

# OFFICER REPORT

**Application Ref:** EPF/0680/23  
**Application Type:** Full planning permission

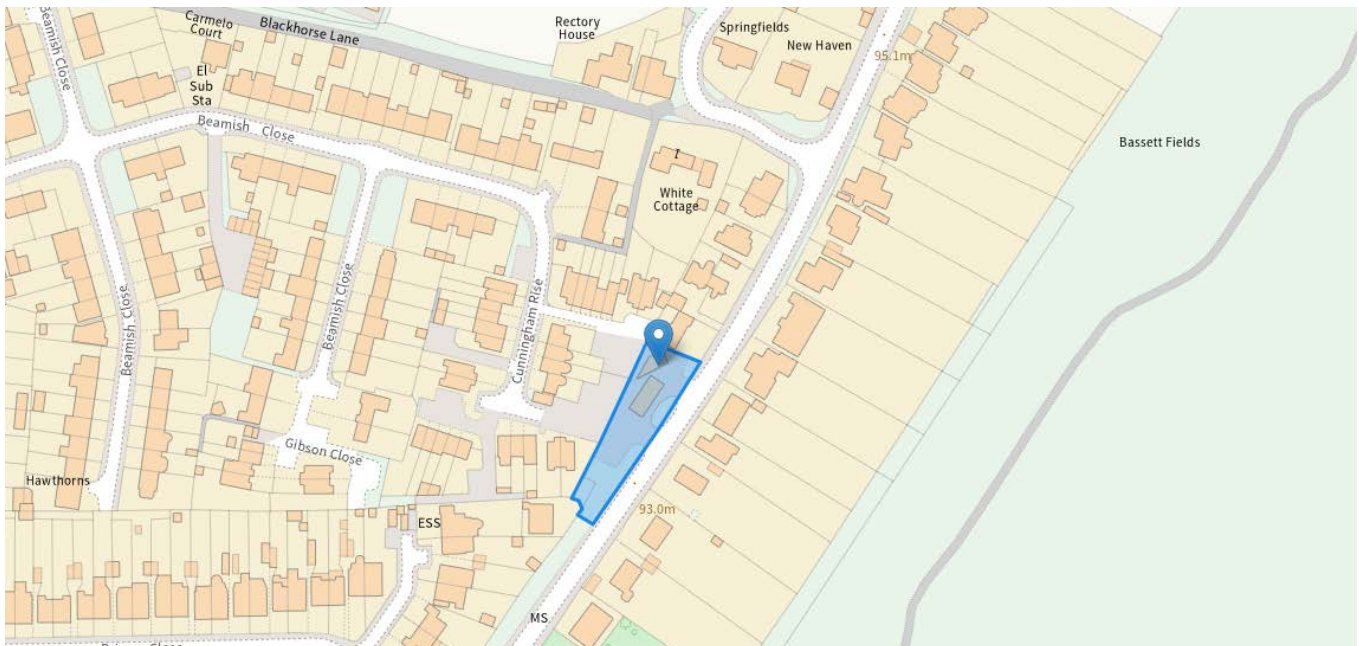
**Applicant:** Mr Ian Richards  
**Case Officer:** Kie Farrell  
**Site Address:** Bassett Filling Station, 215 High Road, North Weald Bassett, Epping, CM16 6ED  
**Proposal:** Demolition of existing petrol station and construction of replacement petrol station with a new shop with associated bin store, underground tanks and canopy. Retention of existing EV charging points.

**Ward:** North Weald Bassett

**Parish:** North Weald Bassett

**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001VmF2>

**Recommendation:** Approve with Conditions



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*This application is before this committee since the recommendation is for approval contrary to an objection from a Local Council which is material to the planning merits of the proposal, supported by 1 local resident (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

**Address:**

Bassett Filling Station, 215 High Road, North Weald Bassett, Epping, CM16 6ED.

### **Description of Site:**

Bassett Filling Station is a petrol filling station (PFS) located on the High Road within the built-up area of North Weald.

