

ITEM 5(d)

Application Number: 20/02399/FUL

Description Installation of 5 condensers and associated works (part retrospective).

At 160 Ramsons Avenue, Conniburrow, Milton Keynes, MK14 7BG

For Mr Anees Badurudeen

Statutory Target: 4th December 2020

Extension of Time: Yes – 21st January 2021

Ward: Central Milton Keynes

Parish: Great Linford

Report Author/Case Officer: Sundas Shaban
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1.0 RECOMMENDATION

1.1 It is recommended that permission is granted subject to conditions set out in this report.

2.0 INTRODUCTION

The Site

2.1 The application site is a ground floor retail unit situated within the locality of Conniburrow. The site is located within a predominantly residential area. The ground site occupies a corner plot with residential units above and immediately adjacent to the application site. To the front of the site are areas laid to paving which are used as informal parking areas.

2.2 The site is situated within designated housing land as defined within Plan:MK. It lies in Flood Zone 1 and is not subject to any overarching site constraints.

The Proposal

2.3 The application proposes the installation of five condenser units and associated works inclusive of the installation of acoustic enclosures. The condensers inclusive

of the timber and louvred enclosures measure approximately 2.2m in width and 1.1m in depth and are proposed to face towards both Yarrow Place and Ramsons Avenue.

- 2.4 The application is partly retrospective as the condensers are currently in-situ, whilst the acoustic enclosures are yet to be installed.

Reason for referral to committee

- 2.5 The application has been referred to Development Control Panel at the request of Great Linford Parish Council due to the noise impacts and visual impact of the proposed condensers.

Scope of debate/decision

- 2.6 This application proposal is a full planning application and so all matters are to be considered.

3.0 RELEVANT POLICIES

National Policy

- 3.1 National Planning Policy Framework (February 2019) (NPPF)

Section 2 - Achieving sustainable development
Section 8 - Promoting healthy and safe communities
Section 12 - Achieving well-designed places

In addition, the Planning Practice Guidance is also a material consideration

The Development Plan

- 3.2 Neighbourhood Plan

The Great Linford Neighbourhood Development Plan - South (2016) forms part of the statutory development plan.

Policy GLPC S15A - New developments including small local retail facilities and local services such as health and community facilities.

- 3.3 Plan:MK (March 2019)

Policy CT2 - Movement and Access
Policy CT3 - Walking and Cycling
Policy CT10 - Parking Provision
Policy D1 - Designing a High-Quality Place
Policy D2 - Creating a Positive Character
Policy D3 - Design of Buildings
Policy D5 - Amenity and Street Scene
Policy NE6 - Environmental Pollution

3.4 Supplementary Planning Documents/Guidance

New Residential Development Design Guide (April 2012)

3.5 Human Rights Act 1998

There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

3.6 Equality Act 2010

Due regard, where relevant, has been had to the Milton Keynes Council's equality duty as contained within the Equality Act 2010.

4.0 **RELEVANT PLANNING HISTORY**

4.1 Relevant Pre-application Advice

No pre-application advice has been sought from the Planning Department with respect to this planning application.

4.2 Application Site

There is no relevant planning history associated with the application site.

5.0 **CONSULTATIONS AND REPRESENTATIONS**

5.1 Great Linford Parish Council (GLPC)

Initial comments received

GLPC recommend refusal as the application is not considered fully compliant with Plan:MK Policy NE6. If MKC were, however, minded to approve the development, GLPC would object to the application without confirmation that Council officers validate that there will be no intrusive or disruptive adverse effect on the residents of the several flats, with opening windows to the habitable rooms, located immediately above the 5 condensers.

GLPC wish to be notified in advance should this application be recommended for approval without the confirmation they request, and GLPC would also request that it be called in for consideration by DCC or DCP so that GLPC may make representations to DCC or DCP objecting to the application.

Comments following re-consultation

No additional comments received.

5.2 Cllr Moriah Priestley – Central Milton Keynes Ward

No comments received.

5.3 Cllr Pauling Wallis (Member of Development Control Panel) – Central Milton Keynes Ward

No comments received.

5.4 Cllr Paul Alexander – Central Milton Keynes Ward

No comments received.

