



Epping Forest District Council



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Application Number:	EPF/1601/22
Site Name:	Thornwood Common Service Station High Road Thornwood CM16 6LX

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OFFICER REPORT

Application Ref: EPF/1601/22
Application Type: Full planning permission
Applicant: Petrogas Group UK Ltd.
Case Officer: Kie Farrell
Site Address: Thornwood Common Service Station, High Road, Thornwood Common, Epping, CM16 6LX
Proposal: Installation of Greggs pod type building within curtilage of existing service station.
Ward: Epping Lindsey and Thornwood Common
Parish: North Weald Bassett
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000OFIH>
Recommendation: Approve with Conditions

The application is before this committee since the recommendation is for approval contrary to an objection from a Local Council, material to the planning merits of the proposal, and they have confirmed in writing their intention to attend and speak at the meeting. (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Address:

Thornwood Common Service Station, High Road, Thornwood Common, Epping, CM16 6LX. Also known as 'Neales' Service Station' High Street, Thornwood Common, Epping.

Description of Site:

Thornwood Common / 'Neales' Service Station' is a petrol station comprising petrol pumps, small shop with car wash facilities sited to the west of the High Street.

The application site is within the Metropolitan Green Belt.

In 2018 planning permission was granted for the siting of two shipping containers between the shop and the car wash to be used as storage space.

In January 2022 permission was granted for a replacement car wash store room.

Description of Proposal:

Installation of Greggs pod type building within curtilage of existing service station.

- Hot food takeaway building. 73 sq m GEA / 66 sq m GIA (retail area 36 sq m).
- 11.6m x 6.3m with a flat (gently sloping) roof maximum height 4.6m
- 6 car parking spaces proposed
- The existing shipping containers used for storage approved under EPF/1728/18 are to be removed
- The opening hours of the Greggs pod will be 05.00hrs to 22.00hrs daily (the service station hours will remain as existing at 24 hrs.)

Relevant History:

EPF/2913/21 - Rebuilding car wash store room demolished after fire damage. Approved 27.01.2022.

EPF/1728/18 - Use of land for siting of 2 shipping containers to be used as storage space. Approved 26.09.2018
 EPF/0799/93 - Change of use of existing car wash area to retail sales and erection of new conveyor car wash - Approve 04/11/1993.
 EPF/0201/89 Erection of building to house water storage tank and switch gear for car wash - Approve 10/03/1989
 EPF/0709/88 Change of Use of land, extension to car wash building and installation of new 800 gallon storage tank for lead free petrol - Refused 22/07/1988
 EPF/0495/88 - Change of use of land, and extension and new access to car wash building - Withdrawn
 EPF/0165/81 New filling Station Approve 06/04/1981
 EPF/0509/74 Proposed erection of petrol station and car wash – Approve 12/12/1974.

Policies Applied:

SP1 Presumption in Favour of Sustainable Development
 T1 – Sustainable transport choices
 E2 – Centre Hierarchy/Retail Policy
 DM2 – Epping Forest SAC and Lee Valley SPS
 DM4 – Green Belt
 DM9 – High Quality Design

National Planning Policy Framework (NPPF) (July 2021)

Consultation Carried Out and Summary of Representations Received:

North Weald Bassett Parish Council: Objection:

“The Parish Council OBJECTS to this application on the following grounds: Increase in vehicle movements to the site the suggestion from 450 to over 800 is an unacceptable increase. The overall increase in vehicular movements along the busy stretch of road between Thornwood and Hastingwood would not be acceptable to local residents. The number of fast food outlets from Upland Road to McDonalds is excessive from Thornwood to Harlow. Is there a need for another Greggs Outlet especially as there is already one in Epping which is a very short distance away. In a previous Planning Application for McDonalds Restaurants on the Hastingwood Interchange was for a 24 hour facility . This was turned down due to its impact on local residents, as well as other matters. There is concern at the impact the litter will have, and there is no plan in the application to deal with litter. There is also concern regarding any proposals for the signage. It does seem that a Greggs Advertising Sign will be in the region of 5 metres high, and there are no details as to whether it would be illuminated. Overall the whole of the proposal is detrimental to the neighbouring and adjacent residents. We have been advised by the closest residents that they have not been contacted regarding the proposal and they have not seen a site notice on or adjacent to the site. No plan to deal with the excess water emanating from the site. If EFDC are minded to grant this application the Parish Council would wish to speak at a Plans East Committee.”

