

DELEGATED REPORT

Report by Claire Booth	Date of report: 29/01/2026	Ref: 72577/CONDIS
Registration: 05/12/2025	LDFC: 02/01/2026	Expiry Date: 30/01/2026
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 72379

Location: 109 Walmersley Road, Bury, BL9 5AN

Description

Application to discharge condition 3 (sound insulation) on planning permission 72379 which granted permission for the change of use of no. 109 Walmersley Road from a dwellinghouse to an 8 bedroom House in Multiple Occupancy (HMO).

Condition 3 was as follows:

The sound insulation of the party wall(s) shared with no. 107 Walmersley Road, 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 prior to the use commencing.

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

Submitted Details:

Location Plan - Dwg. no. 109WR/299/PL; and
Technical Note - Acoustic Design Advice, dated 04 December 2025, carried out by Acoustic & Engineering Consultants Limited.

Relevant Planning History

72379 - Change of use from dwellinghouse (Class C3) to 8 bed (single occupancy) House in Multiple Occupation (Sui Generis) together with proposed external alterations including new rear dormer conversion and new roof and dormer windows - Approve with Conditions 10/11/2025

Publicity

Not applicable.

Statutory/Non-Statutory Consultations

Environmental Health - Pollution Control - No objections

Housing - Public Protection - No objections.

Building Control - No comments or observations received.

Pre-start Conditions - Not applicable.

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.

Assessment

The submitted Technical Advice Note proposes to install an independent lining, consisting

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of a single layer of 12.5mm thick British Gypsum SoundBloc on the 109 Walmersley Road side of the wall on the party wall between 107 Walmersley Road and the application site. The Technical Advice note states the plasterboard will be supported off an independent timber stud frame at least 15mm from the separating wall, and that the cavity formed will be partially filled with 50mm thick mineral wool insulation evenly distributed. Total cavity formed at least 65mm.

The submitted details have been reviewed by colleagues in the Environmental Health and Public Protection sections who advise that the submitted soundproofing scheme is acceptable and thus the condition can be discharged in this respect.

Recommendation: Approve

Conditions and Reasons:

The details submitted to discharge condition 3 (soundproofing) have been discharged.

Providing that the development is carried out in accordance with these details, the requirements of the condition will be complied with.

Submitted Details:

Technical Note - Acoustic Design Advice, dated 04 December 2025, carried out by Acoustic & Engineering Consultants Limited; and,
Location Plan - Dwg. no. 109WR/299/PL

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	29/1/26	DM	29/1/26