

**Report to the District Development
Management Committee**



**Epping Forest
District Council**

Report Reference: EPF/2503/19

Date of Meeting: 21 December 2020

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

Application Number:	EPF/2503/19	
Application Type:	Full planning application	
Proposal:	<p>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.</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

<p>Epping Forest Special Area of Conservation</p>	<p>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 and 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, the Council can conclude that there will be no adverse impact on the integrity of the Epping Forest Special Area of Conservation.</p>
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<p>Applicant:</p>	<p>Next PLC</p>
<p>Agent:</p>	<p>Tim Rainbird, Director, Quod</p>
<p>Planning Case officer:</p>	<p>James Rogers Tel: 01992 564371 Email: contactplanning@eppingforestdc.gov.uk</p>
<p>Democratic Services:</p>	<p>Gary Woodhall. Tel: 01992 564243 Email: democraticservices@eppingforestdc.gov.uk</p>
<p>Validation date:</p>	<p>18th October 2019</p>
<p>Reason for reporting application to Members:</p>	<p><i>This application is before this committee since it proposes a 'large scale' development as defined in Article 10 of the Constitution.</i></p>

1. RECOMMENDATION

That planning permission be **GRANTED** subject to:

1. the satisfactory completion of an air quality assessment which is currently being undertaken in relation to the proposed introduction of a right turn ban from the A121 Honey Lane East into Forest Side such that the Council, as competent authority, can arrive at a conclusion of no adverse effect on the integrity of the Epping Forest Special Area of Conservation; and
2. the prior completion of a section 106 planning obligation within four months of the resolution to grant planning permission and subject to planning conditions listed in Appendix 1 of this report.

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 Version (**LPSV**) 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 application 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 application 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 outweigh the harm by reason of inappropriateness and any other harm resulting from the proposal.
- 2.4 The development proposal will provide significant new employment opportunities for the local community within the distribution warehouse and the photo studio. It will also provide additional economic benefits to the local area through additional spending and investment. Opportunities for employment are underpinned by an employment and skills plan (to be secured through S106 agreement), which seeks to ensure that local residents are given the best possible opportunity to benefit from the development.
- 2.5 It has been concluded beyond reasonable scientific doubt that the development will not result in an adverse impact on the integrity of the Epping Forest SAC subject to a framework of mitigation measures that will be introduced during the Local Plan period, and site-specific conditions and obligations that will be imposed.
- 2.6 It has been found that the application will not result in a cumulative severe impact to the safety of, or accessibility to the local or strategic highway network, subject to planning conditions and obligations being imposed.
- 2.7 These obligations include the delivery of substantial highway improvement works, including upgrades to the capacity of the southern roundabout of Junction 26 of the M25, the provision of a right hand turn ban from Honey Lane East onto Forest Side as well as a new junction from Dowding Way to access the application site.
- 2.8 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.
- 2.9 The proposal represents a high-quality design which would preserve the living conditions of nearby residents.
- 2.10 The proposal will deliver a biodiversity net gain through on-site landscaping.

- 2.11 The proposal will achieve a BREEAM rating of 'Excellent' which is within the top 10% of non-domestic UK buildings.
- 2.12 Natural England (NE) has not objected to the development proposed subject to the Council being satisfied that the proposed mitigation measures are effective and can be secured.
- 2.13 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 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 section 106 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 £800,000 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 An obligation to implement the Interim Travel Plan with appropriate review mechanisms to ensure compliance.
- 3.4 A minimum financial contribution of £10,000 towards Travel Plan Monitoring.

Car Parking

- 3.5 A car park management scheme to be agreed for the development.

Operational Vehicle

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

Epping Forest SAC

- 3.7 A financial contribution of £206,017 towards air quality monitoring of the EFSAC.

Employment and Skills

- 3.8 An employment and skills plan to be agreed for the development.

Completion of the section 106 agreement

- 3.9 In the event that the required section 106 agreement is not satisfactorily completed within four months of the date 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

- 3.10 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 **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; 1 no. 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.

- 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 socioeconomics, 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. Following the withdrawal of the 'Phase 2' part of the proposals an addendum to the ES was prepared by the applicant and 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 site 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 application 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 application site's inclusion in the LPSV which is at an advanced stage. The applicant has advised that the capacity of the application site provides them with the opportunity to create a purpose built regional distribution centre 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 application 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 low beneficial effects from footpath improvement works. Minor adverse 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 application site.
- 5.7 The impacts and benefits are summarised in an accompanying Non-Technical Summary. Due consideration to these factors and others has been given 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 application site is an undeveloped, green field area of scrub land which extends to approximately 9.7 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 application site, across the M25. To the west of the application 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 Also, to the west of the application site is a large distribution warehouse which is operated 24 hours a day by Sainsbury's and is separated from the application site by Sewardstone Road and a roundabout junction.
- 6.4 The application site is predominantly comprised of a gentle rolling topography with the exception of a large hillock located in the south west corner of the application site. There are a number of trees on the southern boundary directly adjacent to Dowding Way, none of which is 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 application 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 application site is visible from parts of the motorway.
- 6.6 A Public Right of Way (PRoW) runs from north to south across a parcel of land, approximately 350m from the edge of the application 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 application 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 application site and offers both east and west bound entry onto the M25 orbital via Dowding Way.
- 6.9 The application site is located within the boundaries of the Metropolitan Green Belt and has an open, rural character.

7. RELEVANT PLANNING HISTORY

- 7.1 The application 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 are available in full on the Council's website through the following [link](#))

- 8.1 Secretary of State (National Casework Unit) – No comment to make.
- 8.2 Essex County Council – No objection subject to conditions and obligations.

- 8.3 Environment Agency – No comment received.
- 8.4 Natural England – No objection subject to application-specific mitigation measures proposed being lawful and enforceable, and measures identified in the interim Air Pollution Mitigation Strategy being secured through appropriate policy wording in the emerging Local Plan.
- 8.5 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 are available on the Council's website using the link above)

- 8.6 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.
- 8.7 The Conservators of Epping Forest – Object to the application.
- 8.8 Invest Essex – Supports the application.
- 8.9 CPRE – Object to the application.
- 8.10 Thames Water – No objection to the application.
- 8.11 Waltham Abbey Historical Society – Object to the application.
- 8.12 Epping Forest Heritage Trust – Object to the application.

Internal consultees

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

Town Council comment

- 8.18 Waltham Abbey Town Council – Object to the application.

Notification

- 8.19 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. Six site notices were displayed on 6th November 2019. A press notice was published in the Epping Forest Guardian on the 3rd November 2019.

- 8.20 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.
- 8.21 A consultation was carried out on the 28th August 2020 following submission of amended information and again on the 12th November 2020 when the applicant notified the Council of withdrawal of the Phase 2 part of the development and submission of amended documentation. On both occasions, letters were sent out to neighbours notifying them of alterations and amendments to the proposal, site notices were displayed, and new press notices were published in the Epping Forest Guardian on the 27th August and 12th November respectively.
- 8.22 Over the course of the consultations, 450 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

8.23 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; and
- 9th August 2019.

8.24 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.

Development Management Forum

- 8.25 The proposed development of the application site was also the subject of a Development Management Forum (DMF). In this case the DMF occurred on the 15th May 2018.
- 8.26 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.
- 8.27 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

- 8.28 In addition to the DMF, development proposals on the application 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.
- 8.29 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; and
- 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 dealing with any planning application the authority shall have regard to the provisions of the Development Plan, so far as 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 if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the 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 or made 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.

