

**Report to District Development
Management Committee**



**Epping Forest
District Council**

Date of Meeting: 22nd January 2020

**Site Address: Land to the North of Dowding Way, Waltham
Abbey, EN9 3YX**

Application Number:	EPF/2503/19	
Application Type:	Hybrid planning application	
Proposal:	<p>Hybrid application (accompanied by an Environmental Statement)</p> <p>Phase 1: Full planning application for the erection of 1no. building for use as a warehouse (Use Class B8) with ancillary accommodation & photo studio (sui generis) with gatehouse, sprinkler tanks & pumphouse, substation, fuel island, vehicle wash, attenuation ponds and associated works; 1no. multi-storey car park with associated bridge link, along with access & servicing arrangements, landscaping & external amenity areas, roof-mounted photovoltaic array; creation of signalised junction to A121 and shared foot and cycle links including a connection to the Public Right of Way network.</p> <p>Phase 2: outline planning application for up to 22,733 square metres (GIA) of employment floorspace (Classes B1(c), B2 and B8) with all matters reserved.</p>	
Site Address:	Land North of Dowding Way, Waltham Abbey, Essex, EN9 3YX	
Ward:	Waltham Abbey Honey Lane Ward	
Parish:	Waltham Abbey	
Conservation Area:	No	
EFDLP Site Allocation	Yes	EFDLP Ref: WAL.E8

Epping Forest SAC	Recommend approval subject to suitable resolution of the air quality mitigation strategy in relation Epping Forest SAC, the matters raised by Highways England in relation to Junction 26 of the M25 motorway and the S106 planning obligations and planning conditions noted in this report.
--------------------------	---

Applicant:	Next PLC
Agent:	Tim Rainbird, Director, Quod
Case officer:	James Rogers contact no. 01992 564 371
Democratic Services Officer	Gary Woodhall. Contact number: 01992 564 470
Validation date:	18 th October 2019
Reason for reporting application to Members:	<i>This application is before this committee since it proposes a 'large scale' development as defined in Article 10 of the Constitution.</i>

1. RECOMMENDATION

That planning permission be **GRANTED** and subject to the prior completion of a s106 obligation within four months of the resolution to grant planning permission and subject to planning conditions listed in Appendix 1 of this report.

- 1.1 The resolution to grant planning permission is subject to the suitable resolution of the proposed air quality mitigation strategy in relation to the Epping Forest Special Area of Conservation and the matters raised by Highways England in relation to Junction 26 of the M25 motorway.

2. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The application site has been proposed for allocation (ref: WAL.E8) in the Epping Forest District Local Plan Submission V to provide significant new employment space within Epping Forest District. The LPSV has been independently examined by the Local Plan Inspector through public hearings, however it has not yet been formally adopted. Therefore, the site is currently located within the boundaries of the Metropolitan Green Belt.

- 2.2 Upon adoption of the LPSV, the Green Belt boundary will be amended which will remove the site from this policy designation. However since this application has been submitted prior to the adoption of the LPSV, the development has been assessed with due consideration given to the Green Belt.
- 2.3 This report has concluded that Very Special Circumstances exist which clearly outweighs the harm by reason of inappropriate development the Green Belt and additional harm to its openness.
- 2.4 It has been found that the application will not cause harm to the local highway network, subject to planning conditions and obligations.
- 2.5 The development will provide opportunities for staff, visitors and members of the public to travel sustainably through the provision of a demand responsive bus service.
- 2.6 The proposal represents high quality design which would not cause harm to the living conditions of nearby residents.
- 2.7 The proposal will deliver a biodiversity net gain through provision of a financial contribution towards a habitat restoration project.
- 2.8 The proposal will achieve a BREEAM rating of 'Excellent' which is within the top 10% of non-domestic UK buildings.
- 2.9 Natural England (NE) has not objected to the development proposed. NE has advised that they are satisfied that provided the proposed mitigation will result in no net increase in vehicle movements through the Epping Forest SAC as identified by the applicants appropriate assessment and subject to the Council being satisfied as competent authority under the Habitat Regulations that the proposals are enforceable. The Council has sought legal advice and continues negotiations with the applicant on the exact form of the proposed mitigation – in particular the 'geofence' around Epping Forest (The Forest) – will take. This is to ensure that there is no significant adverse effect on the Epping Forest Special Area of Conservation (SAC). The current recommendation is given subject to this issue being suitably resolved prior to the issuing of the S106 agreement and thus the granting of planning permission.
- 2.10 There is an unresolved Highways England (HE) holding objection in relation to the impact of the proposals on the strategic highway network, specifically Junction 26 of the M25 motorway. HE advised that they are undertaking further assessment work on the current proposals and anticipate submitting their response prior to District Development Management Committee. The package of highways improvements submitted by the applicant includes proposed junction improvement works to Junction 26 of the M25. The recommendation of this report is therefore subject to this issue being suitably resolved.

- 2.11 On the basis of the analysis undertaken within this report, it is considered that the proposed development is compliant with the requirements of the Development Plan and the emerging Local Plan (LPSV).

3. PLANNING OBLIGATIONS AND CONDITIONS

The recommendation is given subject to conditions as set out in appendix 1 of this report. In addition, a S106 agreement will secure the following planning obligations and financial contributions. The obligations are grouped into sections for ease of reference:

Travel Plan

- 3.1 A minimum financial contribution of £650,000 towards funding a Demand Responsive bus service.
- 3.2 An obligation to agree an appropriate routing strategy for the Demand Responsive bus service.
- 3.3 A minimum financial contribution of £150,000 towards a specific sustainable transport initiative {TBA}.
- 3.4 An obligation to implement the Interim Travel Plan in respect of Phase 1 with appropriate review mechanisms to ensure compliance.
- 3.5 An obligation to implement an Interim Travel Plan in respect of Phase 2 with appropriate review mechanisms to ensure compliance.
- 3.6 A minimum financial contribution of £5,000 towards Travel Plan Monitoring.
- 3.7 A financial contribution towards the funding of a Travel Plan Monitoring Officer {TBA}.

Highways

- 3.8 Improvement works to southern roundabout of Junction 26 of the M25.
- 3.9 Creation of a signalised junction into the site from Dowding Way.
- 3.10 Improvements to the existing Public Rights of Way (PROW) network.

Car Parking

- 3.11 A car park management scheme to be agreed for the Phase 1 development.

Operational Vehicle

- 3.12 A detailed route management plan in respect of HGV and LGVs to be agreed.

Epping Forest SAC

- 3.13 A 'geofencing' strategy to be agreed that restricts vehicular movements through Epping Forest SAC so that there is no net additional vehicular movements through the Forest.

Biodiversity

- 3.14 A financial contribution of £69,000 towards a Priority Habitat restoration project in Epping Forest District.

Employment and Skills

- 3.15 An employment and skills plan to be agreed for each phase of the development.

Completion of the S106

- 3.16 In the event that the required s106 obligation is not satisfactorily completed within four months of the resolution to grant planning permission then in the absence of a suitable mechanism to secure planning and financial obligations to mitigate the impact of development, the Planning Services Director is authorised to refuse planning permission

Conditions

- 3.17 The full list of conditions is identified in Appendix 1. In summary, the conditions will be applied to cover the following matters:
- Time Limit for commencement
 - Approved drawing numbers
 - Finished floor levels
 - Use of materials
 - Design and landscape
 - Highways mitigation measures
 - Ecology issues
 - SuDS and land drainage
 - Land contamination
 - Sustainability / energy
 - Noise and air quality mitigation

- External lighting strategy
- Archaeology
- Restrictive conditions

4. PROPOSED DEVELOPMENT

4.1 Hybrid application (accompanied by an Environmental Statement)

Phase 1: Full planning application for the erection of 1no. building for use as a warehouse (Use Class B8) with ancillary accommodation & photo studio (sui generis) with gatehouse, sprinkler tanks & pumphouse, substation, fuel island, vehicle wash, attenuation ponds and associated works; 1no. multi-storey car park with associated bridge link, along with access & servicing arrangements, landscaping & external amenity areas, roof-mounted photovoltaic array; creation of signalised junction to A121 and shared foot and cycle links including a connection to the Public Right of Way network.

Phase 2: outline planning application for up to 22,733 square metres (GIA) of employment floorspace (Classes B1(c), B2 and B8) with all matters reserved.

- 4.2 For the purposes of this application, reference to ancillary accommodation as noted in the description of the development, refers to the ancillary spaces for use incidental to its operation as a distribution warehouse and photo studio, such as the staff canteen and outdoor amenity space.

5. ENVIRONMENTAL IMPACT ASSESSMENT

- 5.1 The application is accompanied by an Environmental Statement (ES). The ES sets out a baseline for the existing environmental conditions in the areas affected and then identifies the likely significant effects (including possible cumulative effects) and how any significant adverse effects are proposed to be mitigated.
- 5.2 The detailed assessment covers the likely significant effects on socio-economics, transport and access, air quality, noise and vibration, archaeology, biodiversity, landscape and visual impact, agriculture and soils. The effects have been analysed and mitigation measures have been identified, i.e. to avoid, reduce or alleviate any adverse impacts effects) and how any significant adverse effects are proposed to be mitigated.
- 5.3 The application has been consulted on in accordance with Regulation 19.(2) of the Environmental Impact Assessment (EIA) Regulations 2017. The information contained within the ES has been reviewed by officers and other information sought from the Applicant in relation to the Interim Travel Plan, updated drawings and additional supporting information. Further consultation was undertaken as appropriate under Reg.2(1) and Reg.25 of the EIA Regulations 2017.

- 5.4 The applicant did not consider different locations as part of their assessment of reasonable alternatives. The sites allocation WAL.E8 is one of only two large scale employment sites put forward within the Council's LPSV and is located in close proximity to the strategic highways network. The site was subject to thorough consideration in the Council's LPSV evidence base including site selection exercise in 2016 and Strategic Environmental Assessment which provides robust evidence for the site's inclusion in the LPSV which is at an advanced stage. The applicant has advised that the capacity of the site provides them with the opportunity to create a purpose built warehouse and photo studio facility in this strategic location that would in turn enable them to focus key operations in one location, something that would not be possible elsewhere. There has been consideration given to alternative design options through the development of the masterplan. These design options are assessed within the body of the report.
- 5.5 The ES has identified the potential for in-combination effects to arise during the construction phase of development that could generate residual noise, and landscape and visual effects on pedestrian and cycle receptors on the public rights of way and the residential receptors on Beechfield Walk and Roundhills. However, the ES identifies that the proposed Construction Environmental Management Plan (CEMP) and hoarding around the site would mitigate these effects as far as practicable.
- 5.6 The ES identifies that when completed the in-combination effects would be in relation to residual landscape and visual effects and residual transport effects on the pedestrian and cycle receptors on the public rights of way. This would result in beneficial effects from footpath improvement works. Minor effects on residential receptors on Beechfield Walk would likely arise as a result of the partial change to views and minor noise effects from the development. Vehicular traffic on the public highway may also experience short delays and a change in their views from the site.
- 5.7 The impacts and benefits are summarised in an accompanying Non-Technical Summary. Due consideration of these factors and others has been taken throughout the design of the scheme and, where appropriate, avoidance and mitigation measures have been incorporated into the scheme wherever possible. The main measures are listed in the Non-Technical Summary (Part 1), together with opportunities for environmental enhancement.
- 5.8 Subject to the proposed mitigation measures, the ES in the LPA's opinion addresses the significant effects of the proposed development on the environment that are likely to arise from the proposed development. The report refers to the ES in the following sections where appropriate.

6. SITE AND SURROUNDINGS

- 6.1 The site is an undeveloped, green field area of scrub land which extends to approximately 14.7 hectares on land directly to the north of the A121 (Dowding Way) and immediately to the south of the M25 motorway.

- 6.2 The District Centre of Waltham Abbey is approximately 1.25km to the north west of the site, across the M25. To the west of the site is a housing estate containing approximately 108 homes on Lodge Lane and Beechfield Walk. The closest of these dwellings is approximately 360m from the western edge of the application site.
- 6.3 To the west of the site is a large distribution warehouse which is operated 24 hours a day by Sainsbury's and is separated from the site by Sewardstone Road and a roundabout junction.
- 6.4 The site is predominantly comprised of a gentle rolling topography with the exception of a large hillock located in the south west corner of the site. There are a number of trees on the southern boundary directly adjacent to Dowding Way, none of which are protected with tree preservation orders. There are some significant breaks in the extent of the existing tree line adjacent to Dowding Way and as a result the site is overtly visible from public views from the road.
- 6.5 On its northern boundary there are a number of mature trees which offer some screening from the M25. Similar to the trees on the southern boundary, there are some significant breaks in this coverage and as such the site is visible from parts of the road.
- 6.6 A Public Right of Way (PRoW) runs from north to south across the parcel of land, approximately 350m from the edge of the site and directly adjacent to the residential development to the west. The PRoW extends to a footbridge on the southern boundary across Dowding Way and beyond.
- 6.7 The site does not currently have vehicular access but can be accessed on foot from the north, over an existing foot bridge which crosses the M25.
- 6.8 Junction 26 of the M25 is located approximately 700m from the eastern boundary of the site and offers both east and west bound entry onto the M25 orbital via Dowding Way.
- 6.9 The site is located within the boundaries of the Metropolitan Green Belt and has an open, rural character.

7. RELEVANT PLANNING HISTORY

- 7.1 This site is the subject of an earlier application (EPF/1413/18) which proposed:

Hybrid: Full planning application for erection of 1 no. warehouse with ancillary accommodation (Class B8), including access and servicing arrangements, car parking and landscaping, roof-mounted photovoltaic array and associated works including new vehicular access to A121 (phase 1), gatehouse and sprinkler tanks; outline planning

application for up to 22,733 square metres (GIA) of employment floorspace (Classes B1(c), B2 and B8) with all matters reserved (phase 2)

- 7.2 This application site has been the subject of a number of discussions with EFDC and ECC officers as well as three Quality Review Panel meetings. As a result significant alterations were required to the original submission which, in the view of officers were too significant to be considered as amendments to the original scheme. The 2019 submission is therefore an evolution of the earlier 2018 application.
- 7.3 The 2018 scheme remains undetermined at the current time.

8. CONSULTATION AND REPRESENTATIONS

Statutory consultees (the submitted comments in full are available on Council website through the following [link](#))

Secretary of State (National Casework Unit) – No comment to make

- 8.1 Essex County Council – No objection subject to conditions and obligations
- 8.2 Environment Agency – No comment received
- 8.3 Natural England – No objection subject to mitigation measures proposed being lawful and enforceable.
- 8.4 Highways England – Currently issued a holding direction on the application. Undertaking a review of the modelling used as part of the application.

Other external consultees (full comments available on Council website using the link above)

- 8.5 London Borough of Waltham Forest – The borough consider that further information is required to adequately determine the perceived impact in relation to congestion, traffic safety and air quality.
- 8.6 The Conservators of Epping Forest – Object to the application
- 8.7 Invest Essex – Supports the application
- 8.8 CPRE – Object to the application
- 8.9 Thames Water – No objection to the application
- 8.10 Waltham Abbey Historical Society – Object to the application
- 8.11 Epping Forest Heritage Trust – Object to the application

Internal consultees

- 8.12 Environmental Health – No objection subject to conditions
- 8.13 Urban Design – No objection subject to conditions
- 8.14 Tree and landscape – No objection subject to conditions
- 8.15 Contaminated land – No objection subject to conditions
- 8.16 Land Drainage – No objection subject to conditions

Town Council comment

- 8.17 Waltham Abbey Town Council – Object to the application

Notification

- 8.18 In accordance with relevant legal requirements and the Council's Statement of Community Involvement, notification letters were sent to the occupants of 727 residential properties on 31st October 2019 and six site notices were displayed on 6th November 2019. A press notice was published in the Epping Forest Guardian on the 3rd November 2019.
- 8.19 A further consultation exercise was undertaken on the 16th December 2019 and six new site notices were displayed. Further letters were sent to neighbours notifying them of the alterations and a new press notice was published in the Epping Forest Guardian on the 12th December 2019.
- 8.20 Over the course of both consultations, 219 representations have been received in response to the consultation on the application. The representations received identified the following material planning considerations relevant to the determination of the application. A table setting out all the neighbour comments received is available at appendix 2. The comments are summarised below, for ease of reference separated into the material considerations raised. Appendix 2 of this report gives further details of neighbour comments.

Traffic movements

Dowding Way experiences heavy traffic at most hours of the day, with the traffic spreading onto Meridian Way and into Waltham Cross.

The proposed clean air tax on the A10 at Junction 25 of the M25 will likely cause vehicles to divert through Waltham Abbey to avoid the charge adding more congestion.

The additional vehicle movements as part of this proposal, would significantly increase congestion around the area, with local back roads and roundabouts clogged up affecting local resident's day to day lives negatively.

It is believed that adding a set of traffic lights and merge schemes will only add to congestion.

HGVs

Likely increase in the numbers of HGVs parked along the Marriott hotel road, opposite Junction 26 cafe/expo and along Farthingale Road which is already an issue due to dangerous parking, littering and damage caused to grass verges and residents' vehicles

Air Pollution

The air quality in this area is already poor and will deteriorate further if this development goes ahead.

Extra commuter vehicles, increase in HGVs and longer journey time for existing residents will all result in further decline of air quality.

Climate change is more prevalent than ever. Waltham Abbey Councillors recently declared a climate emergency however this proposal is contrary to this declaration.

Passing this application will not help the district become carbon neutral in 10 years.

It will damage the woodland, heath, rivers, bogs, ponds and wildlife and put further pressure on the Forest.

Wildlife

The development will be responsible for the displacement of wildlife as the land hosts homes to many wildlife, which will lose their habitat.

Wildlife habitats, including those of endangered species, should be protected rather than put at further risk

Green Belt

The site is on Green Belt land and in an area of special interest (SAC).