The application site is surrounded by residential properties and does not fall within the Metropolitan Green Belt.

### **Description of Proposal:**

*Demolition of existing petrol station and construction of replacement petrol station with a new shop with associated bin store, underground tanks and canopy. Retention of existing EV charging points.*

- Single storey building measuring approximately 20m x 8m with a maximum height of 4m (front/east elevation) falling to 3.5m (west/rear elevation)
- Floor area of 154 sq m (GIA) / 115 sq m sales area
- Grey metal wall and roof panels with glazing and orange metal cladding entrance feature
- Replacement forecourt canopy
- 2 Electric Vehicle charging spaces retained
- 1 disabled parking space
- 3 car parking spaces at southern end of site (Air, Water, Vac).

### **Amended Drawings:**

The following amended drawings were received on the 7<sup>th</sup> July 2023. The amended drawings show details of replacement trees and landscaping in response to the Tree Officer's initial comments dated 12<sup>th</sup> April 2023:

210\_02 Rev D - Proposed Site Plan

210\_05 Rev C - Surfacing Plan

210\_07 Rev A - Landscaping Plan

The following amended drawings were received on the 21<sup>st</sup> August 2023. The amendment shown is a reduction in the height of the entrance feature, bringing it down to roof level:

310\_02 Rev E – Proposed Site Elevations

310\_03 Rev E – Proposed PFS Elevations

410\_01 Rev C – Site Sections

CGIs 1-4.

No formal re-consultation has been undertaken on these amended drawings as the amendments represent improvements to the scheme originally submitted.

### **Relevant Planning History:**

PRE/0046/22

Pre Application for a proposed demolition of existing petrol filling station and replacement with new petrol filling station including replacement tanks, canopy & shop.

Advice given 28.09.2022.

EPF/1939/17

InstaVolt are proposing to install 2 rapid electric vehicle charging stations within the forecourt of Bassett Services, Epping. Existing spaces will become 2 EV charging bays, along with associated equipment.

Approved 12.9.17

EPF/0079/17

Raise canopy to garage forecourt.

Approved 22.03.17

EPF/2542/07

Replacement facade and new roller/security shutter.

Approved 29.01.2008.

EPF/2266/05

Retention of Travelex ATM Kiosk.

Approved 30.01.06.

### **Policies Applied:**

#### Adopted Plan (March 2023):

SP1: Presumption in Favour of Sustainable Development

T2: Safeguarding of Routes and Facilities

DM2: Epping Forest SAC and the Lee Valley SPA

DM3: Landscape Character

DM5: Green and Blue Infrastructure

DM9: High Quality Design

NPPF

### **Consultation Carried Out and Summary of Representations Received:**

North Weald Bassett Parish Council: Objection:

*“The Parish Council Objects to this application due to over development of the site, the overall height of the building is too tall and overbearing, the site seems too small for the overall proposals, Councillors are asking if all that is proposed for the site will fit within it. Members of the Parish Council are unsure as to how many residents have been consulted on this proposal as some local residents are advising that they know nothing about what is being proposed.”*

In response to the above Parish Council comments a Planning Business Support Officer sent an email to the Parish Clerk on 15<sup>th</sup> May 2023 with a list of the neighbours consulted (38).

Number of neighbours consulted: 38. 13 objections received.

258 High Road:

I wish to make a formal objection to the application for the full planning permission of Bassett Filling Station, 215 High Road, North Weald, Epping, CM16 6ED Since Moving to North Weald, 2 years ago for some peaceful, country living. We have now just been aware of the new planning construction of a new shop with association bin store, underground tanks and canopy. At this date, my concern is that this new project will be operating 24 hours which was not mentioned in the letter that was sent to me.

Could you please, kindly confirmed if the above project will be operating 24 hours?

If this is the case, I wish to strongly object to this project for the following reasons:

- traffic generation, highway safety and parking.
- Overshadowing, overlooking and loss of privacy
- Disturbance through noise, dust, fumes and loss of amenities.

