

Full Council Addendum report

Date of Meeting: 24th June 2021



**Epping Forest
District Council**

Planning application EPF/2503/19 – Land to the North of Dowding Way, Waltham Abbey

Application Number:	EPF/2503/19
Application Type:	Full planning application
Proposal:	Full planning application for the erection of 1 no. 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.
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	EFD LP Ref: WAL.E8

Applicant:	Next PLC
Agent:	Tim Rainbird, Director, Quod
Case officer:	James Rogers
Democratic Services Officer	Gary Woodhall. Contact number: 01992 564 470

Validation date:	18 th October 2019
Reason for reporting application to Full Council:	This application is before Full Council following a referral from District Development Management Committee on 21 st December 2020 under the minority reference rules under the Constitution
Original Officer recommendation:	<p>That planning permission is granted for the proposed development subject to conditions, planning obligations and in relation to the Epping Forest Special Area of Conservation (SAC);</p> <ul style="list-style-type: none"> • the satisfactory completion of air quality modelling work in relation to the introduction of a right hand turn ban from A121 Honey Lane East into Forest Side; • the imposition of planning conditions and completion of a section 106 planning obligation to secure the measures identified in the Interim Air Pollution Mitigation Strategy.
District Development Management Committee recommendation	<p>That planning permission is refused for the following reasons:</p> <ul style="list-style-type: none"> i) The adverse impact of the development on Waltham Abbey; ii) The adverse impact on the Metropolitan Green Belt and environs of Waltham Abbey due to the obtrusive height, length and bulk of the proposed building; iii) The effects of the proposal on the Special Area of Conservation (SAC) as the air pollution mitigation strategy had not yet been adopted and was likely to be insufficient; iv) There was no reason to develop on this site within the Green Belt as other areas could be utilised for employment use – the draft Local Plan had not yet been confirmed and the main modifications proposed had not yet been consulted upon; v) The extra use of the roads through the SAC by employees and visitors to the distribution centre could not be prevented; vi) There was no indication in the transport

	<p>assessment of how the HGV routing and the large numbers of lorry movements generated by the development could be accommodated on local roads when the motorway network was disrupted;</p> <p>vii) The proposed Demand Responsive Transport bus service was not assured for the whole life of the project and was insufficient;</p> <p>viii) The lack of a revised and up-to-date transport assessment for the application; and</p> <p>ix) The inadequacy of the proposed cycle and pedestrian network and its failure to link in a useful manner to the south and west of the site.</p>
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1.0 **Background**

- 1.1 Next PLC submitted a planning application proposing development on Land North of Dowding Way, Waltham Abbey. The planning application was registered on 18th October 2019. The application site is proposed for allocation in the emerging Local Plan ref: WAL.E8. The proposed Local Plan allocation is for employment uses B1(c) industrial processes, B2 general industrial and B8 storage and distribution.
- 1.2 The site extends to 9.7 hectares and is situated on land to the north of the A121 Dowding Way and south of the M25 motorway. The proposed development is for the construction of a new warehouse with ancillary accommodation and a photo studio, together with a multi-storey car park, bridge link and other associated infrastructure. The proposed building would have a gross internal floor area (GIA) of 57,267 square metres and measure 232 metres wide, 119.5 metres in depth and 23.15 metres high to the top of the parapet. The gross internal floor space within the warehouse would be 29,753 sq.m with mezzanine capacity of up to 22,868 sq.m. The photo studio would be split over two levels and have a GIA of 4,642 sq.m.
- 1.3 The proposed development would be occupied by Next PLC and would operate as a regional distribution centre to serve its retail stores and customers in the south east. The proposed photo studio would amalgamate two existing Next facilities located within the M25 corridor.
- 1.4 Access to the site would be provided via a new signal controlled junction from the A121 Dowding Way. The proposed new access would lead to an internal north-south access road that would serve the multi storey car park, service yard including van/lorry parking, fuel island and vehicle wash facilities. The proposed car parking would comprise 367 car parking spaces in the multi storey car park, 80 van spaces, 37 HGV spaces and 120 cycle parking spaces. The proposals include the provision of a shared foot and cycle path to the west. This would run parallel to Dowding Way and would be set back from the road and cut into the bank to allow space for

landscape planting to screen the pedestrian/cycle route from vehicular traffic. It would then connect to the existing public rights of way to the west and links the proposed development to the residential area of Beechfield Walk, the footbridge over the M25 and Roundhills. To the west of the main entrance would be a landscaped amenity area for employees.