Green Belt areas have historically been preserved. There are plenty of brownfield sites to be built on and re-developed if this is the start of building on valuable greenbelt it will be highly regrettable for the local community.

The loss of greenbelt would be among more and more green and brown belt land which is being taken up by development.

Noise Pollution

More vehicles will affect not only air quality but cause an increased noise impact, disturbing all homes and gardens nearby.

Residents already suffer the noise and constant use of the Sainsburys distribution centre.

The extra noise from a second distribution centre along with the intense light pollution will blight the local area.

Parking

Concerns that 300 parking spaces for 600+ employees will result in employees parking on nearby residential roads causing further problems such as parking availability and noise disturbance on the varied shifts.

Design

The development is out of character with Waltham Abbey's Historic Town heritage and forest dominated area.

The warehouse appears over-bearing, out-of-scale and too high. It would be a blight on the rural landscape.

The development should not be visible from the Abbey side of the motorway to spoil the view.

Concerns around the public right of way as it runs adjacent to properties and the increased pedestrian traffic will affect privacy and threaten security.

Suggestions that the proposed path should be re-routed away from the back of houses for a more direct route to the site.

Cycle paths and footpaths would need to go way beyond the site boundaries if they are expected to be used and made safe to use.

Ponds are welcomed features however questions over whether these should be placed in open public spaces so as to give something back to the community.

Public transport

Local residents already suffer due to poor public transport as the current system is poor with an infrequent and unreliable bus service.

Attempts to get hold of cabs to/from Waltham Abbey during rush hour prove negative as drivers do not want to spend duty time in traffic.

The above matters will only deteriorate with more people travelling in and out of the area.

There are doubts around the bus service financed by Next as residents do not believe it will last and no other companies will fund it otherwise

Economy

Proposed jobs will not go to local people but to current relocated Next employees or to agency workers who will commute from afar with the site's links to M25, M11 etc.

Due to the location of the development it is unlikely that Next employees will travel into Waltham Abbey town to shop. The staff canteen means workers won't need to leave the premises for refreshments.

If anything, the economy of Waltham Abbey will deteriorate due to an increase in traffic preventing visitors to the town.

Other Consultation

Quality Review Panel

8.21 Development proposals on the site have been the subject of three Quality Review Panel (QRP) meetings. These were held on the following dates:

- 26th April 2018
- 11th October 2018
- 9th August 2019

8.22 The following section will give a brief summary of the key issues which were raised by the Panel at each of the reviews:

QRP 1 – 26th April 2018

- Exciting opportunity to create unique and sustainable employment presence
- Compressed design programme and non-sequential design process is causing issues
- Overall approach to wider site, layout, landscape architectural identity, topography, ecology, sustainable travel and fit with context remain unresolved.
- Landscape vision is needed that reflects immediate and wider context, and acknowledges the rural character of the site.
- Impact of the hillock and topography needs to be understood, and imbalance between hard and soft landscaping should be addressed through greening and ecological enhancement.
- Need to consider amenity for significant workforce, and give clarity on spaces being created.
- Healthy and sustainable modes of transport need to be facilitated.
- Applicant urged to look beyond red line boundaries in regards to stewardship, phasing and masterplan, to ensure a high quality scheme.

QRP 2 – 11th October 2018

- Considers that issues and concerns raised in review 1 remain unresolved.
- The opportunity presented by Next plc's brief for a new regional centre is great, and current scheme is not living up to these aspirations.
- Concerns over contextual fit and topography, landscape vision, and architectural expression.
- Much more work needed on landscape design, not featured in this review.
- More work needed on architectural expression, exploiting the large-scale form rather than seeking to hide it, and exploring alternative materials such as timber, and façade options that are appropriate to the context.
- Proposal would still benefit from a wider masterplan approach.
- Concern that BREEAM Very Good does not match the exemplary sustainability ambitions of Next Plc. Further information needed.
- Visualisations of the scheme from different locations and distances are needed to understand how the structure sits in the landscape.
- Sections are needed to understand how the scheme relates to topography.

- Plans and internal spaces need more detail to understand how these will function.
- Access road as junction instead of roundabout is much improved.

QRP 3 – 9th August 2019

- Helpful to see the scheme evolve and that many comments have been taken on board. Wider masterplan exercise and landscape work has been undertaken. Would still like to see more comprehensive landscape strategy.
- Encouraged by the desire of applicants to make this building exemplary in its type and within Next's business.
- More clarity is needed on links to the wider context and accessibility to the site, the scheme should define these at masterplan and site plan level.
- Demand Responsive Transport service is welcomed, but it is also essential that sustainable modes of transport are promoted through convenience of access routes and showcasing them.
- Landscape should help to define routes to and through the site, and arrival sequence needs further work. Rethink chain link fences, scope to allow landscape to better define edges.
- Scheme should be more ambitious in its sustainability targets, stepping beyond BREEAM Excellent 2014 requirements. Commends aspiration to achieve net zero carbon emissions. Materials should be reviewed and selected based on embodied energy performance and construction strategy. Further analysis on way scheme responds to solar orientation and shading.
- Still an opportunity to celebrate the scale of the building, suggest a more rigorous and robust approach to architectural expression.

8.23 Development Management Forum

8.24 The proposed development of this site was also the subject of a Development Management Forum (DMF). In this case the DMF occurred on the 15th May 2018.

8.25 The purpose of the DMF is to allow early engagement with the local community to ensure that any concerns and questions can be raised at an early point in the process and used to assist in the evolution of the scheme as it progresses.

8.26 This process is part of the Council's commitment to ensure that development proposals of this scale are the subject of robust engagement within the local community.

Public Exhibitions

- 8.27 In addition to the DMF, development proposals on this site were also the subject of two unstaffed public exhibition events. The exhibitions included design boards and feedback forms to allow the local community to raise their comments to the proposals.
- 8.28 The first of these occurred on the 9th and 10th July 2018 and the second series occurred on the 15th and 16th October 2019.

9. PLANNING CONSIDERATIONS

9.1 The main issues raised by the proposed development are:

- Principle of development
- The economy
- Strategic and Local Highway network
- Sustainable transport
- Natural environment and green infrastructure
 - Habitat protection and improving biodiversity
 - Epping Forest Special Area of Conservation
 - Impact on landscape character
 - Trees
 - Historic Environment - Archaeology
- Design
 - High quality design
 - Landscaping
 - Privacy and amenity
 - Climate change
 - Low carbon and renewable energy
 - Managing and reducing flood risk
 - Sustainable drainage
 - Air Quality

- Land contamination and pollution
- Infrastructure

10. DEVELOPMENT PLAN

- 10.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations.
- 10.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.3 The Development Plan currently comprises the saved policies of the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006) (ALP). The list below indicates which policies of the ALP are relevant to the determination of this application and the degree to which officers consider that they are consistent with the NPPF as noted in the report to the Local Plan Cabinet Committee (25th March 2013):

CP1 – Achieving Sustainable Development Objectives – Compliant

CP2 – Protecting the Quality of the Rural and Built Environment – Compliant

CP3 – New Development – Compliant

CP4 – Energy Conservation – Compliant

CP5 – Sustainable Building – Compliant

CP 6 – Achieving Sustainable Urban Development Patterns – Compliant

CP 7 – Urban Form and Quality – Compliant

CP 8 – Sustainable Urban Economic Development – Compliant

CP 9 – Sustainable Transport – Compliant

GB2A – Development in the Green Belt – Generally Compliant

GB7A – Conspicuous Development – Compliant

HC1 – Scheduled Ancient Monuments and Other Archaeological Sites – Partially Compliant

RP3 – Water Quality – Compliant

RP4 – Contaminated Land – Compliant

RP5A – Adverse Environmental Impacts – Compliant

U3B – Sustainable Drainage Systems – Compliant

DBE1 – Design of New Buildings – Compliant

DBE2 – Effect on Neighbouring Properties – Compliant

DBE3 – Design in Urban Areas - Compliant

DBE4 – Design in the Green Belt – Compliant

DBE9 – Loss of Amenity – Compliant

LL1 – Rural Landscape – Compliant

LL2 – Inappropriate Rural Development – Compliant

LL10 – Adequacy of Provision for Landscape Retention – Compliant

LL11 – Landscaping Schemes – Compliant

ST1 – Location of Development – Compliant

ST2 – Accessibility of Development – Compliant

ST4 – Road Safety – Compliant

10.4 The relevance of the identified saved Local Plan policies to the determination of this application and the weight to be accorded to each policy are addressed in further detail within Section 12 of this report.

11. NATIONAL PLANNING POLICY FRAMEWORK

11.1 The current version of the National Planning Policy Framework ("the Framework" or "NPPF") was published in February 2019 and updated in June 2019. It provides the framework for producing Local Plans for housing and other development, which in turn provide the policies against which applications for planning permission are decided.

11.2 Reflecting the proper approach identified in the previous section of this Report, the NPPF explains (at paragraph 2) that:

"2. *Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.*"²

11.3 Paragraph 11 of the NPPF concerns the presumption in favour of sustainable development and states (so far as relevant):

"Plans and decisions should apply a presumption in favour of sustainable development.

...

For **decision-taking** this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole."*

11.4 Paragraph 11 d) ii. is often referred to as the 'tilted balance'.

11.5 Paragraph 213 of the NPPF requires that policies in the existing Development Plan should not be considered out of date simply because they were adopted prior to the publication of the NPPF. Rather, due weight should be given to such policies according to their degree of consistency with the NPPF; in other words the closer the policies in the Development Plan to the policies in the NPPF, the greater the weight that may be given to them.

11.6 For the purposes of sub-paragraph (i) of paragraph 11, footnote 6 lists the policies in Framework (rather than those in development plans) that protect areas or assets of particular importance including: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, or Local Green Space; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63 of the NPPF); and areas at risk of flooding.

11.7 The presumption in favour of sustainable development does not, however, change the statutory status of the development plan as the starting point for decision making.

12. EMERGING LOCAL PLAN

- 12.1 On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.
- 12.2 The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has Asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.
- 12.3 During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019 the Local Plan Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.
- 12.4 Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "*may give weight to relevant policies in emerging plans according to:*
- a) *The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
 - b) *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
 - c) *The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).²²*
- 12.5 Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.
- 12.6 As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant

weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

SP 1 – Presumption in favour of sustainable development – Significant

SP 2 – Spatial Development Strategy - Some

SP 3 – Space shaping – Significant

SP 6 – Green Belt and District Open Land – Significant

SP 7 – The Natural Environment, landscape character and Green and Blue Infrastructure - Significant

E 1 – Employment sites – Significant

T 1 – Sustainable transport choices - Significant

DM 1 – Habitat protection and improving biodiversity

DM 2 – Epping Forest SAC and the Lee Valley SPA - Significant

DM 3 – Landscape character, Ancient Landscapes and Geodiversity - Significant

DM 4 – Green Belt - Significant

DM 5 – Green and Blue Infrastructure - Significant

DM 7 – Heritage Assets - Significant

DM 9 – High quality design - Significant

DM 15 – Managing and reducing flood risk – Significant

DM 16 – Sustainable Drainage Systems - Significant

DM 17 – Protecting and enhancing watercourses and flood defences - Significant

DM 18 – On site management of waste water and water supply - Significant

DM 19 – Sustainable water use – Significant

DM 20 – Low carbon and renewable energy - Significant

DM 21 – Local environmental impacts, pollution and land contamination - Significant

DM 22 – Air Quality – Significant

P 3 – Waltham Abbey – Significant

D 1 – Delivery of Infrastructure - Significant

D 7 – Monitoring and Enforcement – Significant

13. CONSIDERATION OF PLANNING ISSUES

13.1 The following section of the report will consider the proposal against the requirements of the Adopted Development Plan and the LPSV.

Principle of development

13.2 As part of the evidence base which informed the production of the LPSV, the Council undertook a Site Selection process. The purpose of the Site Selection process was to identify the relative suitability of sites for new housing and employment development in order to meet the objectively assessed needs of the District over the Plan Period (2011-2033).

13.3 The Site Selection methodology identified 33 different assessment criteria which were grouped into 6 broad categories:

- impact on environmental and heritage designations and biodiversity;
- value to Green Belt;
- accessibility by public transport and to services;
- efficient use of land;
- landscape and townscape impact; and
- physical site constraints and site conditions.

13.4 The sites which were tested against these criteria were then assessed based on their suitability to meet the Council's preferred growth strategy.

13.5 In the case of this site, the Site Selection Report concluded that:

The site is jointly owned by two parties who have an informal agreement to work together. The site is available within the first five years of the Plan period, is being actively marketed and there are no identified constraints or restrictions that would impact upon deliverability. The site is c. 26ha in size and therefore if all of it were allocated for this Plan period it could more than meet the District's employment needs in full. Given the importance of providing choice and flexibility to the market, it is proposed that 10ha of the site is identified for development within the Plan period, with the remainder reserved for future Plan periods. The employment land should be

located on the eastern part of the site. The site is proposed for allocation for B1c, B2 and B8 uses given its proximity to the M11

- 13.6 Thus, the site was proposed for allocation within the LPSV (ref WAL.E8) to provide B1c/B2/B8 employment uses. It is within this context that the following Green Belt section is to be considered.

Green Belt preamble

- 13.7 As previously identified, the site is proposed for allocation in the LPSV to provide significant employment uses over the Plan Period. The site is currently located within the boundaries of the Green Belt, however the proposed allocation also includes an amendment to the existing Green Belt boundary, to remove it from this designation.
- 13.8 The proposed amendment to the boundary of the Green Belt will not occur until the formal adoption of the emerging Local Plan. Since this application has been lodged prior to the formal adoption, the site remains within the boundaries of the Metropolitan Green Belt and as such the Local Planning Authority must assess it within the context of this existing policy designation.

Green Belt assessment

- 13.9 Paragraph 133 of the NPPF identifies that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 13.10 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweighs this harm.
- 13.11 The NPPF also requires the Local Planning Authority to ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm, by reason of inappropriate development and any other harm is clearly outweighed by other considerations.
- 13.12 Policy DM 4 of the LPSV reiterates the provisions of Paragraphs 145 and 146 of the NPPF which identifies certain forms of development which are not inappropriate in the Green Belt and the development listed in these sections are exhaustive.
- 13.13 Saved Policy GB2A of the Adopted Local Plan requires that strict control is to be exercised over inappropriate development in the Green Belt, allowing for certain exceptions. Whilst some of these exceptions are no longer consistent with National policy, the overall aim of GB2A to restrict development in the Green Belt is generally compliant with the NPPF and therefore should be afforded significant weight.

- 13.14 Saved Policy GB7A seeks to restrict conspicuous forms of development in the Green Belt to ensure that there would not be excessive harm to openness. Safeguarding the rural character of the Green Belt reflects one of the fundamental purposes of the Green Belt to safeguard the countryside from encroachment.
- 13.15 In this instance, the development proposed does not fall within any exception as identified in the NPPF, Policy GB2A of the ALP or Policy DM 4 of the LPSV. It therefore must be concluded that the proposal represents inappropriate development in the Green Belt. In accordance with the requirements of the NPPF this should be afforded significant weight in the decision-making process.

Openness

- 13.16 In *Turner v Secretary of State for Communities and Local Government* [2016] EWCA CIV 466} the Court of Appeal confirmed that the Green Belt has both a spatial and visual dimension and as such the decision maker must consider whether there would be any additional harm caused to the openness of the Green Belt, over and above the harm caused by reason of inappropriate development.
- 13.17 Both Phase 1 and Phase 2 of the proposed development would result in the erection of very large warehouse buildings and associated development on existing open and undeveloped land. The sheer scale and significance of this development, which will clearly be visible from public viewpoints would cause substantial additional harm to the openness of the Green Belt. In accordance with the NPPF this additional harm should be afforded significant weight in the decision.

Green Belt summary

- 13.18 The proposal constitutes inappropriate development which is, by definition, harmful to the Green Belt. It would also cause additional harm to openness thereby conflicting with its fundamental purpose of keeping land permanently open. As previously discussed, these identified harms to the Green Belt should be afforded significant weight against the proposal. Very special circumstances will therefore need to be advanced by the applicant which clearly outweigh these, and any other harms.
- 13.19 The very special circumstances considerations will now be addressed in relation to the principle of this proposal.

Very Special Circumstances

- 13.20 Once a proposal has been concluded to constitute inappropriate development in the Green Belt, the NPPF makes clear that very special circumstances (VSC) are required to clearly outweigh the harm caused.
- 13.21 VSC will not exist unless the potential harm to the Green Belt by reason of inappropriate development, and any other harm, is clearly outweighed by other considerations.

13.22 In R (Basildon District Council) v First Secretary of State and Temple [2004] EWHC 2759 (Admin), Sullivan, J clarified the test for demonstrating very special circumstances by confirming that it was not necessary for each factor, of itself, to be 'very special' and that factors which individually were otherwise quite ordinary could cumulatively become very special circumstances.

13.23 Further guidance was provided by the Court of Appeal in the case of Wychavon District Council v Secretary of State and Butler [2008] EWCA Civ 692, in which the Carnwath LJ (as he then was) stated that:

[...] The word "special" in PPG2 connotes not a quantitative test, but a qualitative judgement as to the weight to be given to the particular factor for planning purposes. [...]

13.24 Whether a factor, or a combination of factors amounts to VSC is a matter for the decision maker taking relevant material considerations into account. The Green Belt requirements contained within the NPPF relating to VSC are still consistent with the tests of PPG 2, as such this Court of Appeal decision is still relevant.

13.25 In this instance, the applicant has advanced various factors which in their view demonstrate the VSC required to clearly outweigh the harm to the Green Belt. These factors are:

- Performance of the Site against the Purposes of the Green Belt;
- The outdatedness of the Adopted Local Plan (1998, altered 2006);
- The Draft Allocation WAL.E8 within emerging EFDC Local Plan;
- Employment Need in Epping Forest District and Lack of Alternative Sites
- The benefits to the Local Economy;
- The need for Distribution Centres; and
- Next's Corporate and Social Responsibility.