260 High Road:

The site during current opening hours already, increases light pollution to residents, increases noise pollution to residents, increases air pollution to residents. Therefore the application to a increase to opening hours would escalate the detrimental impact it already has in a completely residential area.

We object to the proposal of the new service station on the grounds it is a large commercial development in a 100% residential area. There are main & secondary shops and restaurants in the village providing a very good service without the opening hours proposed by the applicant. The current situation is already highly disturbing for residents with delivery's coming before 6 am & all hours of the night it is so disturbing for children and senior citizens who get disturbed between the hours of 7am - 7pm already.

There are no designated parking spaces for the shop or toilets for non fuel products. Parking on pavements is the normal procedure to the detriment of locals using the pavements. This would encourage more dangerous parking on the pavement. People using the garage stop and urinate on parts on the site (grass). already.

The Lorry's damage the roads, make pot holes in them and then when the road is damaged every heavy load vehicle that drives past makes the house shake, effecting houses structures and disturbs sleep daily. The noises are literally ground shaking. An increase in opening hours would increase all deliveries, which would increase road damage and therefore noise levels and cause more sleep disturbance and damage to property.

Just to re- iterate the site is already detrimental to all residence in terms of :

- Light pollution
- Air pollution
- Noise pollution air pollution
- Anti social behavior
- Damage to the main road
- Obstruction of pavements

An increase to the services and the times of these services will incrementally lead to increased levels of listed disturbances which are totally unacceptable in a 100 % residential area.

I would imagine it goes against any EFC planning restrictions to protect Epping forest air quality. It is a service not needed in our village. and the services at the M11 Junction cater for this already in a correct situ.

The photo attached shows the no parking sign on the Garage forecourt, so customers park on the pavement.

34 Cunningham Rise:

I wish to object strongly to the proposal/ application regarding Basset Filling Station. as I live at 34 Cunningham Rise in close proximity This proposal is totally. unsuitable in a quiet residential area with older residents and young families especially as it will be open for 24 hours causing noise and light pollution with the possibility of anti social behaviour at night. Property prices will be adversely affected. This has been a lovely place to live and I am very disappointed by this proposal.

26 Cunningham Rise:

Whilst not against the general application it does raise a number of concerns that are not addressed in the corresponding documents

The concerns I have are related to:

1) The height of the building itself. Whilst the proposal for a two-storey building has been superseded with the acceptance of a one storey building there is no mention as to its actual height in the corresponding documents. From comparing the height of the building against the canopy (and assuming the canopy is the same height as it is now) it would appear that the height of the new building is in excess of the existing one storey building. This being the case the vista from all lodgings to the west of the new building will be impacted by this increase in height.

2) No mention is made to the height of the fence which will surround the premises to the west. As mentioned in the documentation the existing fencing is of variable height. The reason for the fencing now being of variable height was to discourage individuals trespassing in the adjoining car parks from using this as a short cut to the garage shop. The individuals doing this were also responsible for damaging the fence on numerous occasions and general littering. Increasing the height of the fencing to 2m in places has discouraged this short cut from being taken.

3) The supplied documentation indicates that the intended opening hours for the garage are 24x7 which is well in excess of the current 6.30am to 10.00pm. As it stands there are numerous occasions, through no fault of the staff themselves, that users of the garage are anti-social in excessive noise, shouting, revving of engines, etc. Even when the garage is shut it is not unusual to hear disturbances coming from the garage in the early hours of the morning. To seek to increase the opening hours will have a negative impact in those around the garage by increasing the noise level in the hours when the majority of individuals are attempting to sleep. The need for 24 hour opening in North Weald is to my mind questionable given that this is in a built up area as compared to the existing services provided at Potter Street, Harlow and on the Epping Road where there the number of neighbours to disturb is significantly fewer.

4) When the canopy height was raised a few years ago I am aware that there were complaints around the lights being left on and causing severe light pollution and disruption to the sleep of individuals. When made aware of this concern the garage did switch off the lights at close of business. With the possibility of 24 hour opening this issue will re-emerge. I, subsequently, go back to my previous comments as to the suitability of a 24-hour service in a residential area.

