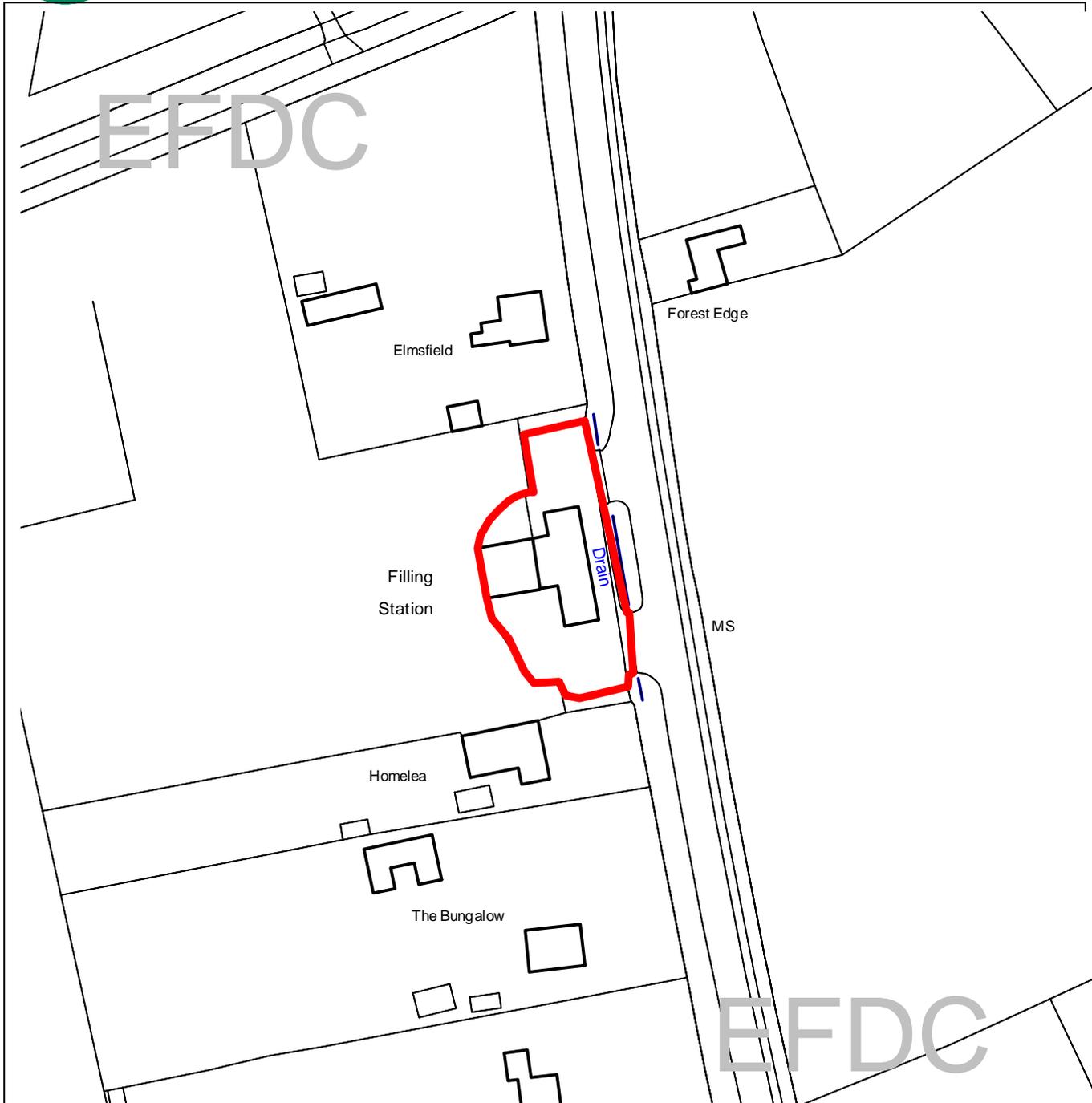




# Epping Forest District Council



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Application Number:	EPF/2879/20
Site Name:	Thornwood Filling Station High Road Epping CM16 6LZ
Scale of Plot:	1:1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/2879/20
<b>SITE ADDRESS:</b>	Thornwood Filling Station High Road Epping CM16 6LZ
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr Riqbal Sidhu
<b>DESCRIPTION OF PROPOSAL:</b>	Install plant/machinery as necessary for a small commercial kitchen to produce hot food for takeaway purposes within the existing footprint of the building plus the partial blocking up of an existing external exit on southern elevation.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=645673](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=645673)

**CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: RB-01, RBRLS-0003-KVS-001/A, Design and Access Statement, Location Plan, Supplementary information to support planning for kitchen ventilation system dated 23.022021
- 3 The hereby permitted approved kitchen extract system and any associated plant shall be switched off between 23.00 hours and 07.00 hours.
- 4 The use hereby permitted must cease during any period that the rating level of noise (as defined by BS4142:2014) emitted from the kitchen extract system and any associated plant exceeds the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:2014.
- 5 The commercial kitchen use hereby permitted shall not be open to customers outside the hours of 07:00 to 23:00 on Monday to Saturday and 07:00 to 23:00 on Sundays and Bank Holidays.
- 6 Adequate provision for foul drainage from the kitchen shall be submitted to and approved by the Local Authority. Drains serving the kitchens in the service station shall be fitted with a grease separator, as detailed in the Building Regulations 2000, Approved Document H (Drainage and waste disposal), to comply with prEN 1825-1 and designed in accordance with prEN 1825-2 (Installations for separation of grease) or other effective means of grease removal. The approved drainage shall be retained and maintained while the site is in use.

