowding Way, Waltham Abbey) of the agenda for the meeting, by virtue of being a District Councillor for Waltham Abbey but the application site was not in her ward. The Councillor had determined that her interest was not pecuniary and indicated that she would remain in the meeting for the consideration of the application and voting thereon.

(c) Councillor J M Whitehouse declared a personal interest in item 8 (Planning Application EPF/2503/19 – Land to the North of Dowding Way, Waltham Abbey) of the agenda for the meeting, by virtue of being a member of the Epping Forest Heritage Trust. The Councillor had determined that his interest was not pecuniary and indicated that he would remain in the meeting for the consideration of the application and voting thereon.

49. MINUTES

Resolved:

(1) That the minutes of the meeting of the Committee held on 11 November 2020 be taken as read and signed by the Chairman as a correct record.

50. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE

The Committee noted that a briefing note had been prepared to ensure a consistent approach was taken to the provision of planning policy advice, following the publication of the Epping Forest District Local Plan Submission Version on 18 December 2017. Members were advised that the primary purpose of the briefing note was to inform development management activities and to provide assistance for councillors, officers, applicants, planning agents and other persons involved in the development management process.

Resolved:

(1) That the Planning Policy Briefing Note for the Epping Forest District Local Plan Submission Version, be noted.

51. PLANNING APPLICATION EPF/2503/19 - LAND NORTH OF DOWDING WAY, WALTHAM ABBEY

The Committee considered a report for a planning application on land to the north of Dowding Way in Waltham Abbey, to erect one new building for use as a warehouse with ancillary accommodation and a photo studio with gatehouse, sprinkler tanks and pumphouse, substation, fuel island, vehicle wash, attenuation ponds and associated works; one new multi-storey car park with associated bridge link, along with access and servicing arrangements, landscaping and external amenity areas, and a roof-mounted photovoltaic array; the creation of a signalised junction to the A121 and shared foot and cycle links including a connection to the public Right of Way network.

The Committee noted that the application site was an undeveloped green field area directly to the north of the A121 (Dowding Way) and to the south of the M25 motorway. It was located within the Metropolitan Green Belt and had an open rural character. There were a number of trees on both the northern and southern boundaries but the site was visible from both the motorway and Dowding Way. To the west of the site was a housing estate with the nearest dwelling 360m away, as well as a supermarket distribution centre which was operated 24 hours a day. The town centre of Waltham Abbey was located approximately 1.25km to the north-west of the site. A public Right of Way ran from north to south approximately 350m from the site, and junction 26 of the M25 motorway was approximately 700m from the eastern boundary which offered both east and west bound entry onto the orbital motorway.

Planning Officers presented the details of the application to the Committee, including the policy position, representations from consultees and set out the material planning considerations to be taken into account when determining the application.

Planning Officers had concluded that very special circumstances existed in this case which clearly outweighed the identified harms to the Green Belt set out in the report. The proposed development had demonstrated its compliance with the proposed allocation in the emerging Local Plan, which was at a very advanced stage in its production and carried significant weight in accordance with paragraph 47 of the National Planning Policy Framework. When adopted, this site would be released from the Metropolitan Green Belt. This, coupled with the identified significant economic benefits that the development would bring to the local area amounted to the very special circumstances required to outweigh the identified harms to the Green Belt.

Planning Officers had also concluded that the application had demonstrated its compliance with the requirements of the emerging Local Plan, the adopted Local Plan and the National Planning Policy Framework. It was therefore recommended that planning permission be granted for this application, subject to the satisfactory completion of an air quality assessment for the introduction of a right turn ban from Honey Lane East into Forest Side, the adoption of an Air Pollution Mitigation Strategy, suitable planning conditions and the satisfactory completion of a Section 106 agreement within four months of permission being granted.

The Committee considered the summary of representations received for this application. This included objections from the Conservators of Epping Forest, the Campaign for the Protection of Rural England, the Waltham Abbey Historical Society, the Epping Forest Heritage Trust, and Waltham Abbey Town Council. In addition, three public consultation exercises had been carried out which had resulted in a further 450 representations being received objecting to the application. Highways England were reviewing the modelling used as part of the application, and the London Borough of Waltham Forest felt that further information was required to analyse the impact of the application. A letter of support for the application had been received from Invest Essex. The Committee heard from an objector and the applicant before proceeding to debate the application.

The meeting was adjourned for five minutes at 8.00pm to allow the participants to take a comfort break.