- 1.5 The proposed development was referred to the District Development Management Committee (DDMC) on the 21st December 2020 with an officer recommendation for approval subject to conditions and planning obligations. With regards to the Epping Forest SAC, officers recommended that approval of the application should be subject to completion of air quality modelling work in relation to the introduction of a right hand turn ban from the A121 Honey Lane East into Forest Side. Secondly, that the planning application should be subject to the inclusion of mitigation measures identified in the Interim Air Pollution Mitigation Strategy. These matters are addressed in more detail at Sections 4 and 5 below.
- 1.6 Members of the DDMC overturned the Officer's recommendation and recommended that the planning application should be refused for those reasons set out at the beginning of this report.
- 1.7 After the completion of the vote to refuse the planning application, the application was referred to Full Council for a final decision via the minority reference rules within the Council's Constitution.
- 1.8 As mentioned, the application site is proposed for allocation in the emerging Local Plan (WAL.E8) to provide for substantial new employment space within the District. This will be the second largest employment site within the District, the largest being North Weald Airfield.
- 1.9 The application site has been proposed for allocation based on a robust and up-to-date evidence base which has been independently examined in public by the Local Plan Inspector on behalf of the Secretary of State (see Sections 13.1 – 13.11 of Appendix 1 for further details). The Local Plan Inspector has not raised any concerns or objections to the proposed site allocation in her advice to the Council following the hearing sessions in 2019.
- 1.10 Officers consider that the proposed development fulfils the requirements of the emerging Local Plan, the National Planning Policy Framework (2019) and the Habitat Regulations (2017).

2. Purpose of report

- 2.1 This report has been produced for Full Council to provide an update on the planning application following its consideration by DDMC in December 2020. It also seeks to address questions raised by DDMC during the December committee meeting.
- 2.2 The report recaps the matters relating to the Epping Forest Special Area of Conservation (EFSAC) and proposed right-hand turn lane from Honey Lane East into Forest Side and vehicle trips arising from the development; summarises the latest

responses from the Environment Agency and the Health and Safety Executive; and provides updates on the development's infrastructure requirements and economic considerations.

- 2.3 A summary of the applicant's response to DDMC's reasons for refusal of the planning application, together with an officer update on each of the matters, is included at Section 10 of this report.

3. Local Plan Update

- 3.1 The Local Plan has reached an advanced stage in its preparation and in accordance with paragraph 48 of NPPF 2019, when taking planning decisions, the Council may give weight to relevant policies in the emerging plan 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 this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

- 3.2 In respect of paragraph 48 (a) of the NPPF, the emerging Plan is at an advanced stage of preparation given that it is progressing towards the Main Modifications consultation stage on 5th July 2021. In relation to paragraph 48 (b) of the NPPF, the Inspector's initial advice on 2nd August 2019 (ED98) contained no substantial reference to specific actions or Main Modifications required in respect of the employment allocation WAL.E8 land north of A121 for B1c/ B2 and B8 uses. Finally, in relation to paragraph 48 (c) of the NPPF, the emerging Local Plan policies relevant to this application (and indeed within the emerging Plan as a whole) are consistent with the NPPF, the NPPF being one of the core reference documents used in the development of the emerging Plan.

- 3.3 Therefore, giving consideration to all three criteria set out in paragraph 48 of the NPPF used to determine the appropriate weight to be given to an emerging Local Plan in decision making, the District's emerging Plan is positioned at the highest end of the spectrum meaning that it should be afforded the greatest weight. The emerging Plan should therefore be given substantial weight in the assessment of development applications.

4. Interim Air Pollution Mitigation Strategy

- 4.1 Further to DDMC in December 2020, the Interim Air Pollution Mitigation Strategy (APMS) was adopted by Full Council on 8th February 2021.

- 4.2 The proposed development includes a package of air pollution mitigation measures in accordance with the APMS that includes a demand responsive bus service and routing strategy for a minimum of 3 years, implementation of a travel plan, rights of

way improvements, route management plan for HGVs and LGVs, electric charging points and a car park management to control the use of the multi-storey car park. Full details of the proposed planning obligations are included in Section 9 below.

- 4.3 Section 7 of the APMS identifies the need for financial contributions from certain types of development that would fund the implementation of the strategy. For the proposed development this equates to a financial contribution of £206,017 which the applicant has confirmed would be made available and secured via a section 106 legal agreement. The APMS also identifies the need for a right-hand turn ban at the junction of the A121 (Honey Lane) into Forest Side.

5. Right Hand Turn Ban from A121 Honey Lane East into Forest Side

- 5.1 The original officer recommendation for approval was subject to the satisfactory completion of air quality modelling work in relation to the introduction of a right-hand turn ban from A121 Honey Lane East into Forest Side.
- 5.2 AECOM, the Council's air quality consultants, undertook traffic related air quality modelling of the Epping Forest SAC to identify the effects of growth in the emerging Local Plan 'in combination' with all other traffic growth expected through to 2033 (the end of the Local Plan period). That analysis concluded that no adverse effect would arise on the integrity of the EFSAC provided that mitigation measures, as identified in the APMS, are implemented.
- 5.3 AECOM has additionally tested whether the right-hand turn ban into Honey Lane East would reinforce the conclusion of no adverse effect on the integrity of the SAC. Following initial testing, prior to December's DDMC, AECOM's technical note dated 12th January 2021 concluded that a full right-hand turn ban, as requested by Highways England, would have a beneficial effect on the Epping Forest SAC and, in particular, would reduce air pollution dose levels in the area west of the Robin Hood roundabout.
- 5.4 Highways England's response dated 20th December 2020 confirmed that it had no objection to the proposed development subject to conditions being imposed that require the introduction of the right-hand turn ban from the A121 Honey Lane East into Forest Side as well as improvement works to Junction 26 of the M25 west bound off slip and the southern roundabout.
- 5.5 The Council can therefore conclude, as competent authority, that the proposed development would not have an adverse effect on the Epping Forest SAC with the inclusion of the right-hand turn ban. These conclusions are supported by the AECOM technical note dated 12th January 2021.