If the above concerns are addressed it would be much appreciated.

29 Cunningham Rise:

I have lived/owned property in North Weald for over 20 years. My flat is situated just behind the garage. At any time in the day you will the constant clonking of petrol pumps, cars pulling in and out of the forecourt and people talking or even shouting. This has been an ever increasing annoyance as the sounds have always echoed around the houses behind. The increase in the height of the roof and the bright flood light have already caused enough light pollution, the idea of an ever bigger, brighter, louder 24/7 garage will be a complete disregard for all residents of the surrounding area. In building this North Weald will be losing just another part of our village atmosphere.

252 High Road:

This proposal has a direct impact on my property living directly opposite.

There is already noise from this business but too change this too a 24 hour business in a completely residential part of the street is going to impact on my property and well being. I believe my peace will be shattered.

Also my concern is about lighting as the garage currently is shut the latter part of the evening And early hours. therefore believe the lighting will pollute my house also impacting greatly on my property Currently the garage is in darkness in the early hours.

250 High Road:

We live opposite the proposed enlarged Fuel station. The noise of vehicles loud radios, screeching tyres pulling away, motor bikes and sports cars with noisy exhausts left running is already a severe disturbance to us all (not to mention the light pollution), but at least it quietens down and gives some peace from inconsiderate motorist between nine pm and seven thirty am. The proposed 24 hour service and increased traffic in a residential small rural high road is totally unacceptable to us residents.

Smartening up the present site is very welcome but we do not wish to live next door to a busy twenty four hour vehicular "night club"!

I suggest that you visit the site during the daytime and then imagine living through that twenty four hours a day.

20 Cunningham Rise:

Having looked at the plans for changes to the existing petrol station at No 215 High Road, I have no issues with the proposed new building and layout. However, I feel that the plans to extend the period of use to 24 hours a day, 7 days a week would be detrimental to those neighbours in the residential properties adjoining the petrol station. This extension to the opening hours would, I believe, result in increased noise and inconvenience from both vehicular and pedestrian traffic at those hours deemed to be unsociable in a residential area. I have strong doubts that our village would warrant a premises that stays open 24 hours a day, 7 days a week.

31 Cunningham Rise:

Object on the grounds of proposed opening hours (24hrs) causing noise and light pollution along with disruption to us as residents.

28 Cunningham Rise:

I live behind the petrol station.

I do not agree with granting planning permission due to the following.

- 1)Noise on a 24hr basis
- 2)Light pollution from the raised canopy.
- 3(more fumes spilling over in to our gardens.
- 4)movement of natural vegetation
- 5)possible intrusion in to our private car park and gardens from youngsters ( already been a problem)
- 6) the owners have already broken planning with the lighting pollution amount and past the agreed time of night.

21 Cunningham Rise:

I have viewed the plans submitted. I must object most strongly on 3 points of the application.

Point 1.

My property is located immediately the other side of the fence where the new ' associated bin store ' has been allocated. Bin stores attracted large quantities of rats, the rats don't live in the bins they live around the foliage and cover around and near to the bins, this would be my garden and under my shed as there is no other cover, bin lids never shut properly nor do people ever bother to lock down the lids they are always bent and ill fitting, the bins are rented from the waste collectors so no one ever has an incentive to keep bins secure locked and washed down. In the summer the stench from these bins would be ( and i have measured this ) 2 meters from the centre of my garden and 6 meters from my window. I have a dog also young children that play in my garden, i do not want rats and weill's disease anywhere near my property, therefore the garage needs to find an alternative placement for this. Currently the site has grass on this area and it should stay as that.

Point 2

At the same location as the Bin Store the garage wants to fit an air, water and worse still a vacuum point. I do not under any circumstances wish to listen to the constant intermittent high pitch drone of a vacuum cleaner next to my garden and window.

