

<b>APPLICATION NO</b>	<b>PA/2014/0094</b>
<b>APPLICANT</b>	Mr M Bhangu
<b>DEVELOPMENT</b>	Planning application for the removal of condition 7 on planning application 2010/1445 (None of the flats shall be occupied until the building has been sound insulated in accordance with details to be agreed in writing by the local planning authority beforehand, and once installed the sound insulation shall be retained thereafter.)
<b>LOCATION</b>	26 Cornwall Road, Scunthorpe
<b>PARISH</b>	<b>SCUNTHORPE</b>
<b>WARD</b>	Ashby
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Third party request to address the committee

## **POLICIES**

**National Planning Policy Framework:** Paragraph 51 states that local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies. They should normally approve planning applications for change to residential use and any associated development from commercial buildings.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

**North Lincolnshire Local Plan:** Policies DS1, H5 and H6 apply.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS5, CS6 and CS7 apply.

## **CONSULTATIONS**

**Highways:** No objection.

**Environmental Health:** Following receipt of additional information (sound insulation report) no comments are made.

**Building Control:** As part of the property conversion, an acoustic report was commissioned by the owner. The acoustic report was compiled by Environmental Noise Solutions Ltd (ENS) who are members of the Association of Noise Consultants (ANC) Registration Scheme (organisation number 144). This scheme has been approved to comply with the testing requirements of Part E of the Building Regulations and the report is an ANC Registered Report with the registration number 14439750. Sound resisting constructions were installed between the flats. The appropriate walls and floors/ceilings were tested by the acoustic engineers and found to be satisfactory. The report did not carry out a test between 26 and 28 Cornwall Road as it was concluded not to be necessary. As they are members of the Approved Association, Building Control is satisfied with their findings.

## **PUBLICITY**

Neighbouring properties have been notified and 17 letters of objection have been received, however only five are from a valid address point. These five letters are from the same address and raise the following issues:

- new issues with noise, created from the plumbing and running of water, flushing of toilets etc
- the sound insulation between number 28 and the flats should have been installed
- the condition on the 2010 (requiring sound insulation) planning permission has not been adhered to
- the party wall has not been sound insulated
- the sound report makes no reference to the party wall or tests being undertaken to check its capability for attenuating sound
- noise is experienced from three separate flats.

## **ASSESSMENT**

The application site is a former shop with living accommodation above which was granted planning permission in 2010 for the conversion to three separate flats. The building occupies a prominent position on the corner of Cornwall Road and Oxford Street and has off-street parking to the rear of the site, accessed from Oxford Street. The building is constructed from a mix of red brick, rough render and slate roof tile.

**The main issue in the determination of this planning application is whether the removal of condition 7 (details of sound insulation) of planning permission PA/2010/1445 is acceptable.**

Condition 7 of planning permission PA/2010/1445 required details of sound insulation to be submitted for consideration; this was imposed to protect the living conditions of neighbouring properties. The applicant has submitted a sound insulation report with this planning application, which shows the results of testing between the walls and floors of the proposed flats. The report doesn't show any noise testing between the flats and the adjoining residential property, namely 28 Cornwall Road. Building Control has confirmed that the scheme has been approved to comply with the testing requirements of Part E of Building Regulations. However the consultation response from Building Control provides

confirmation that no testing was undertaken between the flats and the adjoining residential property.

The conversion of the building into flats had the potential to give rise to loss of residential amenity, particularly to the neighbouring property through noise disturbance. Therefore a condition in relation to details of sound insulation was imposed on the 2010 permission, which was considered reasonable and necessary. The neighbouring occupier is clearly experiencing noise disturbance, demonstrated by the number of letters of objection they have sent in response to this planning application. Notwithstanding the proposals complying with Building Regulations, the fact remains that the sound insulation report fails to protect the residential amenity of the adjoining dwelling. In addition, the sound insulation report fails to account for the impact of noise disturbance on the adjoining residential property.

The local planning authority is required to consider residential amenity. The removal of this condition would negate the requirement for the flats, in particular the party wall, to be sound insulated to a level which protects the adjoining residential property. In light of the fact that no sound insulation has been applied to the party wall, the application is recommended for refusal.

**RECOMMENDATION      Refuse permission for the following reasons:**

The sound insulation report fails to account for noise testing between the flats and the adjoining residential property. Consequently the local planning authority cannot accurately assess whether the flats will impact on the residential amenity of the adjoining residential property, particularly through the effects of noise disturbance. Accordingly the proposal is considered contrary to policies H5, H6 and DS1 of the North Lincolnshire Local Plan.

**Informative**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Title: PA/2014/0094		
Drawn by: Sue Barden	Date: 18/12/2014	Scale 1:1250

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