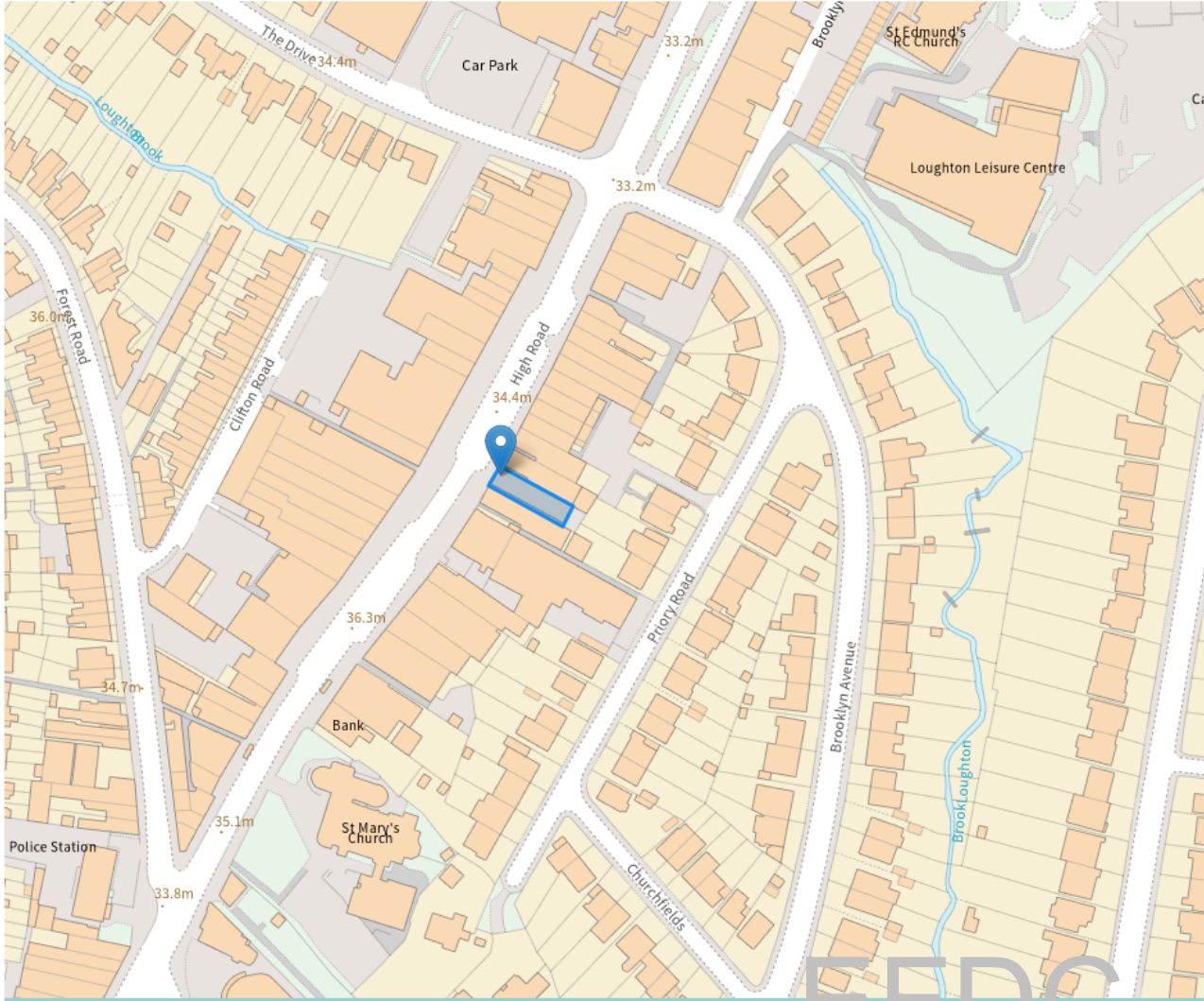




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Application Number:	EPF/0654/22
Site Name:	231 High Road, Loughton IG10 1AD

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OFFICER REPORT

Application Ref: EPF/0654/22
Application Type: Full planning permission
Applicant: Specsavers
Case Officer: Alastair Prince
Site Address: 231 High Road Loughton IG10 1AD
Proposal: Installation of 1no. outdoor AC Condensing unit, to flat roof of the property (Revised application to EPF/0100/22)
Ward: Loughton St. Mary's
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NyxF>
Recommendation: Approve with Conditions

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)

Description of Site:

The application site is an A1 ground floor retail unit within a two storey building on the Southern side of the High Road in the built up area of Loughton. There are no Listed Buildings attributed to the site and it is not within a Conservation Area. The site is not within the Metropolitan Green Belt.

Description of Proposal:

Installation of 1no. outdoor AC Condensing unit, to flat roof of the property (Revised application to EPF/0100/22)

Relevant Site History:

EPF/0100/22 - Installation of 1no. outdoor AC Condensing unit, to flat roof of the property – Refuse Permission:

1) Due to a lack of information, it has not been possible to assess the proposal's impact on the living conditions of neighbours in relation to excessive noise disturbance. The proposal would therefore be contrary to Policies DBE9 of the LP and DM9 of the LPSV.

