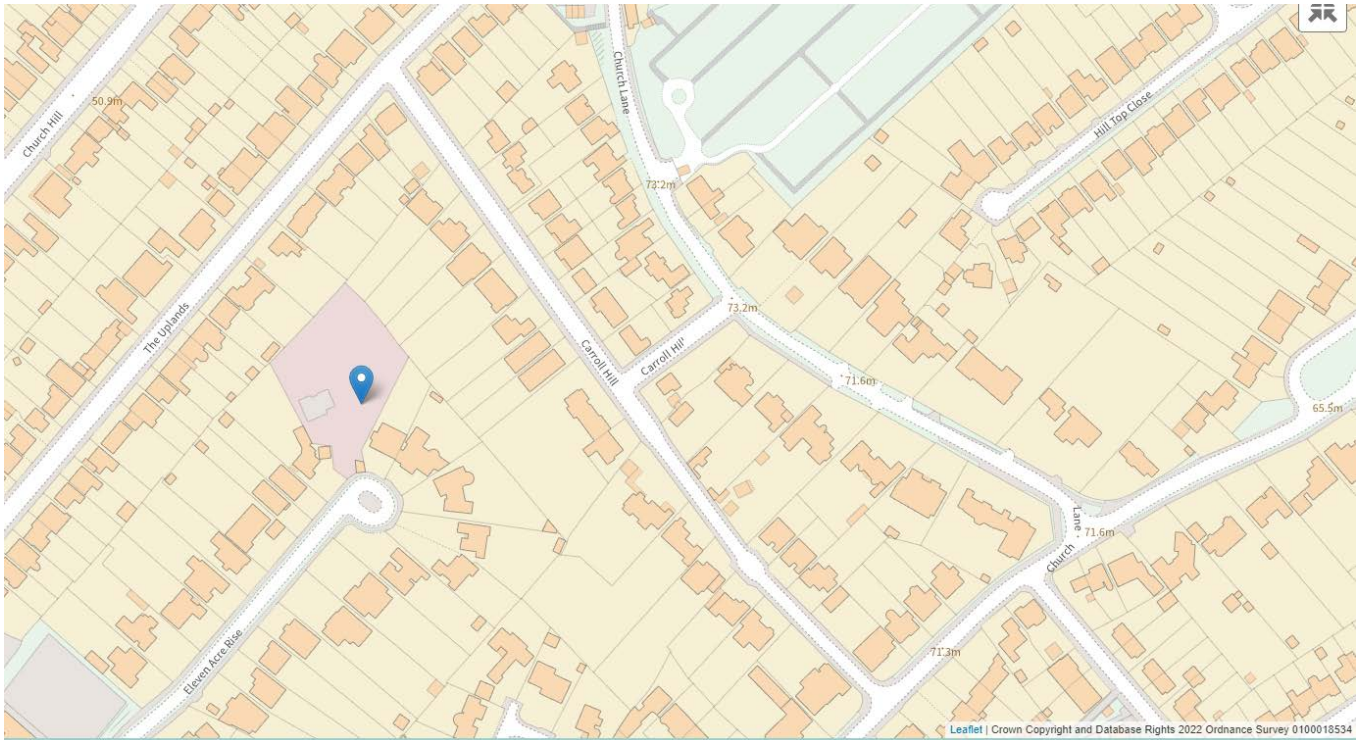


OFFICER REPORT

Application Ref: EPF/1852/23
Application Type: Full planning permission
Applicant: Declan O'Driscoll
Case Officer: Muhammad Rahman
Site Address: 16, Eleven Acre Rise, Loughton, IG10 1AN
Proposal: Installation of air conditioning condenser units (6 in total - 3 per house) to the pair of new houses.
Ward: Loughton St. Mary's
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001XArZ>
Recommendation: Approve with Conditions



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The application was deferred from the 11 October 2023 meeting for a Members site visit, which was arranged for the 25th October 2023.

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).

Site and Surroundings

The site comprises of 2 recently constructed detached dwellings (House A & B). They are sited within a built-up area of Loughton situated on a hill. There are multiple preserved trees within the site. It is not listed nor within a conservation area or a flood zone.

Proposal

The proposal is for the installation of air conditioning condenser units (6 in total - 3 per house) to the pair of new houses.

The application is retrospective.

Relevant Planning History

Multiple histories with most relevant below;

EPF/3155/15 - Demolition of existing dwelling and erection of two dwelling houses - Approved with Conditions

EPF/1508/18 - Demolish existing house. Replace with 2 detached houses - Approved with Conditions

EPF/1127/19 - Application for approval of details reserved by conditions 7 and 8 of EPF/1508/18 `Planting and maintenance schedules' (Demolish existing house. Replace with 2 detached houses) – Approved

EPF/1668/19 - Application for Approval of Details Reserved by Condition 12 "flood risk assessment, management and maintenance plan" for EPF/1508/18. (Demolish existing house and replace with x 2 no. detached houses) - Approved

EPF/0931/20 - Approval of Details Reserved by Condition on EPF/1508/18 `materials' (Demolish existing house. Replace with 2 detached houses) - Withdrawn

EPF/1928/20 - Erection of detached dwelling - Disposed

EPF/2465/21 - Application for Approval of Details reserved by conditions 3"Tree Protection Plan", 4"surface materials", 5"types & colours of external finishes", 17"facilitate super-fast broadband" & 18"details and location of the parking spaces" for EPF/1508/18 – Split

EPF/2828/21 - Application for a Non- Material Amendment for EPF/1508/18 (Demolish existing house. Replace with 2 detached houses.) - Approved