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 were required to enable its adoption and that, in some cases, additional work would 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 NPPF, 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 this Framework (the closer the policies in the emerging plan to the policies in the Framework, 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 NPPF 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 – Moderate

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 - Significant

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 wastewater 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 the application 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 application 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 application 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 application 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 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

13.11 Paragraph 144 of 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 Within that context the main issues to consider in terms of Green Belt policy are:

- The appropriateness of the development in the Green Belt;
- The effect on the openness and purposes of the Green Belt; and
- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by the other considerations so as to amount to the very special circumstances necessary to justify the development.

Appropriateness

13.13 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.

13.14 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. Some of the exceptions listed in Policy GB2A are no longer consistent with the NPPF and Policy GB2A does not allow for consideration of whether there are very special circumstances to clearly outweigh the harm caused to the Green Belt, as is the case with paragraph 144 of the NPPF. Nevertheless, 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 in so far as it is compliant with the requirements of the NPPF.

13.15 Saved Policy GB7A seeks to restrict conspicuous forms of development in the Green Belt to ensure that there would not be an excessive adverse impact on the openness or the visual amenities of the Green Belt. Safeguarding the rural character of the Green Belt reflects one of the fundamental purposes of the Green Belt to safeguard the countryside from encroachment.

13.16 In this instance, the development proposed does not fall within any exception as identified in the NPPF, Policy GB2A of the adopted Local Plan or Policy DM 4 of the LPSV. It therefore must be concluded that the proposal is by definition inappropriate development in the Green Belt and in accordance with the requirements of the NPPF, this harm should be afforded significant weight in the decision-making process and as a consequence, paragraphs 133 and 134 of the NPPF need to be considered.

Openness and purposes of the Green Belt

13.17 There is no definition of openness in the NPPF, but in the Green Belt context, it is generally held to refer to freedom from, or the absence of development.

- 13.18 In *Turner v Secretary of State for Communities and Local Government [2016] EWCA CIV 466* the Court of Appeal confirmed the concept of openness should not be limited to a volumetric approach comparing the size, mass and physical effect of openness before and after development. Such an approach would be far too simplistic and ignore the wider aspects of openness which goes beyond the physical effect of buildings or structures. The Court 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.
- 13.19 In *Samuel Smith Old Brewery (Tadcaster) Oxtan Farm v North Yorkshire County Council & Anor [2018]* the visual impact of the scheme was considered as important as its 'spatial' effects. The Court confirmed that to exclude visual impact, as a matter of principle, from a consideration of the likely effects of development on the openness of the Green Belt would be artificial and unrealistic. A realistic assessment will often have to include the likely perceived effects on openness, if any, as well as the spatial effects.
- 13.20 The proposed development would result in the erection of a very large warehouse building 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 permanent and substantial additional harm to the openness of the Green Belt.
- 13.21 Turning to the purposes of the Green Belt, paragraph 134 of the NPPF states that the Green Belt serves five purposes which are:
- *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.*
- 13.22 The development would not, by virtue of its location, bounded by the M25 to the north and Dowding Way to the south, lead to the unrestricted sprawl of a large built up area, result in neighbouring towns merging into one another, or fail to preserve the setting and special character of Waltham Abbey.
- 13.23 However, as previously identified the development will be overtly visible from viewpoints within and beyond the Green Belt and would introduce a new 24-hour, 7 days a week distribution centre into the area. The visibility of the development, combined with the nature of the use, which will include a significant number of traffic

movements and general activity in and around the application site will result in an inevitable visual impact on the characteristics of the Green Belt when compared to the existing circumstances. As such the development will cause a substantial urbanising impact on the Green Belt, thereby failing to safeguard the Green Belt from encroachment.

- 13.24 In summary, the proposed development would cause additional harm to the openness of the Green Belt, over and above the identified harm caused by reason of inappropriate development. It would also cause a substantial urbanisation of the application site, which is clearly visible from public viewpoints and as a consequence would fail to safeguard the countryside from encroachment. This conflicts with policy GB7A of the adopted Local Plan, with policy DM 4 of the LPSV and with the requirements of the NPPF. In accordance with the NPPF, these additional harms should be afforded significant weight in the decision.

Green Belt summary

- 13.25 The proposal constitutes inappropriate development which is, by definition, harmful to the Green Belt. It would also cause additional harm to openness and would fail to safeguard the countryside from encroachment, 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 identified harms, and any other harms which would result from the proposal.
- 13.26 The very special circumstances are considered further below and the recommended weight to be attached to each factor is evaluated.
- 13.27 The appropriate test when considering very special circumstances is to determine whether these factors clearly outweigh the identified harm to the Green Belt and any other harm arising from the development. The final balance and conclusion of these issues is considered in section 15 of this report.

Very Special Circumstances

- 13.28 Once a proposal has been concluded to constitute inappropriate development in the Green Belt, paragraph 144 of the NPPF makes clear that very special circumstances are required to clearly outweigh the harm caused.
- 13.29 Very special circumstances 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.
- 13.30 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.

13.31 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. [...]

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

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

- Performance of the application 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 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.

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

Performance of the application site against the purposes of the Green Belt

13.35 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.

13.36 The application 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**

- 13.37 The review concluded that the application 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.
- 13.38 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.
- 13.39 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.
- 13.40 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.
- 13.41 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.

- 13.42 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.
- 13.43 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)

- 13.44 The applicant contends that the adopted Local Plan 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.
- 13.45 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.
- 13.46 The saved policies from the adopted Local Plan form part of the existing Development Plan. However, it is acknowledged that the adopted Local 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.
- 13.47 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 the overall balance. 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

- 13.48 As previously set out, 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.
- 13.49 Without prejudice to the observations and conclusions that the Inspector might ultimately reach, the Council understands that the Inspector's advice dated 2nd August 2019 sets out the areas where Main 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 have any concerns about areas or allocations which are not mentioned in her advice.

- 13.50 The Inspector confirmed the Council's understanding is correct in her response dated 25th November 2019.
- 13.51 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.
- 13.52 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 allocation and that it is consistent with the requirements of the NPPF, the proposed allocation of the application site for employment uses and the evidence which informed the allocation should be afforded significant weight in this decision.
- 13.53 This approach is consistent with the approach taken by the Court of Appeal in *Luton Borough Council, R (on the application of) v Central Bedfordshire Council & Ors [2015] EWCA Civ 537*.
- 13.54 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 very special circumstances exist 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.
- 13.55 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 LBC's challenge, but leave was given for an appeal to be lodged in the Court of Appeal.
- 13.56 The appeal judges found that CBC had 'lawfully and rationally' concluded that very special circumstances 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.
- 13.57 The above analysis has confirmed that the allocation of WAL.E8 site can be afforded significant weight in policy terms, however the weight which can be afforded to this as a very special circumstance is dependent on the extent to which the development proposed accords with that policy and within Appendix 6 of the LPSV. Since it is the officers' conclusion that the development as proposed complies with the policy requirements of the proposed allocation, subject to various conditions and obligations,

officers conclude that it should be given very significant weight as a very special circumstance.

Employment need in Epping Forest District and lack of alternative sites

- 13.58 The LPSV proposes employment allocations which marginally go 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.
- 13.59 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 and 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.
- 13.60 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.
- 13.61 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.
- 13.62 Officers conclude that the need for new employment within the District and the lack of alternative sites should be attributed significant weight in the decision.

