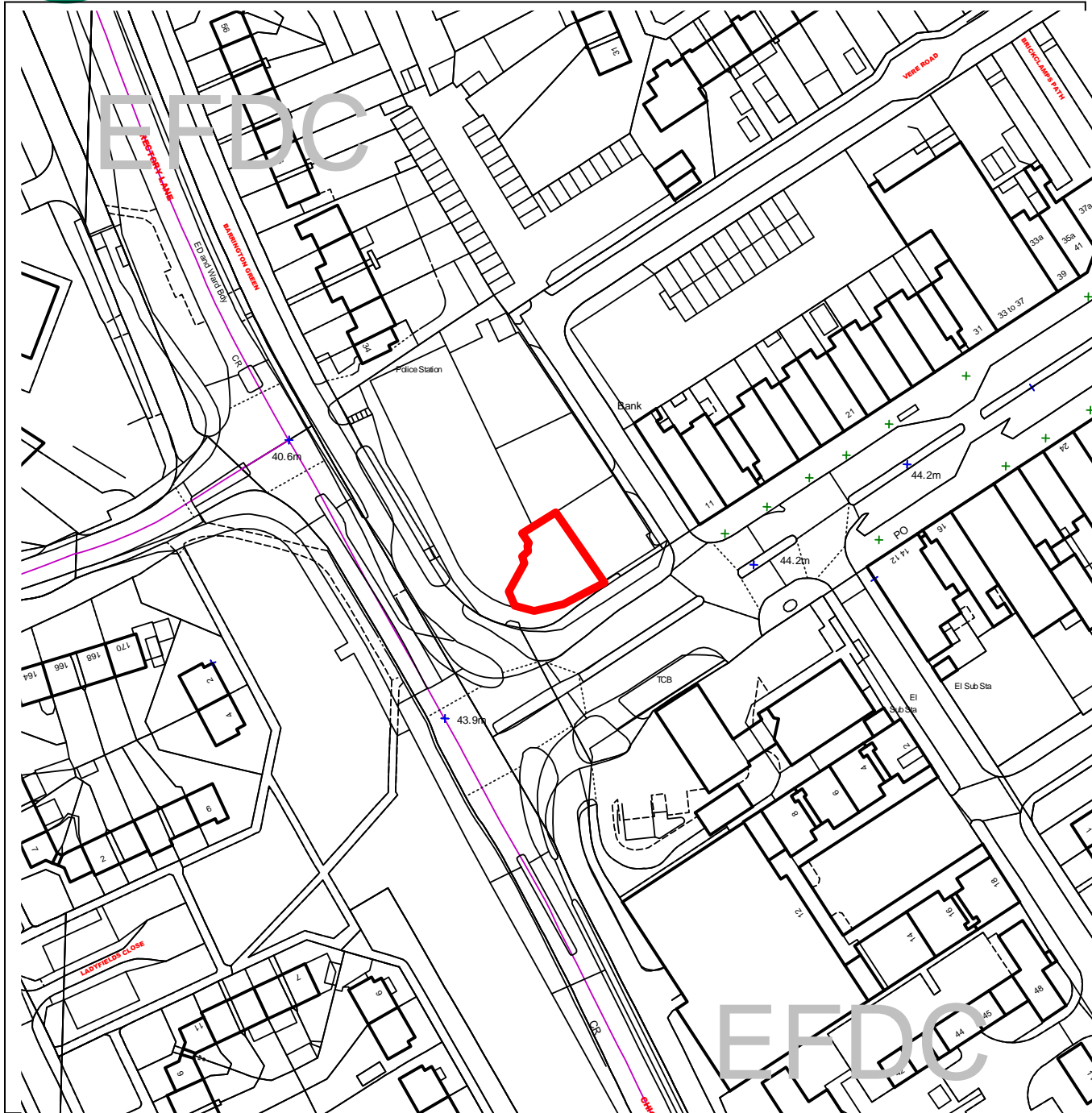




Epping Forest District Council



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Application Number:	EPF/2668/19
Site Name:	1 Landmark House 3 The Broadway Loughton Essex IG10 2FA
Scale of Plot:	1:1250