Point 3

The garage wishes to operate 24 hour, i cannot accept this whatsoever. Whist the garage is a commercial operation wishing to maximise its profits this must not in any way be detrimental to those that live next to it, it has a very large residential enclave immediately behind it and we deserve the right to be rested like anybody else from the noise business and industry creates. The opening hours should not be allowed to extend.

262 High Road:

We are **STRONGLY OBJECTING** to this proposed development. The site is opposite our home and is in a residential area, we are of the opinion that it will bring **INCREASED TRAFFIC, NOISE and POLLUTION** to an already too busy B road.

The traffic along the High Road, North Weald has increased considerably over the last few years and with all the other developments proposed for this area, it will undoubtedly increase even more. To then add a larger petrol station with a larger shop to the area is adding to the problem and is unfair on the residents surrounding the site.

Below is a list of reasons for our **STRONG OBJECTION**:-

- We already have to put up with light pollution from the forecourt lighting which is left on even when the petrol station is closed, as well as very noisy motorbikes and vintage cars who gather en mass every week at the petrol station.
- We have vehicles and groups of people spending long periods of time just parked on the forecourt late at night, when the station is closed, with their lights on, music blasting and shouting so the thought that this may increase even more if the petrol station is made bigger and potentially will stay open for longer is just too much.
- On a daily basis, we have the litter that is strewn all over the carriageway and our driveway, which we have to pick up and dispose of - items including plastic disposable gloves, paper towels, food waste, sweet wrappers, crisp packets, drink cans, cups and cartons and cigarette and vaping paraphernalia.
- We have tankers delivering petrol to the site twice weekly already, and when they arrive they often block our access to our driveway, if they increase capacity at the station, then this will increase the frequency of the tanker deliveries also, thereby inconveniencing residents even more.
- With regards to the retail outlet, we do not need a larger shop in the area as there are already two local shops at either end of the High Road, the convenience store at The Talbot and then the Co-op on the shopping area at the top end of the High Road towards Epping. The proposed design for the shop is large, ugly and out of keeping with the surrounding area, resembling an outlet of Aldi along a residential street.
- By proposing to build a larger petrol station on the site also conflicts with the Government's plans for all cars being electric by 2035, if this is the case, why would we need a larger petrol station?

By allowing this development it will turn the area that we live in, in to a commercial zone and this is completely unacceptable in a residential area.

Please do not permit this development, it is **NOT NEEDED** on this road!!

If they want to build a bigger petrol station, move it to the A414 in the areas where there are not residential properties!!

219 High Road:

I do not object to the proposal in its entirety, however I object to the Electric charging points remaining where they are. There are numerous customers who use these points to charge their car and whilst waiting are smoking marijuana. The smell is extremely offensive and comes into our property. During the summer months it prevents us from having our windows open or from sitting in our garden. This has

been reported to the Police - incident number (Redacted). There is little the Police can do as it is a transitory population and the chance of them catching anyone doing this is extremely remote. We request that the electric charging points be placed at the alternate end of the plan where it is currently proposed to have Air, water and vacuum and place the air, water and vacuum where the electric charging points are currently sited.

Second comment - is the WC in the shop plan for customers or staff only. Currently male patrons frequently urinate around the side of the shop and up against our fence. The shop really needs a public toilet.

How far back will the rear of the shop be? Currently it is in line with our conservatory - no objection if it remains within that situation, however object if it moves back toward their rear fence as it will be in our direct eyeline when in our garden.

Officer response to objections:

Many of the comments from objectors relate to issues relating to the existing lawful PFS operation. The current application is not proposing the use which is already existing and lawful, only replacement facilities.

Amendments have been negotiated to limit the proposed opening hours and to reduce the height of the proposed entrance feature down to roof level.

### **Main Issues and Considerations:**

The main issues in this case are:

- Petrol Filling Station Use
- Design, Character and Appearance
- Residential Amenity
- Trees and Landscape
- Ecology
- Highway Safety
- SAC

### **Petrol Filling Station Use**

Adopted Local Plan (March 2023) Policy T2 states:

*C. Local filling stations and vehicle repair facilities will be protected from redevelopment for alternative uses unless it can be demonstrated through evidence, that the authorised use on site is no longer viable and that the site has been effectively marketed at a value which is comparable to the local market for its authorised use(s)*

The proposed replacement PFS is therefore acceptable in principle.