Cllr H Kane opined that the report had a number of matters that were still to be agreed, such as a car park management scheme and a route management plan for operational vehicles, and that the Committee could not make a decision if so many matters were still undecided. The Team Manager for Joint Planning Implementation, L Grainger, responded that the mitigation measures mentioned had been drafted and

would form part of the Section 106 agreement that had been proposed. Cllr H Kane highlighted the table in the report which detailed the vehicular and Heavy Goods Vehicle (HGV) movements for the morning and evening peak hours only and requested the information for the number of HGV movements throughout the rest of the day. L Grainger stated that the information for the total number of vehicle movements was not available as that would fluctuate throughout the day, but it would be the peak hours that would have the biggest impact on local roads.

Cllr J Lea added that Dowding Way required substantial repairs as it was badly rutted, and if this was not included within the application then she could not support it. Cllr C C Pond supported the comments made by Cllr H Kane as he felt that the vehicle movements throughout the whole day was a salient and material point of the planning application. The Councillor felt that this was an inappropriate location for such a facility in the Green Belt, next to the Special Area of Conservation (SAC) within the Forest with the HGVs using the badly maintained Dowding Way. Cllr C Roberts added that if there were no figures for the vehicle movements throughout the whole of the day then the Committee could not assess the impact of the application on the SAC. The Chairman reminded the Committee that Highways England had not objected to the application, and it was the figures for the peak hours vehicle movements that were the most significant. Cllr H Brady agreed that the figures for the peak hours would have the most impact on the surrounding local roads, but the Committee needed to assess the total potential damage to the local air quality.

Cllr H Brady informed the Committee that the Corporation of London had objected to this application. She had also assumed that the Corporation had objected to the designation of this land for employment use in their representations to the regulation 18 stage of the emerging Local Plan. The Service Manager for Planning Policy & Implementation, A Blom-Cooper, stated she was not aware of any such objection by the Corporation of London at the hearing session and it was noted that no particular concerns or issues were raised in relation to the proposed allocation by the Local Plan Inspector. The site would therefore be allocated in the emerging Local Plan for light industrial, warehousing and office uses. Cllr H Brady felt that the size of the proposed development was the biggest issue, as many would have assumed that much smaller light industrial units would have been constructed on this site.

Cllr D Dorrell informed the Committee that he had received a petition objecting to the application that had approximately 1,600 online signatures and 400 physical signatures. The Councillor stated that he lived close to the existing supermarket distribution centre and had not experienced any noise issues. However, there had been substantial problems with HGVs incorrectly parked in the locality, and the Councillor sought reassurance from the applicant that this problem would not be replicated with their HGVs. The Committee was informed that Next plc owned and operated their entire commercial fleet, unlike a number of other operators. As a result, their fleet could be effectively monitored and managed to reduce the likelihood of such harm arising in the local area.

Cllr D Dorrell highlighted that nearby Meriden Way was noisy and would be congested whenever there was a traffic queue on the M25, and that this application would exacerbate the current situation. The Councillor agreed in principle with the proposal to ban right turns on Honey Lane East, but could not agree with the proposal to install traffic lights on the one local road that seemed to flow well.

Cllr D Dorrell also noted the lack of detail provided for the proposed local bus service and was not convinced that it would be successful anyway; the bus service for the nearby Sainsbury's supermarket distribution centre had not operated for very long. Neither did the Councillor foresee employees at the site walking into the centre of

Waltham Abbey, as this would take 45 minutes in his opinion. Like other Councillors, Cllr D Dorrell had thought that this location would become a small light industrial park not a large warehouse. In addition, if this proposal became a new hub then what would be the effect on the existing hubs that Next operated. For this reason, the Councillor did not believe that there would be as many new jobs for local people as stated, there would be little or no gain to the people of Waltham Abbey and consequently the Councillor would vote against the application.

Cllr J Philip reminded the Committee that it had to consider the application in conjunction with the Council's emerging Local Plan. It was a material planning consideration that the site was proposed for allocation for employment uses; this included warehouses. The Councillor could see no reason to object to the works required to Junction 26 by Highways England and Essex County Council Highways Authority. The Councillor acknowledged that it was a balanced decision, which would be easier to make if the Local Plan had already been adopted; but the Local Plan process had progressed sufficiently now to give strong weight to the emerging Local Plan and the Councillor would support the proposal.

Cllr J M Whitehouse accepted that the Local Plan process was nearing completion, but felt that the Green Belt issue weighed against the application alongside the traffic and SAC issues. The Councillor felt that the impact of the proposed highways improvements could be to move the problem of traffic congestion from the Honey Lane junction to the Wake Arms junction, and would not assist the situation with the SAC. The proposed route management plan would only apply to HGVs, and what would happen when the M25 was closed? The Councillor acknowledged that a lot work had gone into the traffic assessment but felt that more work needed to be completed. The design was acceptable but the planning conditions needed to be carefully thought through.