13.26 This report will address each of these factors in turn.

Performance of the site against the purposes of the Green Belt

13.27 As part of the Plan making process, the Council undertook a Green Belt review which was published in August 2016. Each of the sites therein were assessed for their contribution to the five key purposes of the Green Belt as set out in paragraph 134 of the NPPF:

- to check the unrestricted sprawl of large built-up areas;

- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

13.28 The site (ref: 058.1) was assessed against four of the five purposes of the Green Belt and the following conclusions were reached:

Parcel 058.1

Parcel Size (Ha) - 39.83

Summary of Assessment - Parcel's Contribution to the Purposes of Green Belt

1st Green Belt Purpose	Weak
2nd Green Belt Purpose	Relatively Weak
3rd Green Belt Purpose	Moderate
4th Green Belt Purpose	Weak
5th Green Belt Purpose	Not Assessed

Summary of Assessment

Resultant harm to the Green Belt purposes if parcel released from the Green Belt: **Moderate**

13.29 The review concluded that the site does not contribute highly to any of the purposes of the Green Belt and the resultant harm to the Green Belt caused by its removal and subsequent development would be moderate.

13.30 However the findings of the Green Belt review should not be considered in isolation. The identified level of harm to the Green Belt was also considered during the site selection process in the context of the Council's Spatial Development Strategy (policy SP 2) and the findings of the Employment Land Supply Assessment (ELSA) which was published in December 2017.

13.31 The ELSA concluded that there is little scope for intensification of existing employment sites in Epping Forest District and that, in general terms there are very low vacancy rates on existing employment sites.

13.32 In order to meet the identified need for employment space in the District therefore, it was concluded that a number of Green Belt sites would need to be released and allocated for employment uses in the LPSV, in accordance with the hierarchy identified within the Council's Spatial Development Strategy.

13.33 The Site Selection report and its appendices acknowledged the level of harm which would be caused to the Green Belt through the release of WAL.E8, but also considered the employment requirements for the District over the Plan Period as identified in the ELSA. It also considered where there is likely to be demand for employment land for

the future, in order to achieve sustainable forms of development focused in and around existing settlements.

- 13.34 The sites which have been proposed for allocation represent the minimum land take from the Green Belt to enable the Council to meet the employment needs over the plan period. WAL.E8 represents one of two major new employment sites as proposed in the LPSV and would create significant employment within close proximity to Waltham Abbey Town Centre.
- 13.35 It is concluded that the Site Selection process which considered, amongst other things the potential harm to the Green Belt has been informed by robust and up to date evidence should be given substantial weight in this decision.

The outdatedness of the Adopted Local Plan (1998, altered 2006)

- 13.36 The applicant contends that the ALP is significantly out of date and that the LPSV has been informed with up to date and robust evidence which identifies a need for new employment uses in Epping Forest District. As such, the policies contained within the LPSV should be afforded greater weight in the decision-making process.
- 13.37 As previously identified, section 38(6) of the 2004 Act require that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 13.38 The saved polices from the 1998 (amended 2004) Plan form part of the existing Development Plan. However, it is acknowledged that the Adopted Plan is not for the current Plan Period and a number of the policies therein are inconsistent with the NPPF as outlined in paragraph 11 above.
- 13.39 By comparison, the LPSV contains up to date policies which have been informed by robust and up to date evidence. On this basis and having due regard for the provisions of paragraph 48 of the NPPF, it is concluded that the policies contained within the LPSV should be afforded greater weight in this decision. Further examination of the weight to be afforded to the draft allocation in the LPSV is assessed in the following section.

The Draft allocation WAL.E8 in the LPSV

- 13.40 As previously discussed, the LPSV is now at a very advanced stage in its production. The initial hearings as part of the Independent Examination (IE) have been concluded and the Inspector has published her initial advice to the Council.
- 13.41 The allocations contained within the Plan have been informed through up to date and robust evidence, which have been rigorously assessed in public by the Inspector as part of the examination process.

- 13.42 Without prejudice to the observations and conclusions that the Inspector might ultimately reach, the Council understands that the Inspectors advice dated 2nd August 2019 set out the areas where Minor Modifications (MMs) to the LPSV will be required in order for it to be considered “sound”. The Council therefore draws the reasonable inference that the Inspector does not harbour any misgivings about areas or allocations which are not mentioned in her advice.
- 13.43 The Inspector confirmed the Council’s understanding is correct in her response dated 25th November 2019.
- 13.44 Site allocation WAL.E8 has not been identified by the Inspector in her advice as requiring MMs to make the Plan sound and as such, it is reasonable to conclude that the Inspector does not have any concerns regarding the proposed allocation.
- 13.45 Within this context and having due regard to paragraph 48 of the NPPF it is concluded that, since the Local Plan is at a very advanced stage, there are no unresolved objections to the allocation, the Local Plan Inspector has not raised any concerns about the allocations and that it is consistent with the requirements of the NPPF, the proposed allocation of this site for employment uses and the evidence which informed the allocation should be afforded significant weight in this decision.
- 13.46 This approach is consistent with the approach taken by the Court of Appeal in 2015 (Luton Borough Council, R (on the application of) v Central Bedfordshire Council & Ors [2015] EWCA Civ 537).
- 13.47 In terms of the background to this case, in June 2014 Central Bedfordshire Council (CBC) approved a planning application for a mixed use development on a Green Belt site. The site had been identified in CBC’s emerging Local Plan for removal from its Green Belt designation and allocated for development consistent with the planning application. The application was lodged prior to the formal adoption of the emerging Local Plan and CBC concluded that VSC existed which clearly outweighed the harm caused and that significant weight should be afforded to the emerging policy, which had a greater degree of consistency with the NPPF than the Adopted Local Plan.
- 13.48 The decision was subsequently judicially reviewed by Luton Borough Council (LBC) a neighbouring Local Planning Authority. The main thrust of LBC’s argument was that CBC had erred in attaching significant weight to the emerging Local Plan and thus had taken its decision prematurely, prior to formal adoption. The High Court rejected LBCs challenge but leave was given for an appeal to be lodged in the Court of Appeal.
- 13.49 The appeal judges found that CBC had ‘lawfully and rationally’ concluded that VSC existed’. CBC had also properly addressed the issue of whether its decision would be premature to the Local Plan process, through which it intended to remove the site from the Green Belt and allocate the site for a mixed-use development. The appeal judges agreed with the High Court that CBC had taken the correct approach in the weight it applied to emerging policy.

- 13.50 The above analysis has confirmed that the allocation of the site can be afforded significant weight in policy terms, however the weight which can be afforded to this as a VSC is dependent on the extent to which the development accords with that policy and within Appendix 6. Since it is the conclusion of this report that the development as proposed complies with the policy requirements of the proposed allocation, subject to various conditions and obligations, it should be given significant weight as a VSC.

Employment need in Epping Forest District and lack of alternative sites

- 13.51 The LPSV proposes employment allocations which marginally goes beyond the employment need identified in the Functional Market Area Assessment (FMAA, 2017). The sites identified are capable of providing a range of employment opportunities and their distribution reflects the needs identified across the District, particularly taking into account the need for additional space to serve employment markets in the South of the District, including Waltham Abbey.
- 13.52 Justification for the proposed new employment sites comes in part from the ELSA which concluded that the identified need is unlikely to be met through existing employment sites, in part due to particularly low vacancy levels on existing sites throughout the District (p35). As such it was concluded that the identified need could not be met through existing employment sites.
- 13.53 In order to meet the employment needs of the District therefore, the ELSA identified 19 potential new sites which may be suitable for future employment development. Of these, 18 were within the Green Belt.
- 13.54 The evidence base which has informed the employment allocations therefore is robust and clearly demonstrates that there is a need for new employment sites within Epping Forest District over the Plan Period and that these needs could not be met through the expansion of existing sites.
- 13.55 The need for new employment with the District and the lack of alternative sites should be attributed significant weight in the decision.

The benefits to the Local Economy

- 13.56 The EFDC Economic Report (ER, September 2015) which forms part of the evidence base of the LPSV confirms that there is relatively low unemployment in Epping Forest District and that, in general terms, it is an affluent area.
- 13.57 However the ER also identifies that, despite its affluence there are pockets of deprivation, particularly within Waltham Abbey and generally the District has a weak manufacturing sector and few large employment areas (para 3.2.2).
- 13.58 A potential solution identified in the ER is to release some existing Green Belt sites which do not measure highly against its five main purposes, for employment use to meet the needs of the District.

- 13.59 The applicant contends that there would be significant benefits for the local community as a result of the investment into the area. It would create a substantial increase in employment opportunities of various types for the local community. These jobs will be available during the construction phase and the operational phase.
- 13.60 The Phase 1 development would provide a maximum total of 325 full time equivalent (FTE) jobs on its first day of operation and most of these will be full time positions (a minimum of 35 hours, up to 45 hours).
- 13.61 There is also a commitment to supporting approximately four graduate placement opportunities per year within the proposed photo studio.
- 13.62 These factors will contribute to an overall benefit to the local economy. Workers will travel to the site for work, which in turn has the potential to create additional footfall and business opportunities in the town centre.
- 13.63 Whilst it has previously been identified that the application site as existing is not particularly well connected to Waltham Abbey Town Centre, the development proposals would include substantial improvements to the existing walking and cycling facilities from the site, to the southern part of Roundhills. This new connectivity will give staff a realistic opportunity to travel directly to the Town Centre of Waltham Abbey using sustainable methods. If walking on foot staff could get to the Town Centre in 15-20 minutes or 7 minutes by bicycle. The creation of this walking and cycling route will be discussed further in this report.
- 13.64 It is concluded that the development would create significant employment opportunities for the local community and would have a positive impact to the local economy. This should be afforded significant weight in the decision.

The need for distribution centres

- 13.65 As evidenced in the ER and previously discussed, low vacancy rates and limited opportunity for intensification of existing sites has created a high demand for B1c/B2/B8 occupiers within Epping Forest District.
- 13.66 The ER identifies that the combined level of demand for B use classes amounts to 32 hectares of land over the Plan Period (para 8.1). Of this there is an identified need of between 2-5ha for offices (B1a) and 14ha for industrial. (B1c and B2)
- 13.67 Of the remaining 16-19ha of residual need, this has not been disaggregated within either the ER or the LPSV. Thus it cannot be identified with clarity that there is an acute need for distribution centres with Epping Forest District per se.
- 13.68 It has already been identified that significant weight should be attached to the general need for employment and the lack of alternative sites within the District. However since there is no specific identified need for B8 within the LPSV or its evidence base this would attract no further weight.

Next's corporate and social responsibility

- 13.69 The applicant sets out that Next Plc have a comprehensive corporate responsibility policy to ensure they act in a responsible manner. Indeed, there is a strong commitment to the ongoing learning and progression of their employees, including a strong track record of working with local schools and colleges to assist students with work placements and training opportunities.
- 13.70 Next also have a human rights policy and seeks to create a workplace which treats everyone with respect and employees are supported and encouraged to reach their full potential.
- 13.71 There is no reason to doubt the assertions of the applicant or that the corporate and social responsibilities Next has adopted could assist in providing a social role in the planning system. However, planning permission runs with the land and not with the end user. Indeed whilst the Phase 1 development is intended for Next, there is no guarantee that this would be the case indefinitely and consequently this attracts limited weight in the decision.

Conclusion relating to VSC

- 13.72 Drawing all the strands together, the evidence base which informed the LPSV has demonstrated a clear need for new employment space within Epping Forest District. The site selection process undertook a robust assessment of potential sites to meet the identified need in accordance with the Council's proposed Spatial Development Strategy and as a result of this process, WAL.E8 has been proposed for allocation in the LPSV.
- 13.73 It is acknowledged that the LPSV does not, at this stage, form part of the statutory Development Plan. However it is also recognised that it is at a very advanced stage of its production and that the proposed allocation of this site has been informed by robust and up to date evidence.
- 13.74 Following the publication of the Inspectors advice, WAL.E8 was not identified as requiring MMs by the Inspector in order to make the Plan sound and therefore it is reasonable to conclude at this stage, that the proposed allocation is likely to form part of the emerging Development Plan.
- 13.75 Were this to occur, the site would no longer be located within the boundaries of the Green Belt and therefore the application would not need to demonstrate very special circumstances in order to be granted planning permission. It is therefore concluded that the LPSV allocation and the evidence base which informed it should be afforded significant weight in this decision.
- 13.76 In addition, the benefit to the local economy which has been identified should be afforded further significant weight.

13.77 As a result of the analysis undertaken, it is concluded that the applicant has advanced circumstances which cumulatively result in VSC which clearly outweighs the identified harm to the Green Belt and any other harm. The acceptability of this development in Green Belt terms is therefore established.

Local and Strategic Highway considerations

13.78 Paragraph 108 of the NPPF identifies that when assessing planning applications for new development proposes, it should be ensured that:

13.79 *a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location*

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree.

13.80 Paragraph 109 advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 110 states that applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

13.81 Policy T 1 (Sustainable Transport Choices) seeks to promote a safe, efficient and convenient transport system and will permit development proposals where they integrate into existing transport networks; provide safe, suitable and convenient access for all users; provide onsite layouts that are compatible for all potential users with appropriate parking and servicing provision and do not result in unacceptable

increases in traffic generation or compromise highway safety. In addition development will be permitted where it:

- (i) *does not result in cumulative severe impact on the operation and safety of, or accessibility to, the local or strategic highway networks*
- (ii) *mitigates impacts on the local or strategic highway networks and London Underground station infrastructure within the District, arising from the development itself or the cumulative effects of development, through the provision of, or contributions towards, necessary transport improvements, including those secured by legal agreement, subject to viability considerations;*
- (iii) *protects and, where appropriate, enhances access to Public Rights of Way;*
- (iv) *provides appropriate parking provision, in terms of amount, design and layout and cycle storage arrangements, in accordance with adopted Parking Standards and which mitigates any impact on on-street parking provision within the locality. Reduced car parking, including car free, development in sustainable locations will be supported; and*
- (v) *ensures that, where appropriate, development proposals provide a coordinated and comprehensive scheme that does not prejudice the future provision of transport infrastructure on and through adjoining sites*

13.82 Saved Policies ST1 and ST2 seek to ensure that new development must be designed to encourage walking and cycling and where appropriate, to provide integrated transport choices and enhanced infrastructure to facilitate sustainable methods as far as possible.

13.83 Saved Policy ST4 requires that new development must not compromise highway safety, nor cause excessive highway congestion in the local area. In the interests of highway safety, the Council may use legal agreements to ensure that off-site alterations to the highway network are completed prior to the operation of a particular scheme.

13.84 Saved Policy ST5 sets out that proposals which would create a significant generation of people movements will be required to submit a Travel Plan which identifies measures to reduce car usage and encourage sustainable forms of transport.

13.85 These Saved Policies are all consistent with the provisions of the NPPF and the LPSV.

Local Plan Transport Assessment Report – background

13.86 As part of the Plan making process, a Transport Assessment Report (TAR) was produced in order to assess the potential impact that the growth planned in the LPSV may have on the local highway network.

- 13.87 The methodology used by the TAR is set out in section 6.4 of that report and is based on Trip Rate Information Computer System (TRICS). As set out in paragraph 6.4.2 of the TAR, TRICS is the national industry standard database for multi-modal trip generation and analysis. These trips are then converted into passenger car units in order to assess the potential impact on the highway network.
- 13.88 The TAR is based on a worst-case assessment and has also considered the potential 'in-combination' impacts on the Epping Forest Special Area of Conservation (SAC) arising from traffic growth. The executive summary on page 2 concludes that:
- 13.89 *The analysis highlights that the LPSV increases traffic levels by up to 36% with residual impacts on key junctions and corridors, with the need for more substantial physical highway interventions as well as further improvements to sustainable travel options*
- 13.90 The potential to provide an improved sustainable transport offer and to reduce the reliance on use of private motor vehicles is a key component of the overall strategy identified in the TAR.

TAR – WAL.E8

- 13.91 In terms of WAL.E8, the TAR assumed 40,000sqm of employment space would be provided across its entirety, although it was noted within paragraph 5.3.3 regarding employment allocations:

It is acknowledged that some of the employment sites allocated have reasonable potential to deliver additional floorspace and enhanced densities, over and above the employment area stated, particularly at more sustainable locations...the modelling approach has applied several worst-case assumptions to different traffic demand variables as a conservative approach...It was subsequently agreed with ECC that there was sufficient headroom within the model forecasting to adequately accommodate any associated increases in floorspace.

- 13.92 The scope for delivery of additional floor space and enhanced densities over and above the modelled level is not identified in the TAR or the LPSV and is therefore dependent on additional information and, if necessary increased mitigation measures during the planning application stage.
- 13.93 In order to provide this additional information, a Transport Assessment (TA) and Interim Travel Plan (ITP) have been submitted in support of the application, which will now be examined in turn.

Transport Assessment

- 13.94 The submitted TA assess the potential impacts of both Phase 1 and Phase 2 of the proposed development on the local and strategic highway network. The traffic generation methodology is based on the TRICS model, the same one used to inform the TAR which informed the LPSV.

13.95 The TA recognises that whilst the site is located within close proximity to the strategic highway network, particularly junction 26 of the M25, it is not currently well served by non-car modes of travel and not particularly well connected to Waltham Abbey Town Centre.

13.96 The highway network which has been assessed includes:

- Westbound off-slip of the M25
- Westbound on-slip of the M25
- Dowding Way
- Honey Lane East leading to Woodridden Hill

13.97 The effect that the development traffic could cause on the highway network has been assessed based on the anticipated year that the Phase 1 development will become operational in 2021 as well as for 2033, which is the end of the current Plan Period.