3 neighbours consulted: No responses received.

ECC Highways	No objection
Land Drainage	No objection
Contaminated Land	No objection subject to condition

Issues and Considerations:

The main issues to consider relate to Green Belt, Retail, Design Character and Appearance, Residential Amenity, Highways and SAC

Green Belt

The application site falls within the Metropolitan Green Belt. The existing Petrol Filling Site constitutes Previously Developed Land. Paragraph 149 of the NPPF states that Local Planning Authorities should have regard to the construction of new buildings as inappropriate in Green Belt and gives exceptions to this, including:

- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;**
- g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development;**

The proposed building would have a GIA floor area of 66.2 sq m, measuring 11.6m x 6.3m with a flat (gently sloping) roof to a maximum height of 4.6m

The building would be on the site of and would replace existing lawful shipping containers approved under EPF/1728/18 which are currently used for retail storage. The proposed building would not be materially larger than the shipping containers that it would replace and it would not have a greater impact on the openness of the Green Belt than the existing development.

Whilst shipping containers are not considered permanent buildings, since they have consent for their permanent retention the proposed building is considered to be qualify under exceptions d) and g) of Para 149 of the NPPF and as such is not inappropriate development and is acceptable in Green Belt terms.

Retail

The existing Petrol Filling Station (PFS) currently has a small shop as is usual at PFS operations. The proposed Greggs pod would supplement the offer of the existing shop and the additional retail floorspace is considered to be acceptable on this site.

Character and Appearance

The proposed single storey building will measure 11.6m x 6.3m with a flat (gently sloping) roof to a maximum height of 4.6m. External materials would comprise timber cladding and render.

The building will be located towards the rear of the existing PFS site and as such will have limited visual impact from the street scene.

The proposed development is considered to be acceptable in design, character and appearance terms.

Residential Amenity

There are no residential properties in the immediate vicinity of the site. The nearest being those on Upland Road to the north-west.

The existing Petrol Filling Station (PFS) has unrestricted opening hours and operates 24 hours a day. The opening hours of the proposed Greggs pod would be 05.00 to 22.00 daily.

The majority of the trips to the proposed Greggs pod will be linked to the existing Petrol Filling Station, and the submitted Transport Technical Notes states that linked trips are expected to form 75% of the customers for the Greggs pod.

In the context of the existing PFS operation it is considered that the proposed Greggs pod would not have a harmful impact on the residential amenity of any neighbouring residential properties.

Highways

ECC Highways comments dated 12th October 2022:

From a highway and transportation perspective the Highway Authority has no objections to this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policies ST4 & ST6 of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.

Acceptable in this respect.

SAC

The majority of the trips to the proposed Greggs pod will be linked to the existing Petrol Filling Station, as stated within the submitted Transport Technical Note.

The application site is an existing Petrol Filling Station on a major road running between Epping and the M25 junction and as such the minimal additional trip generation attributable to the proposed Greggs pod is considered to be acceptable in this context.

Contaminated Land

EFDC Contaminated Land final comments dated 15th May 2023:

"Subadra Consulting Ltd. on behalf of the Client was appointed to investigate any potential pollutant linkages, which could have affected the proposed development for commercial end use.

The proposal is located on the active retail filling station, where a significant risk from vapours and hydrocarbon contamination exists.