EPF/2749/14 - Addition of Condenser Units – Grant permission

EPF/1932/14 - Advertisement consent to install illuminated signage on existing shop front fascia – Grant Permission

A/EPF/0387/02 - Internally illuminated Fascia pod with side panels and double sided, internally illuminated projecting sign – Grant Permission

EPF/0595/99 - Change of use of first floor from A1 (retail) to use as either A1 (retail) or A2 (financial & professional) – Grant Permission

Policies Applied:

Local Plan and Alterations 1998 & 2006 (LP)

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:

CP2 – Protecting the quality of the rural and built environment
DBE9 – Loss of amenity
RP5A – Adverse environmental impacts

National Planning Policy Framework 2021 (Framework)

The Framework 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.

Epping Forest District Local Plan Submission Version 2017 (LPSV)

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

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary

actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

Following the Examination Hearing Sessions for the emerging Local Plan, the Council has prepared a number of changes, known as Main Modifications, to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan

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.

Policy - Weight afforded

SP1 Presumption in Favour of Sustainable Development - Significant

DM9 High Quality Design - Significant

Summary of Representation:

No. of neighbours consulted: 7 - 2 objections received

11 PRIORY ROAD: OBJECTION – concern regarding excessive noise causing harm to living conditions.

15 PRIORY ROAD: OBJECTION - concern regarding excessive noise causing harm to living conditions and visual impact on neighbours as a result of the AC unit.

LRA PLANS GROUP: OBJECTION – the noise report submitted with the application is inadequate and fails to address concerns regarding excessive noise causing harm to living conditions. However, if found acceptable by the LPA then conditions should be added to manage the amount of noise on the site.

TOWN COUNCIL: OBJECTION

The Committee NOTED the comments of a letter of objection.

The Committee OBJECTED to this application on the grounds that not much had changed since the applicants last application under application EPF/0100/22. The Committee reiterated its previous comments made in respect of planning application EPF/0100/22, which were:

The Committee OBJECTED to this application stating it had been drawn to it attention that the existing plant on the roof was causing problems to nearby residents. The proposed AC unit was not accompanied by an acoustic report and, in the absence of this, was likely to cause further noise and disturbance to nearby residential occupiers, particularly in the summer when windows were left open. There was no proposed screening of the plant.

On this basis, members considered the application should be refused due to the likely impact on the amenity of local residents by reason of noise and the visual impact.

The Committee requested officers take enforcement action against the existing plant and secure proper noise abatement and screening of all the plant on the roof. Should the council find the plant to be acceptable, members requested stringent noise conditions be imposed along the following lines:

Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-

emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm and shall be representative of the plant operating at its maximum.

Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property.

The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm and shall be representative of the plant operating at its maximum.

The plant/machinery hereby permitted shall not be operated except between the hours of 8am to 7pm seven days a week.

Main Issues and Considerations:

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

- Impact on the Living Conditions of Neighbours
- Design

Impact on Living Conditions

The previous application was refused solely due to the lack of information regarding noise impact on neighbouring residents. Several neighbours and the Town Council have objected to this proposal stating that the development would result in excessive harm to the living conditions of neighbours in regard to noise.

Policy DBE9 of the LP states that the Council will require that a change or intensification of use, extension or new development does not result in an excessive loss of amenity for neighbouring properties. The factors which will be taken into account are visual impact, overlooking, loss of light and noise/smell or other disturbance. Policy DM9 of the LPSV states that development proposals must take into account the privacy and amenity of the development's users and neighbours. The Council will expect proposals to provide adequate sunlight, daylight and open aspects to all parts of the development and adjacent buildings and land, avoid overlooking and loss of privacy detrimental to the living conditions of neighbouring residents and the residents of the proposed development, not result in an over-bearing or overly-enclosed form of development which materially impacts on either the outlook of occupiers of neighbouring properties or the residents of the proposed development, and address issues of vibration, noise, fumes, odour, light pollution, air quality, and microclimatic conditions likely to arise from any use or activities as a result of the development or from neighbouring uses or activities.

A Noise Report was submitted for this proposal, and the Council's Environmental Health team have been consulted on the application and have reviewed the Environmental Noise Assessment submitted as part of this application and consider the noise created from the unit is below the background level. This team recommends that a condition be added which ensures that the noise remains below the background level so as to not cause excessive harm to neighbours. With the imposition of this condition, the development would be considered acceptable and would not cause excessive harm to neighbours in relation to loss of light, loss of privacy, loss of visual outlook or harm relating to noise/odour disturbance.

Design

There are no concerns raised by the design of the AC unit.

Conclusion:

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

Conditions: (3)

- 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:

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

- 3 The use hereby permitted must cease during any period that the rating level of noise (as defined by BS 4142:2014+A1:2019 "Methods for rating and assessing industrial and commercial sound") emitted from the air conditioning unit installed as shown on plan no. 1958/BP exceeds the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:2014 + A1:2019

Reason: To protect the amenity of noise sensitive premises from noise from mechanical plant.

Informatives: (1)

- 4 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.