Report Item No: 10

APPLICATION No:	EPF/2668/19
SITE ADDRESS:	1 Landmark House 3 The Broadway Loughton Essex IG10 2FA
PARISH:	
WARD:	Loughton Broadway
APPLICANT:	The Hub Loughton Limited
DESCRIPTION OF PROPOSAL:	New front facade to existing shell for public house with new front elevation signage & new air conditioning/ ventilation system.
RECOMMENDED DECISION:	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=630153

CONDITIONS

- 1 The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers and submitted documents:

Location and Site Plan, Proposed Ground Floor - 19.01-1201-P1, Awning Specification, Design Details of Equipment, Method Statement, Higgins Construction Noise Impact Assessment, Shopfront Elevation 04A, Shopfront Elevation and signage Details, Shopfront Elevation and Awning Details, KP Acoustics Report, Front elevation photo montage and Response to Section 6.1, 6.2 and 6.3 of the KP Acoustics Report.
- 2 The maximum luminance of the signs granted consent by this Notice shall not exceed 300 candelas per square metre.
- 3 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 4 Equipment shall be installed to suppress and disperse cooking/food preparation fumes and smell to a minimum. The equipment shall be effectively operated and maintained for so long as the use continues. Details of the equipment shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.
- 5 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to

investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

6 The use hereby permitted must cease during any period that the rating level of noise (as defined by BS4142:2014) emitted from the mechanical plant installed at the premises exceeds the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:2014.

7 Mitigation methods to reduce the noise from the mechanical plant hereby permitted shall be agreed in writing with the Local Planning Authority before they are first used. The mitigation methods should provide (as a minimum) those values detailed in the noise report by KP Acoustics (report #19236.PCR.01 Rev A) submitted with the planning application EPF/2668/19.

The noise mitigation equipment should be installed by a competent engineer, with appropriate public liability insurance, and tested before the equipment is used regularly to ensure it complies with the above condition relating to BS4142:2014.

A report detailing the testing of the mitigation equipment should be submitted to, and agreed by, the Local Planning Authority before the hereby permitted use commences.

This application is before this Committee since the recommendation is for approval contrary to more than five objections which are material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))

Description of Site:

The application site is a ground floor retail area within the recently built Landmark House with residential units above, the unit fronts onto Chigwell Lane. The site is located at the junction of Chigwell Lane and The Broadway within the built up area of Debden and the site forms part of the Small District Centre of Loughton Broadway. Part of the building (fronting The Broadway) is defined as Primary Retail Frontage. The application site is not within a Conservation Area and it is not a Listed Building.

Description of Proposal:

This is a retrospective planning application and seeks permission for a new front facade & awnings to existing public house with new front elevation signage & new air conditioning/ ventilation system.

The façade is a change in the design as previously approved and has resulted in the installation of 2 more signs than before and the installation of awnings.

Relevant History:

EPF/1969/19 - New front signage. Grant Permission (With Conditions)

EPF/1963/19 - New front facade to existing shell for public house. Grant Permission (With Conditions)

EPF/2163/14 - Demolition of Public House and garages and replacement with construction of a mixed use development, comprising retail and food and drink units (within classes A1, A3 and A4) at ground floor level and 64 residential units at upper floor levels (first to sixth floors), together with 64 car parking spaces, service yard, access and car parking. Approved and implemented.

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:

CP2	Quality of Rural and Built Environment
DBE9	Loss of Amenity
DBE10	Residential Extensions
DBE12	Shopfronts
DBE13	Advertisements

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 sections of the NPPF are considered to be of relevance to this application:

Section 12.

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 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.