The proposed replacement building would include an enlarged sales area of 115 sq m increased from 42 sq m. This is considered to be an acceptable increase and will allow provision of a modern PFS facility which is commercially viable.

### **Design, Character and Appearance:**

The existing petrol filling station is a well established part of the existing streetscene, albeit set within a predominantly residential area.



A proposed replacement PFS is therefore acceptable in principle.

At pre-app stage a two storey building was proposed which was considered by Officers to be too large and too close to the High Road and the boundary with No. 219.

The applicant has responded to the Council's pre-app response by now proposing a single storey building of reduced scale which is set back from the road, respecting the front building line and boundary of the neighbouring dwelling No. 219.

The proposed building has a maximum height of 4m at the front, falling to 3.5m at the rear and would measure approximate 20m x 8m.

This compares to the existing building which is 3m in height measuring approximately 13m x 4.5m.

The building will have a modern commercial appearance constructed from grey cladding panels and roof and glazing with an orange entrance feature in the applicant's corporate colour.

The height of the entrance feature has been reduced down to roof level by the applicant following a request from the case officer and it is considered that this reduction in the height (which previously extended above roof level) is sufficient to make the appearance of the proposed building acceptable set within the context of the surrounding area which is predominantly residential.

The forecourt canopy will be replaced, however this will be very similar to the existing in terms of height and coverage area, albeit move slight further south within the site.

The proposed building and overall development is considered to be acceptable in terms of design, character and appearance and its impact on the site and surrounding area.

#### Residential Amenity:

The proposed single storey building would have a maximum height of 4m at the front, falling to 3.5m at the rear.

It is considered that there is sufficient separation distance to the nearest neighbouring residential properties (No. 219 High Road and those on Cunningham Rise to the rear) that the proposal will not have a harmful impact on the visual amenity of the occupiers of any neighbouring dwellings.

No loss of privacy or overlooking would occur and the proposed building is flank to flank with No. 219, respecting its front building line.

The proposed development is considered to be acceptable in terms of impact on residential amenity.

#### Opening Hours:

The opening hours of the existing Petrol Filling Station are 06.30 to 22.00 Monday to Saturday and 07.00 to 22.00 on Sundays and Bank holidays.

The application originally proposed 24 hour opening 7 days a week including bank holidays.

Following a request from the case officer, the applicant has agreed to amend the proposed opening hours to 06.00 to 23.00 Monday to Saturday and 06.00 to 22.00 on Sundays and Bank holidays.

The amended proposed opening hours are similar to the existing opening hours and are now considered to be acceptable.

A condition will be added to any planning permission granted restricting the opening hours accordingly.

### Trees and Landscape:

Tree Officer final comments dated 2<sup>nd</sup> August 2023:

*"We have NO OBJECTION to this application subject to the addition of the following condition:-*

*ARCUS 74– Tree Protection*

*ARCUS 68– retention of trees and shrubs*

*Soft landscaping*

*Soft landscaping shall be implemented as shown on CA Design 'Landscaping plan' drawing number '2268BS 210\_07 Rev A' (dated August 2020); and the accompanying planting schedule. The works shall be carried out prior to the occupation of the building or completion of the development. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place. Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.*

### *Justification*

*Whilst the applicant has provided a tree report and / or an Arb Method Statement, the above condition does need to be included in full, and updated reports will need to be submitted for approval prior to commencement. This is because at this stage, all the applicant is required to do is to show that the development is feasible without a detrimental impact on trees. Following permission being granted the information that will be required to be submitted will include;*