5.5 MKC Environmental Health

I have reviewed the noise impact assessment undertaken, and can see that the result of the BS4142 assessment indicates that with the noise attenuation put in place, the assessment level is 'below low impact'.

Whilst this assessment isn't a gauge for statutory nuisance, achieving a below level impact under the BS4142 assessment will have a positive impact on limiting any adverse effects from the condensing units. Therefore, there are no objections from Environmental Health.

5.6 Neighbour/ Third Party Representations

Comments have been received from one addresses/neighbours objecting to the application. The material planning considerations are summarised below:

- Condensers cause noise and disturbance.
- Additional noise associated with shutters on the site.

6.0 MAIN ISSUES

Principle of Development
Highway Matters
Residential Amenity
Design & Character
Other Matters

7.0 CONSIDERATIONS

Principle of Development

7.1 The erection of ancillary structures, including plant equipment is acceptable under Part 8 of Policy D3 which supports extensions and alterations to existing buildings, subject to the alterations being of a scale and design which do not detract from the character of the existing building and surrounding area. Whilst the principle for alterations is therefore established, this is subject to the material planning considerations discussed within the following sections of this report.

Highway Matters

- 7.2 Policy CT2 requires all development proposals to ensure that there will not be a detrimental impact upon highway safety, or would cause prejudice to highway users. In this instance the proposed condensers and acoustic screening are attached to the external elevation of the existing building at ground floor level.
- 7.3 The areas around the application site are currently in use as informal parking areas associated with the units within the whole building, the informal parking areas are set back by landscaping and low-level concrete barrier. The enclosures are understood to not encroach beyond these points. It is noted that to the Yarrow Place elevation the condensers are set behind landscaping, whilst the Ramsons Avenue elevation fronts the parking area directly. These again will be situated above the existing incidental planting areas. As such, it is considered that the condenser units would not impact upon highway users and the proposals would not contravene Policy CT2 of Plan:MK.
- 7.4 Given the relatively modest scale of the condensers and enclosures it is considered that there would be no material change to the existing parking areas and, given the equipment would not have a material change to the use of existing parking provision, it is not deemed to be a material planning consideration in this case.

Residential Amenity

- 7.5 Policy D5 of Plan:MK requires all new development proposals to create and protect a good standard of amenity for all buildings and surrounding areas. Policy NE6 states that a Noise and Vibration Impact Assessment will be required for proposals with the potential to cause disturbance to people or the natural environment due to noise and/or vibration and for proposals that are considered to be sensitive to noise and/or vibration.
- 7.6 It is acknowledged that the site has been subject to Environmental Health complaints from neighbouring residents, prior to the application being submitted. It is understood that the condensers, as originally installed, created an unacceptable level of noise which was considered to be harmful to nearby occupiers.
- 7.7 Within the current planning application, the applicants have sought to address the noise issues by including acoustic screening around the condensers and re-orientating the existing condensers by 90 degrees to minimise contact with the elevations of the buildings, and to allow for sufficient ventilation for the acoustic screens/condensers in order to minimise noise levels. The condensers do now protrude further from the building, these being in-situ as this aspect of the development is retrospective; but reduce the noise impact as a result.
- 7.8 The applicants have submitted a noise assessment which demonstrates that with mitigation in place, as recommended by the acoustic consultant, the condensers would have a 'below low level' impact in relation to BS4142 (which is the standard for measuring and assessing noise and complaints at/or effecting residential

properties). The Environmental Health Officer was consulted on the application and raised no objection to the proposals given the 'below low level impact'.

- 7.9 However, Great Linford Parish Council, have raised concerns in relation to the validity of the submitted noise assessment, given the re-orientation of the condensers and location of the receptor points as indicated within the noise assessment (shown on the proposed plans at the end of this report). The Case Officer requested an addendum to the noise assessment to confirm that the re-orientation would not have a negative impact or would result in the noise assessment being invalid. The addendum demonstrates that there would be no additional harm in relation to noise caused by the re-orientation, and the acoustic consultant indicated that this was proposed as part of the mitigation in any case. The Environmental Health Officer has confirmed that they are satisfied with this solution and have been in contact with the applicants with respect to improving the current situation.
- 7.10 Overall, it is considered that given that the inclusion of the acoustic barriers and re-orientation of the condensers reduce the noise impact for nearby residents to a 'below low level impact', and there is no objection from Environmental Health. Subject to the works being completed, the proposals would not result in a detrimental impact upon nearby occupiers of the site. As a result, the proposed development is considered to be in accordance with Policies D5 and NE6 and therefore acceptable in this regard, subject to conditions securing the installation of the screening enclosures.