A Blom-Cooper responded that modelling work had been performed on the proposed right turn ban from Honey Lane East on the Wake Arms junction, and the initial conclusions were that it would be beneficial. The Council was still waiting for the technical note to be completed, but the indications were that there would be no negative impact on the Forest from the right turn ban. The Committee was reminded that the site had been proposed for allocation in the emerging Local Plan, and upon adoption it would be removed from the Metropolitan Green Belt. No objections or issues had been raised by the Planning Inspector at the Local Plan Hearings, or in her written advice which followed, and as such there were no Main Modifications required for this site and therefore the site would be allocated in the Local Plan upon adoption. However, the Committee was reminded that the site was currently still within the boundaries of the Green Belt and that this issue had been comprehensively considered as part of the report to the Committee. It was confirmed that the route management plan would only apply to HGVs, but that any lighter vehicles used by Next plc would be monitored; if the M25 motorway was closed then all vehicles in the area would use alternative routes.

Cllr H Kauffman pointed out the contradictions arising from this application: 92% of the District was within the Metropolitan Green Belt, but the Council needed to create jobs for residents; this proposal was for an enormous building but distribution centres generated low employment but high use by lorries. The Councillor also feared that Dowding Way was approaching its maximum usage, and the Council could receive more applications for large buildings in the future on this site. The Councillor could not see any benefits for Waltham Abbey from this application, just further problems, and the Council had to consider the future of the whole site, not just individual applications. The Councillor stated that he was undecided on the application.

L Grainger reminded the Committee that whilst this application was being made by Next plc, planning permission if granted would be for the land, not the occupier and any future occupier would have to comply with the requirements of the planning permission, including the planning conditions and Section 106 Agreement. Although it was highlighted by Councillor C C Pond that any new owner could apply to vary the existing permission.

Cllr H Kane voiced fears that some of the employment opportunities at the site would go to existing employees of Next plc from other sites, and that the residents of Waltham Abbey might only receive the opportunity for approximately 100 new jobs. In addition, the Councillor felt that the centre of Waltham Abbey was too far to walk for employees of the proposed warehouse and there would not be any additional spend in local shops. Not all of the stated benefits would be felt by the District and the Councillor was against the application.

Cllr S Kane, who was not a member of the Committee but was a Waltham Abbey District Councillor, felt that the report was incomplete. The Councillor highlighted that the report proposed support for the Demand Responsive Transport from Next plc for two years, whereas the Officer presentation had indicated the support would last for three years, and there was no indication of total vehicle movements within the report. In addition, Next plc had promised to use their best endeavours for 25% of the available jobs to be sourced locally, and Cllr S Kane was of the opinion that the development would not generate any additional trade within Waltham Abbey town centre. There was only one access route proposed for pedestrian and cycle access, and this would be via the bridge over the M25 motorway and through a residential estate, with no pedestrian or cycle access to the site proposed from Dowding Way.

In addition, Cllr S Kane felt that local highway congestion would be severely impacted from the development, and the existing local road network within Waltham Abbey would not be able to cope with the extra vehicular movements. The ban on right turns on Honey Lane East would simply move the traffic deeper into the Forest towards the Wake Arms junction, which was already an air quality ‘black spot’. The Councillor felt that you could not put more traffic into the Forest and then say that the application had less impact on the Forest, and this would also impact access to the Forest by the residents of Waltham Abbey. Cllr S Kane felt that a development of this size should not be built half a mile from the Forest and he urged the Committee to refuse planning permission for the application.

Cllr S Heap drew the attention of the Committee to the existing gas pipeline running under the road, and that the proposed highways improvement works would not be required if the application was refused permission. The application would generate at most 100 new jobs for local residents, and the employees at the site would not have enough time to venture into Waltham Abbey town centre at lunchtime. The Council had declared a Climate Emergency, but there was no mention of low level ozone emissions within the report. This development would not improve the local environment and thus the Councillor would not support the application.

L Grainger highlighted the response from the Health & Safety Executive, which mentioned the high pressure gas pipeline but had no objections to the application. The Director for Planning Services, N Richardson, also highlighted that the pipeline was actually to the east of the site and not through the site or along the path of Dowding Way.

Councillor C C Pond reminded the Committee that a bus service already existed between Waltham Abbey and Loughton, the funding allocated to the Demand Responsive Transport of £800,000 over a two or three year period would be

insufficient as the service would need to be guaranteed for a ten-year period. The use of the building could also be changed in the future through further planning applications, and the site could be further developed with a possible phase II. The Councillor felt that the application should be refused planning permission at this point as there were still too many unanswered questions.

Cllr J Philip reminded the Committee that it was important to only consider the relevant planning issues for this application; some of the issues raised during the meeting had not been planning related. The application before the Committee was for a distribution centre, not a lorry park, and the Committee could not consider what might happen with the site in the future. The Councillor would be supporting the application as he could not see any valid planning reasons for refusing permission.