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
DM 9 – High Quality Design	Significant
DM 14 - Shopfronts and On Street Dining Shopfronts	Significant
DM 13 – Advertisements	Significant

Consultations Carried Out and Summary of Representations Received:

Number of neighbours consulted: 70

Responses received: The following local residents have objected to the proposal and their objections are summarised below:

1, 7, 10, 12, 16, 17, 19, 21, 25, 37, 38, 41, 46, 61 (16 Redbridge Lane Wanstead, owner of 61), 64 Landmark House, and comment from 1 resident with no indication of flat number at Landmark House.

- Summary of objections - Smells from the ventilation system will impact on use balconies, should be higher to discharge odours above residential units, pub users cause disturbance and noise, the signs are garish and out of place, this is a retrospective application.

Loughton Residents Association Plans Group object to the proposal for the following reasons which have been summarised:

- This application should not have been validated as there were no details on the plant until an acoustic report was added later but still no planning drawings.
- The extracts will be below residential windows. Smells and warmer air will impact on the occupiers above especially in the summer when their windows are open. Whilst there are filters, if not maintained they will cause a problem for residents. A site inspection confirmed that the fumes could be smelt from the car parking area.
- The extracts should discharge at roof level where smells and heat will not affect the residents in the building. Overall this is a badly planned scheme where extract infrastructure should have been planned into the development right from the start.
- The signage has also already been installed - it should be at fascia level and not be on the pillars between the windows which are harmful to the building and streetscape. The signage is inappropriate.

If the Council is minded to approve the application, we ask for conditions as follows:

- The plant should be painted and maintained in black to limit its visual impact.
- The plant should be turned off between the hours of 11pm and 7am to protect the amenity of residents above. Even the clicking on and off of plant in the middle of the evening, when ambient noise levels are lower, is very disturbing for residents trying to sleep.

LOUGHTON TOWN COUNCIL: NO OBJECTION

Issues and Considerations:

Façade and Awning

The proposed front façade will be finished in render and will comprise of brick plinth and grey framed glazed curtain walling with integrated glazed doors. The proposed design of the façade is simple and in keeping with the character of the building and the street scene. The proposed awnings are of simple design and have no writing on them. They project forward by 2.0 metres.

Policy DBE12 provides that:

- (i) new shopfronts are in keeping with the character and appearance of the upper elevations of the buildings on which they will be situated;
- (ii) new shopfronts should not result in the removal or concealment of features which contribute to the character of the building;
- (iii) new shop fascia's are appropriate to the building (in terms of length, depth and materials);
- (iv) new shop fascia's should not extend uninterrupted across more than one shop unit; and

The new fascia and awnings respect the above criteria.

Adopted Local Plan and 2017 Submission Version requires that new facades (shopfronts) are in keeping with the character and appearance of the host building, and should not result in the loss of traditional shopfronts. There is no such loss in this case.

Therefore it is considered that the proposal complies with Policy DBE12 of Epping Forest District Local Plan (1998) and Alterations (2006) and Policy DM14 of Epping Forest District Local Plan Submission Version 2017.

Signage

The 5 signs have a height of 2.5 metres, a width of 0.8 metre and a depth of 0.05 metre each. The signs are 0.6 metres from the ground to the base of the advert and are constructed in steel sheet. The maximum height of the individual letters is 35 centimetres and the letters are orange and blue colour on a white background. The signage is illuminated by swan necked individual lamps. 3 of the signs were previously approved under the 2019 permission. 2 additional signs have been added with the changes to the façade as above.

Regulation 3 of the Advertisement Regulations 2007 makes it clear that the only issues to be addressed when assessing the merits of a display are amenity and public safety.

The displays would respect the modern appearance and function of the public house and cause no harm to the interests of public safety in terms of the siting, size and positioning of the advertisements. They would appear appropriate in the context of the locality and would not cause harm to the living conditions of neighbouring residential properties. The proposal complies with Policy DBE13 of Epping Forest District Local Plan (1998) and Alterations (2006) and Policy DM13 of Epping Forest District Local Plan Submission Version 2017.