6. Update on Statutory Consultee Responses

The Environment Agency

- 6.1 Following DDMC it was found that the Environment Agency (EA) had raised an objection to the application on the 14th December 2020. While the application site is

in Flood Zone 1, the EA was concerned that the emergency access and egress to the application site would fall partially within Flood Zone 3. The EA requested a revised Flood Risk Assessment (FRA) from the applicant which considered appropriate emergency procedures should a serious flood event occur.

- 6.2 The applicant submitted a revised FRA on the 29th January 2021 which confirmed that the emergency access to the east of the main entrance is situated on elevated ground and therefore is not vulnerable to flooding. The FRA concluded that during a flood event, the emergency access would be an effective point for access and egress. The EA 's advice dated 11th February 2021 removed their previous objection to the scheme.

Health and Safety Executive

- 6.3 The Health and Safety Executive (HSE) in their advice dated 19th January 2021 confirmed that they have 'no objections' to the proposed development as it is not situated within the consultation distance of a major hazard site or major accident hazard pipeline and as such, no further consultation is required for potential development of the site.

7. Assessment of the Proposals by the Quality Review Panel (QRP)

- 7.1 DDMC members identified two main issues in their proposed reasons for refusal in relation to the design and quality of the proposed development:

- (ii) *The adverse impact on the Metropolitan Green Belt and environs of Waltham Abbey due to the obtrusive height, length and bulk of the proposed building.*
- (ix) *The inadequacy of the proposed cycle and pedestrian network and its failure to link in a useful manner to the south and west of the site.*

- 7.2 The applicant presented the development proposals for a Chair's review by the Council's Quality Review Panel to obtain their views on these two issues and whether more interventions, or further planning conditions could be identified to secure the high-quality design required by the Council's policies.

- 7.3 The QRP review was held on the 22nd January 2021 and the report is dated 1st February (as attached at Appendix 2). The review focused on whether the development, as currently proposed, relates positively to its context having regard to building heights, scale and massing, landscape strategy; and the framework of walking and cycling routes connecting the development to its local context, particularly south west towards Sewardstone Road, Waltham Cross and Enfield.

- 7.4 Regarding the height, scale and massing of the proposed development, the QRP concluded that:

"The panel feels that this scheme is a high-quality example of a distribution warehouse, successfully addressing the challenges of this necessarily large scale building type. It welcomes the care with which the architectural expression has been developed. The inclusion of additional uses and the layering of different materials on

the façade successfully reduces the bulk of the building, an inherent quality of the warehouse typology. The scheme's scale and massing are further mitigated by its successful integration with the topography. Careful thought is also apparent in the landscape design, which helps to integrate the warehouse into the site context and provides outdoor amenity spaces for workers and visitors.” (extract from ‘Summary’, Section 5)

7.5 Whilst offering their support for the development as currently proposed, the Panel also felt there were ways of strengthening the submission to further ensure it achieves the high quality of design required. The Panel suggested:

- The applicant's design team investigate complementary solutions to address the M25 façade that will be more exposed in parts of the year, when the deciduous trees are without leaves. A partial green wall could potentially help soften this frontage and ensure an attractive year-round appearance;
- The preparation of a maintenance and operation plan for the car park's green walls;
- Provision of a western cycle and pedestrian connection to the existing and proposed active travel network;
- The use of planning conditions, to secure high quality construction materials and detailing. This could include specification of the perforated metal screening, bay studies of each part of the façade, and details of the soft and hard landscape.

7.6 The applicant prepared a Design Response to the QRP Feedback document (Revision P02 by PHP Architects) in response to the QRP comments. The landscape and visual assessment demonstrates that views towards the M25 motorway from the public open space in Roundhills and Honeylands are masked by dense vegetation along the M25 comprising a mixture of deciduous trees and hedge planting. Views of the lower portion of the proposed building from passing cars will therefore be extremely limited.

7.7 With regards to the upper portion of the building, its design and the use of materials have sought to maintain the appearance of the tree canopy throughout all seasons by virtue of the position, colour and appearance of the perforated band of rainscreen cladding. The proposed autumnal colour of the cladding will provide a similar colour range to the tree lined back drop along the M25 during autumn and winter months while being fully obscured during the summer months. As the site and carriageway levels are broadly similar, views from passing cars travelling along the western carriageway will be predominantly to the upper levels of the building where the perforated cladding would be located. This would also be the case from nearby public open space as demonstrated in the photograph of views of the site from Roundhills which is taken from the applicant's Design Response to the QRP Feedback (extract attached at Appendix 3). The applicant has therefore not sought to introduce additional greening to the elevation adjacent to the M25 as this would have limited benefit in softening the appearance of the building.