Therefore, as a minimum, the applicant is required to:

- Protect the building from potential hydrocarbon vapours by installing a hydrocarbon vapour membrane,*
- Protect water pipes from hydrocarbon contamination, - In the event of reusing any of the site-won materials, the applicant is required to provide appropriate chemical testing,*
- Any imported material must be tested to ensure is suitable for the proposed use, - Prepare a Validation Report.*

I recommend that the land contamination condition NSCN57- Verification Report Only be attached to any approval. Once a contaminated land assessment document has been received and reviewed the attached condition will be considered for discharge."

Drainage

EFDC Drainage comments dated 4th November 2022:

"I have reviewed the proposals indicated on the attached in line with Epping Forest District Councils Local Plan Submission Version Policies, namely DM15, DM16 and DM17.

*Referring to the proposed floor plans and taking into consideration the size of the extended dwelling alongside any flood risk within the vicinity of the site, I am satisfied that the proposal will not significantly impact on the current surface water drainage arrangements nor will it materially increase flood risk to the surrounding area, therefore I have **no comments to make** on behalf of the Environmental Protection and Drainage Team.”*

Other considerations:

The Parish Council raise concerns around the potential litter problems resulting from the use, the proliferation of takeaways, and the proximity to the existing Greggs in Epping High Street.

The planning regime are unable to control littering off-site, which is an offense subject to other legislation. Therefore this is not a material planning consideration. The only two 'fast food outlets' along this stretch of road is McDonalds in Hastingwood, and units/restaurants within Epping Town Centre. Nonetheless this matter, and the proximity of the existing Greggs in Epping Town Centre, are also not considered to be material planning considerations.

Conclusion:

The proposed pod would supplement the existing PFS and would replace existing storage containers that benefit from planning consent for their permanent retention. The traffic generation would largely be linked to the existing PFS operations, and no technical objections have been raised with regards to this matter.

Given the above, the proposal is considered to meet an exception to inappropriate development within the Green Belt, would not cause harm to the character and appearance of the area of amenities of nearby residents, and would not cause any significant additional traffic or highway concerns.

Therefore the proposal is considered to comply with the relevant Local Plan policies and the guidance contained within the NPPF and the application is recommended for approval, subject to conditions.

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

Planning Application Case Officer: Kie Farrell | kfarrell@eppingforestdc.gov.uk or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (7)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

Drawing No. WPS-APP-001-P-10 – Block and Location Plans
Drawing No. WPS-APP-001-P-11 Rev A – Existing Site Plan
Drawing No. WPS-APP-001-P-12 – Existing Site Elevations

Drawing No. WPS-APP-001-P-13 Rev C – Proposed Site Plan
Drawing No. WPS-APP-001-P-14 Rev C – Proposed Site Elevations
Drawing No. WPS-APP-001-P-15 Rev B – Plan and Elevations
Transport Technical Note, DW Transportation, September 2022
Design and Access Statement, Applegreen, July 2022
Existing Site Photographs document, July 2022.
Enhanced Phase One Environmental Assessment Report, Subadara, April 2023.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those on the approved plans.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 The development hereby approved shall not be occupied until after the existing Shipping Containers on the site have been removed from the application site.

Reason: To safeguard the openness of the Green Belt in accordance with adopted Local Plan (March 2023) policy DM4 and the NPPF.

- 6 The use hereby permitted shall only be open to customers between the hours of 05.00 to 22.00 on Monday to Saturday and 05.00 to 22.00 on Sundays and Bank Holidays.

Reason: In order to minimise disturbance to local residents, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 7 No deliveries shall be taken at or despatched from the site outside of the approved operating hours, being 05.00 to 22.00 on Monday to Saturday and 05.00 to 22.00 on Sundays and Bank Holidays.

Reason: In order to minimise disturbance to local residents, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (2)

- 8 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 9 This permission does not grant advertisement consent for the associated signage. A separate advertisement consent application should be submitted.