

***Report to District Development
Management Committee***



**Epping Forest
District Council**

Report Reference: EPF/0983/20
Date of meeting: 16 September 2020

Address: Units 10,10a,50,51,52 & 60 Cartersfield Road, Waltham Abbey, EN9 1JD

Subject: Demolish all existing units on site and redevelop with four new commercial warehouse units A/ B/ C/ D.

Responsible Officer: Sukhi Dhadwar (01992 564597)

Committee Secretary: Gary Woodhall (01992 564470)

Recommendation:

Grant permission subject to the following conditions: -

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers:
Design and Access statement - Rev 1
HD19025-1001-Rev2
HD19025-1002-Rev2
HD19025-1003-Rev4
HD19025-1004-Rev3
HD19025-1005-Rev3
HD19025-1010-Rev4
HD19025-2001-Rev2
HD19025-2002-Rev2
HD19025-2003-Rev2
HD19025-2004-Rev2
HD19025-2005-Rev3
HD19025-2006-Rev3
HD19025-2007-Rev3
HD19025-2008-Rev3
HD19025-4000-Rev1
Cartersfield Road SuDS Report, Ref 2728/2020, April 2020 by EAS
Phase I Geo-Environmental Investigation reference LS4719 V.1.0 dated 17 March 2020 by Land Science
Transport Statement April 2020 rev A by EAS
Preliminary Ecological Appraisal Incorporating Bat Survey
Inspection Reference MH1099 Version 1-Dated 11/03/20 by T4 Ecology Ltd

- 3 The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (Cartersfield Road SuDS Report, Ref 2728/2020, April 2020 by EAS) and drainage strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority.
- 4 No development approved by this permission shall be commenced until details of proposed flood risk mitigation works (which shall demonstrate that adequate flood routing will be incorporated within the development to accommodate overland flows arising from both within the site and externally as a result of extreme rainfall conditions) have been submitted and approved by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved details.
- 5 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 6 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 7 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional

measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

- 8 Prior to the removal of any existing landscape features on the site, details of the retained landscaping (trees/hedges) and their methods of protection (in accordance with BS5837:2012 -Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation.
- 9 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 10 Details of refuse and recycling storage to serve the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the residential development. The refuse storage facilities shall be provided in accordance with the approved details prior to occupation and shall thereafter be retained as such for the duration of the permitted use.
- 11 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point per every 10 spaces on industrial, commercial or leisure developments shall be installed and retained thereafter.
- 12 Prior to the first occupation of the development the vehicle parking, including cycle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 13 The development permitted by this planning permission shall be

carried out in accordance Recommendations made in Preliminary Ecological Appraisal Incorporating Bat Survey Inspection Reference MH1099 Version 1-Dated 11/03/20 by T4 Ecology Ltd.

- 14 The B2 (Industrial) and B8 (Storage and Distribution) use hereby permitted shall not be open to customers / members outside the hours of 7:30 to 22:00 on Monday to Friday and 08:00 to 13:00 on Saturday, and not at any time on Sundays and Bank Holidays.
- 15 No deliveries shall be undertaken at, or despatched from the site outside the hours of 7:30 to 22:00 on Monday to Friday and 08:00 to 13:00 on Saturday, and not at any time on Sundays and Bank Holidays.
- 16 No refuse collection shall be carried out from the site outside the hours of 7:30 to 22:00 on Monday to Friday and 08:00 to 13:00 on Saturday, and not at any time on Sundays and Bank Holidays.
- 17 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
 7. Tree protection measures.

This application is before this Committee since it is a "major" application as defined in Article 10 of the Constitution, and the District Council is an owner of the application site (Pursuant to Article 10 of The Constitution).

Description of Site:

The application site is made of two areas and includes properties addressed as 10,10a, 50, 51, 52 & 60 Cartersfield Road, Waltham Abbey, together they cover an area of 0.57 hectares.

Both areas are located south of Brooker Road, fronting the eastern and western side of Cartersfield Road. They contain a number of steel framed low-rise workshops and store buildings. The buildings were constructed in the middle of the 20th Century. Access to the site is via Cartersfield Road.

The larger site is on the western side of Cartersfield Road and covers an area of 3862 sqm. It includes units 50, 51, and 53 Cartersfield Road within its southern end, parts of which have been fire damaged. It is currently being used as a car repairs

workshop. Unit 60 Cartersfield Road is located in the northern section of this area.