- 7.8 With regards to the use of materials on the proposed building, the QRP report (as at Appendix 2) advises that *“The Panel commends the design approach presented...The Panel feels that the layering of different materials and the individual treatment of each façade is successful. In particular, the banding contributes to reducing the apparent bulk of the building”*.
- 7.9 Turning to the maintenance and operation plan for the green walls on the proposed multi storey car parking, the applicant has confirmed that these would be maintained under a maintenance contract. Officers previously recommended to DDMC that the maintenance arrangements and specification of the green wall to ensure its quality could be secured via condition as at Paragraph 13.260 of Appendix 1.
- 7.10 DDMC’s refusal reason ix) raised concerns in respect of the *“inadequacy of the proposed cycle and pedestrian network and its failure to link in a useful manner to the south and west of the site”*. DDMC raised particular concern that there was not an adequate walking and cycling route towards Sewardstone Road to the south west. The QRP also suggested that the applicant investigate the provision of a western cycle and pedestrian connection to the existing and proposed active travel network.
- 7.11 The applicant has reviewed whether a new route could be successfully integrated into the development site, having regard to the Council’s Infrastructure Delivery Plan (IDP) and the Essex County Council Cycling Action Plan (CAP). The IDP identifies that various new sustainable walking and cycling routes are required in Waltham Abbey. Intervention WAB8 of the IDP identifies a requirement for a new off-road walking and cycling route from Sewardstone Road to connect into the National Cycle Network which runs southwards through Meridian Way towards Enfield and Lea Valley Regional Park to the north. Essex County’s CAP identifies a potential new walking and cycling route along Lodge Lane that would link into Sewardstone Road to the west (intervention 62).
- 7.12 In addition to the new footpath/cycleway along Dowding Way that would link the new development to the existing public right of way, the applicant has committed to a £100,000 financial contribution towards improvements to an on-road cycleway linking Sewardstone Road, along Beechfield Road to the upgraded public rights of way heading north from the site over the M25. This is shown as the dashed red line on page 26 of Appendix 3. Contributions would also go towards improving the access for pedestrians and cyclists using the bridge crossing between the site and Roundhills residential area.
- 7.13 The provision of appropriate walking and cycling infrastructure is essential to ensuring compliance with saved policies ST1 and ST2 of the Adopted Local Plan and with policy T1 of the emerging LPSV. Officers consider that the new footpath/cycleway along Dowding Way, the rights of way improvements and the proposed £100,000 financial contributions to deliver the proposed on-road cycleway linking the site to Sewardstone Road would further ensure that sustainable modes of transport are promoted as far as possible. As such, the proposed financial contribution is in accordance with paragraph 122(2) of the CIL regulations.

- 7.14 Finally, to ensure the Council secures the identified level of design quality, the QRP recommended the use of planning conditions to secure high-quality construction materials and detailing. They advise that:

“This could give confidence that the design quality presented is maintained throughout the procurement, tender and construction phases. This includes specification of the perforated metal screening, bay studies of each part of the façade, and details of the soft and hard landscape. Branding, signage, and fencing treatments should also be part of the application or subject to planning conditions.”

- 7.15 The report to DDMC in December 2020 recommended a materials condition (Condition 4 of Appendix 1) be applied should Members be minded to grant consent.

- 7.16 Following the advice of the QRP, should Members be minded to grant consent it is recommended that the wording of Condition 4 is amended as follows:

Prior to the commencement of any above ground works, detailed drawings and a schedule of materials and products of all external facing materials to be used in the construction of the buildings hereby approved, shall be submitted to and approved in writing by the Local Planning Authority and material sample boards and/or full size mock ups shall be made available on site to be inspected and approved in writing by the Local Planning Authority. The development shall not be occupied/used until it has been carried out in accordance with the approved details. The development shall thereafter be retained as such.

The details shall include drawings of:

- *Principal features on the facades e.g. bay studies (1:50 @ appropriate paper size)*
- *Details of key architectural metalwork / screens / gates (1:20 @A3)*
- *Key junctions/bonds between materials/finishes (1:20 @A3)*
- *Parapets, roof edges, rooftop plant screening, lift over runs etc (1:20 @A3)*
- *Elevational location of all joints e.g. structural, movement, panels (1:100 @ appropriate paper size)*
- *Elevational location of all openings in envelope e.g. ventilation grilles, bird & bat boxes (1:100 @ appropriate paper size)*
- *Elevational location of all items which are fixed to the façade e.g. fins/louvres, signage, rainwater pipes, lighting, CCTV, alarms including any provision for cable runs boxes (1:100 @ appropriate paper size)*
- *Head, jamb and sill details, including profiles, for typical openings and all ground floor entrances and doors to balconies / terraces (1:20 @A3)*
- *Details of balconies and terraces including floor finishes (1:20 @A3)*
- *Balustrade details (1:20 @A3)*
- *Details of soffits and canopies (1:20 @A3)*

The details shall include materials and products, including finishes, of:

- *Façade and roof cladding materials*
- *Window / door types (including finishes, glass types and any manifestation)*
- *Facing metalwork (e.g. balustrades, service doors, screens, gates)*

- All items which are fixed / integrated to the façade (e.g. fins/louvres, vent grilles, rainwater pipes, signage, bird/bat boxes)
- Soffit and canopy materials
- Balcony and terrace floor finishes

Samples of the above materials should be made available on site for inspection by the Local Planning Authority. Full-size mock-ups of façades shall also be made available on site at a size to be agreed with the Local Planning Authority. A list of façade types and junctions shall be agreed with the Local Planning Authority in advance.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with policy DBE1 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 7.17 The suggested amendment to Condition 4 would enable the Council to retain a significant degree of control over the final design and appearance of the proposed building in order to achieve high quality place making in accordance with local and national planning policy and guidance.

8. Traffic Movements and Highways Considerations

- 8.1 The DDMC committee report considered the potential impacts of the proposed development on the local and strategic highway network (see Sections 13.82 to 13.173 of Appendix 1).

- 8.2 The committee report identified that the potential for the most significant impact on the road network would occur between the AM and PM peak hours (08:00 to 09:00 and 17:00 to 18:00) since these are the hours when the network is at its busiest.

- 8.3 Below is an extract from the submitted Transport Assessment that summarises vehicle movements from the proposed development during these AM and PM peak hours:

Period	Type	Phase 1				Total	
		B8		Photo Studio		Arr	Dep
		Arr	Dep	Arr	Dep		
AM Peak 08:00-09:00	Total	38	25	50	3	88	25
	HGVs	10	11	0	0	10	11
PM Peak 17:00-18:00	Total	15	28	3	59	15	87
	HGVs	9	11	0	0	9	11

- 8.4 Members of the DDMC considered that it was important to understand the total number of potential vehicle movements arising from the proposed development over a 24 hour period, however, the information was not available at the time of the committee. The applicant has subsequently confirmed the predicted Annual Average

Daily Traffic (AADT) movements which are expected over a 24-hour period based on the proposed use, hours of operation and scale of the proposed development. The table below sets out these daily traffic movements. The 'other' section in the table refers to all non-HGV traffic movements e.g. LGVs, staff/visitor trips etc.

	24 hour movements		
	Arr	Dep	Total
HGV	197	214	412
Other	303	305	607
Total	500	519	1,019

8.5 The 'other' section in the table refers to all traffic movements in relation to the proposed development which are not HGVs (LGVs, staff/visitor trips etc). These AADT numbers are derived from the Transport Assessment and have been reviewed by Highways England and ECC Highways who consider it to be a realistic model of potential traffic movements associated with the development.

8.6 Essex County Council Highways and Highways England raised no objections to the proposed development subject to a number of physical highway interventions to upgrade capacity on the local and strategic highway network. The proposed highways improvement measures identified are:

- 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 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

8.7 The applicant has committed to delivering all of these works in full, prior to the first operation of the proposed development.

Development Traffic

8.8 As part of the Local Plan making process, the proposed site allocations in the LPSV were modelled for their potential AADT movements so that the Council could get an understanding of the potential development traffic which could travel on routes in close proximity to the EFSAC. For this particular site, (WAL.E8), the Local Plan strategic traffic model assumed a total of 998 traffic movements arising from the delivery of the proposed allocation. Further analysis was undertaken in the form of

traffic flow models which were conducted by the Council's highway specialists. These identified that of these potential movements, up to 144 movements may be on Honey Lane East/Woodridden Hill and up to 200 movements on Sewardstone Road/Avey Lane, both of which are located through the Epping Forest SAC.

- 8.9 The applicant's traffic model of site specific AADT movements, as noted in the section above, states that the development will introduce a total of 1,019 new traffic movements to and from the site in a 24-hour period. Of these, the traffic flow model identifies 51 traffic movements on Honey Lane East/Woodridden Hill and 98 on Sewardstone Road/Avey Lane.
- 8.10 The adopted APMS considers the potential for additional development traffic to travel on routes in close proximity to the EFSAC and identifies specific measures in order to address the potential harm caused by a degradation in air quality from polluting vehicles. Subject to their delivery, the specific mitigation measures contained within the APMS will account for the additional vehicle trips caused by new development which have been assumed in the strategic traffic modelling. In other words, providing that the total amount of AADT which has been modelled for a site specific assessment is not materially different from the total AADT which has been modelled as part of the Plan making process, once delivered, the measures contained within the APMS will mitigate the potential harm.
- 8.11 In this case, whilst the modelled AADT for the proposed development marginally exceeds what has been modelled for the Local Plan, analysis of traffic flows, which consider the likely distribution of development traffic is also an important method for understanding the potential impact caused as a result of new development. In this instance, the Local Plan strategic traffic model assumes a significantly higher level of traffic movements passing through the EFSAC as a result of the proposed allocation of WAL.E8 than the site-specific model undertaken by the applicant for this specific development. The Local Plan strategic traffic model assumed 144 traffic movements on Honey Lane East/Woodridden Hill and 200 on Sewardstone Road/Avey Lane arising from the proposed development when what is actually modelled is 51 and 98 traffic movements respectively.
- 8.12 As previously identified, the site-specific traffic flows have been considered by HE and ECC Highways in the round and both consider it to be a realistic magnitude and distribution of traffic movements as a result of the development. As such it can be concluded that the measures identified in the APMS will be effective in ensuring that the new development traffic which arises as a result of this development does not cause harm to the integrity of the EFSAC.