Design & Character

- 7.11 Policy D1 of Plan:MK (2019) seeks to ensure that development proposals respond appropriately to the site and surrounding context. In addition, Policy D3 also states that alterations to buildings relate well to the local character.
- 7.12 In this instance, the proposed condenser units are wall mounted and will be surrounded by wall mounted enclosures made of timber and louvred panels. The site as existing is located within Ramsons Avenue which is a primary residential area which is defined by three-storey buildings.
- 7.13 To the front of the site lies an informal parking area which serves the corner block, of which the site occupies the ground floor. There is a small provision of incidental planting/landscaping to the front of the north eastern elevation (towards Yarrow Place). Two of the wall mounted units are located within this area of incidental landscaping. It is observed that there appears to be limited maintenance of these planting areas and a number of the species are not evergreen and as such the enclosures of the condenser units are visible within the public highway.
- 7.14 The two units to the south western elevation are also prominent within the highway, particularly on approaching the site from the north west. When considering the visual impact of the condenser units and enclosures it is considered that whilst prominent within the street scene, subject to the finishes of the screening, which are secured via condition, there will be limited harm to the character of the street scene which on balance is considered to be acceptable. In coming to this view, weight has been given

to the provision of screening around the condensers, and the siting of other external stores to the front elevation, particularly the metal framed timber store adjacent.

- 7.15 Overall, given the surrounding context it is considered that the proposed enclosures will be visible from within the street scene. However, on balance given the surrounding context and the scale of the units proposed, the scale is not of a significance that would warrant refusal on design grounds.

Other Matters

- 7.16 Within the consultation it was noted that concern has been raised by a neighbouring resident as to the noise impact of the metal shutter doors. These shutters do not form part of this planning application, therefore assessing the impacts of the doors falls out of the scope of this application.

8.0 CONCLUSIONS

- 8.1 In conclusion, it is considered that whilst there is an existing noise issue with the siting of the new condensers, with the additional acoustic screening as proposed it is considered that there will be an improvement on the existing situation, and given the 'below low-level' impact under the BS4142, it is considered that the application would not have a detrimental impact upon the amenity of neighbouring residents. Whilst it is also acknowledged there will be some resultant visual impact, this impact is not considered to be of a level as to warrant the refusal of planning permission given the surrounding context. The application is therefore considered to be acceptable and in accordance with the aforementioned policies discussed within the preceding sections of this report, subject to the conditions set out below.

9.0 CONDITIONS

1. The approved development shall be carried out in accordance with the following drawings/details:

Site and Location Plans. Drawing: MAB/1620/01C. Received on 23rd September 2020

External Plan Layout. Drawing: P20662-EXT-00-001. Revision B. Dated 24/09/20. Received on 23rd September 2020

Noise Impact Assessment. Reference: SA-6562-1. Dated August 2020. Received on 23rd September 2020

Condenser Noise Control Proposals. Issue 4 incl. Addendum A. Ref. SAE-1198. Received on 11th December 2020 Received on 11th December 2020

Reason: For the avoidance of doubt and in order to secure sustainable development under the objectives of the Development Plan.

2. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

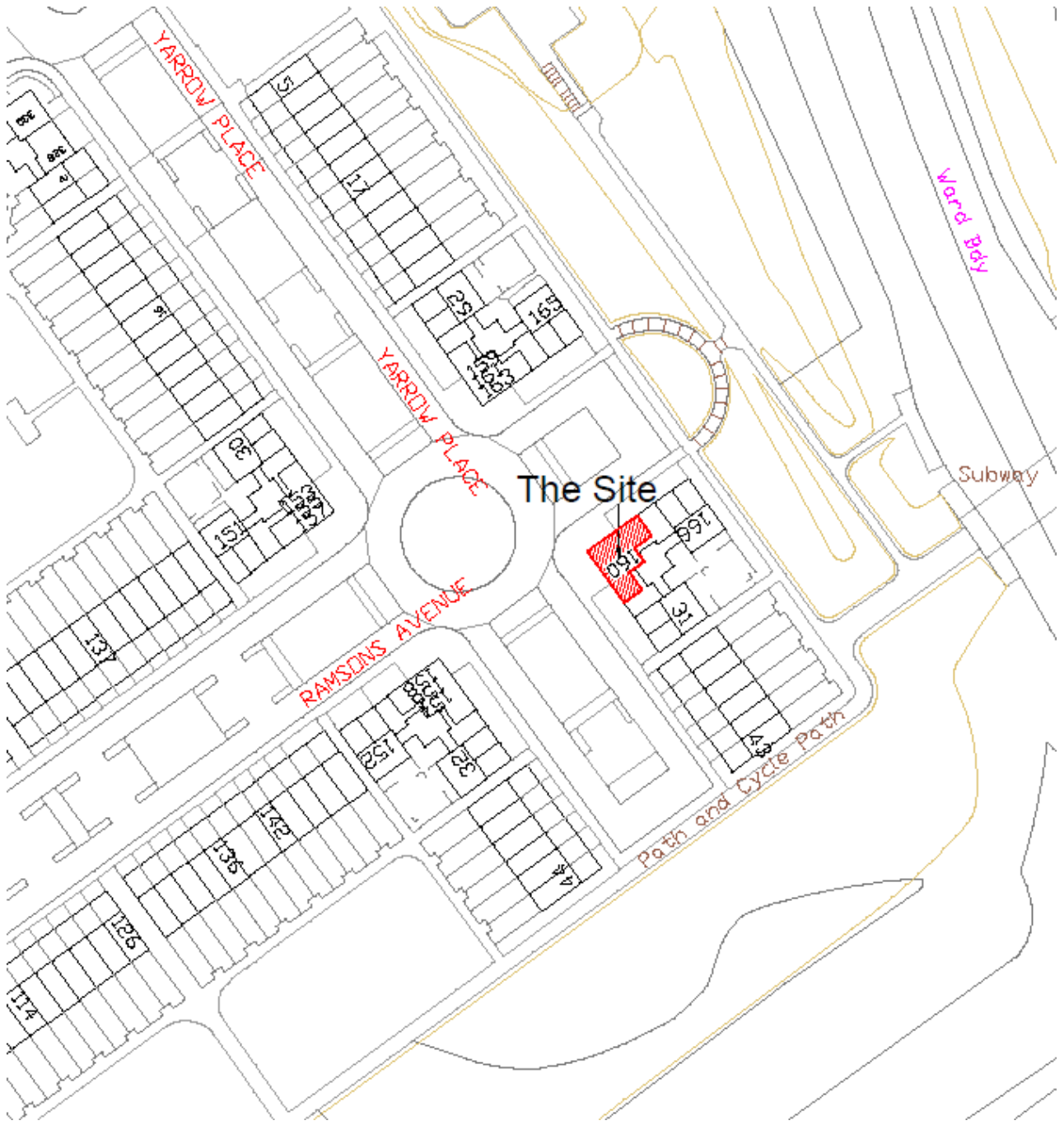
Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered

circumstances; and to comply with section 91 of the Town and Country Planning Act 1990.