- o Tree protection plan to include the alignment of utility apparatus (including drainage and ground source heat pumps), and the site set up i.e. locations for site huts, temporary toilets, contractor parking, storage of materials, cement mixing etc.*
- o A detailed Arboricultural Method statement including a list of contact details for all relevant parties.*
- o Schedule of works to retained trees e.g. works required to facilitate demolition / construction activities.*
- o Arboricultural site monitoring schedule, A detailed schedule of visits is required.*

*Please therefore, do not condition the Tree Report / Arb Method Statement that has been submitted with the application, but include the condition un-amended. Please also include the above condition for retention of trees, and soft landscaping."*

Following receipt of amended drawings addressing the Tree Officer's initial concerns, the proposal is now acceptable in terms of Tree protection and landscaping.

### Ecology:

The submitted Preliminary Roost Assessment concludes as follows:

*"No impacts are anticipated on roosting bats as a result of the proposed development. This is due to the fact that the buildings and trees located on site have been assessed to provide negligible value for roosting bats as a result of a lack of roosting features.*

*The site is also considered to be unsuitable for foraging and commuting due to the absence of vegetated areas. As such, no further surveys or mitigation are recommended.*

*However, please note that opportunities for enhancement are set out in Table 5 in order to comply with current wildlife legislation and planning policy.”*

The proposed biodiversity enhancements (bird and bat boxes) are welcomed and will be secured by planning condition.

#### Highway Safety:

ECC Highways comments 26<sup>th</sup> June 2023:

*“From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following measures:*

*The access arrangements, as shown in principle on CA Design drawing no.210-02 Rev D, dated 16-02-23, including full access and footway construction, surfacing, kerbing, and tactile paving as necessary, shall be fully implemented and retained as such for the life of the development. Reason: To ensure that appropriate and safe access is provided for all highway users.*

*The above measures are to ensure that this proposal is not contrary to the Highway Authority’s Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2021.*

#### *Informative*

*i. Any proposed materials and construction within the highway will need to be approved by the Highway Authority prior to any works taking place within the highway. It is advised that the extent of the works on-site are verified to ensure that no highway encroachment takes place as a result of the proposal.*

*ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)”*

Acceptable in terms of Highways safety.

#### SAC:

The proposed development is the replacement of an existing petrol filling station facility and as such any additional trip generation is expected to be minimal and not material in terms of impact on the EFSAC.

#### Drainage:

EFDC Drainage comments 13<sup>th</sup> April 2023:

*Having reviewed the above application in line with the Council’s adopted Local Plan policies, namely DM15, DM16 and DM17, I have no objection to the planning application in principle, subject to the approval/implementation of the requirements set out by this team.*

*Surface Water Drainage informative*

*The opportunity of new development should be taken to further reduce runoff from the site by incorporating sustainable drainage systems into the drainage design and apply the principles as set out in the DM16 and in turn the CIRIA SuDS Manual (C753) and the Essex County Councils SuDS Design Guide (2020). Where appropriate the applicant must consider the use of above ground sustainable drainage features in the first instance and at the very least techniques such as rainwater harvesting, green roofs and permeable paving.*

*The applicant is proposing to dispose of surface water by main sewer. Further details are required. Please add SCN39 condition requiring approval of surface water details by the Local Planning Authority prior to preliminary groundworks commencing.”*

#### Contaminated Land:

EFDC Contaminated Land comments 19<sup>th</sup> April 2023:

*“The Phase I Environmental Desk Study Report (ref: 23/1379.1.1), dated March 2023, relating to potential contamination issues at the above site has been reviewed and I have the following comments to make regarding its content:*

*The report satisfactorily addresses the requirements for submission of Phase I contaminative study, in that it is signed, countersigned and dated, contains: relevant information; background information for the site and surrounding area; a detailed conceptual site model (CSM); and a preliminary risk assessment identifying and assessing potential contaminant linkages.*

*Reviews of historic maps and background checks have identified plausible pollutant pathways. As the CSM has highlighted potentially active pollutant linkages, the report has recommendations for further site investigations to assess the extent of any potential contamination at the site.*