9. S106 and Planning Obligations

- 9.1 The original S106 draft heads of terms for the planning application included a package of mitigation measures relating to highways and public transport, air quality, employment and skills, rights of way and travel planning.
- 9.2 Members of DDMC raised a number of concerns in respect of the proposals including the adverse impact on Waltham Abbey (reason i), the effects of the proposal on the

Special Area of Conservation (SAC) (reason iii), the extra use of roads through the Epping Forest SAC by employees and visitors to the distribution centre (reason v) and lack of assurance of the demand responsive bus service for the whole life of the project (reason vii). The applicant has addressed the concerns raised as set out below.

Demand Responsive Transport Provision

- 9.3 The original S106 draft heads of terms included a financial contribution of £800,000 towards a demand responsive transport (DRT) in the form of an on-demand bus service. To provide greater certainty over delivery of the DRT service, the applicant is providing £1,200,000 towards the DRT for a minimum period of three years from commencement of operations. There will be provision in the S106 agreement for prioritisation of electric buses. This will provide enhanced public transport options in the local area as well as for staff and visitors to the proposed development.

Waltham Abbey Cultural and Community Hub

- 9.4 The applicant has noted the concerns raised by DDMC in respect of the adverse impact of the proposed development on Waltham Abbey and acknowledges that the Council is seeking opportunities to support economic and community regeneration in the town. One project that would seek to provide such benefits is the Waltham Abbey Community and Cultural Hub.
- 9.5 The provision of a new cultural and community hub for Waltham Abbey was agreed by the Council's Cabinet on 22nd December 2020. The Cabinet report described the proposals and explained the rationale for the new hub as follows:

“A feasibility study has been undertaken in line with the 2020/21 Budget, by officers for the creation of a Community and Cultural Hub in Waltham Abbey ‘the hub,’ which will see the District Museum combine with Waltham Abbey Library, owned and managed by Essex County Council.

This proposal is seen as a key opportunity to provide improved Council services to local residents in the area and at the same time, provide a mechanism for supporting economic and community regeneration of the town centre through new and additional footfall to Sun Street and provision of a multi-purpose community learning and skills space.”

- 9.6 The creation of the proposed hub was endorsed by Members as part of ‘phase 1’ of regeneration of the town. The full decision of the Cabinet Committee and minutes in relation to this matter of the meeting are set out at Appendix 4.
- 9.7 The minutes of the Cabinet meeting noted the bid for £1,540,000 for the 2021/22 budget to undertake the light refurbishment specifications, and that this included a 10% contingency for any unexpected costs.
- 9.8 Noting the endorsement by the Council's Cabinet of the hub project, the applicant proposes a financial contribution of £300,000 towards the capital costs of the

Waltham Abbey Cultural and Community Hub. This would provide greater accessibility of services to local residents and businesses in Waltham Abbey and complement the applicant’s employment and skills plan proposed as part of the planning application.

Employment and Skills Plan

- 9.9 Policy SP 2 of the LPSV seeks to ensure that local people get the best possible opportunities to access new jobs and training opportunities within the District including securing access to employment and training from new developments. The applicant has made a commitment to the employment and training of local people as described in Paragraph 13.316 at Appendix 1.
- 9.10 DDMC raised concerns over the adverse impact of the development on Waltham Abbey and noted that the proposed local employment target (as part of the S106 draft heads of terms) was only set at 25% of jobs to be provided. Following December’s DDMC, the applicant has revised their employment and skills plan to a target of 100% local employment. This target will be secured via the S106 agreement to demonstrate their commitment to the local labour market.
- 9.11 The unemployment rate in Waltham Abbey is higher than the national average and one of the highest in the District, with younger age groups being more affected. The provision of new jobs (see Paragraphs 13.63 – 13.71 of Appendix 1) as well as the commitments set out in the Employment and Skills Plan will have a positive impact on the local economy and employment market.

Summary of S106 Draft Heads of Terms

- 9.12 Since DDMC, the applicant has reviewed the proposed planning obligations and infrastructure contributions and revised the mitigation package to respond to the concerns raised by the committee in December 2020.
- 9.13 The revised package of obligations which are proposed include an increase in the financial contribution towards the provision of the DRT, as well as two new contributions towards the delivery of a new Cultural and Community hub and the delivery of a new walking and cycling in Waltham Abbey respectively.