13.98 The traffic attraction methodology that has been assumed in the TA is based on the TRICS database for HGV and total traffic generation created by different use classes at AM and PM peak times. The table below is an extract from the TA which summarises these assumptions:

Table 5.2 – Summary of development trip rates

Period	Type	B1c		B2		B8	
		Arr	Dep	Arr	Dep	Arr	Dep
AM Peak 08:00-09:00	Total	0.634	0.394	0.347	0.176	0.072	0.048
	HGVs	0.007	0.042	0.018	0.018	0.019	0.020
PM Peak 17:00-18:00	Total	0.122	0.340	0.085	0.326	0.029	0.053
	HGVs	0.002	0.005	0.007	0.009	0.018	0.020

13.99 This proposed development, across both phases would amount to 80,000sqm of new employment space which has been broken down in the TA as summarised in the table below:

Table 5.4 – Development use class proportions

Phase	Phase 1		Phase 2		
	B8	Photo Studio	B1c	B2	B8
Proportion %	92 %	8 %	20 %	40 %	40 %
Proportion GIA	52,622 m ²	4,645 m ²	4546.6 m ²	9093.2 m ²	9093.2 m ²

13.100 Based on the summary of development trip rates and the proportion of use classes above, a forecast for the AM and PM peak periods can be made across Phase 1 and 2 of the proposal. Below is an extract taken from the TA which summarises the forecasted trip rates during the AM and PM peaks to and from the site.

Table 5.5 – Summary of traffic generation by phase

Period	Type	Phase 1				Phase 2						Total	
		B8		Photo Studio		B1c		B2		B8			
		Arr	Dep	Arr	Dep	Arr	Dep	Arr	Dep	Arr	Dep	Arr	Dep
AM Peak 08:00-09:00	Total	38	25	53	3	29	18	32	16	7	4	159	66
	HGVs	10	11	0	0	0	2	2	2	2	2	14	17
PM Peak 17:00-18:00	Total	15	28	3	62	6	15	8	30	3	5	35	140
	HGVs	9	11	0	0	0	0	1	1	2	2	12	14

13.101 The above table sets out the traffic movements during the AM and PM peaks and the applicant has advised that the total number of traffic movements resulting from the proposed development on a typical day will be 2,083. The table below sets out the potential vehicle movements over the course of a typical day:

Daily vehicle movements	Arrivals	Departures	Two-way
Lights	763	770	1533
OGV 1	132	142	275
OGV 2	132	142	275
Total	1,028	1,055	2,083

13.102 In terms of the potential impact on the highway network, it is acknowledged that the development will create a substantial number of vehicle movements over the course of a typical day. However modelling vehicles travelling in the AM and PM peaks are the most crucial since they will have the greatest potential impact on the local and strategic highway network. Indeed, the majority of the vehicle movements will be staggered throughout the day and will generally seek to avoid travelling during peak times.

13.103 Nonetheless the increased traffic movements, when considered alongside the growth and in combination effects of the LPSV require a comprehensive package of mitigation to ensure that it would not result in significant queuing on the highway network, which has been identified by the TAR to be operating over capacity at peak hours around the District, including Junction 26 of the M25.

Mitigation package – Junction 26 of the M25 – southern roundabout

13.104 Following the modelling undertaken through the TAR, The Infrastructure Delivery Plan (IDP) identifies that an upgrade to the southern roundabout of J26 of the M25 is an

essential piece of infrastructure in Waltham Abbey in order to facilitate the level of growth proposed in the LPSV. This intervention is identified as an essential piece of infrastructure by Essex County Council (ECC) to ensure capacity on the network can accommodate the growth contained within the LPSV.

13.105 The specifics of the intervention required are not defined in the IDP, however Jacobs, on behalf of ECC have developed a potential scheme to upgrade the southern roundabout to ensure the junction can accommodate the increased level of traffic resulting from the growth in the LPSV.

13.106 The submitted TA sets out that the applicant intends to implement the scheme proposed by Jacobs which includes:

- An extension to the two-lane approach on the westbound off slip of the M25 to formalise existing two lane practice of slip road queuing;
- 'Keep Clear' markings to be provided on the on the roundabout exit from the westbound off slip of the M25;
- Alignment improvements to A121 Honey Lane East arm, including a flared two-lane approach;
- A two-to-one lane merge arrangement on Dowding Way exit; and
- A short flared two-lane approach on A121 Honey Lane North approach

13.107 ECC as highway authority for the local highway network has concluded that these measures in their entirety will need to be implemented prior to first occupation of the development to ensure that the junction has capacity to accommodate the increased level of traffic.

13.108 The applicant could undertake these works through a S278 agreement with ECC as local highways authority prior to the commencement of development. These measures can be secured through the use of planning obligations and will extend capacity on the southern roundabout of junction 26 as well as meeting the needs identified in the IDP to accommodate future growth in the District. The requirement for these works to Junction 26 should be afforded significant weight in this decision.

Sustainable Transport – Interim Travel Plan

13.109 In combination with the physical works to junction 26 of the M25, a holistic approach is required to manage traffic growth from new forms of development which seeks, on the one hand to increase the capacity of existing junctions, but on the other seeks to reduce overreliance of new developments on the use of private motor vehicles.

13.110 As such Policy T1 of the LPSV sets out that development proposals should provide an appropriate level of parking provision, having due regard to the nature of the proposed

development. In addition, opportunities to widen public and sustainable methods of transport and reduce reliance on private cars will be maximised as far as possible to facilitate a modal shift away from overreliance on the use of private motor vehicles.

13.111 The applicant has therefore submitted an Interim Travel Plan (ITP) in relation to the Phase 1 development which forms part of the mitigation package. The ITP's overriding objective is to:

Reduce the number of single occupancy cars arriving at the site, by facilitating the use of more sustainable alternatives.

13.112 The report will now consider these sustainable measures in turn.

Demand Responsive Transport

13.113 In addition to carrying out the physical works to the southern roundabout of Junction 26, the applicant has proposed to fund the initial start-up costs for a Demand Responsive Transport (DRT) bus service which will operate between 05:00-01:00 seven days a week.

13.114 The applicant proposes a financial contribution of £650,000 towards start up costs, which would amount to 2 years worth of funding, after which the operator Arriva Click contend it will become commercially viable.

13.115 The principle of on-demand transport is set out in Appendix 15 of the TA. An excerpt of this literature is found in the section below:

On demand transport **aggregates** people travelling from multiple origins to multiple destinations in an exceptionally **efficient** way, providing the **convenience** and the **flexibility** of a customised on demand journey.



13.116 The applicant confirms that the DRT would not be exclusively for the use of the new employees of the development, but rather has the potential to benefit existing and future residents in Waltham Abbey with another sustainable transport option which can be utilised.

13.117 In terms of its potential route, the TA proposes three different options to link the site to various populated areas and transport hubs. The specific route of the DRT can be secured through a planning obligation and would need to be in operation prior to the

first operation of the site. Each of the potential routes proposed would be served by 5 electric buses.

Photo Studio Shuttle Bus

13.118 In addition to the proposed DRT funding, the applicant proposes to install and operate a dedicated minibus service for staff and visitors travelling to the photo studio. Three minibuses will meet the rail services arriving at Waltham Cross rail station in the morning and then provide a return journey in the afternoon.

13.119 The submitted TA makes clear that the photo studio will employ 111 FTE, with an estimated peak headcount of 225 at any one time. To accommodate this level of activity on the site, the applicant proposes 67 dedicated car parking spaces will be provided. The parking offer will be assessed further in this report, however on the basis of these numbers, there will be a significantly lower number of car parking spaces than there are employees. The applicant is therefore assuming that there will be significant staff and visitor uptake via sustainable means. The proposed photo studio shuttle bus therefore adds weight to this assertion.

Walking and cycling links and PRow

13.120 The application includes a proposal to provide a new pedestrian and cycle way to connect Phase 1 of the development to the existing PRow, located directly to the west of the site. The PRow to which the new pedestrian and cycle way would be connected, is also proposed to be upgraded to a formal footway / cycleway under a Section 278 agreement, via the S106 agreement, as shown on drawing number 4356 A136. Given that the Phase 1 development will operate on a 24 hour basis, the upgraded PRow should include suitable lighting and this can be ensuring through further details to be provided.

13.121 These initiatives will ensure that the development offers an attractive walking and cycling opportunity for employees to utilise when travelling from the main centre of Waltham Abbey.

13.122 ECC as highway authority has requested a planning condition to ensure that the new foot/cycle way leading up to Roundhills is delivered prior to the first occupation of the development. Precise details of the cycle way shall also be agreed by the Local Planning Authority in consultation with ECC prior to the works commencing.

13.123 In addition to the physical measures to create new pedestrian and cycle pathways towards Waltham Abbey, the applicant also proposes covered and secured cycle storage facilities to accommodate 120 cycles within the proposed multi-storey car park (MSCP), shower and secure storage facilities and electric cycle charging areas. A planning condition can ensure that these measures are provided and thereafter maintained, this is essential to facilitating sustainable transport methods as far as possible.

Parking

13.124 Paragraph (iv) of Policy T 1 of the LPSV seeks to ensure that development proposals provide a level of parking which is appropriate in terms of amount, design, layout and cycle parking and also that reduced car parking and car free developments in sustainable locations will be supported.

13.125 Phase 1 of the development proposes to provide 367 car parking spaces for staff and visitor use. This is proposed to be delivered through the erection of a three-deck MSCP. This level of parking can be further broken down as 300 spaces for the B8 warehouse and for 67 spaces for the photo studio.

13.126 The submitted Interim Travel Plan confirms that the applicant does not intend to provide all of the spaces proposed on the first day of the operation of the Phase 1 development. Specifically, the ground floor and first floor of the MSCP are not proposed to be in operation until their operational requirement can be demonstrated.

13.127 The top deck is proposed to be available for use from the first day of the operation of the Phase 1 development and would provide 123 spaces which would be used for photo studio visitors, car pool spaces and electric vehicles. This would constitute 33% provision of the total number of car parking spaces proposed, with the remaining 66% being restricted until such time that it is demonstrated by the applicant that they are operationally required. The S106 would include the mechanism and thresholds for when the remaining parking spaces could come into use.

13.128 The use of the parking is proposed to be managed through a bespoke car parking management plan (CPMP) which can be secured and monitored through the use of a planning obligation.

13.129 In relation to the Phase 1 development, the applicant has indicated that there will be a peak headcount of 363 persons on the site at any one time when the development first becomes operational. In terms of parking, this would allow approximately 34% of staff on the site to be able to park, however that is not taking into account that some of these spaces would be restricted as car pool / electric charging spaces only.

13.130 Once the proposed mezzanine floors become operational for the Phase 1 development the applicant predicts that there will be a maximum of 588 staff and visitors on site at any one time and this equates to 62% of staff members being able to park at the site, should all the on-site car parking spaces be available.

Conclusion on parking provision

13.131 As previously discussed, the LPSV seeks to ensure that new development is not over reliant on the use of private motor vehicles and that other sustainable transport should be pursued as far as possible.

13.132 In this instance, since the Phase 1 development would only have the potential to allow 34% of staff to park on site, the remaining 66% would need to travel to work through sustainable methods.

13.133 The sustainable transport offer which has been proposed, including the DRT, the minibus and the improvements to the walking and cycling offer into Waltham Abbey will facilitate and encourage staff to travel in this way.

13.134 As a result of these factors, it is concluded that the proposed level of parking upon the initial operation of the Phase 1 development is appropriate in terms of its amount and scale in relation to the use of the site.

13.135 Once the site is fully operational it has the potential to allow 62% of staff to park at the site with the remaining 38% requiring travel through sustainable methods. Clearly, this gives an opportunity for a greater proportion of the workforce to park at the site than would be the case upon the initial operation

13.136 However, by the time the Phase 1 development becomes fully operational, it is reasonable to conclude that the sustainable transport measures submitted as part of the application will have had time to manifest and encourage staff and visitors to travel by sustainable means as far as possible.

13.137 It is concluded that the proposed level of parking, having due regard to the sustainable transport initiatives proposed is appropriate for the scale of the Phase 1 development. The proposal is therefore compliant with paragraph (iv) of Policy T 1 of the LPSV

Travel Pack

13.138 To encourage the uptake of sustainable transport options, each employee will be provided with a Travel Pack which gives a wide range of information on how to utilise the sustainable forms of transport previously discussed in this report.

13.139 Specifically, the Travel pack will provide information to staff on the following issues:

- Name and contact details of the Travel Plan Coordinator (TPC) and the availability of the TPC to speak with employees;
- An introduction to the Travel Plan, its purpose, and a summary document;
- Information on the health benefits of using active modes of transport;
- Details of the DRT service including its catchment, how it works and the associated costs;
- Bus route maps and timetables and any other public transport information;
- Information on the Photo Studio shuttle bus;

- Maps showing walking and cycling routes close to the site;
- A copy of the site-specific Travel Policy;
- Any other Company policy related to travel;
- Details of the on-site Car Parking Management Plan; and
- Details of any cycle discounts and loan schemes.

13.140 Giving each staff member information of all these initiatives will assist in ensuring that sustainable and active modes of travel are utilised as far as possible for the site. Distribution of such a pack can be secured through the S106 agreement.

Route management

13.141 Appendix 6 of the LPSV recognises that development proposals of this scale could potentially generate significant numbers of vehicular movements associated from the operation of the site as well as from employees and visitors.

13.142 A Route Management Plan (RMP) relating to Phase 1 of the proposed development has been submitted with the application and proposes a restriction on commercial vehicles being routed through Epping Forest + a 200m buffer.

13.143 The RMP would apply to all HGV and LGV traffic however the M25 is excluded from this 200m buffer.

13.144 A separate RMP would be submitted to the Local Planning Authority in relation to Phase 2.

13.145 The proposed 200m buffer from Epping Forest in and of itself forms part of the mitigation package put forward by the applicant in relation to the Epping Forest SAC rather than to mitigate potential impacts on the local highway network. Issues relating to the SAC will be considered later in this report.

13.146 In terms of the potential impact to the local highway network, Appendix 6 of the LPSV seeks to ensure that there will not be a significant adverse impact on the highway network through HGVs using inappropriate roads and that a detailed RMP could achieve this.

13.147 ECC as highway authority have commented that a detailed RMP is necessary and this can be secured through S106 planning obligation. Officers consider that this will be an essential planning obligation in order to mitigate the potential harm to the highway network.

Vehicular Access and Internal Circulation

13.148 The Phase 1 development is proposed to be accessed via a signalised junction from Dowding Way. The access from Dowding Way will lead to:

- A right turn ghost island junction to the Phase 1 warehouse;
- A right turn to the MSCP;
- A dedicated turning head for public transport;
- A bus stop layby for public transport; and
- Pedestrian and cycle crossing facilities

13.149 In terms of its capacity, the junction has been designed to accommodate the entirety of the Phase 1 development, with additional capacity which is capable of serving the western parts of the site allocation (not subject to the current application) over the course of the next Plan Period.

13.150 The proposed access has been assessed by the ECC Highway Team who consider that the proposed access to the site has suitable visibility splays for the types of vehicles associated with the use and is also suitable to accommodate the proposed development and potential future growth.

13.151 The TA has provided a Swept Path Analysis (SPA), including the proposed internal circulation of vehicles for the Phase 1 site. An SPA refers to the analysis of the way different types of vehicles move and calculates and measures the exact path a vehicle will take. This is particularly important for articulated vehicles when they turn to ensure that there is suitable space along a particular route to ensure that there will be no harm to the interests of highway safety or efficiency.

13.152 The submitted SPA submitted for the Phase 1 development demonstrates that in all instances within the site, there is suitable room for articulated vehicles to turn and pass one another without the potential need to reverse onto the public highway. Detailed information for the Phase 2 site would need to be submitted with any subsequent reserved matters application.

Potential Impact on the Strategic Highway Network

13.153 Highways England (HE) has been appointed by the Secretary of State for Transport under the provision of the Infrastructure Act 2015 and is the highway authority for the Strategic Road Network (SRN). The SRN is a strategic national asset and it is the responsibility of HE to ensure that it operates and is managed in the public interest.

13.154 In this case HE are considering the potential impact of the development on the safe and efficient operation of Junction 26 (J26) of the M25.

13.155 As part of the TA, the applicant has submitted a VISSIM traffic model to assess the potential impact on the SRN. Whilst the model indicates that the potential impact to J26 would not be severe, HE are still considering the applicant's assessment.

13.156 As such HE has commissioned an external review of the VISSIM model prior to giving their formal response to the Council. This work is currently ongoing and at the time of writing this report, it has not yet been received.

13.157 At the current time, HE has issued a holding direction on the application but anticipate providing a response to officers before the committee meeting. The recommendation of this report is therefore subject to a suitable resolution being agreed and the holding direction being removed.

Conclusion relating to highway matters

13.158 Based on the evidence submitted by the applicant and having due regard to the consultation response from ECC, it is concluded that subject to the imposition of suitable planning conditions and required planning obligations the proposal will not cause a severe impact on the operation of the local road network.

13.159 In this regard, the proposal is compliant with Policy T 1 of the LPSV, Policies ST1, ST2, ST4 and ST5 of the ALP and with the requirements of the NPPF.

13.160 With regards to the potential impact on the SRN, following the advice from HE, the Council cannot currently conclude that there would not be a severe impact on its operation or safety as a result of this application.

13.161 Consequently as previously discussed, the recommendation of this report is given subject to the satisfactory resolution to this issue.

Design

13.162 The LPSV is clear that the Council is committed to ensuring that all new development in the District is of the highest design standards in their broadest sense. Good design should ensure that new forms of development function well within the surrounding area and result in buildings which are durable and adaptable within their context.

13.163 The LPSV emphasises that good design is not solely a visual concern, but actually has social and environmental elements such as the potential to create high quality public realm, improving quality of life for local communities and contributing to the sustainability agenda.

13.164 This approach follows the NPPF requirement for Local Planning Authorities to require new forms of development to recognise local context and set out the quality of development expected within the District.