The benefits to the Local Economy

- 13.63 The EFDC Economic Report (September 2015) (ER) (EB600) 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.
- 13.64 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).
- 13.65 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. Subsequent evidence published as part of the evidence base to the LPSV, in the form of the West Essex and East Hertfordshire Assessment of Employment Needs 2017 (EB610) and the Epping Forest District Employment Review 2017 (EB603), identified a need for 2-5ha of land for office development and

14 ha for industrial floorspace (which within the EFD Employment Review 2017 was defined as being manufacturing and logistics).

- 13.66 The applicant has suggested that there would be significant benefits for the local community as a result of the investment into the area. The proposed development 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.
- 13.67 The proposed distribution element of the 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). The proposed photo studio will provide 111 FTE jobs and of these, 67 will be new positions and 44 will be existing roles transferred from other photo studios.
- 13.68 There is also a commitment to support approximately four graduate placement opportunities per year within the proposed photo studio.
- 13.69 It is likely that these factors will contribute to an overall benefit to the local economy through additional job creation and increased spending.
- 13.70 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 application site, to the southern part of the Roundhills estate. 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.
- 13.71 Officers conclude 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

- 13.72 The West Essex and East Hertfordshire Assessment of Employment Needs 2017 (EB610) and the Epping Forest District Employment Review 2017 (EB603) (which describes the Use Classes as they were prior to the recent changes to the Use Classes Order) identifies that the combined level of demand for B use classes amounts to some 23 hectares of land over the Plan Period. Of this there is an identified need of between 2-5ha for offices (B1a) and 14ha for industrial. (manufacturing and logistics) floorspace.
- 13.73 It has already been identified that significant weight should be attached to the general need for employment across a range of uses and the lack of alternative sites within the

District. The weight to be attributed is considered to also reflect the evidence base for the LPSV in relation to the provision of manufacturing and logistics floorspace.

Next's corporate and social responsibility

- 13.74 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.
- 13.75 Next also have a human rights policy and seek to create a workplace which treats everyone with respect and employees are supported and encouraged to reach their full potential.
- 13.76 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 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 very special circumstances

- 13.77 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.
- 13.78 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 the application site has been informed by robust and up-to-date evidence.
- 13.79 Following the publication of the Inspector's 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.
- 13.80 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 very significant weight in this decision.

13.81 In addition, the benefit to the local economy which has been identified should be afforded further significant weight. These issues will be considered further in the final planning balance in section 15 of this report.

Local and Strategic Highway considerations

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

13.83 *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.

13.84 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 within this context, 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.

13.85 Policy T 1 of the LPSV (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, provide electric

charging points, and do not result in unacceptable increases in traffic generation or compromise highway safety.

- 13.86 Saved Policies ST1 and ST2 of the adopted Local Plan 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.
- 13.87 Saved Policy ST4 of the adopted Local Plan 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.
- 13.88 Saved Policy ST5 of the adopted Local Plan 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.
- 13.89 These Saved Policies are all consistent with the provisions of the NPPF and the LPSV.

Local Plan Transport Assessment Report – background

- 13.90 As part of the Plan making process, a Transport Assessment Report (TAR) was produced by the Council in order to assess the potential impact that the growth planned in the LPSV may have on the local highway network.
- 13.91 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 predicting 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.
- 13.92 The TAR is based on a worst-case assessment. This included testing the total projected housing supply available rather than the actual calculated 'future housing requirement' for the District. As set out at paragraph 6.3.3 of the TAR, based on experience, there are occasions when a site allocated for development does not come forward as anticipated. Furthermore, the TAR predates the Local Plan Inspector's Advice Note of 2 August 2019 (ED98) which identified the need to remove some sites and review the capacity of some others. The TAR has also taken into account 'cross boundary' traffic impacts in relation to growth in neighbouring local authority areas (see section 3, page 2 of the TAR) . The executive summary on page 2 concludes that:
- 13.93 *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*

13.94 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

13.95 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.

13.96 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.

13.97 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

13.98 The submitted TA assesses the potential impacts 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 by the TAR which informed the LPSV.

13.99 The TA recognises that whilst the application 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.

13.100 The highway network which has been assessed includes:

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

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

13.102 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

13.103 This proposed development would amount to 57,267sqm 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	
Use Class	B8	Photo Studio
Proportion %	92 %	8 %
Proportion GIA	52,622 m ²	4,645 m ²

13.104 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 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 application site.

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

13.105 The above table sets out the traffic movements during the AM and PM peaks. 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.

13.106 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

13.107 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.

13.108 The specifics of the intervention required are not defined in the IDP, however the TAR identifies 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.

13.109 The submitted TA sets out that the applicant intends to implement the scheme proposed in the TAR 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 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

13.110 ECC as highway authority for the local highway network and Highways England (HE) as highway authority for the Strategic Road Network have 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.

13.111 The applicant could undertake these works through a Section 278 agreement with ECC as local highways authority prior to the commencement of the development. These measures will be secured through the use of a planning condition and will increase capacity on the southern roundabout of junction 26 to be able to accommodate the entirety of the growth contained in the LPSV. The requirement for these works to Junction 26 should be afforded significant weight in this decision.

Sustainable Transport – Interim Travel Plan

13.112 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.

13.113 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.

13.114 The applicant has therefore submitted an Interim Travel Plan (ITP) 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.

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

Demand Responsive Transport

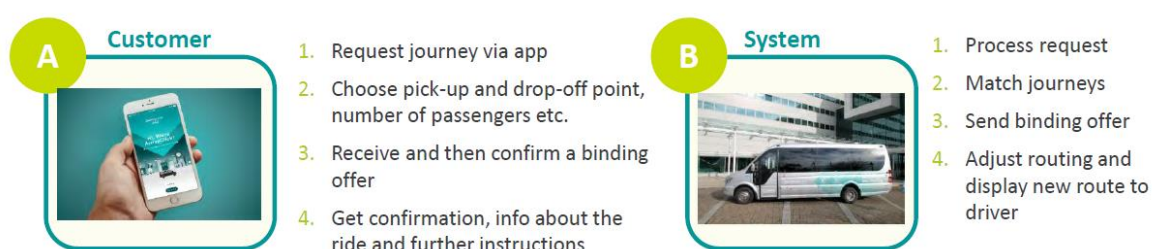
13.116 In addition to carrying out the physical works to the southern roundabout of Junction 26, the applicant has proposed to fund the initial start-up costs for a Demand

Responsive Transport (DRT) bus service which will operate between 05:00-01:00 seven days a week.

13.117 The applicant proposes a financial contribution of £800,000 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.

13.118 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.



13.119 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.

13.120 In terms of its potential route, the TA proposes three different options to link the application 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 development. Each of the potential routes proposed would be served by 5 electric buses.

Photo Studio Shuttle Bus

13.121 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.

13.122 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 application 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

- 13.123 The application includes a proposal to provide a new pedestrian and cycle way to connect 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 as shown on drawing number 4356 A136. Given that the development will operate on a 24-hour basis, the upgraded PRoW should include suitable lighting and this can be ensured through further details to be provided.
- 13.124 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.
- 13.125 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.
- 13.126 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

- 13.127 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.
- 13.128 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.
- 13.129 The submitted Interim Travel Plan confirms that the applicant does not intend to provide all of the spaces for use on the first day of the operation of the 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.
- 13.130 The top deck is proposed to be available for use from the first day of the operation of the 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 section 106 would include the mechanism and thresholds for when the remaining parking spaces could come into use.

13.131 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.