Objections have been received from the local residents and LRA with regards to the design of the shopfront and the signage. It must be noted that further plans and information were received with in relation to this element of the proposal and it was re-consulted with the new information. In addition, originally the signage and the façade were given permission on the above approved applications ref: EPF/1969/19 and EPF/1963/19. The changes in this application are the awning, minor changes to the facade and 2 additional signs and illumination.

Taking into account the above shopfront and signage policies it is considered that the additions will have minimal impact on the original design, comply with policy and will not have material negative impact on the local residents.

Air Condition and Ventilation System

The main issue with the ventilation system is the impact on the amenities of neighbouring properties, especially those above the system in terms of noise and smells.

Noise

With regards to the noise level produced by the system, two individual reports have been provided by KP Acoustics and Higgins Construction. The Higgins Construction report was provided prior to the installation of the equipment.

KP Acoustics carried out a survey and concluded the following:

The results of the survey have enabled a representative background noise level to be set. Manufacturer's noise data of proposed plant units has been used to obtain Specific and Rated Noise Level at the nearest noise sensitive receiver in accordance with British Standard BS4142:2014 for compliance with Epping Forest District Council requirements.

The rating level was compared with the representative background noise level to assess the likelihood of impact considering the environmental noise context of the area as per the requirements of BS4142:2014.

It has been concluded that noise emissions from the proposed plant units would not have an adverse impact on the nearest residential receivers provided that the noise control strategy presented in Section 6 is followed.

The application has provided evidence to demonstrate that Section 6 of the report for Noise Control Measures have been met and acoustic silencer details (section 6.1) and plant enclosure details (section 6.2) and anti-vibration details (section 6.3) were provided to satisfy this requirement. This information was used on the second round of the consultation process.

The other report in relation to noise impact was provided by Higgins Construction and they concluded that:

An environmental noise survey was carried out on site in order to determine prevailing background noise levels that are representative of the nearest noise sensitive properties. The operation of the kitchen extraction and ventilation systems, in accordance with BS 4142:2014 guidance, indicates to creating a low impact. All worst-case scenarios have been applied to the assessment. The predicted maximum operating noise level of the kitchen extract and ventilation system expected to comply with Epping Forest District Councils policy.

It is noted that Environmental Enforcement Officer has been consulted has recommended a condition which requires noise mitigation equipment to be installed and tested before the equipment is used regularly to ensure it complies with the above to BS4142:2014 guidance.

Odours

With regards to the odours, the applicant has provided relevant specification of the extraction systems in accordance with KP Acoustics report which states:

Ozone is drawn into the airstream where it mixes with and oxidises odorous organic compounds present, breaking them into Carbon Dioxide and water, along with some residual ozone, thus rendering them odourless. The oxidisation process will also act upon grease present in the air stream leading to a reduction in duct cleaning costs.

In addition, a condition will be attached to the decision notice to ensure that the correct equipment will be installed to mitigate the adverse impact on the creation of unpleasant odours.

Response to neighbouring properties and other third parties

As outlined above a number of objections from the local residents and LRA have been received to the proposed development with regards to the noise and smell caused by the air condition and the ventilations systems. Whilst the above comments are acknowledged, it is noted that the required surveys have been carried out by two individual organisations, The Higgins Construction and KP Acoustics. According to their surveys they have concluded that the level of noise and odour created by the above equipment is at an acceptable level and will not cause harm to the local residents. In addition, the ventilation system mechanical installation as outlined above is in a way that renders the smells odourless. Furthermore, the applicant has provided evidence to indicate that the equipment has been installed as per the above reports. Furthermore conditions are attached to the decision notice which will enforce the continuation of the installation of equipment which will suppress and disperse cooking/food preparation fumes and smell to a minimum and will control and mitigate the level of noise to an acceptable level in a way that will not cause harm to the local residents.

Other matters raised by the neighbours and the LRA around noise and disturbance from the sue of the site are not relevant to the merits of this application.

Conclusion

For the reasons outlined above, it is recommended that planning permission is granted for this proposal subject to conditions attached within the decision notice.

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: Honey Kojouri
Direct Line Telephone Number: 01992 56 4124***

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