- 13.165 Policy SP 3 sets out that the Council seeks to ensure that development proposals accord with exceptional place making principles. Place making is a holistic approach to planning which brings together all component parts of a successful place.
- 13.166 Policy DM 9 sets out the policy requirements based on the overall design approach contained within the LPSV.
- 13.167 Similarly to Policy DM 9 of the LPSV, Saved Policy DBE1 of the ALP requires that new development is of high quality design. Development proposals are expected to be respectful to their setting, adopt a significance in the street scene which is appropriate to their function and use high quality external materials.
- 13.168 In order to achieve the outstanding design as required by the LPSV, the Council has established a Quality Review Panel (QRP) to act as a 'critical friend' to both the Council and applicants.
- 13.169 The QRP consists of an independent, multidisciplinary group of experts who are suitably trained and highly experienced individuals in their fields and the Panel has the overarching ambition of assisting the Council with ensuring that new development achieves the high quality design as required by the LPSV.
- 13.170 The proposed development on the site has been the subject of three formal reviews by the QRP. The comments received following each review has been taken into account when considering the various elements of design in the following section.

Layout, Access and Connectivity

- 13.171 Policy SP 3 of the LPSV notes that development proposals must demonstrate strong vision, leadership and community engagement (i), extend, enhance and reinforce strategic green infrastructure and public open space (vii), ensure positive integration and connection with adjacent rural and urban communities thereby contributing to the revitalisation of existing neighbourhoods (x) provide for sustainable movement and access to local and strategic destinations (including rail, bus and pedestrians, cycling) (xiii).
- 13.172 Policy DM 9 notes that development proposals must have regard to the framework of routes and spaces connecting locally and more widely (Part D (iii)).
- 13.173 Policy T 1 notes that development proposals will be permitted where they provide safe, suitable and convenient access for all potential users (Part C (i)) and provide a coordinated and comprehensive scheme that does not prejudice future provision of transport
- 13.174 As previously discussed, the application site is located on the southern edge of the main urban area of Waltham Abbey and the rural countryside is located to the south, beyond Dowding Way. The site is currently located in the Green Belt and is located in

the Lippitts and Daws Hill Landscape character area and the Lee Valley Character Area.

- 13.175 The site is close to walking and cycling routes with an existing PRow to the west of the site, connecting Roundhills residential estate to Dowding Way, over the M25 via a footbridge. Waltham Abbey Town Centre (Sun Street) is located approximately a 15-20-minute walk from the site, or a 7-minute cycle.
- 13.176 During pre-application discussions and QRP reviews, the applicant was advised that a wider masterplan exercise was needed to ensure that the proposals would not preclude future potential development on the remainder of WAL.E8. A masterplan exercise would ensure that a holistic and joined up design approach was promoted, particularly regarding green infrastructure and wider connectivity as far as possible across the allocation site.
- 13.177 A concept Masterplanning exercise was subsequently undertaken as shown on pg.23 of the Design and Access Statement (DAS), with the aim of ensuring that the proposals are futureproofed and wider design constraints and opportunities are built into the application stage of the development proposals.
- 13.178 A key aspect of this futureproofing is to ensure that active travel connections are accommodated for the entirety of the proposed allocation site. The masterplan demonstrates that for the Phase 1 development, this will be achieved via routes to the west through the access road continuing to the northern boundary of the site and the provision for future pathways alongside it for walking and cycling.
- 13.179 The applicant intends to upgrade the existing PRow from Roundhills, across the M25 and connect into the new proposed walking and cycling route. The PRow would be upgraded to be 3m wide and will connect to the Phase 1 proposal. The upgrades to the PRow would be secured by way of S106 agreement.
- 13.180 A more direct route for walking and cycling from Roundhills to the Phase 1 proposal would have been cutting directly east from the point where the existing farmers track meets the PRow, however this was not considered deliverable at this stage, based on the Masterplan discussions with neighbouring land owners. In the fullness of time, once the rest of the proposed allocation comes forward for development, it is expected that this active travel route will be pursued and delivered at the same high specification as the current proposed route.
- 13.181 Whilst the proposed walking and cycling route to Phase 1 is not the ideal solution to promoting active travel as far as possible, given the current position as noted in the paragraph above, it will still offer staff and visitors the option to travel sustainably with the potential to be further improved as the rest of the proposed allocation site comes forward for development. The Phase 1 proposal is therefore compliant with para A (ii), para B and para E of Policy T 1 of the LPSV.

- 13.182 The Phase 2 development is an outline application and therefore the drawings which show its proposed layout on site are for illustrative purposes only. Nevertheless the current indicative layout shows the proposed walking and cycling routes to be somewhat convoluted and indirect.
- 13.183 However since the Local Planning Authority would retain control over the position and specification of these routes through the reserved matters stage of the proposal, these concerns can be overcome to ensure compliance with Policy T 1 para A (ii), para B and para E of Policy T 1 of the LPSV.
- 13.184 The promotion of active travel for commuting is a key aspect of the sustainability strategy and transport assessment for the proposals. Active travel routes should be designed as per best practice, to be convenient, direct, safe, attractive and highly accessible. Avoiding barriers and ensuring continuous routes is key to facilitating modal shift towards active modes.
- 13.185 The footpath and cycle way running parallel to Dowding Way has been set back a suitable distance from the road and cut into the bank, to allow space for landscape and planting to provide screening between the active travel route and vehicular route, and increase the perception of safety of the route. The design aims to provide an attractive route with further detail provided in Landscape GA drawing '11403 P07j_General Arrangement Plan_27112019' and '11403-R04 November 2019- Landscape Specification Overview'. The detailed landscape design for this area alongside the walking/ cycling route and Dowding Way should be secured by a suitably worded condition.
- 13.186 Crossing points for pedestrians and cyclists to cross the Phase 1 access road are labelled as 'Drop kerbs to all crossing points and pedestrian island between lanes'. Raised table crossings would go further to providing a convincing continuous and direct route, and be aligned with best practice for prioritising walking and cycling at crossings. However, the principle of dropped kerbs are also acceptable and it is considered that the recommended conditions would secure the detailed design of crossing points as shown on '4356-A100 P22 Proposed Site Plan', to ensure compliance with policy DM 9 Part G.
- 13.187 Sustainable forms of transport should be promoted through design; through access, layout, quality and priority. The location of the demand responsive travel bus stop in a clearly visible point at the entrance to the site to showcase it, and locating the cycle storage in a more prominent location than previously shown, are both welcomed.
- 13.188 The locating of the 74no. electric vehicle parking spaces closest to the main warehouse building, as shown on floorplans in drawing '4356-A210 P10 MSCP GA Plans' was discussed as an incentive or 'nudge' towards a private vehicle choice with fewer air quality issues – but these do not appear to restrict non-electric vehicle users parking in these spaces, so in effect the incentive is applicable. If these were 'Electric Vehicle Parking Only' that would be suitable and this can be ensured through the recommended planning condition.

- 13.189 The design of the cycle storage area for 120 spaces must be high quality, secure and accessible. The access to the cycle storage is behind the general secure fence line, through an accessible pass gate and opening in MSCP façade – it has been relocated to a wider part of the path to avoid conflict with pedestrian users at the turnstile as shown in drawing '4356-A210 P9 MSCP GA Plans'. Further design detail for the cycle storage, including details of lighting, accessible pass gate specification (including width and weight), location and specification of bike stands, electric bicycle charge point, and bike maintenance stand would be secured through condition.
- 13.190 The Quality Review Panel noted in their report that the generous private vehicle parking provision on site could undermine sustainable travel aims. The panel also noted that sustainable forms of transport could be promoted by locating the car park further from the warehouse entrance, and that the design team should futureproof the design of the car parking in case its use is made obsolete in the future.
- 13.191 Notwithstanding the QRP comments in this respect, the number of private vehicle parking spaces has not been reduced by the applicant, and the car park remains in the same location – however in the Interim Travel Plan paragraphs 8.28-8.31, the applicant sets out that Level 02 of the MSCP will be in use from the start, whilst Level 00 and Level 01 will only come into use subject to Next demonstrating an operational need for these additional spaces. The proposal may therefore lead to built space that is not in use for some time, providing passive elevations with reduced surveillance alongside the main entrance way and walking and cycling routes.
- 13.192 As well as futureproofing the MSCP, there should be consideration of how this space will function in the interim, and whether there are any temporary uses that could take place within Level 00 and 01 of the MSCP that could enable a stronger working community to be established, and promote active travel / health. Interim uses should be considered in the Car Parking Management Plan (CPMP) which is to be secured as a planning obligation within the S106 agreement.

User Accessibility Strategy

- 13.193 Policy DM 9 of the LPSV notes that good design should enable and encourage people to live healthy lifestyles, reduce the risk of crime, create accessible environments which are inclusive for all sectors of society, and increase opportunities for social interaction (para 4.70). Policy DM 9 Part A (v) notes that development proposals should incorporate design measures to reduce social exclusion, the risk of crime and the fear of crime.
- 13.194 The NPPF paragraphs 91 and 92 notes that planning decisions must aim to achieve healthy, inclusive and safe spaces which promote social interaction, and plan positively for the provision and use of shared spaces. Paragraph 108 of the NPPF notes safe and suitable access to the site should be achieved for all users, and paragraph 127 notes that development should create places that are safe, inclusive and accessible, promoting health and well-being with a high standard of amenity.

- 13.195 Within the scheme there are a number of different user groups: Distribution Warehouse staff, Transport Office staff, Drivers, Photo Studio staff, and Photo Studio visitors (including children and minders for photoshoots). Clarity has been sought by officers on the accessibility of different internal and external spaces, including entrance routes and shared amenity spaces, for these different user groups.
- 13.196 The applicant was requested to justify the operational requirements for separating of main entrances, with Photo Studio staff entering via the footbridge at first floor level, and Warehouse staff entering at ground floor level, to ensure this is not unnecessary segregating of users and that the bridge link was an appropriate design and construction requirement.
- 13.197 Access routes for Warehouse staff, Photo Studio staff and Transport Office staff are shown on drawings '4356-A204 P5 Warehouse Office GA Plan – Level 00' '4356-A205 P6 Photo Studio GA Plan – Level 01' and '4356-A206 P5 Photo Studio GA Plan – Level 02', and set out on pages 39-40 of the DAS. These indicate that different areas are restricted to certain staff and personnel for operational and security reasons.
- 13.198 Whilst access and entrance arrangements may differ for operational requirements, it is imperative that the design is inclusive and equal for all users in regard to high quality welfare and amenity facilities. The variety of users using the western end of the warehouse building, their interaction, wellbeing, directness of routing and convenience is a key area of ensuring equal and inclusive design.
- 13.199 The proposed drawings do not show whether there are any restrictions on access to outdoor amenity space for different users (e.g. whether all staff, including Transport Office staff/ Drivers, can access this) or whether the ground floor restaurant is accessible for all staff, including Photo Studio staff and visitors, to avoid a situation such as where photo studio staff, or visitors with children are only able to use the café on Level 01, rather than the one conveniently located alongside the outdoor amenity space.
- 13.200 Whilst the principle of different security arrangements for different user groups due to operational requirements is acceptable, it is recommended that a condition is included which requires the applicant to provide details of the user accessibility strategy, through a set of Accessibility and Security Site Plan and Floor Plans, to ensure this complies with policy DM 9 para 4.70 and NPPF para 92.
- 13.201 Accessibility and safety is required for all users of the development, including staff working in the Gatehouse. A pedestrian route connecting the warehouse to the Gatehouse has been shown on drawing '4356-A100 P22 Proposed Site Plan'. This is not shown on drawing '4356-A207 P2 Gatehouse GA Plan and Elevations'. Notwithstanding the details shown on the plan, it is recommended that a condition is including requiring the pedestrian route connecting the warehouse to the Gatehouse to be shown. Detail design of this access route, to include a section through the route alongside the Van parking spaces, and the crossing point, should also be shown to ensure compliance with policy DM 9 Part G and paragraph 108 of the NPPF.

Scale, form and massing (Phase 1 development)

- 13.202 Policy DM9 of the LPSV notes that developments must relate positively to their context (Part A (i)), having regard to the form, scale and massing prevailing around the site (Part D (ii)), active frontages (Part D (v)), and respond to natural features of the site and surroundings (Part E). Policy DM 9 also notes that proposals should not result in an over-bearing or overly enclosed form of development (Part H (iii)) and consider microclimate conditions (Part H (iv)).
- 13.203 Paragraph 127 of the NPPF notes that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and be sympathetic to the surrounding built environment and landscape character
- 13.204 The proposed use as a distribution centre means that the architecture of the proposal has an inherently large grain and typology, which lends itself to a 'big shed' warehouse form given its function. The large footprint of the building and the context of the M25 to the north, Dowding Way to the south, and residential and green space/ hillock to the west, has led to the main form of the warehouse in Phase 1 being located as far north within the site as possible.
- 13.205 As a result, the larger scale building is set back away from Dowding Way, and instead is located alongside the M25, a less sensitive boundary. The locating of the main bulk of the warehouse in Phase 1 further north on the site results in more of the warehouse being concealed behind the existing hillock to the west, in public views from the Green Belt, as can be seen in Photoviewpoint 4 in the Landscape Visual Impact Assessment (LVIA) (seen in ES Volume 2 Part 18).
- 13.206 The proposed building would be 23.15m to the parapet, and the building consists of three storeys (with potential for mezzanine levels in the warehouse). Because of its scale and height, the proposal would be visible from some longer as well as local views, which are depicted in the Landscape Visual Impact Assessment and the CGI Portfolio. The developments' users utilising the amenity space will receive sunlight from the south and west in the North-South Green Corridor area.
- 13.207 Previous iterations of the design of the warehouse sought to aim to 'conceal' or diminish its scale through a greyscale panel cladding with colour grading getting lighter higher up the facade, to blend in with the sky, however this was not a suitable approach to create high quality architecture, placemaking or to help reduce the appearance of the massing in this location.
- 13.208 The QRP and design officer comments indicated that a bolder approach to the architecture and articulation of form and massing would be suitable, given the location of the warehouse against the M25 and its visibility. The current design instead seeks to break up the large massing of the warehouse through a 'layered façade', using a perforated cladding, framing, projections, panelling and glazing to create more interest and rhythm within the façade.

- 13.209 This design approach to breaking up the massing appears successful in localised views internally in the site (CGI visualisations 01, 04, 05, 16 received 10/01/20) where the mass of the main warehouse does not appear overly bulky as the elevations are split horizontally (panelling, perforated cladding, glazing) and vertically on the western elevation and at entrances.
- 13.210 However, in longer views this breaking up of the massing is not as apparent, as the part of the building which is particularly visible (top 5m) has less articulation and interest as seen in the rendered views in the LVIA (Photo viewpoints 1, 6 and 9), and so the larger scale of the building is more noticeable in its solidity as it breaks the natural horizon line of trees and landscape.
- 13.211 The introduction of the Photo Studio as a use within the building has also impacted the massing and form of the Phase 1 building. The diagrams on p.33 of the DAS are helpful in explaining the evolution of the form to incorporate the office cores and photo studios. The external form of the Phase 1 warehouse also includes balconies on the north-west corner, to provide operational space for photo shoots (e.g. backdrops, lighting equipment and daylight control). The balconies are an opportunity to provide further articulation to the rectilinear mass, especially in views from the M25, and the detailed design of these are recommended to be secured by condition, to ensure they are high quality in their articulation of form and specification of balustrade, glazing, and structure, given their visibility and extrusion from the form of the building, as shown in CGI visualisation 13, to comply with Policy DM 9 Part D (vi).
- 13.212 Clear advice provided from the QRP and officers was that it must be demonstrated how the buildings relate to the existing topography of the site and how landscape features have been incorporated in the design. The location of the warehouse to the north of the site utilises the existing topography and landscape of the site and surroundings, which slopes down to the north, includes banking with tree planting either side of the M25 (see Photo viewpoint 1 in LVIA) and the hillock to the west, to reduce the appearance of the mass/ scale of the buildings from longer views.
- 13.213 The existing hillock land form to the west is proposed to be cut into and banked, extending the ground level of 28250 AOD (see Site Section A-A on drawing '4356-A400 P5 Site Sections') which assists in hiding the bulk of the MSCP and some of the Phase 1 warehouse from key views (see Photo Viewpoints 1, 3, 4 in LVIA). Landscape and planting is also proposed in key areas to help soften the appearance and mass of the warehouse.
- 13.214 On balance it is considered that the scale, bulk and massing of the proposed development would be acceptable due to the proposed design, elevational treatment and taking into consideration the intervening landscapes and physical features – in particular the proximity to the M25 motorway, Dowding Way and the surrounding commercial and residential development that will intercept medium to long distance views from the site. While the proposed building will visually dominant and would change immediate and short term views of the site, it is not considered that this would

have a detrimental impact on the immediate character and appearance of the area when considering its local context and that when taking into consideration the proposed landscape treatment and means of enclosure to the site as it would give it a degree of self containment within the locality.

13.215 The height, bulk and scale of the Phase 2 development are not explored in detail in this analysis since it is a matter reserved and therefore beyond the scope of this application, but would be considered through the submission of reserved matters application(s).

Multi Storey Car Park Form

13.216 The revision from early pre-application designs to gather private vehicle parking into a multi-storey car park has reduced the sprawl of surface parking and is welcomed, but has resulted in another built form on Phase 1 of the site. The Multi-Storey Car Park (MSCP) takes a different approach to reducing the impact of its mass and form, through a green wall façade and expanded mesh cladding. The green wall is limited to the eastern elevation and the south-west corner of the MSCP – providing the benefit of softening the form is to the localised views from the amenity and entrance route.

13.217 The MSCP has a proposed bridge link to the Phase 1 warehouse building, connecting Level 02 (third storey) car park to Level 01 (second storey) warehouse. This bridge has been detailed to provide a lightweight-appearing structure (structural glass balustrade) with interest through materials including green roof and vertical colour coated baguettes. In terms of scale and form, it is acceptable and effective in being visually attractive in local views, and in visually adding depth and interest to larger rectilinear forms of the MSCP and warehouse, from within the site.