13.132 Officers consider that it is necessary to restrict the initial level of parking in order that the sustainable transport measures, the DRT, the shuttle bus and walking and cycling infrastructure in particular have an opportunity to 'bed in' and encourage workers to get used to travelling in this way. As a consequence, it will allow for the maximum possible opportunity for sustainable travel measures to be successful and will reduce the potential for an overreliance on private motor vehicles.

13.133 The development will have a peak headcount of 363 persons on the application site at any one time when the development first becomes operational. In terms of parking, this would allow approximately 34% of staff on the application site to be able to park, however that is not taking into account that some of these spaces would be restricted as carpool / electric charging spaces only.

13.134 Once the proposed mezzanine floors, which amounts to 22,868sqm of floor space, become operational for the 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 application site, should all the on-site car parking spaces be available.

Conclusion on parking provision

13.135 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 modes of transport should be pursued as far as possible.

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

13.137 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.

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

13.139 Once the application site is fully operational it has the potential to allow 62% of staff to park at the application 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 application site than would be the case upon the initial operation

13.140 However, by the time the 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.

13.141 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 development. The proposal is therefore compliant with paragraph (iv) of Policy T 1 of the LPSV

Travel Pack

13.142 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.

13.143 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 application 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.

13.144 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 application site. Distribution of such a pack can be secured through the section 106 agreement.

Route management

13.145 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.

13.146 A Route Management Plan (RMP) has been submitted with the application and proposes a restriction on commercial vehicles being routed using roads which pass through or within 200m of the EFSAC

13.147 The RMP would apply to all HGV and LGV traffic however the M25 is excluded from this 200m buffer as atmospheric pollution arising from vehicles using the M25 has not been identified as an issue as part of the assessment of the LPSV in relation to the Habitats Regulations.

13.148 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.

13.149 In terms of the potential impact to the local highway network, site specific requirements proposed in 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.

13.150 ECC as highway authority have commented that a detailed RMP is necessary and this can be secured by way of section 106 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

13.151 The 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 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

- 13.152 In terms of its capacity, the junction has been designed to accommodate both the traffic arising from this application, as well as any future development that may come forward in due course on the western parts of the site allocation (not subject to the current application).
- 13.153 The proposed access has been assessed by the ECC Highway Team who consider that it 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.
- 13.154 The TA has provided a Swept Path Analysis (SPA), including the proposed internal circulation of vehicles for the 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.
- 13.155 The submitted SPA submitted for the 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.

Potential Impact on the local and Strategic Highway Network

- 13.156 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.
- 13.157 In this case, HE is considering the potential impact of the development on the safe and efficient operation of Junction 26 (J26) of the M25.
- 13.158 As previously identified, physical highway interventions are required on J26 of the M25 in order to mitigate potential traffic queueing onto the M25 from the westbound off slip road. Similarly to the position of ECC, HE require these works to be carried out in full prior to the first operation of the proposed development.
- 13.159 However, at the time of writing the original Committee report which was due to be presented to the District Development Management Committee on 22nd January 2020, HE were unconvinced that the evidence provided by the applicant was sufficient to demonstrate that these works alone would ensure that there would not be a severe impact on the SRN. As a result, the report was withdrawn from the agenda for further analysis to be undertaken.
- 13.160 Further work was subsequently commissioned by the applicant which included an updated VISSIM traffic model. Discussions on the outputs from the updated model have been ongoing between the applicant, HE, ECC and EFDC Officers.

- 13.161 A key factor of these discussions has been consideration of the potential for further highway mitigation measures to be provided as part of this application. The TAR identifies that, as a result of the Local Plan growth, a highway intervention is required on the junction between Honey Lane East and Forest Side (page 72). The TAR refers to this junction as J33 and identifies that mitigation is needed for the following reason:
- 13.162 *Additional mitigation to complement J22 improvements and address eastbound queueing at junction blocking back into J22.*
- 13.163 For clarity, J26 of the M25 is known as J22 in the TAR. However, for the purposes of this report, the junction will continue to be identified as J26.
- 13.164 As previously discussed, the physical works to J26 are required to be delivered in full prior to the first occupation of the development in order to ensure that this part of the development does not cause harm to the safety or efficiency of the SRN.
- 13.165 However, HE requires comfort that further highway interventions will be delivered as a result of the Local Plan growth and the traffic caused as a result of the proposed development.
- 13.166 As such, in addition to the physical works to J26 a right-hand turn ban is required to be implemented at the junction of Honey Lane East and Forest Side. This intervention will improve the eastbound flow of traffic and prevent queued vehicles from backing up onto the southern roundabout of J26.
- 13.167 HE commissioned a consultant in early 2020 to review the applicant's updated VISSIM traffic model, which, amongst other matters, included an assessment of the impact of the right-hand turn ban on the operation of the SRN.
- 13.168 The Modelling suggested that in the 'forecast reference case' scenarios (i.e. background growth but no site development or mitigation), vehicle queues would extend back along the 425m long westbound off slip from the southern roundabout of J26 onto the M25 during the AM peak period in both years 2021 (a max. queue of 1,826m and 2033 (5,003m), and in the PM peak period in 2033 (1,117m).
- 13.169 Under the 'development + mitigation' scenario, the inclusion of the right-hand turn ban intervention was shown to significantly improve the performance of the network, reducing the queueing on the M25 off slip. With the exception of the AM peak period in 2033 (785m), queueing within the M25 westbound off slip would be contained and not extend onto the M25.
- 13.170 As previously identified, HE considers that the physical upgrades to J26 of the M25 are essential in the interests of the safety and efficiency of the SRN. However, both ECC and HE also of the view that a right-hand turn ban from Honey Lane East into Forest Side is required in addition to safeguard the SRN and the evidence supports this position.

13.171 It is therefore clear that the right-hand turn ban is a necessary highway intervention. However, the Council as the competent authority in relation to the Epping Forest SAC is currently undertaking further traffic modelling work to consider the potential impacts of the intervention on air quality in the EFSAC. This is to demonstrate that the Council can conclude beyond a reasonable scientific doubt that the right-hand turn ban will not cause such harm to the integrity of the EFSAC. The potential implications of this intervention are considered further in section 13.414 of this report.

13.172 Notwithstanding the above, subject to the delivery of the physical works to the southern roundabout of J26 as well as the right-hand turn ban from Honey Lane East into Forest side, it can be concluded that there will be no significant harm caused to the safety of efficiency of the SRN or local highways network. This conclusion is strictly on the basis that these interventions will be delivered prior to the first occupation of the proposed development.

13.173 In terms of the delivery of the right-hand turn ban, the intervention will be entirely contained within the boundaries of the local road network which is the responsibility of ECC. ECC have commented in support of the proposed highway intervention and require it to be secured through the use of a planning condition.

Conclusion relating to highway matters

13.174 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 or strategic road network.

13.175 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.

Design

13.176 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.

13.177 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.

13.178 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.

- 13.179 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.
- 13.180 Policy DM 9 sets out the policy requirements based on the overall design approach contained within the LPSV.
- 13.181 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. In addition to high quality design standards required, Policy CP2 of the ALP seeks to preserve the rural environment, including landscape character and protecting the countryside.
- 13.182 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.
- 13.183 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.
- 13.184 The proposed development on the application 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

- 13.185 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).
- 13.186 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)).
- 13.187 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
- 13.188 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 application 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.