*Due to the nature of the proposed use, I recommend that the land contamination condition NSCN56 be attached to any approval granted. Once a contaminated land report assessing the site for this application has been received and reviewed, the attached condition may be considered for discharge.*

*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.*

INF 05 - Asbestos

#### Conclusion:

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**

**or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**

**Conditions: (15)**

- 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:

110\_01 Rev C – Location Plan  
210\_01 Rev C – Existing Site Plan  
210\_02 Rev D - Proposed Site Plan  
210\_03 Rev D – Existing PFS Shop  
210\_04 Rev B – Proposed PFS Shop  
210\_05 Rev C - Surfacing Plan  
210\_06 Rev A – Tracking Plan  
210\_07 Rev A - Landscaping Plan  
310\_01 Rev C – Existing Site Elevations  
310\_02 Rev E – Proposed Site Elevations  
310\_03 Rev E – Proposed PFS Elevations  
410\_01 Rev C – Site Sections  
Design and Access Statement, C+A Design, Rev A 16/09/22  
Arboricultural Survey, arbtech, 29 June 2023  
Preliminary Roost Assessment, arbtech, Final, 11/03/2022  
Phase 1 Preliminary Risk Assessment, Geo2, 17 March 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 specified 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 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the

approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). 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 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 7 During the demolition and construction phases of the proposal, no deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 8 Details of any floodlighting / external lighting of the site shall be submitted to and approved in writing by the local planning authority before the development hereby approved is brought into use. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the use of the floodlighting does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 9 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 10 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved, and so retained.

Reason: To maintain and improve the biodiversity of the site and to mitigate any impact from the development hereby approved, in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 11 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a

satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

12 Soft landscaping shall be implemented as shown on CA Design 'Landscaping plan' drawing number '2268BS 210\_07 Rev A' (dated August 2020); and the accompanying planting schedule. The works shall be carried out prior to the occupation of the building or completion of the development. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place. Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

13 The access arrangements, as shown in principle on CA Design drawing no. 210-02 Rev D, dated 07-07-23, including full access and footway construction, surfacing, kerbing, and tactile paving as necessary, shall be fully implemented and retained as such for the life of the development. Reason: To ensure that appropriate and safe access is provided for all highway users.

The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2021.

14 Prior to the first occupation of the development the pedestrian routes, parking, Electric Vehicle charging stations, and turning areas, as indicated on the approved plans, shall be provided and retained as such for the life of the development. Reason: To ensure that appropriate access for all, parking, EV charging and turning is provided in the interests of highway safety, in accordance with Policies SP1 and T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

15 The building and use hereby permitted shall only be open to customers between the hours of 06.00 to 23.00 on Monday to Saturday and 06.00 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: (4)**

16 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.



- 17 i Any proposed materials and construction within the highway will need to be approved by the Highway Authority prior to any works taking place within the highway. It is advised that the extent of the works on-site are verified to ensure that no highway encroachment takes place as a result of the proposal.
- ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
- 18 It is noted that the existing buildings may contain Asbestos Containing Materials (ACM's). The applicant is required to ensure that all contractors involved in the demolition and site clearance works are aware of the requirements of the Control of Asbestos at Work Regulations 2012. It is essential that an asbestos survey is undertaken and where ACMs are discovered, risks are appropriately managed, ensuring safe removal and disposal offsite by specialist contractors in accordance with good practise and current HSE guidance. Further, it is the responsibility of the developer to ensure measures are put in place to prevent contamination of the soils during such works. Evidence may therefore be required by The LPA as part of the contaminated land condition to show that any ACMs, identified following a required asbestos survey, have been appropriately disposed from site.
- 19 The opportunity of new development should be taken to further reduce runoff from the site by incorporating sustainable drainage systems into the drainage design and apply the principles as set out in the DM16 and in turn the CIRIA SuDS Manual (C753) and the Essex County Councils SuDS Design Guide (2020). Where appropriate the applicant must consider the use of above ground sustainable drainage features in the first instance and at the very least techniques such as rainwater harvesting, green roofs and permeable paving.