EPF/1140/22 - Retaining wall to rear gardens area - Withdrawn

EPF/1154/22 - Application for approval of details reserved by condition 3 'Tree Protections Measures' and condition 8 'Ecological Measures' on EPF/1508/18 (Erection of two dwellings) - Refused

EPF/0203/23 - Retrospective application to alter the ground levels and create a retaining wall to the rear of the new homes granted under EPF/1508/18 - Refused

EPF/0204/23 - Application for a Non-Material Amendment for EPF/1508/18 (elevation to show a cast stone portico). (Demolish existing house. Replace with 2 detached houses.) - Refused

EPF/0205/23 - Application for Approval of Details reserved by condition 3"Tree Protection Plan" for EPF/1508/18. (Demolish existing house. Replace with 2 detached houses) - Refused

EPF/0206/23 - Application for Approval of Details reserved by conditions 17"superfast broadband" & 18"Electric Vehicle Charging Point(s) for EPF/1508/18. (Demolish existing house. Replace with 2 detached houses) – Approved

EPF/0452/23 - Removal/variation of condition 3 'Tree Protection Measures' on planning consent EPF/1508/18 (Demolish existing house. Replace with 2 detached houses) – Refused

EPF/1033/23 - Variation of condition 2 'Plan numbers' attached to EPF/1508/18 (Demolish existing house. Replace with 2 detached houses). *The cover letter sets out the variations* - Concurrent

Planning Enforcement History

ENF/0115/19 - Works without planning permission - Conditions not discharged on EPF/3155/15 – Closed

ENF/0046/20 - Works without planning permission - Demolition of house and building new properties - Closed

ENF/0391/21 - Breach of Condition - In Progress

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023)

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

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

DM9	High Quality Design
DM21	Local Environmental Impacts

National Planning Policy Framework 2023 (Framework)

Paragraphs 126 & 130

Summary of Representations

Number of neighbours Consulted: 41. 2 response(s) received
Site notice posted: No, not required.

4 THE GREENS CLOSE, 17 ELEVEN ACRE RISE & LRA PLANS GROUP – Objections – Summarised as:

- Noise concerns; and
- Loss of Visual Amenity.

LOUGHTON TOWN COUNCIL – The Committee NOTED the contents of three letters of objection.

Members deplored the retrospective nature of this application.

The Committee OBJECTED to this application, supporting the comments of the Loughton Residents Association Plans Group, which were:

“The Environmental Noise report concludes that, without mitigation measures the noise levels at night would be above the acceptable level. Given the sorry history of this development, it is essential that the mitigation measures be put in place and conditioned. We ask the plant be soundproofed to a level that will ensure neighbours are not disturbed in the evening. A condition limiting the times of operation is not a suitable alternative because it will be almost impossible to enforce. We also consider any plant above ground floor level on the side elevation is unacceptable on visual amenity grounds.”

Members also drew the attention of the planning officer to the comments of the neighbours at no 17, regarding the ongoing Enforcement issues with this proposal site and the accuracy of the survey and proposed mitigation in this application which was based on measurements that have been declined and which could alter should Enforcement action be taken.

Planning Considerations

Officers do not consider the ac units would have a negative visual impact to the street scene and wider area. They are of a small scale and sited on different parts of the building at low levels, and not readily visible from the street.

Furthermore, Officers do not consider there to be a material loss of outlook to the occupiers of No. 17 Eleven Acre Rise. Whilst the 2 units on the flank elevation would be visible from the garden and windows of No. 17, loss of view is not a planning matter and the proposal is not considered to be visually overbearing.

The Councils Environmental Health Noise Team have reviewed the accompanied noise survey and raised no objections subject to the imposition of conditions as part of the consent. The report in particular paragraph 4.7 sets out that some further mitigation measures are required to bring the noise level down by 10 decibels, which would be secured via condition no. 2. Condition no.3 also requires that should the noise emitting form the units exceed the background level noise then they are to cease use.

Thus, for the reasons set out above, there would be no harm to the established character and appearance of the area, nor would there be a significant impact to the living conditions of No. 17 Eleven Acre Rise or any other neighbour in terms of visual impact and noise disturbance that justifies a reason for refusal.

Whilst the application is retrospective, and concerns have been raised about this, the LPA cannot consider retrospective applications any differently from proposed planning applications. Therefore we are unable to take into consideration the fact that the works have taken place prior to planning consent being sought and this cannot form a reason for refusal.

Conclusion

For the reasons set out above, having regard to all the matters raised, it is recommended that conditional planning permission be granted.

If you wish to discuss the contents of this report item please contact the case officer by 2pm on the day of the meeting at the latest, or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Case Officer: Muhammad Rahman mrahman@eppignforestdc.gov.uk

Conditions: (3)

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: Location Plan, 2 Rev B, and 3 Rev C.

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

- 2 Within 3 months of the date of the decision, or such other period as agreed with the Local Planning Authority, in writing, the recommendations as set out within section 4 of the Environmental Noise Report by Sharps Redmore (dated 27th June 2023) shall have been implemented and thereafter permanently retained.

Reason: To maintain reasonable levels of protection for the occupiers of the development from external noise and in accordance with policies DM9 and DM21 of the adopted Local Plan 2023, and the NPPF.

- 3 The use of the equipment 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") (or its replacement) emitted from the unit exceeds the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:2014 +A1:2019 (or its replacement).

Reason: To protect the amenity of noise sensitive premises from noise from mechanical plant in accordance with policies DM9, DM21 of the adopted Local Plan 2023, and the NPPF.

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.