- 13.189 The application 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.
- 13.190 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.
- 13.191 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.
- 13.192 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 development, this will be achieved via routes to the west through the access road continuing to the northern boundary of the application site and the provision for future pathways alongside it for walking and cycling.
- 13.193 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 into the proposed development. The upgrades to the PRow would be secured by condition.
- 13.194 A more direct route for walking and cycling from Roundhills to the application site 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 landowners. 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.
- 13.195 Whilst the proposed walking and cycling route to the application site 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 for it to be further improved as the rest of the proposed allocation site comes forward for development. The proposal is therefore compliant with para A (ii), para B and para E of Policy T 1 of the LPSV.

- 13.196 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.
- 13.197 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 detailed landscape design for this area alongside the walking/ cycling route and Dowding Way will be secured by a suitably worded condition.
- 13.198 Crossing points for pedestrians and cyclists to cross the 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 is also acceptable and it is considered that the recommended conditions would secure the detailed design of crossing points.
- 13.199 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.
- 13.200 The locating of the 74 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.
- 13.201 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.
- 13.202 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.

- 13.203 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. Having considered the proposal as a whole, officers conclude that neither of these factors, either alone or in combination would act to undermine the sustainable transport aims of the proposal, due to the significant package of sustainable measures proposed by the applicant.
- 13.204 Paragraphs 8.28-8.31 of the Interim Travel Plan 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.
- 13.205 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

- 13.206 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.
- 13.207 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.
- 13.208 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.
- 13.209 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.

13.210 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.

13.211 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.

13.212 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.

13.213 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.

13.214 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

13.215 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)).

- 13.216 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
- 13.217 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 being located as far north within the application site as possible.
- 13.218 As a result, the large-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 further north on the application 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 Photo viewpoint 4 in the Landscape Visual Impact Assessment (LVIA) (seen in ES Volume 2 Part 18).
- 13.219 The proposed warehouse 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.
- 13.220 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.
- 13.221 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.
- 13.222 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.
- 13.223 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.

- 13.224 The introduction of the Photo Studio as a use within the building has also impacted the massing and form of the 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 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).
- 13.225 Clear advice provided from the QRP and officers was that it must be demonstrated how the buildings relate to the existing topography of the application site and how landscape features have been incorporated in the design. The location of the warehouse to the north of the application 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.
- 13.226 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 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.
- 13.227 On balance it is considered that the scale, bulk and massing of the proposed development would achieve the high quality of design required by the LPSV. This is due to the detailed 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 application site. While the proposed building will visually dominant and would permanently change immediate and short term views of the application 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.

Landscape and visual impact assessment

- 13.228 The submitted ES provides an assessment of the likely effects of the proposed development on landscape character and the visual amenity from surrounding viewpoints.
- 13.229 The 15 visual receptors contained within the ES have been identified through desk work and field surveys and the assessment considers the potential impacts following the completion of the development and the potential long terms effects (15-year period).
- 13.230 The ES considers that the overall sensitivity of the application site is low. The application site is assessed as being self-contained and its surrounding landscape features electricity pylons, the M25 and the main town of Waltham Abbey, which disturb the overall sense of tranquillity.
- 13.231 The construction phase will involve the erection of plant and machinery, hoardings, construction site compounds, crane activity, some earthworks and a general increase in traffic movements from Dowding Way. Overall these impacts are temporary and minor, however the ES identifies that there will be significant major/moderate adverse effects during the construction phase to nearby receptors such as the nearby PRow and residential estate to the west.
- 13.232 Within the application site, the impacts on landscape features are concluded by the ES as being moderate to minor adverse. The development includes the removal of some trees and hedgerows; however, these impacts are localised to the application site itself which minimises its potential impact.
- 13.233 Turning to the completed development, the proposed warehouse will clearly cause a change to the existing landscape character considering it introduces a new 23m high building which will clearly be visible from surrounding viewpoints. The ES concludes that this potential impact will be moderate to minor due to this significant scale.
- 13.234 In order to somewhat mitigate these potential impacts the applicant proposes a new landscape buffer of native tree planting on the western and southern boundaries of the site, planting up existing gaps along the southern boundary and native planting at the new site access.
- 13.235 Despite the proposed mitigation, as previously discussed the warehouse will be 23m high and will therefore be visible from short, medium and long-range views from different receptors. The sheer scale of the development will lead to a moderate adverse impact on the landscape receptors in relation to the wider context of the application site and this is acknowledged by the ES.
- 13.236 However, the location of the application site, bounded by the M25 and the main town of Waltham Abbey to the north and Dowding Way to the south as well as the proposed landscape strategy and the self-containment of the application site considerably offsets the identified adverse impacts of the development. As such, on balance it is concluded

that the identified harm is not significant enough to warrant a refusal of planning permission.

Multi Storey Car Park Form

13.237 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 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.

13.238 The MSCP has a proposed bridge link to the 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 application site.

Lighting Strategy – impact on the local area

13.239 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.

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

13.241 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.

13.242 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.

13.243 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).

13.244 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.

13.245 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

13.246 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.

13.247 This development will be a workplace for a significant number of people, 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.

13.248 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.

13.249 In order to ensure a suitable landscape scheme is achieved on the application site, the QRP advocated the need for a robust landscape strategy, which recognises and takes a 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, a Landscape General Arrangement Plan, and a Landscape Specification Overview, all for approval.

- 13.250 The landscape design is a crucial in creating a high-quality environment connecting to and through the application 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 has a connection and outlook to nature and green space on a warehouse and distribution site.
- 13.251 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 application 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.
- 13.252 A condition is recommended to secure a detailed design for the North-South Green Corridor, and detailed landscape scheme to be prepared in accordance with the submitted '11403_R04 - Landscape Specification Overview', Landscape Design Code and drawings '11403 P07j_Landscape Proposals - General Arrangement' 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

- 13.253 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)).
- 13.254 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.
- 13.255 As previously discussed, the architectural design of the 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.

13.256 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.”

13.257 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 development.

13.258 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.

13.259 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 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.

13.260 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

13.261 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. Policy DBE9 of the ALP contains the same objective by seeking to safeguard the living conditions of neighbouring properties. Paragraph H of Policy DM 9 is further split into subsections (i – iv) and the report will consider these issues in turn.

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

13.263 In this case, the closest residential neighbour to the warehouse is located on Beechfield Walk, approximately 375m away from the western edge of the application site. In between the application 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.

13.264 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 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

13.265 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.

13.266 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.

13.267 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 application site.

13.268 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.

13.269 In any event the development will be the subject of a 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.

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

Part (ii) – Overlooking / loss of privacy issues

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

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

13.273 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.

13.274 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.

13.275 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.

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

Part (iii) – Outlook issues

13.277 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.

13.278 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.

13.279 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.

13.280 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.

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

Noise, vibration, fumes, light pollution and air quality

13.282 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.

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

Noise

13.284 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.

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

13.286 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.

13.287 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.

13.288 In terms of methodology, the noise and vibration assessment set 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.

13.289 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.

13.290 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.

13.291 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.

13.292 Furthermore, since the application site is within close proximity to the M25 and the negligible contribution to overall noise levels in the vicinity of the application site, the proposed development would not adversely affect the tranquillity of the area.

13.293 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 with regard to BS5228 which would form a prerequisite of their appointment.

13.294 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

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

13.296 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).

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

13.298 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.

13.299 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; and
- Van parking illuminated to average of 10 lux.

13.300 The external lighting will be controlled via time channels and photocells 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.

13.301 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 development and this will be necessary to ensure that the site will not cause excessive light pollution.