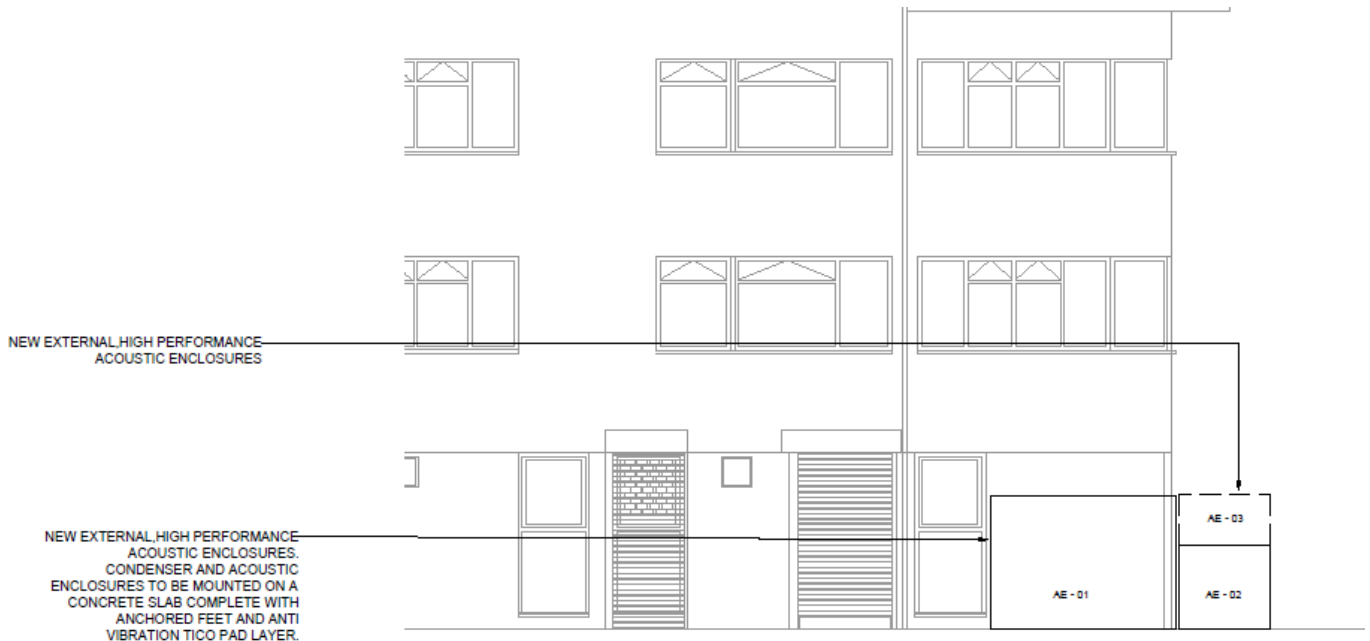
3. Within three months of the date of this permission the acoustic mitigation measures as detailed within the 'Condenser Noise Control Proposals' (Ref. SAE-1198 – Issue 4) shall be implemented in full and retained thereafter.

Reason: To ensure that the development does not have an unacceptable impact in relation to noise pollution, thereby minimising the impact upon nearby residents in accordance with Policies NE6 and D5 of Plan:MK (2019).