Unit 60 has a maximum height of 5.6m. The highest part of units 50-52 Cartersfield Road is 7.4m and the average height is 5.7m

The smaller site to the east of Cartersfield Road covers an area of 1923 sqm and currently contains units 10 and 10a Cartersfield Road. This building has a maximum height of 6m.

The existing buildings on the site provide a total of 2850 sqm of gross internal floorspace and are currently in a mixture of use classes E (office and gymnasium) (as of 1 September 2020), B2 (industrial) and B8 (storage and distribution).

Description of Proposal:

Permission is sought for the demolition all existing units on site and redevelop with four new commercial warehouse units A/ B/ C/ D. Consisting of use classes B2 - General industry and B8 – (Warehousing, distribution centres and repositories).

Unit A will provide 752 sqm and 14 car parking spaces

Unit B will provide 531 sqm and 11 car parking spaces

Unit C will provide 624 sqm and 13 car parking spaces

Unit D will provide 934 sqm and 19 car parking spaces

This is a total of 2841 sqm and 57 car parking spaces.

Units A, B and C will have a maximum height of 10.8m are proposed to be located on the western side of Cartersfield Road.

Unit D will have a maximum height of 10.2m and is proposed to be located within the eastern side of Cartersfield Road.

Materials include grey steel composite cladding for the roof and walls, aluminium framed double-glazed windows and steel insulated doors. Brindle herringbone block paving for the areas of hardstanding.

Most Relevant History:

	Reference	Description	Decision
10 Cartersfield Road	EPF/2073/05	Change of use to include classes B1, B2 and B8.	Granted
10 Cartersfield Road	EPF/2301/16	Change of use of part of building from B1/B2/B8 to use as D2 (gymnasium)	Granted
60 Cartersfield Road	WHX/0146/60	EXT TO FACTORY	Granted
60 Cartersfield Road	WHX/0132/66	STORAGE AND WORKING SHED FILE A	Granted
60 Cartersfield Road	EPF/1139/85	Office extension.	Granted
60 Cartersfield Road	EPF/0400/92	Extension to store and car parking amendments.	Granted

DEVELOPMENT PLAN

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP1	Achieving sustainable development objectives
CP2	Protecting the quality of the rural and built environment
CP3	New development
CP4	Energy Conservation
CP7	Urban Form and Quality
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE9	Loss of amenity
E1	Employment Areas
E2	Redevelopment / extension of premises for business and general industrial uses
E3	Warehousing
E4A	Protection of employment sites
LL10	Adequacy of provision for landscape retention
LL11	Landscaping schemes
ST1	Location of development
ST4	Road safety
ST6	Vehicle parking
NC1	SPAs, SACs and SSSIs
NC3	Replacement of Lost Habitat
NC4	Protection of established Habitat
NC5	Promotion of Nature Conservation Schemes

NATIONAL PLANNING POLICY FRAMEWORK (FEBRUARY 2019)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- (a) approving development proposals that accord with an up-to-date development plan without delay; or
- (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; 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

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

EPHING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION (2017)
(LPSV)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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
- 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).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
SP1 - Presumption in Favour of Sustainable Development	Significant
SP2 - Spatial Development Strategy 2011-2033	Some
SP3 - Place Shaping	Significant
E1 - Employment Sites	Significant
T1 - Sustainable Transport Choices	Significant
T2 - Safeguarding of Routes and Facilities	Significant
DM1 - Habitat Protection and Improving Biodiversity	Significant

DM2 - Epping Forest SAC and the Lee Valley SPA	Significant
DM9 - High Quality Design	Significant
DM10 - Housing Design and Quality	Significant
DM11 - Waste Recycling Facilities on New Development	Significant
DM15 - Managing and Reducing Flood Risk	Significant
DM16 - Sustainable Drainage Systems	Significant
DM21 - Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 - Air Quality	Significant
P3 - Waltham Abbey	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 23
Responses received:

10 CARTERSFIELD ROAD, 1 THE COBBINS, 80 HONEY LANE, 181 BROOKER ROAD, SOUTHDOWN HOUSE 13A HIGHBRIDGE STREET, 10A CARTERFIELD ROAD, 50 CARTERSFIELD ROAD, 51 CARTERSFIELD ROAD OBJECT:

No communication from the Council about the application. We as tenants should have been informed.

This would also close 6 established local businesses and 30 local jobs. Protect the environment and locals, keep big business out of villages there are industrial estates purposely built for them. Moving to other locations is not viable for some businesses.

Proposal is contrary to the Local Plan's support of small and medium sized businesses. Policy SP2 (i) and (iv).