13.302 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

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

13.304 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.

13.305 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.

13.306 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 application site and to restrict HGVs utilising routes through Epping Forest.

13.307 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

13.308 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.

13.309 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 development will ensure a good level of amenity to staff and visitors, subject to the imposition of suitably worded conditions / planning obligations.

13.310 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 CP2, DBE1, DBE4 and DBE9 of the ALP.

Employment and skills

13.311 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.

13.312 The application has been accompanied by a Statement of Economic Benefits (SEB). The SEB sets out that the development proposal will create up to 436 new direct FTE jobs and that these jobs will provide employment opportunities for local residents.

13.313 Of the potential 436 new jobs, the photo studio will provide 111 FTE jobs, of which 67 will be new job positions and 44 will be from existing roles transferred from other studios.

13.314 In addition, the construction of the development will create an average of 70 jobs per month, providing further opportunities for local businesses and residents.

13.315 The Council is committed to ensuring that local residents get the best possible opportunities for training and employment in relation to this development proposal and as such officers have been negotiating an employment and skills plan (ESP) with the applicant.

13.316 The ESP requires the applicant to engage with a Skills Planning Group, whose purpose is to identify future training requirements and potential employer interventions to support their workforce. The ESP will be formed of the Council's economic development team, New City College, the Department of Work and Pensions and the applicant and their contractors.

13.317 A key requirement of the ESP is to require the applicant to advertise new job opportunities for both the construction and operational phases of the development in publications and social media outlets (to be agreed with the Skills Planning Group) within Epping Forest District for a 14 day period before it can be advertised more widely.

13.318 In terms of local labour requirements, the ESP states that the Council will require the applicant and its contractors to use all reasonable endeavours to:

- secure 25% of the workforce as local labour during the construction and operational phase of development. Local labour is defined as people who are living within Epping Forest District.
- The 25% requirement includes, but is not limited to, staff involved in providing the necessary security, facilities management, and administration. It also

includes apprentices recruited in various aspects of the building trade (examples including carpentry, brick laying, plumbing, and plastering).

- Ensure the employment of a minimum of 1 apprentice for every 50 employees to be employed at any time (Apprenticeships based on a 6-month minimum period) during the construction phase for the development.
- Support up to 26 end user Apprenticeships at any one time (assuming apprenticeships run for approximately two years but will vary depending on trade).

13.319 In addition to these local labour requirements, the ESP also requires the applicant to provide for training and development opportunities and includes:

- Apprentices/students who have undertaken a work placement in connection with the development shall have a guaranteed interview with the Applicant and/or their associated contractors within the last 3 months of their placement.
- Training shall be available for all roles connected with the development including construction, logistics, photography, management etc.
- Provision for delivery of bespoke pre-employment and skills training for Epping Forest District residents that will provide them with the skills to access the jobs that are being created.
- Provision for other work placement or apprenticeship opportunities should be created during decoration of the newly constructed development, fitting of appliances etc. Additional work placements and training opportunities should be available through back office functions, for example in business administration.
- The Council expect the Applicant to engage with local schools and colleges and support them to promote amongst young people aged 11 to 19 the achievement of the skills and qualifications needed for employment in the commercial sectors of the operational phase of development in place during the first five years.
- The ESP will need to contain a detailed programme explaining how the Training and Development Opportunity initiatives will be delivered.

13.320 Subject to the delivery of the measures identified in the ESP, Officers consider that the development proposal will provide for significant opportunities for new jobs, apprenticeships and training for the local community.

13.321 The precise details of these schemes can be secured through a planning obligation as part of the section 106 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 and will provide significant economic benefits to the local area.

Flood Risk and SuDs

13.322 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.

13.323 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. This requirement is also reflected in Policy U2A of the ALP.

13.324 The application has been accompanied by a Flood Risk Assessment (FRA). The report concludes that disposal of surface water by infiltration is not feasible. The EFDC Land Drainage Team agrees with these findings in principle and has requested a condition to ensure that the development is carried out in accordance with the recommendations contained within the FRA.

13.325 A detailed surface water drainage strategy has also been submitted as part of the application and the EFDC Land Drainage Team is 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.

13.326 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 has no objection to the application subject to the imposition of planning conditions.

13.327 Thames Water has been consulted as part of this application as a key utilities provider. In terms of foul water disposal, Thames Water has raised no objection to the application.

13.328 Subject to the imposition of appropriately worded planning conditions the proposal is compliant with Policy DM 18 of the LPSV and with Policy U2A of the ALP.

13.329 Historic Environment – Archaeology

13.330 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.

13.331 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.

- 13.332 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 geo-physical survey and trial trench evaluation.
- 13.333 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 site. These findings have been endorsed by the Historic Environment Team from ECC.
- 13.334 The proposed development is therefore compliant with policy DM 7 of the LPSV and the proposals would not have a detrimental impact on heritage assets of significance.

Ecology

- 13.335 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. Policy NC3 of the adopted Local Plan is broadly consistent with this approach, whereby development proposals which may cause harm to established habitats are required to provide a replacement, alternative habitats of at least equivalent wildlife value. Additionally, Policy CP1 of the adopted Local Plan seeks to avoid or to minimise potential environmental impacts of development proposals.
- 13.336 The application is accompanied by 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

- 13.337 The findings of the Habitats Survey 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.
- 13.338 Three species of bat were identified as being present on the site, however no bat roosts were found to be present. 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 invertebrate species of conservation concern recorded and no hedgehogs, brown hares or harvest mice were observed.

Impacts, mitigation and enhancement measures

- 13.339 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.
- 13.340 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.

13.341 The Ecological Assessment identifies that the construction phase of the development will cause a neutral residual effect on the potential loss of habitats on site.

13.342 The Biodiversity Net Gain calculations, which are included in the ES demonstrates that a biodiversity net gain will be achieved through the proposed landscaping for the scheme, which will provide new and enhanced habitats. As a result, there is no requirement for a financial contribution for off-site biodiversity net gain.

13.343 The net biodiversity gain which would be provided by the application, is in accordance with policy DM 1 of the LPSV is also compliant with Policies NC3 and CP1 of the ALP

Ground contamination

13.344 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. Policy RP4 of the ALP is consistent with this approach, whereby potential contaminants are required to be identified and if necessary, appropriately mitigated.

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

13.346 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.

13.347 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'

13.348 The standard condition suggested by the Geo-technical Team seeks to ensure that if discoloured or odorous soils are encountered on the application 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.

13.349 The proposed condition will ensure compliance with the provisions of paragraph C of policy DM 21 of the LPSV and with Policy RP4 of the ALP.

13.350 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 and with Policy RP4 of the ALP.

Energy and climate change

13.351 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.

13.352 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.

13.353 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.

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

13.355 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; and
- A 2,341kWP south facing solar photovoltaic array.

13.356 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).

13.357 Part L of the Building Regulations requires 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.

13.358 In this case, the development must either equal or be less than 1,328.9 tonnes of CO₂ per year in order to comply with Part L of the Building Regulations.

13.359 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 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.

13.360 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.

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

Sustainability

13.362 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

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

- *An economic objective;*
- *A social objective; and*
- *An environmental objective*

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

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

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

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

13.368 Developments are rated and certified on a scale of:

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

13.369 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.

13.370 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.
- 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 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 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.

13.371 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.

The proposal is therefore concluded to be a sustainable form of development and is therefore compliant with Policy SP 1 of the LPSV and Policy CP5 of the adopted Local Plan.

