



Epping Forest District Council

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Application Number:	EPF/1330/22
Site Name:	Davenant Foundation School Chester Road Loughton IG10 2LD

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OFFICER REPORT

Application Ref: EPF/1330/22
Application Type: Full planning permission
Applicant: Mr Chris Morris
Case Officer: Ian Ansell
Site Address: Davenant Foundation School, Chester Road, Loughton, IG10 2LD
Proposal: Retrospective application for air conditioning unit to building granted under EPF/1465/20.
Ward: Loughton Broadway
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d0000001LH>
Recommendation: Approve with Conditions

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Description of Site:

Davenant School is accessed from the north-eastern end of Chester Road where the entrance forms a crossroads with Grosvenor Drive and Willingale Road. Pedestrian access is also available from the northern site boundary from Debden Lane. School buildings and parking areas are concentrated on the northern part of the site with extensive playing fields to the south. Other than the access road, the site lies wholly within the Green Belt.

Other than residential neighbours in Grosvenor Drive and Willingale Road, the site is surrounded by open ground, including wooded areas to the north and west.

Description of Proposal:

Permission is sought for the retention of an external air conditioning plant on the west side of the single storey building located north of the site access. The ground mounted structure is 1.7m high, 1.2m wide and projects around 0.5m from the building. Since submission of the application a hit and miss timber screen fence has been erected on the west and south sides of the structure 1.8m high.

The application confirms the unit is only used when the building is in use.

Relevant History:

The air conditioning unit serves a single storey building erected following grant of planning permission under application EPF/1465/20. Conditions attached to the permission include restrictions on the use of the building to between 08.00 and 17.00 hrs. Mondays to Fridays only.

Policies Applied:

Adopted Local Plan:

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
GB2A	Development in the Green Belt
DBE2	Effect on neighbouring properties
DBE9	Loss of Amenity

NPPF (July 2021):

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:

- 2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 13 Protecting Green Belt land – paragraphs 137, 138, 141, 143, 147, 148, 149
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the

Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "may give weight to relevant policies in emerging plans according to:

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

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

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 policies in the LPSV are considered to be of relevance to the determination of this application, with the advanced stage of the LPSV, all policies should be afforded significant weight:

No.	POLICY
SP1	Presumption in favour of sustainable development
SP6	Green Belt and District Open Land
DM4	Green Belt
DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM21	Local environmental impacts, pollution and land contamination

Consultation Carried Out and Summary of Representations Received

Date of site visit: 03 October 2022
Number of neighbours consulted: Ten
Site notice posted: No, not required

Responses received: One response received from neighbour at 151 GROSVENOR DRIVE which backs onto the building. The objector comments broadly on matters relating to the works to erect the building, and the siting of the plant on the side abutting the neighbouring houses. Primary concerns are around the potential noise and operation outside of school hours.

The LRA Plans Group have also commented on the need for the unit arising from the poor design of the original building and that such provision should have been designed in. The comments also refer to the appearance of the structure and potential for noise disturbance.

Parish Council: Loughton Town Council objected to the application, supporting the comments of the LRA Plans Group

Main Issues and Considerations:

Consultation responses were made before the addition of the screen fence. The unit is of a functional utilitarian appearance of no particular design merit. It is however located at ground level and has limited visual impact in its own right. The addition of the screen fence to the two sides closest to the neighbouring residential properties has removed any minor concerns about its appearance and visual impact. Subject to a condition that the fence is retained, the appearance is acceptable.

Equipment of this type does give off noise, but given the limited capacity of this unit, such noise is barely above ambient sound levels. Officers have visited the site and seen the plant in operation, and while it could be heard at the open northern end, when standing on the open ground to the west, the screening was effective, and the unit was inaudible. The plant is only required to operate when the building is in use and the hours of such use are controlled by the condition referred to above. A similar condition can be included for added safeguarding.

Conclusion:

Notwithstanding any comments in the representations about the history of the site, the applications must be considered on its merits. The screening of the equipment addresses any concerns about noise and appearance, such that no amenity issues arise from what has been built.

Accordingly, the application should be 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: Ian Ansell
Direct Line Telephone Number: 01992 564481***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Conditions: (2)

- 1 The air conditioning unit hereby permitted shall only be operated between 08.00 and 17.00hrs Mondays to Fridays and at no other times.

Reason: In order to protect adjoining residents from potential noise disturbance, in accordance with policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 2 The screen fence shown on drawing DAVEN-IWD-XX-XX-DR-A-2200 Rev P2 shall be permanently retained for the duration of the operation of the air conditioning unit. Should any part of the fence become damaged or be removed, it shall be replaced on a like for like basis within 28 days of being damaged or removed.

Reason: In the interest of general visual amenity and in order to protect adjoining residents from potential noise disturbance, in accordance with policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

Informatives: (2)

- 3 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.

- 4 This decision is made with reference to the following plan numbers: DAVEN-IWD-XX-XX-DR-A-2000 Rev P1, 2200 Rev P2 and 2400 Rev P2