4 warehouse units would inevitably cause more traffic congestion. This along with traffic from Lidl, would increase pollution, and ingress and egress of heavy vehicles onto Sewardstone Road would further cause queuing traffic and further increase pollution.

Junction not able to cope with existing traffic, proposal will make situation worse.

Insufficient parking provision

Lack of landscaping, more trees and bushes need to be provided

WALTHAM ABBEY TOWN COUNCIL: No objection. It is understood that there are still tenants within these properties.

Main Issues and Considerations:

EFDC estates department comments

The following comments have been received by the Council's Estates department:

Following the significant fire damage and demolition on this site in 2018 and in light of the upcoming expiry of some of the tenancies there is an opportunity for re-development and re-generation of the site.

Given the age of the properties still standing and the requirement to undertake construction work in any event following the fire, EFDC are to re-develop this part of the estate (i.e. Units 10, 50, 51/52 and 60) to bring it up to modern standards in a similar fashion to the properties to the rear (20-30 and 40-49 Cartersfield Road), subject to planning.

This is in line with the adopted Asset Management Strategy under the Corporate Plan, and in accordance with the Local Plan.

If planning is granted, works could commence as early as December 2020 to demolish and clear the site and commence construction of a scheme of modern warehouses for light industrial and business use.

Where existing tenancies expire prior to December 2020, the Council have agreed to enter into a new 6-month lease which is outside the security of tenure provisions of the Landlord & Tenant Act 1954. Tenants have been formally written to by EFDCs solicitors in this regard.

Tenants with occupation rights beyond this period will be governed by the terms contained within their individual leases.

With regards asbestos, we understand some of the properties may contain asbestos due to the age and construction of the buildings, and if planning is granted, ACMs will need to be removed as part of the demolition process.

Local Policy

The site is located within an existing Employment Area under policy E1 of the adopted Local Plan. This policy states that: -

The Council will grant planning permission for the redevelopment or extension of existing premises for business, general industrial and warehouse uses. The redevelopment of existing sites or premises or their change of uses other than business, general industry or warehousing will not be permitted.

Policy E 1 of the SVLP also seeks to protect and enhance existing B Class use employment sites, the employment designation of the site is also protected within the Local Plan Submission Version (LPSV). Under reference WAL.E4 Cartersfield Road/ Brooker Road Industrial Estate.

The application is proposing to replace existing dilapidated buildings with up to date alternatives in order to meet current building control and fire safety legislation. The proposal will improve the usability and attractiveness of units within this part of the Carterfield Industrial Estate and therefore the proposal is an enhancement of this

Employment Area and as such is supported by these policies.

Character and Appearance

The proposal will tidy up and modernise the appearance of the site and reflect the recently built industrial buildings to the north of the site at Abbey Point.

Whilst the proposed buildings will cover a similar footprint to the buildings, they are replacing they will have a significantly greater height (10.2m to the roof level.) This additional height will allow them to be suitable for a range of B2 and B8 uses and is reflective of existing units within the Industrial units within the estate.

It is recommended that further details are submitted and approved by the Council of how existing trees are to be protected during construction and of new soft landscaping (including mature native trees) to be planted on the site prior to any works commencing. It is on this basis that the proposal complies with the requirements CP7, LL10, LL11 DB1 and DBE3 of the Local Plan along with DM 5 and DM 9 of the Submission Version Local Plan.

Highways

The Strategic Development Engineer for the Highways Authority advises in his consultation response that *“the Highways Authority has assessed the submitted information, and is familiar with the site, and is satisfied that the proposal is not contrary to local/national transport policy.”* It is for this reason that he is *“satisfied that there will be no detrimental impact on capacity or efficiency of the highway at this location or the wider highway network.”*

It is on this basis that the proposal complies with the requirements of policy ST4 of the Local Plan. There will be an 8 sqm reduction in floorspace and no change in the existing provision of car parking spaces. It is on this basis that the proposal complies with the requirements of policy ST6 of the Local Plan.

Epping Forest Special Area of Conservation

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV)

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concludes that there are two Impact Pathways whereby development within the Epping Forest District is likely to result in significant effects on the EFSAC. The Impact Pathways are disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development).

Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of

parts of the methodology underpinning the appropriate assessment HRA 2019, no issues were identified in relating to the screening of the LPSV or the Impact Pathways identified. Consequently, the Council, as competent authority under the Habitats Regulations, is satisfied that the Impact Pathways to be assessed in relation to the likely significant effects of development on the EFSAC alone and in combination with other plans and projects are:

Recreation activities arising from new residents (recreational pressures); and Atmospheric pollution as a result of increased traffic using roads through the EFSAC (air quality).