Lighting Strategy – impact on the local area

13.218 Policy DM 9 Part A (v) notes developments must incorporate design measures to reduce social exclusion, the risk of crime, and the fear of crime. Policy DM 9 part A also notes proposals should relate positively to their context, and Policy DM 21 notes that the local environmental impacts, including light pollution, of all development proposals after mitigation must not lead to unacceptable impacts on the health, safety, wellbeing and amenity of existing and new users or occupiers of the development site, or the surrounding land.

13.219 The potential impact of the proposed external lighting on the living conditions of nearby residents is examined later in this report.

13.220 Given the scale of the development, the night time lighting strategy is an important issue to address in relation to the potential impact it may have on the character and appearance of the local area and local ecology considerations.

13.221 The applicant has submitted the drawing 'External Lighting Planning Submission Treatment Drawing', an 'External Lighting Specification' and the drawing 'External

Lighting Preliminary Lux Plot Layout.’ These indicate that in terms of light pollution, the lux levels will not be harmful. However, further clarity is still sought on the exact timing schedule of lighting to ensure that the site remains safe, accessible and pleasant for shift working staff, but is not an unnecessary energy use.

- 13.222 The applicant has proposed backlighting to the perforated cladding, as a decorative feature. Whilst this may have been done to aim to achieve a high quality appearance and celebrate the façade, it does not seem a necessary energy expenditure to have this feature on all elevations, especially those facing the Green Belt/ countryside (the south elevation in particular).
- 13.223 Backlighting the cladding on the north elevation makes design sense in terms of the visibility of the elevation from the M25, and responds to the QRPs comment in their report that “the panel highlights that the side facing the M25 will be highly visible, and should be given more consideration, so it does not appear as a ‘back’”. However on the west, south and east elevations, light from within the warehouse will be visible behind the perforated cladding anyway, and so additional decorative lighting seems wasteful.
- 13.224 The ‘External Lighting Planning Submission Treatment Drawing’ notes that night time light pollution will be reduced through the time control of light switched off between 11pm – 7am. Clarity is needed on how this time control functions in detail with shift working patterns to ensure safety and accessibility; a detailed external lighting timing schedule to be secured via the recommended condition, to ensure the design complies with the safety requirement of policy DM 9 Part A (v), and energy saving measures as per DM 9 Part A (iii).

Character and place shaping

- 13.225 The importance of creating a sense of place and enhancing the character of the area is crucial in a scheme of this scale, and the Quality Review Panel noted during the first two reviews that it was difficult to get an idea of the sense of place that is being created or what it was like to interact with/ experience this scheme.
- 13.226 This development will be a work place for over 1000 people over Phase 1 and 2, and therefore the quality of spaces and routes at a human-scale are key to a successful scheme. The quality of the appearance of the buildings are discussed in the ‘Appearance and Materials’ section below, however key to creating a sense of place in this location is the landscape design and amenity on offer.
- 13.227 Policy DM 3 of the LPSV seeks to ensure that new development will not directly, indirectly or cumulatively cause significant harm to landscape character, the nature and physical appearance of ancient landscapes or geological sites of importance. Proposals should be sensitive to their setting in the landscape and have due regard for local distinctiveness and characteristics

- 13.228 In order to ensure a suitable landscape scheme is achieved on this site, the QRP advocated the need for a robust landscape strategy, which recognises and takes cue from the wider landscape character and context, as well as the need to provide detail on the green spaces within the development, and along key routes. The applicant has submitted a Landscape Design Code for Phases 1 and 2, a Landscape General Arrangement Plan, and a Landscape Specification Overview, all for approval.
- 13.229 The landscape design is a crucial in creating a high-quality environment connecting to and through the site, improving and enhancing biodiversity, dealing with water attenuation through wetland planting and SUDs, and improving staff health and wellbeing in providing a shared amenity space. This amenity space offers somewhere for staff to sit and eat lunch, undertake exercise (trim trail equipment and running track), play (including for children visiting the Photo Studio), and have a connection and outlook to nature and green space on a warehouse and distribution site.
- 13.230 The landscape principles as set out within the submitted documents are welcomed, in particular the understanding of the wider landscape character and how this should continue through to the landscape character areas within the site. The visualisations also show a high quality landscape design, as seen in CGI Portfolio visualisations 16, 22, 23, 24 (received 10/01/20). It would degrade the overall quality and sense of place which is being sought, if a high quality landscape scheme was not delivered in reality. However, further detailed design work is needed to secure this quality, and ensure that landscape does not get value engineered out of the proposal.
- 13.231 A condition is recommended to secure a detailed design for the North-South Green Corridor, and detailed landscape scheme for Phase 1 to be prepared in accordance with the submitted '11403_R04 - Landscape Specification Overview', Landscape Design Code and drawings '11403 P07j_Landscape Proposals - General Arrangement Phase 1' and '4356-A103 P2 External Finishes Site Plan'. This includes: a detailed planting schedule including specific tree heights and mix; location, amount and specification of seating (in particular built in seating will be sought to ensure robustness and longevity) with understanding of capacity of use; outdoor gym equipment specification; location, amount and specification of built in planter details; pathways and routes; grasscrete specification; fence, gate and boundary treatments including screening; shading and sunlight diagram for consideration of amenity space; Landscape and Ecology Management Plan. This is to ensure that the design complies with policies DM 9 Part E, SP 3 Part H (v), DM 3 Part A and paragraph 127 of the NPPF.

Appearance and materials

- 13.232 Policy DM 9 of the LPSV notes that development proposals are required to incorporate sustainable design and construction principles (Part A (iii)), and relate positively to their locality having regard to distinctive local architectural styles, detailing and materials (Part D (vi)).

- 13.233 The NPPF (2018) paragraph 127 notes that developments must be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, establish a strong sense of place, and be sympathetic to local character and history while not preventing or discouraging appropriate innovation or change.
- 13.234 As previously discussed, the architectural design of Phase 1 Warehouse, was revised from a grey gradation using panels on the façades to a more layered elevation strategy, utilising horizontal banding, perforated cladding, projected canopies and framed openings. This strategy is certainly more successful in creating rhythm on the façade, and breaking up the mass of the large warehouse building, than the previous colour gradated iterations. This attention to articulation and bolder detailing through the patterned perforated cladding and large framed apertures goes further in indicating the quality of development, which is aiming to be an exemplar scheme.
- 13.235 The architectural expression of tree canopy via the pattern on the perforated cladding (see pages 33-34 of DAS) creates an interesting layer for the façade, and relates to the landscape context of the building. The gold / champagne colour of the aluminium cladding has been selected by the design team as a more ‘timeless’ colour to avoid a dated look in the future. However it was noted by officers and in the August 2019 Quality Review Panel report that the aluminium cladding should not merely be decorative, but also functional, with a:
- “more rigorous approach to the locations where perforated metal screening is use - with a clear rationale about the function it serves.”*
- 13.236 The applicant has sought to set out their elevation and architectural strategy for the perforated cladding on p.19 of the DAS. This has been a useful exercise in relation to the proposed cladding in relation to daylight and sunlight and views within the Phase 1 development.
- 13.237 Design discussions also focused on the treatments of the different elevations of the warehouse due to their differing contexts (constraints and opportunities); the western elevation being an active frontage onto amenity space and key entrance for staff and visitors; the northern elevation being highly visible from the M25 and associated noise; the southern elevation providing opportunity for solar gain and accompanying risk of overheating, set back from Dowding Way, and majority of outlook over distribution vehicle parking; and the eastern elevation facing Phase 2 and south-east corner transport hub location.
- 13.238 The ‘backdrop’ to the decorative aluminium cladding on the warehouse is Kingspan flat panel cladding in dark grey (KC100 Greyrock) on the east and west elevations and corners, with half round cladding in lighter grey (Sirius RAL 9006) along the length of the south and north elevation. There were discussions of use of a colour that integrated into the landscape in longer views (e.g. green) however it is understood that the colours relate to the Next’s brand. More colour on the warehouse, especially on such a large scale and in considering longer views, would have been strongly supported by design

officers, however the dark grey and lighter grey alongside the champagne perforated cladding are a suitable colour palette for the warehouse.

13.239 Materials should be reviewed and selected based on their embodied energy performance and construction strategy, to ensure sustainable construction is being achieved, as advised by the Quality Review Panel. Design details and material specification for MSCP green wall specification, bridge link green roof specification, colour-coated baguettes on bridge link and stair core colour and specification, colour of MSCP fascia are recommended to be secured via condition, to ensure the final delivered development of the MSCP is high quality design, sustainable material specification and detailing, to comply with Policy DM 9 Part A (iii) and Part D (vi).

Part H - Privacy and Amenity issues

13.240 Paragraph H of Policy DM 9 requires development proposals to take account of the privacy and amenity of the users of a development as well as that of neighbours. Paragraph H is further split into subsections (i – iv) and the report will consider these issues in turn.

13.241 When considering privacy and amenity issues in relation to existing residents, it is important to understand the context of the site in relation to the nearest of these neighbours.

13.242 In this case, the closest residential neighbour to the Phase 1 warehouse is located on Beechfield Walk, approximately 375m away from the western edge of the application site. In between the site and the neighbours is a substantial and robust set of mature trees which extends across all of the east facing rear gardens of the neighbours on Beechfield Walk. These trees are located on land beyond the control of the applicant or the neighbours.

13.243 As previously discussed, a large hillock is located towards the south west of the site however when viewed directly from the rear elevation of the neighbours on Beechfield Walk the proposed Phase 1 warehouse is on a similar land level which is barely obscured by the hillock to the south west.

Parts (i) – sunlight, daylight and open aspect

13.244 Part (i) of paragraph H seeks to ensure that adequate levels of sunlight/daylight and open aspects are provided to the users of the development and nearby neighbouring residents.

13.245 Phase 1 of the application proposes the erection of a large warehouse, approximately 23m high and 375m away from the eastern edge of the rear garden of the closest residential neighbour on Beechfield Walk.

13.246 The sheer height and scale of the proposed warehouse will result in the development being clearly visible from the rear gardens of these nearby residents who back onto the site.

13.247 Nevertheless, these neighbours are a substantial distance from the proposed warehouse and there are a number of mature trees on their rear boundaries which will act as a robust screen. Whilst it is acknowledged that these trees may be removed, or be otherwise lost over time, it is concluded that the neighbours are a suitable enough distance from the proposed development to ensure that there would not be any significant loss to their sunlight, daylight or open aspect perception.

13.248 In any event the Phase 1 development will be the subject of a robust planting and landscape scheme, including on its western elevation. The general layout of this planting is shown on the General Arrangement Plan (Drawing number: 11403 Po7i Rev J) however its precise detail can be secured by planning condition to require the details to be agreed prior to any above ground works taking place. Appropriate planting can ensure that there will be screening on the western elevation to assist in screening the development from the nearby neighbours.

13.249 The proposal is therefore in accordance with part (i) of paragraph H of Policy DM 9.

Part (ii) – Overlooking / loss of privacy issues

13.250 Part (ii) seeks to ensure that existing neighbours will not be overlooked by users of new development.

13.251 As previously identified, the closest of the residential neighbours on Beechfield Walk are approximately 375m away from the proposed Phase 1 warehouse. The warehouse will be set over three storeys and contain balconies on first and second floor level on the western elevation.

13.252 The mature row of trees in between the proposed development and these neighbours will act as an effective screen and the detailed landscape and planting scheme which will need to be agreed prior to above ground works has the potential to assist in this screening.

13.253 It is acknowledged that the provision of first and second floor balconies on the western elevation will give rise to some oblique overlooking towards the residential properties on Beechfield Walk and that the screening itself is unlikely to remove this perception entirely.

13.254 However the combination of the distance between the warehouse and the rear gardens of the neighbours as well as the mature trees in between and the detailed landscape and planting scheme to be agreed prior to above ground works will ensure that there will not be significant overlooking into the neighbours private amenity areas.

13.255 The proposal is therefore compliant with part (ii) of paragraph H of Policy DM 9.

Part (iii) – Outlook issues

13.256 Part (iii) seeks to ensure that new development is not overbearing and would not cause significant harm to the outlook of occupiers of neighbouring properties.

13.257 In the case of Phase 1, it is acknowledged that given the sheer height and scale of the proposed warehouse, it will be visible when viewed from the private areas of the neighbours on Beechfield Walk.

13.258 However, visibility is not determinative when considering whether a development will cause substantial harm to the outlook of a neighbour. Indeed, the planning system does not legislate for the protection of private views to a neighbour.

13.259 Based on the analysis of the previous two sections regarding the distance between the new development and the neighbours as well as the mature trees and detailed landscape and planting scheme to be agreed. It is reasonable to conclude that there will be no significant harm caused to the outlook of the neighbours.

13.260 The proposal is therefore compliant with part (iii) of paragraph H of Policy DM 9.

Noise, vibration, fumes, light pollution and air quality

13.261 Part (iv) requires that issues of noise, vibration, fumes, light pollution and air quality are properly addressed when considering an application to ensure that none would cause significant harm to the amenity of existing residents or new users of the proposed development.

13.262 The report will now consider each of these aspects in turn.

Noise

13.263 Phase 1 of the proposal seeks permission for a distribution warehouse which will be operational 24 hours a day, 7 days a week. By its very nature, the warehouse will involve the movement of HGVs, LGVs and other vehicle movements to and from the site.

13.264 The applicant has therefore submitted a noise and vibration assessment which was undertaken by WYG in support of the proposal.

13.265 The National Planning Practice Guidance gives advice to decision makers when considering the potential impact of noise to potentially sensitive receptors. The BS 8233 criteria is noted within the NPPG as being of assistance to decision makers in this regard.

13.266 BS 8233 sets out maximum indoor ambient noise level targets with the aim of providing a preferred level of acoustic comfort suitable for resting and sleeping in residential accommodation. This guidance gives advice on noise levels from construction and industrial noise to provide the best opportunity to achieve these targets.

- 13.267 In terms of methodology, the noise and vibration assessment sets out that since almost all sounds vary or fluctuate with time it is helpful, instead of having an instantaneous value to describe the noise event, to have an average of the total acoustic energy experienced over its duration. LAeq describes the equivalent continuous noise level between 7am – 11pm.
- 13.268 The report concludes that noise intrusion assessments have demonstrated that LAeq noise levels are predicted to be within the BS 8233 at all nearby sensitive receptor locations on the basis of worst-case assumptions.
- 13.269 Noise emission limits have been specified for the operation of the development to ensure that it is at least 10dB below existing daytime and night time background noise levels. Operational noise from HGV deliveries and associated movements have been predicted to be at least 4dB below existing background noise levels at all receptors, including the nearest neighbours on Beechfield Walk.
- 13.270 In terms of the construction phase, The BS 5228 criteria advises decision makers on acceptable levels of vibration and noise levels to sensitive receptors. In this instance the predicted noise levels during the construction phase of the development will fall within the Fixed Noise Limit to sensitive receptors as described by BS 5228 standard.
- 13.271 Furthermore, since the site is within close proximity to the M25 and the negligible contribution to overall noise levels in the vicinity of the site, the proposed development would not adversely affect the tranquillity of the area.
- 13.272 In addition to restricting the hours of construction, the CEMP, which will need to be submitted to and approved in writing by the Local Planning Authority prior to above ground works being undertaken will be required to contain measures to ensure noise impacts are mitigated to not exceed the Fixed Noise Limit contained within BS 5228. These measures may include:
- Start-up plant and vehicles sequentially rather than all together;
 - Minimise drop heights of materials;
 - Plant should be orientated and located to be in the quietest practicable location in terms of affected noise sensitive receptors;
 - Noisy works, except where unavoidable, should be undertaken during the least sensitive hours of the day;
 - Site operatives will be trained to employ appropriate techniques to keep site noise to a minimum and will be effectively supervised to ensure the best working practice in respect of noise reduction is followed;
 - Use continuous piling, at locations where noise-sensitive receptors are within 20 metres;
 - Using 'silenced' plant and equipment;

- Switching off engines where vehicles are standing for a significant period of time;
- Fitting of acoustic enclosures to suppress noisy equipment;
- Operating plant at low speeds and incorporating of automatic low speed idling;
- Selecting electrically driven equipment in preference to internal combustion powered, hydraulic power in preference to pneumatic and wheeled in lieu of tracked plant;
- Properly maintaining all plant (greased, blown silencers replaced, saws kept sharpened, teeth set and blades flat, worn bearings replaced, etc.);
- Considering the use of temporary screening or enclosures for static noisy plant to reduce noise emissions;
- Certifying plant to meet any relevant EC Directive standards; and
- Undertaking awareness training of all contractors in regards to BS5228 (Parts 1 and 2) which would form a prerequisite of their appointment.

13.273 On the basis of the evidence submitted, having due regard to the BS criteria, subject to suitably worded conditions it is concluded that the proposals would not have a significant adverse impact on health or quality of life of nearby residents from noise or vibration.

Lighting – Living conditions of neighbours

13.274 The application has been accompanied with an external lighting plan, external lighting specification and external light Lux plot layout.

13.275 In terms of the design of the external lighting and luminaries, the external light specification confirms that it will be in accordance with the guidance of ILP Guidance Notes for the reduction of Obtrusive Light (the ILP Guidance).

13.276 The ILP guidance helps to inform good design principles for luminaire levels, aiming angles for external flood lighting and façade illumination.

13.277 The proposed external lighting includes various types of external light including strip lighting, pole mounted flood lighting and bollard lighting. Each of these proposed methods of illumination proposes an upward shield to reduce light spill as far as possible. These methods of external lighting are in accordance with the ILP Guidance. The types of lighting proposed can be secured through the use of an appropriately worded planning condition.

13.278 The external lighting specification sets out that column and building mounted LED floodlights will serve the main service yard and van parking areas. In terms of illumination, these will be:

- Service Yard illuminated to an average of 20 lux

- Loading Bays illuminated to average of 50 lux
- Van parking illuminated to average of 10 lux

13.279 The external lighting will be controlled via time channels and photo cells and in order to prevent night time light pollution, the applicant is committed to switching off all non-essential external lighting between the hours of 11pm – 7am, Monday to Sunday.