<u>S106 Financial Contributions</u>	<u>S106 Financial Contributions <i>(updated)</i></u>
<ul style="list-style-type: none"> • £800,000 towards Demand Responsive Transport (DRT) in the form of an on-demand bus service; • Implementation of Interim Travel Plan with appropriate review mechanisms to ensure compliance including £10,000 towards Travel Plan Monitoring; • £206,017 towards air quality monitoring of the EFSAC; 	<ul style="list-style-type: none"> • £1,200,000 towards Demand Responsive Transport (DRT) in the form of an on-demand bus service for a minimum period of 3 years; • Implementation of Interim Travel Plan with appropriate review mechanisms to ensure compliance including £10,000 towards Travel Plan Monitoring; • £206,017 towards air quality monitoring of the EFSAC;

<p>(sum of financial contributions: £1,016,017)</p>	<ul style="list-style-type: none"> • £300,000 towards the capital cost of the Waltham Abbey Cultural and Community Hub; • £100,000 funding of IDP active travel route WAB28 (providing a pedestrian/cycle link to Sewardstone Road) as identified by the ECC Cycling Action Plan; <p>(sum of financial contributions: £1,816,017)</p>
<p><u>Other S106 Obligations (non-financial)</u></p> <ul style="list-style-type: none"> • Creation of signalised junction into the site from Dowding Way; improvement works to the west bound off-slip and roundabout at Junction 26 of the M25; creation of right-hand turn ban on Honey Land East into Forest Side. Total value of works circa £1,000,000. • Connect the development to the existing rights of way network (i.e. link into the M25 pedestrian link bridge and footpath into Waltham Abbey); • DRT routing strategy; • Route Management Plan for HGV and LGVs; • Car parking management scheme to restrict use of parking upon occupation and link number of spaces available to provision of mezzanine floor space; • BREEAM 'Excellent' rated scheme with elements of 'Outstanding'; • Employment and Skills Plan to secure local employment opportunities including 25% commitment to local labour 	<p><u>Other S106 Obligations (non-financial) (updated)</u></p> <ul style="list-style-type: none"> • Creation of signalised junction into the site from Dowding Way; improvement works to the west bound off-slip and roundabout at Junction 26 of the M25; creation of right-hand turn ban on Honey Land East into Forest Side. Total value of works circa £1,000,000. • Connect the development to the existing rights of way network (i.e. link into the M25 pedestrian link bridge and footpath into Waltham Abbey); • DRT routing strategy; • Route Management Plan for HGV and LGVs; • Car parking management scheme to restrict use of parking upon occupation and link number of spaces available to provision of mezzanine floor space; • BREEAM 'Excellent' rated scheme with elements of 'Outstanding'; • Employment and Skills Plan to secure local employment opportunities including 100% commitment to local labour;

CIL Compliance

9.14 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).

9.15 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.

- 9.16 The delivery of a Cultural and Community Hub in Waltham Abbey will support economic and community regeneration in the town centre and will provide improved opportunities for local residents and business to access Council services including training and employment opportunities. This will complement the employment and skills plan proposed by the applicant in accordance with Policy SP 2 of the LPSV.
- 9.17 The revised planning obligations include additional financial contributions towards the delivery of the DRT service for a minimum of 3 years following operational commencement and footpath improvements along Dowding Way. The proposed financial contributions will give greater certainty over the long term delivery of the DRT and improve the sustainability and accessibility of the proposed development in the medium to longer term. The opportunities to provide footpath improvements along Dowding Way will enhance accessibility into the site and improve pedestrian safety.
- 9.18 As a result, it can be concluded that the proposed financial contributions towards the delivery of this infrastructure fulfils parts (a), (b) and (c) of paragraph 122(2) of the CIL regulations.

10. Applicant's position following DDMC

- 10.1 Following DDMC in December 2020, the applicant has reviewed the development proposals and sought to address the issues raised by the committee.
- 10.2 Set out below are the nine refusal reasons as recommended by DDMC together with a summary of the applicant's response thereto. Whilst these have been expanded upon within the body of this report, officers have also provided updates where appropriate.

Reason i) The adverse impact of the development on Waltham Abbey

- 10.3 Next has confirmed that they are committed to supporting the communities around the site and the regeneration of Waltham Abbey town centre. The applicant has confirmed that the Employment and Skills Plan (to be secured via the S106 agreement) would provide a 100% commitment to the use of local labour and £300,000 funding towards the capital costs of the Waltham Abbey Community and Cultural Hub as detailed in Section 9 of this report.

Reason ii) The adverse impact on the Metropolitan Green Belt and environs of Waltham Abbey due to the obtrusive height, length and bulk of the proposed building

- 10.4 Following DDMC in December, the applicant presented the proposed development again to the Council's Quality Review Panel for a Chair's review. The QRP acknowledged that the development represents a high-quality example of a distribution warehouse and identified further steps such as exploring opportunities for softening the M25 elevation, provision of western cycle and pedestrian connections, and addressing the construction quality of external materials.
- 10.5 In response, the applicant is contributing £100,000 in funding towards provision a pedestrian/cycle link to Sewardstone Road as identified by the ECC Cycling Action Plan (Active Travel Route WAB28). Furthermore, the applicant has agreed to further conditions that would control the external appearance and use of materials as detailed in Section 7.