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The ventilation/extraction system detailed in the submitted planning application and subsequent revised documents shall be installed in their entirety before the operation of the use hereby permitted. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions for the lifetime of the development and operated at all times when cooking is being carried out.

Reason: To safeguard the appearance of the premises and minimise the impact of cooking smells and odours in accordance with policy DBE9 of the adopted Local Plan 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2019.

*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, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

### **Description of Site:**

The application site is a detached service station in sui generis use located on the Western side of High Road in the semi-rural location of Thornwood. There are no Listed Buildings on the site and it is not within a Conservation Area. The site is wholly within the Metropolitan Green Belt.

### **Description of Proposal:**

Install plant/machinery as necessary for a small commercial kitchen to produce hot food for takeaway purposes within the existing footprint of the building plus the partial blocking up of an existing external exit on southern elevation.

### **Relevant Site History:**

EPO/0049/73 – Details of note acceptor unit and tel. and fire ext housing unit – Grant Permission

EPO/0498/70 – Use of forecourt display/sale 4 cars – Refuse Permission

EPO/0121/70 – Details of paraffin storage tank and electric pump – Grant Permission

EPO/0626/69 – Details of paraffin storage tank - Withdrawn

EPO/0014/68 – Use of forecourt for display of vehicles for sale – Refuse Permission

EPO/0104/56 – Detailed plans for petrol filling station – Grant Permission

### **Policies Applied:**

*Local Plan (1998) and Alterations (2006)*

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

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

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
DBE2	Effect on neighbouring properties
DBE4	Design in the Green Belt
DBE9	Loss of Amenity
E4A	Protection of Employment Sites
GB2A	Development in the Green Belt
RP5A	Adverse Environmental Impacts
ST4	Road Safety

*National Planning Policy Framework (NPPF) (February 2019)*

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

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraph	124
Paragraph	127
Paragraph	130
Paragraph	131
Paragraph	133 - 145

*Epping Forest District Local Plan Submission Version (LPSV) (2017)*

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

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

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

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

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
DM4 Green Belt	Significant
DM9 High Quality Design	Significant
E4 The Visitor Economy	Significant
T1 Sustainable Transport Choices	Significant

### **Summary of Representation:**

No. of neighbours consulted: 6

2 neighbour objections were received, however they related to potential littering on the site which is not a material planning consideration and cannot be taken into account as part of this assessment.

PARISH COUNCIL – OBJECTION – The Parish Council OBJECTS to this application on the following grounds: the proposal would generate litter not only in the immediate vicinity of the proposal, but also around the surrounding due to some people discarding litter from car windows. The Council have concern at the smells, odours and pollution that would emanate from the use of the small commercial kitchen to produce hot food and feel that this is an inappropriate use in this area and would be detrimental to nearby residents. There is also a concern at Highway Safety with a possible increase in vehicles visiting the site in what has been a dangerous hotspot for accidents. It does not seem there is a need for an additional hot food or takeaway outlet in this vicinity as there are others close by, one in Thornwood (Munchies) and one in Hastingwood (McDonalds). If this application is minded to be granted there should be a litter patrol in place. The Parish Council would wish to attend a Plans Sub Committee East if this application is brought to that committee.

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

The main issues to consider for the assessment of this application are as follows:

Green Belt  
Impact on the Living Conditions of Neighbours  
Highway safety

#### **Green Belt**

The site lies within the Metropolitan Green Belt. The National Planning Policy Framework (2019) indicates 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.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweigh this harm. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- 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; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The NPPF also emphasises that when considering an application, a Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

It is considered that due to the relatively minor nature of the development, the proposal would not cause adverse harm to the existing character and openness of the Metropolitan Green Belt.

#### Impact on Living Conditions

The Parish Council objected to the application stating concern that the development would cause harm to the living conditions of neighbours in relation to odours in relation to the extraction flue.

The Council's air quality team were consulted as part of this application and, following receipt of revised information, felt that this concern could be adequately managed via condition. It is felt that whilst there may be some harm caused, it would not be considered excessive.

The Council's noise team were consulted as part of this application and showed concern regarding any potential excessive noise created as a result of this application. The noise team also suggested that these concerns could be adequately controlled by condition if the proposal is recommended for approval. There was also concern surrounding the potential hours of use for the hot food takeaway element of the proposal, however this can also be controlled by condition as it would be necessary, reasonable and relevant to the application.

#### Highway Safety

The Parish Council objected to the application stating concern that there may be an increase in vehicles visiting the site in an area considered a dangerous hotspot for accidents.

Due to the nature of the development, it is considered that the proposal would not be detrimental to highway safety as there would be no changes to the access to and from the site.

### **Conclusion**

For the reasons stated above, it is recommended that planning permission is granted 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: Alastair Prince  
Direct Line Telephone Number: 01992 564462***

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