13.280 The precise detail of the external lighting to be switched off during this period can be agreed through the use of an appropriately worded planning condition prior to the first operation of the Phase 1 development and this will be necessary to ensure that the site will not cause excessive light pollution.

13.281 Subject to the recommended conditions, the proposed external lighting will not cause any significant harm to the living conditions of the neighbours.

Air Quality – human impact

13.282 The application has been accompanied with an Air Quality Assessment (AQA) which considers the potential impacts of the construction phase of the development as well as the operational phase.

13.283 The AQA recognises that there is the potential for there to be substantial creation of dust during the construction phase which could cause impact on sensitive receptors. As a result table 9.2 of the AQA proposes a whole raft of mitigation measures to reduce the potential impact.

13.284 The Council's Environmental Health Officer (EHO) has considered the AQA and has commented that the proposed mitigation measures have been taken from appropriate guidance and if suitably implemented, will ensure that there will not be significant harm caused to sensitive receptors. These measures can be secured through the recommended condition.

13.285 Turning to the potential operational impacts, the AQA does not consider there to be any significant degradation in air quality to any sensitive receptors close to the site. The EHO has agreed with these findings in principle and is supportive of the proposed measures to introduce electric vehicle charging points into the site and to restrict HGVs utilising routes through Epping Forest.

13.286 Based on the evidence provided by the applicant and subject to the recommended conditions, the proposal will not cause significant harm to air quality in relation to human health.

Summary relating to design and neighbouring amenity issues

13.287 Drawing all the strands together in relation to design and neighbouring amenity issues, the analysis conducted through this report has concluded that the proposed development fulfils the Council's overall vision and policies of ensuring that new

development is comprised of high quality design, subject to the imposition of adequately worded planning conditions/obligations.

13.288 It has further been concluded that there would not be any significant harm caused to the living conditions of any of the existing residents who live in the area and that the Phase 1 development will ensure a good level of amenity to staff and visitors, subject to the imposition of suitably worded conditions / planning obligations.

13.289 The proposal is therefore compliant with the requirements of Policies SP 3, DM 9 and T 1 Part C and Part D of the LPSV and with Policies DBE1, DBE4 and DBE9 of the ALP.

Employment and skills

13.290 Part (v) of paragraph F of Policy SP 2 of the LPSV seeks to ensure that suitable training and skills development opportunities are provided for local residents to equip them with the skills they need to access future employment opportunities.

13.291 The application has been accompanied by a Statement of Economic Benefits (SEB). The SEB sets out that the development proposal will create up to 1,066 new jobs across Phase 1 and Phase 2 and that these jobs will provide employment opportunities for local residents.

13.292 In addition the construction of the development will create an average of 100 jobs per month, providing further opportunities for local businesses and residents.

13.293 The Council is committed to ensuring that local residents get the best possible opportunity for training and employment in relation to this development proposal. This will be secured through training and apprenticeship schemes in collaboration with New City College who are based in Debden within the District.

13.294 The applicant has indicated a willingness to engage positively with the Council and New City College to ensure that appropriate schemes are delivered to ensure that the local community have the best possible opportunities for training and future employment.

13.295 The details of these schemes can be secured through a planning obligation as part of the S106 legal agreement. Subject to the inclusion of the proposed planning obligation, the proposal will be compliant with Part (v) of Paragraph F of Policy SP 2 of the LPSV.

Flood Risk and SuDs

13.296 There is a clear need to ensure that surface and foul water drainage and treatment occur effectively and for the protection of both human health and the environment. This includes the need to ensure that development will not cause pollution to water bodies or controlled water, including ground water.

- 13.297 Policy DM 18 of the LPSV sets out that it is expected that applications for planning permission will ensure that there is adequate surface water, foul drainage and treatment capacity to serve their development.
- 13.298 Both the Phase 1 and Phase 2 parts of the application has been accompanied with a Flood Risk Assessment (FRA). The report concludes that disposal of surface water by infiltration is not feasible. The EFDC Land Drainage Team agree with these findings in principle and have requested a condition to ensure that the development is carried out in accordance with the details contained within the FRA.
- 13.299 A detailed surface water drainage strategy has also been submitted for the Phase 1 development as part of the application and the EFDC Land Drainage Team are content with the general principles of the design. However further detailed information is required. This information can be secured through the use of a planning condition.
- 13.300 Phase 2 has not been accompanied by a detailed surface water drainage strategy, although this detail can be secured through the use of a planning condition.
- 13.301 The ECC SuDS Team acts as the Lead Local Flood Authority. Similarly to the EFDC Land Drainage Team, based on the FRA and the surface water drainage strategy the team have no objection to the application subject to the imposition of planning conditions.
- 13.302 Thames Water has been consulted as part of this application as a key utilities provider. In terms of foul water disposal, Thames Water have raised no objection to the application.
- 13.303 Subject to the imposition of appropriately worded planning conditions the proposal is compliant with Policy DM 18 of the LPSV.
- 13.304 **Historic Environment – Archaeology**
- 13.305 The LPSV recognises that Epping Forest District benefits from a rich and varied historic environment, including historic remains. Where proposals could potentially affect archaeological remains, preference is given to their preservation since these remains are finite and irreplaceable.
- 13.306 Policy DM 7 of the LPSV seeks to ensure that heritage assets (including archaeological remains) are conserved or enhanced in a manner appropriate to their significance.
- 13.307 To investigate potential impacts on the historic environment the application is supported by an Archaeological baseline report which includes a desk based assessment, including the results of a Phase 1 geo-physical survey and trial trench evaluation.
- 13.308 On the basis of the baseline report and the archaeological fieldwork which has been undertaken, the report concludes that there is no evidence for early settlement activity

on the Phase 1 part of the site. These findings have been endorsed by the Historic Environment Team from ECC.

13.309 Whilst fieldwork has been carried out for the Phase 1 part of the site, it has not for Phase 2. Since there is the potential for archaeological remains to be present on the Phase 2 part of the site, ECC's Historic Environment Team has requested a planning condition be attached to any consent to ensure that a full programme of archaeological work is undertaken in accordance with a written scheme of investigation prior to any groundworks being carried out on site.

13.310 This condition will ensure that the proposed development is compliant with policy DM 7 of the LPSV and the proposals would not have a detrimental impact on heritage assessments of significance.

Ecology

13.311 The LPSV sets out that new development proposals should seek to deliver a net biodiversity gain in addition to protecting existing habitats and species. This approach is set out in Policy DM 1 of the LPSV.

13.312 The application is accompanied with an Ecological Assessment which sets out the baseline ecology of the application site and assesses the potential impacts of the development and mitigation and enhancement measures which may be required.

Baseline ecological surveys

13.313 The findings of the Phase 1 Habitat Surveys demonstrate that of the habitats present on the site, the hedgerows on the boundaries as well as the mature trees are important at a local level.

13.314 Three species of bat were identified as being present on the site, however no bat roosts were found to be present on the site. Thirty-two species of bird were recorded on the site, all of which are considered to be common and widespread locally and nationally. There were no invertebrates species of conservation concern recorded on the site and no hedgehogs, brown hares or harvest mice were observed.

Impacts, mitigation and enhancement measures

13.315 The construction of the development proposal has the potential to cause harm to existing habitats on the site and therefore it is recommended that a planning condition is attached to the application to ensure that a Construction Environment Management Plan (CEMP) is submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.

13.316 Similarly to the construction phase, the operational phase of the development and its potential impacts on habitats will need to be addressed in a Landscape and Ecology

Mitigation and Management Plan (LEMP). This can be secured through the use of a planning condition.

13.317 The Ecological Assessment identifies that the construction phase of the development will cause the total loss of all habitats within the site other than the sections of boundary scrubland.

13.318 This loss equates to approximately 10ha of arable land, including 3m on the southern margin. According to the Biodiversity Net Gain metric, in order to achieve a net biodiversity gain of 10% as recommended by Defra a financial contribution of £69,000 is required towards an offsite Priority Habitat restoration project. This figure has been calculated based on the Biodiversity Impact Assessment Calculator, in accordance with paragraph H of Policy DM 1. The applicant would provide the proposed financial contribution that would be secured through the S106 agreement by the Local Planning Authority.

Ground contamination

13.319 The LPSV seeks to ensure that new forms of development avoid unacceptable risks from pollution to humans and other species. Paragraph C of Policy DM 21 of the LPSV requires that potential contamination risks are properly considered and adequately mitigated before development proceeds.

13.320 The application is accompanied by a geo-environmental and geo-technical interpretative report, which considers the potential contamination risks present on the site.

13.321 The reports conclude that the topsoil and head deposits are unlikely to present a potentially significant risk to human health; no gas protection measures are considered necessary and the risk to controlled waters is low.

13.322 The Councils Geo-technical Team have considered the reports and agree with their findings in principle. The team have added that:

'records indicate that the site (Phase 1 and 2) formed part of a field throughout the duration of time that the Council have maps and aerial photographs for, however there may be some made ground near the road (Dowding Way)...As potential contamination risks are likely to be low and the proposed commercial use is lower risk compared with a residential development, it should not be necessary for these risks to be regulated under the Planning Regime by way of standard conditions'

13.323 The standard condition suggested by the Geo-technical Team seeks to ensure that if discoloured or odorous soils are encountered on the site, or if hazardous materials or significant quantities of non-soil forming materials found during development works, then development will cease until the risks are fully investigated and evaluated. If necessary, an appropriate scheme to mitigate the potential risks will be submitted to and approved in writing by the Local Planning Authority.

13.324 The proposed condition will ensure compliance with the provisions of paragraph C of policy DM 21 of the LPSV.

13.325 Following this advice and on the basis of the evidence submitted by the applicant, the proposal is compliant with paragraph C of Policy DM 21 of the LPSV.

Energy and climate change

13.326 The LPSV sets out that the Council is committed to providing proactive strategies with regard to climate change resilience. This approach is based on the NPPF which encourages Local Planning Authorities to adopt a proactive strategy with regard to sustainable development and climate change.

13.327 On 19th September 2019 the Council declared a climate emergency for the District and set out a pledge that the Council will do everything in its power to make the District carbon neutral by 2030.

13.328 This approach is encapsulated within Policy DM 20 of the LPSV which seeks to encourage new developments to be of a low carbon energy use. Renewable energy measures in new and existing development is also to be encouraged as far as possible.

13.329 The application has been accompanied by an Energy Statement and a Sustainability Statement, the latter incorporating a BREEAM pre-assessment.

13.330 The submitted energy statement contends that the development seeks to minimise energy consumption as far as possible through the inclusion of specific design measures including:

- Reduced air permeability
- High efficiency air source heat pumps
- HVAC system controls to ensure equipment is operating efficiently, including automatic alarms for out of range values
- High efficiency LED lighting, utilising low energy control systems such as daylight dimming and occupancy sensing
- A 2,341kWp south facing solar photovoltaic array

13.331 In terms of site wide Carbon Dioxide emissions, the applicant asserts that these measures will constitute a 63% reduction in emissions over and above the requirements of Building Regulations Part L (2013).

13.332 Part L of the Building Regulations require that the calculated CO₂ emission rate for the building must not be greater than the target CO₂ emission rate which is defined as the minimum energy performance requirement for a new building based on a standard

methodology. This figure is expressed in terms of the mass of CO₂ emitted per year, per square metre of the total useful floor area of the building.

13.333 In this case, the development across both proposed phases must either equal or be lesser than 1,328.9 tonnes of CO₂ per year in order to comply with Part L of the Building Regulations.

13.334 The submitted energy statement contends that the energy efficient measures, when taken as a whole, including the installation of the photovoltaic array on the roof of the Phase 1 warehouse will result in a 64.1% saving in energy consumption, which results in a carbon saving of 995 tonnes annually, or a 75% saving over and above the requirements of Building Regulations Part L.

13.335 The BREEAM briefing paper for assessing carbon emissions (2015) sets out that the average CO₂ saving for BREEAM assessed buildings is 22% when compared against Part L of the Building Regulations. The guidance further sets out that CO₂ savings of over 55% in comparison to the Building Regulations, amounts to a BREEAM 'Outstanding' rating in terms of carbon emissions.

13.336 On the basis of this analysis it is reasonable to conclude that in terms of energy consumption and CO₂ emissions, the proposal is compliant with Policy DM 20 of the LPSV.

Sustainability

13.337 The NPPF sets out that the overall purpose of the planning system is to contribute to the achievement of sustainable development which is defined as:

Meeting the needs of the present generation without compromising the ability of future generations to meet their own needs

13.338 In order to achieve sustainable development, the NPPF sets out three overarching objectives:

- *An economic objective*
- *A social objective*
- *An Environment objective*

13.339 The NPPF is clear that each of these objectives are interdependent and need to be pursued in mutually supportive ways.

13.340 Paragraph 11 of the NPPF is clear that decision making should apply a presumption in favour of sustainable development and Policy SP 1 of the LPSV follows this approach.

13.341 In support of the application, a sustainability statement has been submitted which presents the sustainable aspects of the proposed development.

13.342 The development aspires to achieve the Building Research Establishment's Environmental Assessment Method (BREEAM) rating of 'excellent'.

13.343 BREEAM is a sustainability assessment method used to consider development projects through design, specification, construction and operation phases based on performance benchmarks.

13.344 Developments are rated and certified on a scale of:

- (<30%) Unclassified
- (>30%) Pass
- (>45%) Good
- (>55%) Very Good
- (>70%) Excellent
- (>85%) Outstanding

13.345 As previously discussed, the submitted Sustainability Statement sets out that the development aspires to achieve a rating of 'excellent' which is within the top 10% of all UK non-domestic buildings.

13.346 In order to achieve this rating the Sustainability Statement highlights a number of aspects of the scheme which contribute to the sustainability credentials of the development. In short these are:

- Sustainable transport initiatives and travel planning measures, including the provision of the DRT
- Phase 1 of the development resulting in an annual 995 tonne reduction in CO₂ emissions over the requirements of Building Regulations Part L.
- Installation of 2.34 MWp Photovoltaic array on the roof of the Phase 1 warehouse
- Installation of electric charging points for 10% of the car parking spaces on the site with the capability for further charging points in the future.
- Installation of low water use features and rainwater harvesting to achieve an excess of 50% improvement over baseline consumption.

- Installation of new ecological habitats including native landscape and bird and bat boxes
- Use of low impact materials for the construction of the Phase 1 development
- Adopting measures for waste reduction during construction
- The production of a CEMP to be submitted and approved in writing by the Local Planning Authority prior to the commencement of building works.

13.347 On the basis of the measures which have been advanced it has been demonstrated that the development proposal is capable of achieving BREEAM 'excellent' and therefore would be within the top 10% of all non-domestic buildings in sustainability terms. It is recommended that a planning condition would be imposed to ensure that the development achieves this rating.

13.348 The proposal is therefore concluded to be a sustainable form of development and is therefore compliant with Policy SP 1 of the LPSV, Policy CP5 of the ALP and with paragraph 11 of the NPPF.

Infrastructure

13.349 In order to deliver the sustainable and balanced growth which has been identified in the LPSV, significant investment in infrastructure is required to meet the needs of residents and businesses.

13.350 Infrastructure includes a wide variety of elements including transport, utilities, flood and surface water management, open space and social and community infrastructure.

13.351 To outline the infrastructure requirements which are necessary to meet the needs of the growth outlined in the Plan, the Council has compiled an Infrastructure Delivery Plan (IDP). The IDP identifies:

- The organisation responsible for delivering each piece of infrastructure
- The period over which the relevant investment will be required; and
- The cost of each item and how it is going to be funded

13.352 The IDP has been developed in consultation and cooperation with infrastructure providers and will ensure that infrastructure is delivered in a timely, predictable and effective manner. The IDP has also considered high level issues of viability and therefore delivery of policy compliant new development.

13.353 The IDP is split into development areas and identifies the various interventions necessary within each area. In this case, the most relevant of these are the infrastructure requirements identified within Waltham Abbey.

Highway interventions

13.354 As previously identified, the highway intervention regarding the improvement to junction 26 of the M25 is a crucial piece of infrastructure to facilitate the proposed development and must be delivered in full, prior to the operation of the Phase 1 development. The need for this to be delivered should be afforded significant weight in the decision.

Sustainable transport measures

13.355 In order to promote sustainable forms of transport, the applicant has proposed amongst other things, the DRT initiative which as previously discussed is an essential piece of infrastructure in order to ensure that sustainable forms of transport are facilitated as far as possible.

13.356 The requirement to provide the entire package of sustainable transport measures should be afforded significant weight in the decision.

Early years and Childcare

13.357 The IDP identifies that over the Plan Period, 180 new early years spaces are required to meet the needs arising from the proposed residential growth identified within the LPSV.

13.358 In terms of its methodology, the requirements for these new places is based on the residential development alone and does not take existing surplus or deficit of places in the local area into account. Neither does the methodology consider the potential need for early years and childcare spaces arising from significant new employment uses such as the development proposed in this application.

13.359 In the absence of this information, ECC who are responsible for ensuring that adequate places are present within a local area has commented that this proposal would create an additional need for childcare spaces in the area, beyond those which have been identified in the IDP.

13.360 The calculation of need has been derived from the ECC Developers Guide to Infrastructure which considers the potential level of need created through employment led development proposals which are likely to generate in excess of 50 FTE employees. The guidance states as an example of likely demand:

$$150 \text{ employees} \times 0.04 \text{ places per employee} = 6 \text{ places}$$

13.361 Since the application form which accompanies the application set out that the development across both phases would create up to 1,066 new jobs, ECC calculated that this would result in a demand of 42.64 new places in the local area.

13.362 Each place which would be required has been calculated to cost £17,422 and so based on this demand ECC are requesting that a financial contribution of £742,874.10 is made by the developer to assist in their delivery.