Infrastructure

13.372 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.

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

13.374 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.

13.375 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.

13.376 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

13.377 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 development. The need for this to be delivered should be afforded significant weight in the decision.

Sustainable transport measures

13.378 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.

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

Early years and Childcare

13.380 ECC are responsible for ensuring that there are adequate places for early years and childcare provision in the local area. In this instance ECC has commented that:

The proposed development does not meet our threshold for education contributions as detailed within the Developers' Guide to Infrastructure Contributions 2020 (Developers' Guide).

13.381 On the basis of these comments, no contributions towards the provision of early years or childcare facilities are required.

Conclusion relating to Infrastructure

13.382 Subject to the infrastructure interventions as noted in the previous section being secured through appropriate planning obligations, the proposal is compliant with policy D1 of the LPSV.

Impact on the Epping Forest SAC

13.383 Biodiversity features within, or associated with, a Special Area of Conservation are given the highest level of protection under UK 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").

13.384 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 plan or proposal, either alone or in combination, will have an adverse effect the integrity of the European Site.

13.385 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) having regard to the representations of Natural England (NE).

13.386 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, as a result of increased levels of visitors using the Epping Forest SAC 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 from atmospheric pollution generated by motor vehicles (referred to as "air quality").

13.387 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.

13.388 The LPSV was supported by a Habitats Regulations Assessment dated January 2019 ('the HRA 2019') (EB209). Two specific 'pathways of impact' relating to new development within the District were identified as being likely to have a significant effect on the integrity of the Epping Forest SAC. Firstly, an 'urbanisation' pathway of impact primarily as a result of increased levels of visitors using the Epping Forest SAC for recreation arising from new residential development (referred to as "recreational pressure"). Secondly, damage to the health of the protected habitats and species of flora within the Epping Forest SAC from an atmospheric pollution 'pathway of impact' (referred to as "air quality") caused primarily by motor vehicles using roads within 200m of it.

13.389 The HRA 2019 undertook an Appropriate Assessment of the planned development proposed within the LPSV, including the effect of that development on the Epping Forest SAC. The HRA 2019 concluded that, subject to securing urbanisation/recreational pressure and air quality mitigation measures the adoption of the Local Plan will have no adverse effect on the Epping Forest SAC. Whilst further work has been undertaken to finalise the extent and nature of those mitigation measures, in consultation with Natural England, the relevant 'pathways of impact' have been agreed.

Recreational Pressure

13.390 With regards to recreational pressure, any adverse effect on the integrity of the Epping Forest SAC only arises from new residential development. Consequently, the application can be screened out as having no adverse effect on the integrity of the Epping Forest SAC in relation to the recreational pressures 'pathway of impact'.

Atmospheric Pollution

13.391 The draft HRA (2020) advises that without appropriate mitigation measures, new development proposed in the District would cause harm to the integrity of the Epping Forest SAC as a result of atmospheric pollution. A key contributor to atmospheric pollution arises from vehicles using roads in close proximity (i.e. within 200m of the Epping Forest SAC).

13.392 The Council has undertaken further technical work in relation to the atmospheric pollution 'pathway of impact' to provide the evidence base to support the development of an Air Pollution Mitigation Strategy (APMS) and to inform an HRA which is being prepared to support the publication in due course of Main Modifications to the LPSV. This evidence base has been developed having had regard to the Local Plan Inspector's Advice Note of 2 August 2019 (ED98) and is pertinent to the consideration of this application. It is therefore provided as a background paper to this report.

13.393 A draft APMS was considered by the Council's Cabinet on 7 July 2020 which provides a strategic approach to mitigating the effects of new development on the integrity of the Epping Forest SAC in order to arrive at a conclusion of no adverse effect on integrity. An Interim APMS has now been agreed by NE and, whilst has not been formally adopted by the Council it is anticipated that it will be prior to the consideration of this application by the Development Management Committee. The Interim APMS identifies a number of mitigation measures, a number of which are required to be delivered as part of individual planning applications alongside strategic initiatives and monitoring requirements, the implementation of which will require a financial contribution to be secured from individual developments. The APMS therefore provides the mechanism by which the Council can arrive at a conclusion of no adverse effect on the Epping Forest SAC as a result of planned development.

13.394 The evidence base that has been developed to inform the APMS has taken into account Annual Average Daily Traffic (AADT) that would arise from the development of this proposed allocation. The use of AADT is the appropriate method for understanding the effects of atmospheric pollution on both human and ecological health.

13.395 The applicant has provided further traffic information, using AADT based on the scale and nature of development proposed in order to enable the Council and its consultants to assess the level of AADT and its distribution compared to that used within the evidence base to inform the APMS. In terms of methodology, the AADT traffic information provided as part of this planning application is based on an entirely unmitigated scenario, i.e. it does not take into account the impact of the DRT, the RMP, the ITP (or any other measure which might otherwise take vehicles off the network). Therefore, it can be concluded that the following analysis constitutes a worst-case scenario in terms of what has been modelled.

13.396 Site specific measures that are required to be provided for both compliance with the APMS and to support the implementation of Policy T1 in order to address the impacts of the development on the strategic and local highway networks are as follows:

- Provision of electric charging points (excluding for HGV's);
- Staff and Visitor Travel Plan;
- HGV Route Management Strategy; and

- Financial contributions towards the implementation of strategic measures identified in the APMS as well as for future monitoring.

13.397 These measures can all be secured through the use of planning conditions and obligations and more detail on each of these measures are provided below.

Commercial vehicles

13.398 The applicant proposes to control all commercial vehicle movements through the submitted Route Management Plan (RMP), which is assessed earlier in this report. The RMP would restrict all commercial vehicles from using roads within 200m of the Epping Forest SAC (with the exception of the M25 motorway for the reasons set out earlier in this report)

13.399 The end user of the development, Next, has advised that the RMP is enforceable since all their drivers are Next employees rather than contractors and can therefore be instructed not to use these routes. In any event, any end-user would be bound by the terms of the RMP which will be secured in the S106 agreement.

13.400 Officers consider that since the commercial vehicles are owned, operated and tracked by Next, the RMP is enforceable both legally and practically and can be monitored effectively. RMPs are a regularly used mechanism for managing the potential impacts of HGV movements on both sensitive receptors and highway networks. The requirement for an RMP would apply to any occupier of the development.

13.401 This can be secured through the use of a planning obligation and will include an effective and robust means of monitoring to ensure compliance. As such any commercial traffic travelling on the relevant roads within 200m of the Epping Forest SAC can be discounted.

Staff and visitor vehicle movements

13.402 Since it has been concluded that commercial vehicles cannot use routes through the Epping Forest SAC, traffic arising from the development on roads within 200m of the Epping Forest SAC would be primarily from the staff and visitors to the application site.

The DRT

The provision of the DRT as assessed earlier in this report is regarded as a required measure to facilitate modal shift necessary for both highway and air quality purposes. The scheme will be open to members of the public as well as employees of the new development and the applicant has suggested that it would result in a net reduction in the number of vehicles using routes through the Epping Forest SAC.

13.403 The HRA commissioned by the applicant to accompany the application indicates that the DRT also has the potential to reduce the number of existing vehicles from using routes through the Epping Forest SAC, which would be beneficial. This has not, however, been taken into account in either the Council's evidence base or the traffic

information provided by the applicant in relation to the AADT that would arise from this application based on an unmitigated (i.e. worst case) scenario.