Cllr J Lea could not understand why a distribution centre could be built, but not new houses as they would cause problems with the Forest. The Councillor did not have much faith in the emerging Local Plan and would not support the application. Cllr J M Whitehouse pointed out that the active travel route was not the most direct route from the west of the site, and the footbridge over the M25 motorway had steps as well which raised questions about whether it was suitable to use for a cycle path. The Councillor also felt that cycle path improvements were required from the Sewardstone Road direction as well.

A Blom-Cooper reminded the Committee that for all proposed growth within the District, whether it be for housing or employment use, the air pollution mitigation strategy contained measures to ensure that there would be no adverse impact caused to the Forest as a result of Local Plan growth with respect to air quality. Officers had engaged in long discussions with the applicant regarding the cycle routes, securing significant integration and improvements with the existing Public Right of Way to the west of the site into Roundhills, but Officers could have further discussions if required.

A motion to refuse planning permission for the application was proposed by Cllr H Kane and seconded by Cllr C C Pond. The reasons given for the proposed refusal were as follows:

- the adverse impact of the development on Waltham Abbey;
- by reason of the obtrusive height, length and bulk of the proposed development, it would have an adverse effect on the Green Belt and the environs of Waltham Abbey;
- the effects of the proposal on the Special Area of Conservation (SAC) as the air pollution mitigation strategy had not yet been adopted and was likely to be insufficient;
- there was no reason to develop on this site within the Green Belt as other areas could be utilised for employment use – the emerging Local Plan had not yet been adopted and the main modifications had not yet been consulted upon;
- the extra use of the roads through the SAC by employees and visitors to the distribution centre could not be prevented;
- there was no indication in the transport assessment of how the HGV routing and the large numbers of lorry movements generated by the development could be accommodated on local roads when the motorway network was disrupted;
- the proposed Demand Responsive Transport bus service was not assured for the whole life of the project and was insufficient;
- the lack of a revised and up-to-date transport assessment for the application; and

- the inadequacy of the proposed cycle and pedestrian network and its failure to link in a useful manner to the south and west of the site.

A Blom-Cooper observed that Officers felt the application complied with all necessary policies and there was not the evidence to support the proposed reasons for refusal. J Backhaus added that the application had been the subject of a comprehensive report examining all aspects of the application. Substantial weight could be attributed to the emerging Local Plan and it was the professional opinion of Planning Officers that planning permission for this application should be granted. The Council had to have robust evidence to support its reasons for refusal if Next plc decided to appeal against the Committee's decision.

Cllr C C Pond reminded the meeting that Officers advised the Committee, which was always appreciated by Councillors, but it was the Councillors who decided. However the Chairman was also concerned that the Officers were stating that they had no evidence to support the proposed reasons for refusal. Cllr J Philip was also very uncomfortable about the proposed reason for refusal citing the effects of increased traffic on the SAC when the scientific evidence said otherwise and Natural England had not raised any concerns.

The Committee voted to refuse permission for the application for the reasons previously stated. Following the completion of the vote, Cllrs J Philip, B Rolfe, R Morgan, H Brady and I Hadley 'stood up' to refer the application to the Council for confirmation via the minority reference rules within the constitution.

Decision:

(1) That planning application EPF/2503/19 on land to the north of Dowding Way in Waltham Abbey be referred to the Council for confirmation by way of a minority reference under Council procedure rule M2 within the Constitution, with a recommendation to refuse planning permission for the following reasons:

(i) the adverse impact of the development on Waltham Abbey;

(ii) by reason of its obtrusive height, length and bulk, the proposed development would cause significant harm to the Green Belt and to the environs of Waltham Abbey;

(iii) the effects of the proposal on the Special Area of Conservation (SAC) as the air pollution mitigation strategy had not yet been adopted and was likely to be insufficient;

(iv) there was no reason to develop on this site within the Green Belt as other areas could be utilised for employment use – the emerging Local Plan had not yet been adopted and the main modifications had not yet been consulted upon;

(v) the extra use of the roads through the SAC by employees and visitors to the distribution centre could not be prevented;

(vi) there was no indication in the transport assessment of how the HGV routing and the large numbers of lorry movements generated by the development could be accommodated on local roads when the motorway network was disrupted;

(vii) the proposed Demand Responsive Transport bus service was not assured for the whole life of the project and was insufficient;

(viii) the lack of a revised and up-to-date transport assessment for the application; and

(ix) the inadequacy of the proposed cycle and pedestrian network and its failure to link in a useful manner to the south and west of the site.

52. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Committee.

53. EXCLUSION OF PUBLIC AND PRESS

The Committee noted that there was no business which necessitated the exclusion of the public and press.

CHAIRMAN

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