13.363 The Council has a responsibility to ensure that financial contributions are used effectively to ensure that necessary infrastructure required to make a proposal acceptable in planning terms are secured and delivered effectively.

13.364 Furthermore, financial contributions to be secured through the use of planning obligations can only be done so if it is compliant with the Community Infrastructure Levy Regulations (CIL).

13.365 Paragraph 122(2) of the CIL regulations states that:

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

13.366 In the case of Early Years and Childcare, ECC has not provided any information of existing surplus or deficit in the local area, neither does the LPSV or its evidence base identify this.

13.367 As previously discussed, the identified need for 180 new early years and childcare spaces as noted in the IDP is based entirely on the proposed new residential development in Waltham Abbey and does not include new employment sites.

13.368 It is therefore reasonable to suppose that the requirement for these spaces will be delivered through the residential schemes proposed for allocation in the LPSV as set out in the IDP.

13.369 On this basis and given that ECC have not provided any information on existing surplus or deficit in the local area and that no specific projects have been identified by ECC to meet the supposed additional need, it is concluded that this proposed financial contribution fails to comply with part 2 (a) and (b) of paragraph 122 of the CIL regulations since it cannot be demonstrated that the obligation is necessary to make the development acceptable in planning terms, nor that it is directly related to the development.

Alternative use of financial contribution

13.370 Paragraph F of Policy D 1 of the LPSV states that the Council may consider prioritising contributions in line with the IDP schedule to ensure that the most crucial infrastructure

is provided in the local area at a rate and scale appropriate to the level of growth in that area.

13.371 As has previously been identified, the need to facilitate sustainable methods of transport are crucial for a development of this nature, particularly due to the capacity of the local and strategic road network and the delicate nature of the Epping Forest SAC and the proposed developments proximity to it. Of the sustainable initiatives proposed, one of the most important to encouraging a modal shift is the provision of the DRT.

13.372 Currently, the applicant proposes £650,000 towards the provision of the DRT, which the operator Arriva estimates will fund the service for two years. Given its importance, it is concluded that any additional financial contributions should be attributed towards this initiative to assist in achieving a modal shift across the District.

Conclusion relating to Infrastructure

13.373 Subject to the infrastructure interventions as noted in the previous section being secured through appropriate planning obligations, the proposal is compliant with policy D 1 of the LPSV.

Impact on the Epping Forest SAC

13.374 Biodiversity features within, or associated with, a Special Area of Conservation enjoy a high level of protection under UK and EU law, and national planning policy in England. The provisions of the EU Habitats Directive are given effect in UK law by the Conservation of Habitats and Species Regulations 2017, as amended ("the Habitats Regulations").

13.375 Under the Habitats Regulations, the Epping Forest SAC is classified as a 'European Site' and, as such, any plans and projects (including applications for planning permission) that are likely, either alone or in combination with other plans or projects, to have a significant effect on the SAC must be subject to an assessment, known as an Appropriate Assessment ("AA"). The purpose of an AA is to ascertain whether any development plan or proposal, either alone or in combination, will not harm the integrity of the European Site.

13.376 The Council has a legal duty as the 'competent authority' under the Habitats Regulations to protect the Epping Forest SAC from the effects of development (both individually and in combination). Two specific issues relating to new development within the District have been identified as being likely to have a significant effect on the integrity of the Epping Forest SAC. Firstly, the increased levels of visitors using the Forest for recreation arising from new development (referred to as "recreational pressure"). Secondly, damage to the health of the protected habitats and species of flora within the Forest, including trees and potentially the heathland habitats, from air pollution generated by increased motor vehicle usage (referred to as "air quality").

- 13.377 Policies DM 2 and DM 22 of the LPSV provide the policy context for dealing with the effect of development on the integrity of the Epping Forest SAC outlined above.
- 13.378 The Council commissioned a Habitats Regulations Assessment (January 2019) of the LPSV ("the 2019 HRA"), produced by AECOM, which has been published on the Council Local Plan Examination website. The 2019 HRA includes an Appropriate Assessment of the planned development within the LPSV and the effect of that development on the Epping Forest SAC. The 2019 HRA concluded that, subject to securing the urbanisation/recreational pressure and air quality mitigation measures to which the Council, the adoption of the Local Plan will have no adverse effect on the Epping Forest SAC.
- 13.379 However, following their review of the 2019 HRA, Natural England (NE) maintained their objection to the Local Plan, citing a number of specific concerns about the HRA. The Local Plan Inspector has advised that it is not currently possible to conclude beyond reasonable scientific doubt that the LPSV will not adversely affect the integrity of the SAC and has advised the Council of the actions considered necessary to resolve this.
- 13.380 Since receiving the Inspector's Interim Advice, the Council has been working with its professional advisors and NE to identify the most appropriate way forward. The Council's proposals are contained in its response to the Inspector dated 11 October 2019.

Recreational Pressure

- 13.381 As regards recreational pressure, on 18 October 2018 the Council adopted an 'Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' ("the Interim Approach") as a material planning consideration in the determination of applications. The Interim Approach was developed in conjunction with NE and the Conservators.
- 13.382 This Interim Approach identifies that any additional residential development located within a 6.2km zone of influence of the EFSAC would be likely to have a significant effect when considered in combination with other plans / projects. Any such developments are therefore required to mitigate the impact of this recreational pressure.
- 13.383 The Interim Approach identifies that this is most appropriately and equitably achieved by the payment of financial contributions from all developments resulting in a net increase in dwellings within 3km of the EFSAC towards the implementation of Site Management and Monitoring Measures ("SAMMs"). The cost of the implementation of the Interim Approach has been apportioned across three local authority areas – Epping Forest District and the London Boroughs of Redbridge and Waltham Forest. For relevant residential developments within the Epping Forest District area, the contribution is currently set at £352 per net additional dwelling

13.384 Since this application does not propose a residential development, there will be no additional visitor pressure on the forest and as such no contribution is required. EFDC has an interim approach to recreational management in place as agreed to by NE, officers are content that this development would be dealt with in accordance with the principles set out in that approach. It is also considered that the geofencing mitigation strategy would deal with any staff or visitor vehicle movements during their commutable hours.

Atmospheric Pollution

13.385 Turning to atmospheric pollution, having regard to advice from Natural England (NE), the Council's view is that a likely 'in combination' significant effect on the EFSAC from proposals for new development anywhere within the District that may lead to an increase in vehicle movements on roads within 200m of the EFSAC cannot be ruled out

13.386 Unlike with recreational pressure, the Council has not yet agreed a District-wide approach with NE to mitigate or avoid the potential adverse effects to the integrity of the EFSAC arising from atmospheric pollution. In the absence of an approved air quality mitigation strategy, the Council's position is currently therefore that all development proposals that result in a net increase in vehicle movements must be subject to an Appropriate Assessment (AA) in accordance with regulation 63 of the Habitats Regulations, which includes the appropriate statutory consultation with NE and taking into account any advice received.

13.387 NE's current advice on AA's is that any identified in combination effects are best dealt with by way of a strategic solution and the level of assessment required is overly onerous for it to be dealt with on a case-by-case basis and the most effective forms of mitigation are unlikely to be deliverable by individual applicants.

13.388 In this instance the applicant has provided a project level HRA which includes an AA.

13.389 In terms of air quality, the potential impact of the Phase 1 development is from the potential increased number of commercial vehicles as well as staff and visitor vehicle movements through the SAC. The report will deal with these aspects in turn.

13.390 With regards to Phase 2, this part of the application is for outline permission with all matters reserved. Although the end user of Phase 2 is unknown at this stage, the s106 obligations will apply to the application site as a whole and any obligations expressed in a negative manner within the s106 would be binding upon any user of Phase 2 in the usual manner. In addition it is recommended that the s106 obligation include a requirement on the part of the landowner to ensure that any sale or lease of the Phase 2 part of the site includes a requirement that any positive obligations given in the s106 are enforceable as against a new owner of the Phase 2 area.

Commercial vehicles

13.391 The submitted HRA acknowledges that commercial vehicles travelling through the SAC which would increase the pollutant burden, which NE consider is already at critical levels throughout the SAC.

13.392 In response, the applicant proposes to control all commercial vehicle movements through the submitted Route Management Plan (RMP), which was discussed earlier in this report.

13.393 As previously discussed the RMP would effectively create a virtual 'geofence' around the edge of the SAC + 200m and to restrict all commercial vehicles from entering any route within its boundaries.

13.394 The end user of the Phase 1 development, Next, has indicated that the RMP is enforceable since all their drivers are Next employees rather than contractors and can therefore be instructed not to use routes through the geofence.

13.395 In relation to the proposed RMP and geofence with regards to commercial traffic Natural England have advised that:

Natural England does not consider that assessment of the effectiveness and enforceability of these plans falls within our remit or area of expertise but has previously advised that developments which lead to no net increase in traffic movements through roads within 200m of the SAC compared to existing usage could be considered to have no likely significant or adverse effects and can therefore be screened out. Your authority should therefore satisfy itself that the measures proposed would result in no net increase in traffic. To achieve this EFDC as the competent authority will need to be certain that the measures being proposed are enforceable (both legally and in practice), quantifiable and effective beyond reasonable scientific doubt.

13.396 Officers consider that since the commercial vehicles are owned and operated by Next, the RMP and associated geofence is enforceable both legally and practically and can be monitored effectively.

13.397 This could be secured through the use of a planning obligation to ensure an effective and robust means of monitoring to ensure compliance.

13.398 On the basis of the submitted evidence, the advice from NE and the analysis undertaken it is concluded that commercial vehicles in relation to the Phase 1 development will not use routes within 200m of the edge of the SAC. As such, adverse impacts in relation to air quality can be ruled out beyond a reasonable scientific doubt both alone and in combination with other projects.

Staff and visitor vehicle movements

13.399 Similarly to the management of commercial vehicles, the applicant proposes to utilise the geofence technology to restrict the movement of their staff as they travel to and

from work, as with the commercial geofence, it will be set around the boundary of the SAC + 200m.

13.400 Staff members and visitors who travel to the site in a non-electric vehicle will be entirely restricted from using routes which pass through the SAC. The applicant proposes this to be monitored through a planning obligation with the Council which includes regular monitoring. The Council is still negotiating with the applicant in respect of the exact mechanism through which vehicles would be monitored and therefore the resolution is subject to this being fully resolved prior to issuing a decision. Officers are also seeking advice of the legality and enforceability of this approach

DRT offsetting

13.401 The provision of the DRT which was discussed previously in this report is regarded as a key initiative to facilitate modal shift as far as possible. The scheme will be open to members of the public as well as employees of the new development and the applicant contends that it will cause a net reduction in the number of vehicles using routes through the SAC. The following sections of the report will examine the potential trips made to the site from staff members and visitors.

Staff Travel movements

13.402 Technical note 9, contained within the HRA appendices sets out that since only 123 parking spaces will be available on the site for staff when Phase 1 first becomes operational, the maximum level of breach arising from staff members would be 123 vehicle movements.

13.403 This level of breach is considered by the HRA to be an overestimation since this would require all 123 cars to travel through the SAC unsustainably. Since travelling to work through the SAC using unsustainable transport methods would be a disciplinary offence and that sustainable transport alternatives are proposed, the HRA assumes that only 5% of staff will realistically breach this policy and this amounts to a total of 24 journeys through the SAC per day. The HRA concludes that this is very much a worst-case scenario since it is unlikely that staff would persist in travelling this way when it breaches company policy.

Visitors to the distribution warehouse

13.404 The HRA concedes that the movement of visitors to the site cannot be controlled through the geofence which is proposed to control the movements of employees.

13.405 Within this context, it is estimated that there will be an average of 8 visitors to the distribution warehouse on a typical day. This estimation is based on the similarly sized Next distribution warehouse located in Bristol. Were each of these visitors to utilise unsustainable methods of travel through the SAC it would result in a total of 16 trips on a typical day.

13.406 The HRA considers this to be an overestimation since approximately half of visitors will be Next staff and will be aware that restrictions on travel are in place and the other half will be regular contractors whose movements will be controlled commercially through contract.

Visitors to the photo studio

13.407 As previously identified, the photo studio will provide a shuttle bus to the site from Waltham Cross station. This dedicated service will be run by Next and will provide a means of transport for visitors to the photo studio.

13.408 Next forecast that there will be a maximum of 225 people appointed by the photo studio, which includes a maximum of 101 potential visitors.

13.409 Since some of these visitors include children and their chaperones, it is estimated that there will be a maximum potential of 79 visitors on any one day travelling by car.

13.410 The HRA assumes that of these 79 possible vehicle movements, 52 (66%) of people could realistically travel in this way and this is based on a worst-case scenario. This equates to 104 total trips through the SAC.

Summary of SAC vehicle movements

13.411 Based on the assumptions set out in the HRA, which are based on a worst-case scenario, the maximum level of breach from staff and visitors is 160 vehicle trips per day.

Predicted impact of DRT

13.412 The HRA indicates that the identified potential harm through these vehicle trips will be entirely offset by the provision of the DRT, indeed it is predicted that the DRT will reduce the number of existing vehicles from using routes through the SAC.

13.413 The operator of the DRT Arriva Click, have confirmed that it would expect to obtain patronage from Waltham Abbey, Loughton and Chigwell which contains approximately 65,000 residents. Given that existing bus routes between these areas is relatively poor, it is seen as a significant opportunity to delivering sustainable transport options.

13.414 It is difficult to predict the potential impact that a DRT service will have in the area with regards to taking existing traffic off the network since the concept is relatively new, however the HRA uses two previous examples as a baseline.

13.415 Arriva Click began a service in New Lubbersthorpe located just outside Leicester. In this example, 300 new homes have been erected approximately 6 miles from Leicester city centre. In the six months the DRT has been operating, 5000 journeys have been made to and from the new development.

13.416 A further example is also provided for Liverpool, where statistics from Arriva Click have demonstrated that 39% of its users previously either drove their own vehicle or ordered a taxi. This suggests that the provision of a DRT can help to facilitate modal shift for existing road users.

13.417 For the purposes of this application, the submitted HRA uses a conservative estimate that the DRT will remove half of one percent of all existing vehicles currently using the SAC.

13.418 This amounts to a total of 240 trips from the network, which when compared to the total number of predicted breaches caused by the Phase 1 development of 160 trips per day would have a net benefit of removing 80 vehicle trips through the SAC per day.

13.419 As previously identified, the net benefit derived from the provision of a DRT is difficult to quantify, however based on its catchment area of 30km² and its coverage of a significant amount of population, it is likely that a significant number of people will be able to use the DRT once it is in place. In terms of sensitivity therefore, a reduction of half of one percent of existing traffic is a reasonable assumption.

Conclusion relating to the air quality issues in relation to the SAC

13.420 As previously discussed, it is reasonable to conclude that there will be no increase in commercial vehicles travelling through the SAC as a result of the Phase 1 development subject to an appropriately worded planning obligation.

13.421 In terms of staff and visitor movements, the Council is currently negotiating with the applicant on the exact form and mechanism the proposed 'geofence' would take to ensure that it would be robust and legally enforceable.

13.422 On the basis of the analysis undertaken and with due regards to the proposed mitigation and potential offsetting of existing vehicles from the road network, it can reasonably be concluded that there would not be an increased number of non-electric or carbon free vehicles moving through the SAC.

13.423 Therefore, the Council as Competent Authority would be in a position to conclude beyond reasonable scientific doubt that there would not be harm caused to the SAC as a result of air pollution arising from this proposed development. It is recommended that the s106 agreement should have a review mechanism in respect of the air quality mitigation strategy to ensure compliance with the envisaged outcomes.

14. EQUALITY DUTIES AND HUMAN RIGHTS

14.1 Section 149 of the Equality Act 2010 requires that a public authority must exercise its functions having due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic (age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation) and persons who do share it and foster good relations

between persons who share a relevant protected characteristic and persons who do not share it.

- 14.2 In making this recommendation, due regard has been given to this Public Sector Equality Duty and the relevant protected characteristics. It is considered that there will be no specific implications and that, if approving or refusing this proposal, the Council will be acting in compliance with its duties.
- 14.3 The Human Rights Act 1998 makes it unlawful for a public authority to act in a way which is incompatible with any of the Convention rights protected by the Act unless it could not have acted otherwise. Careful consideration has been given to the rights set out in the European Convention on Human Rights, in particular Article 6 (right to a fair trial); Article 8 (right to respect for private and family life; Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (right to peaceful enjoyment of possessions).
- 14.4 The Council is of the opinion that the recommendation does not interfere with any such rights except insofar as is necessary to protect the rights and freedoms of others. The Council is permitted to control the use of property in accordance with the public interest and the recommendation is considered a proportionate response to the submitted application based upon the considerations set out in this report.

15. THE PLANNING BALANCE AND CONCLUSION

- 15.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "*clear reason for refusing the development proposed*" or where the benefits of the proposed development are "*significantly and demonstrably*" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.
- 15.2 As previously discussed, the proposal must be considered to be inappropriate development in the Green Belt and cause substantial harm to its openness, which carries substantial weight against the proposal. However it has also been found that VSC exist which clearly outweighs the harm to the Green Belt.
- 15.3 The potential adverse impacts on the SRN and the SAC as a result of the proposed development cannot currently be ruled out. However further work is currently ongoing to consider these potential impacts.
- 15.4 Notwithstanding the outstanding issues discussed above, the analysis conducted through this report has demonstrated that subject to those matters being adequately resolved subject to the imposition of conditions and obligations, the development as proposed is in accordance with the provisions of the relevant policies of the LPSV, the relevant saved policies of the ALP and with the requirements of the NPPF.

15.5 It is therefore recommended that planning permission is granted subject to appropriately worded planning conditions and obligations and subject to the issues relating to the SRN and the SAC being suitably resolved

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

Planning Application Case Officer: James Rogers

Direct Line Telephone Number: 01992 564 371

or if no direct contact can be made please email:

contactplanning@eppingforestdc.gov.uk

Appendix 1 – Planning conditions

Appendix 2 – Neighbour representations