Location Plan



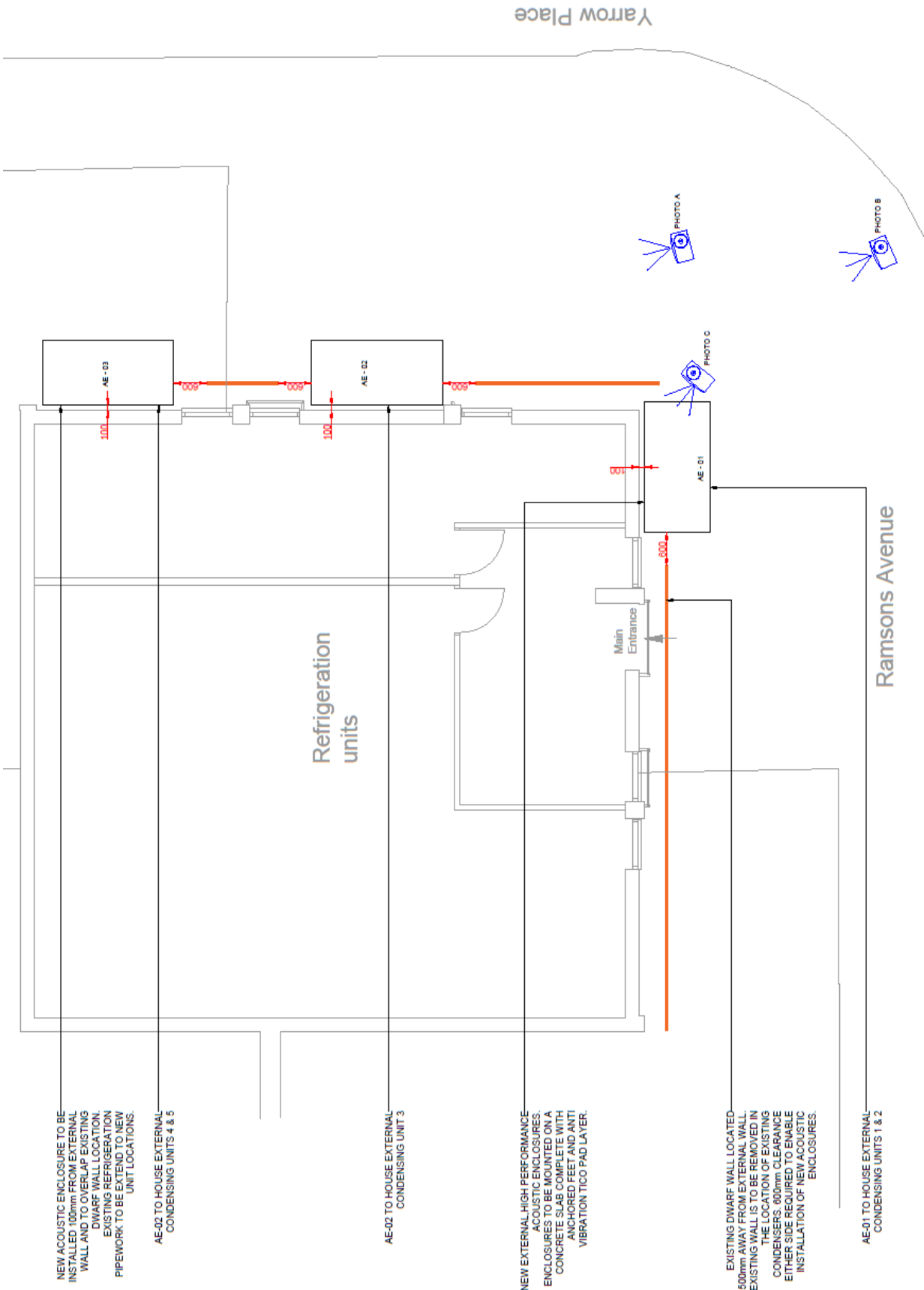
Proposed Plans



Existing Elevation to Ramsons Avenue



Existing Elevation to Yarrow Place



NEW ACOUSTIC ENCLOSURE TO BE INSTALLED 100mm FROM EXTERNAL WALL AND TO OVERLAP EXISTING DWARF WALL LOCATION. EXISTING REFRIGERATION PIPEWORK TO BE EXTEND TO NEW UNIT LOCATIONS.

AE-02 TO HOUSE EXTERNAL CONDENSING UNITS 4 & 5

AE-02 TO HOUSE EXTERNAL CONDENSING UNIT 3

NEW EXTERNAL-HIGH PERFORMANCE ACOUSTIC ENCLOSURES. ENCLOSURES TO BE MOUNTED ON A CONCRETE SLAB COMPLETE WITH ANCHORED FEET AND ANTI VIBRATION TICCO PAD LAYER.

EXISTING DWARF WALL LOCATED 500mm AWAY FROM EXTERNAL WALL. EXISTING WALL IS TO BE REMOVED IN THE LOCATION OF EXISTING CONDENSERS. 800mm CLEARANCE EITHER SIDE REQUIRED TO ENABLE INSTALLATION OF NEW ACOUSTIC ENCLOSURES.

AE-01 TO HOUSE EXTERNAL CONDENSING UNITS 1 & 2

Yarrow Place

Ramsons Avenue

PHOTO A

PHOTO B

PHOTO C

Refrigeration units

Main Entrance

100

100

100

600

A1.0 FULL CONSULTATIONS AND REPRESENTATIONS

A1.1 Great Linford Parish Council

Initial comments received

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If MKC were minded to approve the development, GLPC would object to the application without confirmation that:

The MK Council Officers validate that there will be no intrusive or disruptive adverse effect on the residents of the several flats, with opening windows to the habitable rooms, located immediately above the 5 condensers.

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A1.6 Neighbour/ Third Party Representations

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