As this application is for non-residential development it has been screened in relation to the air quality Impact Pathway only. Since the proposal will result in an overall reduction in floorspace (-8sqm) and no additional parking spaces will be created. The development would therefore not result in a net increase in traffic using roads through the EFSAC. Furthermore, condition can be imposed which requires that all car parking spaces have electric charging points to help encourage the use of alternative energy sources other than fossil fuels.

Consequently, the Council is satisfied that the application proposal would not result in a likely significant effect on the integrity of the EFSAC. Having undertaken this first stage screening assessment and reached this conclusion there is no requirement to undertake an 'Appropriate Assessment' of the application proposal. It is on this basis that the proposal accords with the requirements of policy NC1 of the Local Plan and DM 22 of the SVLP.

Ecology

Plans indicate that bat boxes are proposed to be located within the east side of unit D.

The Preliminary Ecological Appraisal by T4 Ecology Ltd submitted as part of the application has found no evidence of bats using the existing building for roosting purposes. Furthermore, given the site's location and existing uses on the site there is very little likelihood that it could form part of any potential commuting / foraging network. The assessment carried out also found no evidence of other protected species living on the site, (including Great Crested Newts and badgers).

The proposal will therefore not conflict with policies NC 3 and NC4 of the Local Plan.

In order to improve the biodiversity on the site, the report recommends that 2 integral bird boxes are including within the structure of each new building; new trees along with hedgerow planting as and where appropriate. The assessment also advises on suitable habitat boxes and plant species. These recommendations are supported as they will promote biodiversity within the site in accordance with policy NC 5 of the Local Plan and DM 1 of the SVLP and therefore are recommended to be controlled by condition to ensure that they are delivered.

Impact on the living conditions of neighbouring residential occupiers

The site is located within a wider Abbey Mead Industrial Estate and is bounded on all sides by commercial units. Beyond to the south is the M25. It is for this reason considered that there will be no material impact on neighbouring residential amenity. The proposal therefore complies with the requirements of policies DBE2 and DBE9 of the Local Plan along with DM 9(H) of the SVLP.

Land Drainage

The Land Drainage team are satisfied that the submitted flood risk assessment is acceptable in principle and therefore they recommend that any permission should require that the development is carried in accordance with this document. They also require that details of what procedures will be put in place to mitigate against any future flood risk.

They also recommend that a condition be attached to any permission, requiring details of what procedures will be put in place to mitigate against the harm of an actual flood. It is on this basis that the proposal complies with the requirements of policies U3B of the Local Plan along with DM 15 and DM 16 of the SVLP.

Land Contamination

The Environmental Health Officer has reviewed the Phase I report submitted with the application and is satisfied with its findings. He advises that

Following the site walkover on 2nd March 2020, domestic and commercial fly-tipped waste, heavy machinery, storage containers, scrap metal, scrap cars and a metal reworking factory includes a spray room and the use storage of oils/degreasers were identified. Corrugated roofing was a potential asbestos containing material (ACMs) observed during the site walkover. Asbestos may exist within buildings on site, including for instance in cement boarding. An appropriate survey is recommended to be undertaken to assess the presence of asbestos within the building fabric.

There are recommendations in the report that are agreed with in full. A Phase 2 investigation should be completed in accordance with current best practice to determine more accurately the effect of the identified hazards on the development.

The scope of ground investigation works should be agreed with the council Contaminated Land Officer prior to commencement to prevent any need for additional sampling. Due to the requirements for further site investigations, I recommend that land contamination conditions be attached to any approval.

It is on this basis that the proposal complies with the requirements of policy RP4 of the Local Plan and DM 21 of the SVLP.

Other matters

The existence of current tenancy agreements and the identity of current or future occupiers are not matters that are within the remit of planning controls, and therefore do not in this instance constitute material planning considerations relevant to the determination of the application.

Conclusion:

The proposal will protect and enhance the use of the site to meet the employment needs of the District; the development of this proposal will remediate and tidy up the site, making it safe for all users of the site; its appearance is reflective of the area within it is situated; there will be no excessive adverse harm to neighbouring residential amenity or highway safety. The proposal therefore complies with national

and local policy and as a result is recommended for approval subject to conditions.

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: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

***or if no direct contact can be made please email:
contactplanning@eppingforestdc.gov.uk***