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

- 10.6 Officers confirm that the AMPS was adopted by Full Council on 8th February 2021 as a material consideration for the purposes of assessing the planning application and that the S106 obligations include a contribution towards air quality monitoring in line with the APMS. This matter is dealt with at Section 4 of the report.

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

- 10.7 Officers confirm that a rigorous site selection process was undertaken to identify land capable of meeting the District's objectively assessed housing and employment needs in 2016 and 2018. Table 3.1 of the LPSV identifies a total employment site allocation of 23 hectares of which 10 hectares is allocated at land north of A121 for business use/general industrial/storage and warehousing (WAL.E8). This allocation represents a substantive element of the emerging Local Plan Strategy which seeks to meet an identified economic need. Following the Local Plan hearing sessions that were held between February and June 2019, the Local Plan Inspector in her August 2019 advice concluded that there are no unresolved objections in relation to the allocation of the WAL.E8 site for employment use.
- 10.8 The policy position has not changed and the Council is aiming to proceed to consultation on the Main Modifications to the Local Plan in summer 2021 with formal adoption to follow in autumn 2021. As set out in Section 3, officers consider that the policies in the Local Plan, including the WAL.E8 site allocation policies, should be afforded significant weight in the determination of the planning application.

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

- 10.9 As part of the S106 draft heads of terms, the applicant is proposing a routing management plan for HGV and LGVs to agree the movement of commercial vehicles

through the District and in particular through the Epping Forest SAC. Officers consider that this will provide the Council with control over the commercial vehicle movements to and from the proposed development.

- 10.10 The adopted APMS is the mechanism through which the Council can secure air pollution mitigation arising from vehicle trips through the Epping Forest SAC. Whilst the proposed development would not prevent or preclude trips through the SAC, it does include a comprehensive mitigation package to reduce reliance on the private car use by staff, visitors and local residents through the provision of restricted access to on-site car parking, provision of a DRT service, footpath improvements into the site together with highways interventions to reduce congestion and in turn to reduce air pollution at key areas within the SAC.

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

- 10.11 The Routing Management Plan – to be secured through the s106 legal agreement – is the mechanism through which officers can agree and secure the routes along which HGVs and LGVs will access the proposed development. This includes the contingency plan for vehicles traveling to the site in the event of motorway disruption.

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

- 10.12 As detailed in Section 9 of this report, the applicant has increased the proposed financial contribution from £800,000 to £1,200,000 and has committed to providing a service that will run for at least 3 years from commencement of operations. The additional funding will provide further certainty over the medium to long term delivery of the DRT service.

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

- 10.13 The Transport Assessment and Addendum is up-to-date and has been accepted by Essex Highways Authority and Highways England as statutory consultees as an acceptable basis for assessing the transport impacts of the development.

- 10.14 Subject to the proposed highways mitigation measures, there are no objections to the proposed development from either Essex Highways Authority or Highways England.

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

- 10.15 The applicant has committed £100,000 towards the upgrading of active travel route WAB28 (providing a pedestrian/cycle link to Sewardstone Road) as identified in the Council's Infrastructure Delivery Plan.

11. Conclusion

- 11.1 The report to the DDMC in December 2020 included the officer recommendation that planning permission should be granted subject to conditions, S106 planning obligations and in relation to the EFSAC, subject to:
- the satisfactory completion of air quality modelling work in relation to the introduction of a right-hand turn ban from A121 Honey Lane East into Forest Side;
 - the imposition of planning conditions and completion of a section 106 planning obligation to secure the measures identified in the Interim Air Pollution Mitigation Strategy.
- 11.2 The detailed analysis conducted by AECOM in relation to the potential impact on the EFSAC caused by the right-hand turn ban from Honey Lane East into Forest Side has demonstrated that it will have an overall benefit on its integrity, including a reduction in air pollution dose levels in the area west of the Robin Hood roundabout. In addition, the APMS, which contains detailed mitigation measures to avoid an adverse impact on the integrity of the EFSAC has now been adopted by the Council.
- 11.3 As a result of the planning balance, which was considered in the DDMC committee report (as noted in Sections 15.1-15.13 of Appendix 1) together with the analysis contained in this report, officers consider that the proposed development is in accordance with the policies in the emerging Local Plan which should be given significant weight, the adopted Local Plan, the National Planning Policy Framework (2019) and the Habitat Regulations (2017).
- 11.4 Officers maintain their recommendation that planning permission should be granted for this application subject to the revised S106 draft heads of terms as set out in Section 9 of this report and the conditions set out in Appendix 1, with the exception of the revised materials condition set out at Paragraph 7.16 of this report.
- 11.5 The current recommendation put to Members by DDMC is to refuse planning permission for the reasons set out at the beginning of this report. For completeness the minutes of December's DDMC meeting are enclosed at Appendix 5.

List of Appendices

Appendix 1 – DDMC report 21st December 2020

Appendix 2 – Quality Review Panel report – Chair's review 22nd January 2021

Appendix 3 – Extract from Design Response to QRP Feedback Revision P02

Appendix 3 – Minutes of Item 21 of Council's Cabinet Meeting 22nd December 2020

Appendix 4 – Minutes of DDMC 21st December 2020