13.404 The operator of the DRT, Arriva Click has confirmed that it would expect to obtain patronage from Waltham Abbey, Loughton and Chigwell which contains approximately 65,000 residents. Given that existing bus services between these areas are relatively poor, it is seen as a significant opportunity to delivering sustainable transport options for both existing residents wishing to access destinations other than the application site and for employees and visitors to the application site.

13.405 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, hence why it has not been taken into account. However, the HRA uses two previous examples as an indication of what could be achieved from such an initiative.

13.406 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.

13.407 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.

1.26 Based on its catchment area of 30km² and its coverage of a large number of people, it is likely that a significant number of people will be able to use the DRT once it is in place. Whilst the magnitude of its potential impact cannot be afforded significant weight in this decision it will, at the very least give staff members as well as members of the public the opportunity to utilise sustainable transport methods rather than the use of a private motor vehicle. The proposal to restrict the number of car parking spaces that can operate (as assessed earlier in this report) will help to support this initiative.

The Shuttle Bus

13.408 As previously identified, the photo studio will provide a shuttle bus to the application 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.

Walking and cycling facilities

13.409 As previously considered, the application proposes substantial improvements to an existing PRoW which will link the proposed development to the southern tip of the Roundhills estate. The improvements will make the route accessible for pedestrians and cyclists to access the application site from Waltham Abbey to the north.

- 13.410 In addition, the provision of 120 covered and secured bicycle storage spaces on site, as well as electric bicycle charging, bicycle maintenance area, showers and secure locker facilities all enable the potential use of sustainable forms of travelling to the application site.
- 13.411 Any staff member who chooses to travel to the site in anything other than a single occupancy car will also be rewarded with a £2 Next voucher, which is increased to £5 over Christmas and other busy periods.
- 13.412 The implementation of the right hand turn ban from Honey Lane East into Forest Side, which was discussed previously in this report is also a measure identified in the Interim AMPS as an intervention which could have some benefits in relation to the ecological health of parts of the Epping Forest SAC. However, the right-turn ban has not been specifically modelled as part of the evidence base that informed the development of the APMS and is being used as part of the development of the HRA to support the publication of the proposed Main Modifications to the LPSV. The right-hand turn ban would not result in any new traffic using roads within 200m of the Epping Forest SAC but rather would result in a redistribution of existing traffic onto other Epping Forest SAC related roads. In order to meet its duties as a competent authority, and in order to satisfy Highways England that such a scheme would not give rise in itself to adverse effects on the integrity of the Epping Forest SAC, the Council has commissioned further analysis of this scheme to be undertaken.

Conclusion relating to the EFSAC

- 13.413 Subject to the completion of the further Air Quality modelling work identified above the Council is satisfied that, with the securing of the site specific measures set out above together with a financial contribution towards the implementation of the strategic monitoring and mitigation measures identified in the Interim APMS, that the application would not have an adverse effect on the integrity of the Epping Forest SAC. Such measures and the financial contribution will need to be delivered in full prior to the first occupation of this proposed development.
- 13.414 Therefore, the proposal is compliant with policy NC1 of the ALP, with policies DM 2 and DM 22 of the LPSV and with the requirements of the Habitats Regulations 2017.

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 not share it, and foster good relations between persons who share a relevant protected characteristic and persons who do not.

- 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 It is necessary for the Local Planning Authority to undertake a balancing exercise to establish whether there are very special circumstances that clearly outweigh the harm to the Green Belt that would be caused by the development.

The identified harm

- 15.2 As previously discussed, the proposal must be considered to be inappropriate development in the Green Belt and causes significant additional harm to its openness and to the purpose of safeguarding the countryside from encroachment. In accordance with paragraph 144 of the NPPF, each of these identified harms to the Green Belt carry substantial weight against the proposal.
- 15.3 Based on the analysis of this report, subject to the imposition of suitable planning conditions and obligations, no other conflicts with the Development Plan or the LPSV have been identified which weigh against the proposed development. The test of very special circumstances in this instance therefore is to consider whether the factors advanced by the applicant outweigh the identified harms to the Green Belt, all of which carry substantial weight against the proposal in the decision-making process.

The Benefits

- 15.4 The proposed allocation of the application site in the LPSV (WAL.E8), the application's demonstrable accordance with the requirements of that proposed allocation, the absence of an objection from the Local Plan Inspector, the demonstrable need for employment in this location as identified in the ELSA and the significant identified benefits to the local economy all carry significant weight in favour of this development.

- 15.5 The proposed allocation of WAL.E8 in the LPSV has been underpinned by robust and up-to-date evidence. It represents one of the key new employment allocations in the District and is based on the Council's development strategy, which was endorsed for publication to the Planning Inspectorate in 2017 by the Council. In addition, upon adoption of the LPSV, the application site will no longer be within the boundaries of the Green Belt.
- 15.6 In accordance with paragraph 48 of the NPPF, the weight which can be afforded to this proposed allocation site is substantial since the LPSV is at a very advanced stage, it is in compliance with the NPPF and the Local Plan Inspector has not raised any concerns about the proposed allocation.
- 15.7 Within this context, the analysis of this report is that, subject to conditions and obligations, the application demonstrates compliance with the requirements of the proposed allocation of the application site contained within the LPSV and as a result this carries very substantial weight in favour of the application.
- 15.8 In addition, the ELSA has identified a significant need for employment in Waltham Abbey and in Epping Forest District more generally. The proposed distribution element of the development will assist in meeting this need by providing up to 325 FTE jobs on the first day of its operation and most of these will be full time positions. The photo studio will provide a further 111 FTE jobs, which includes 67 new jobs and 44 transferred from other areas and up to 70 new jobs will be created during the construction phase. The employment and skills plan will ensure that local residents get the best possible opportunities to secure these jobs.
- 15.9 In addition to the creation of new jobs, the development will also introduce new investment into the local area and result in significant benefits to the local economy through increased spending in the local area. The new employment opportunities and other local economic benefits of the proposal carries substantial weight in favour of the application.
- 15.10 Case law has established that there is no prescribed list of what might constitute very special circumstances. It may be that a single aspect of a proposal may itself be a very special circumstance sufficient to justify development, or it may be a number of circumstances cumulatively amount to such circumstances. It is a matter for the decision maker, based on the planning merits of the application.
- 15.11 The Council considers that the allocation of the site weighs substantially in favour of the proposal for the reasons outlined above. Furthermore, significant weight would be given to the economic benefits generated by the proposals in the local area. Although neutral in weight, the proposals have demonstrated compliance with the proposed site allocation and emerging Local Plan policies. These factors taken together weigh strongly in favour of the development.
- 15.12 In light of the analysis above, it is concluded that very special circumstances do exist in this case which clearly outweighs the identified harms to the Green Belt. Subject to

appropriately worded planning conditions and obligations, the proposal has demonstrated its compliance with the proposed allocation in the LPSV, which is at a very advanced stage in its production and will release this site from the Green Belt upon adoption. This coupled with the identified significant economic benefits that the development would bring to the Local area warrants a departure from current established and adopted Green Belt policies.

15.13 Taken together, the application has demonstrated its compliance with the requirements of the LPSV, the Adopted Local Plan and the NPPF. It is therefore recommended that planning permission is granted subject to the satisfactory completion of an air quality assessment in relation to the introduction of a right turn ban from Honey Lane East into Forest Side and the imposition of suitably worded planning conditions and obligations.

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 and informative

Appendix 2 – Neighbour representations summary

Appendix 3 – Statutory consultee responses