

DELEGATED REPORT

Report by Claire Booth	Date of report: 01/10/2025	Ref: 72209/CONDIS
Registration: 12/08/2025	LDfC: 03/09/2025	Expiry Date: 07/10/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Application to discharge condition 3 (sound insulation) on planning permission 71276

Location: 47 Knowsley Street, Bury, BL9 0ST

Description

Following approval of application 71276 which granted permission to change the use of 47 Knowsley Street, a mid terrace property within Bury Town Centre, to an 8 bedroom, single occupancy, House in Multiple Occupation (HMO), this application seeks to discharge condition no. 3 pursuant to application 71276 which was as follows.

"The sound insulation of the party wall(s) shared with Westminster House, 49 Knowsley Street, shall be improved in accordance with Building Regulations Approved Document E (or similar method), the details of which shall be submitted to and approved by the Local Planning Authority and implemented to and approved in writing by the Local Planning Authority prior to the use commencing.

Reason. To reduce nuisance from noise to the occupiers of the adjoining business pursuant to the Policy EN7/2 Noise Pollution of Bury Unitary Development Plan and the National Planning Policy Framework."

The applicant has submitted a Technical Memorandum carried out by Echo Acoustics.

Relevant Planning History

71276 - Change of use from offices (Use Class E) to 8 no. bedroom (single occupancy) HMO (Sui Generis) with 2 no. front velux rooflights and 2 no. rear velux rooflights; Erection of 1.8m high boundary walls at rear with gated access - Approved with Conditions, 02/06/2025

Publicity

N/A

Statutory/Non-Statutory Consultations

Environmental Health - Pollution Control - No objections

Housing - Public Protection - No objections

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Development Plan and Policies

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

- The elimination of discrimination, harassment and victimisation;
- The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
- The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Approved Document E of the Building Regulations 2010 Resistance to the passage of sound, is intended for assessing noise transmission within buildings affecting rooms for residential purposes; consequently, it is not directly applicable to this situation but does provide useful guidance. It requires that party walls within dwellings provide a minimum sound insulation performance of 43 to 45 dB Dn,Tw + Ctr, equivalent to approximately 47 to 50 dB RW + Ctr.

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British Standard (BS) 8233: 2014 Guidance on sound insulation and noise reduction for buildings suggests that noise within open-plan offices should be in the range of 45 to 50 dB LAeq. When considering noise transmission through party walls, the noise level in the receiving room is dependent on a range of factors including the area of the wall, volume of room, floor/wall finishes, furnishings etc. However, some reasonable approximations can be made.

If it is assumed that a residential use of a room within an HMO generates sound levels no greater than 60 to 65 dB LAeq, levels associated with conversational speech, it would be expected that the noise within the adjoining property would be in the region of 15 to 20 dB LAeq; even allowing for levels to be up to 10 dB greater than this (a 10-fold increase in perceived sound), levels within the adjoining property will be significantly below the BS 8233 guideline value of 45 to 50 dB LAeq for open plan offices.

It can be reasonably concluded, therefore, that a combination of the existing double-leaf brick wall, made good, with Soundbloc plaster fixed to one side, will provide suitable levels of protection against noise for the adjoining property.

The Public Protection team has reviewed the submitted document and consider the details submitted are acceptable and would achieve satisfactory soundproofing. Therefore, subject to the proposed soundproofing being installed Condition 3 can be discharged.

Recommendation: Approve

Conditions and Reasons:

Condition 3 (soundproofing scheme) is hereby discharged in accordance with the following details:

- Echo Acoustics; Technical Memorandum, dated 18 June 2025

Providing that the development is carried out in accordance with these details along the party wall with Westminster House, 49 Knowsley Street, the requirements of the condition will be complied with.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	01.10.2025		