

DELEGATED REPORT

Report by Claire Booth	Date of report: 12/08/2025	Ref: 72052/CONDIS
Registration: 12/06/2025	LDFC: 16/07/2025	Expiry Date: 07/08/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Application to discharge condition 3 (soundproofing scheme) on planning permission 71638

Location: 52 Manchester Road, Bury, BL9 0SX

Description

Following conditional approval of application 71638, this application seeks to satisfy the requirements of condition no 3 which was as follows:

Condition 3

No development shall commence until a scheme for the soundproofing of the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such whilst it serves the development.

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

Details submitted

Noise Impact Assessment dated 09 June 2025, carried out by Philip Dunbavin Acoustics Ltd - REPORT NO. J005595-8889-RDC-01 which states the proposed separating wall that consists of the existing 230mm party wall is to be upgraded by removal of the existing finishes, making good any missing mortar and facing with 2 x layers of 15mm Soundbloc sound resisting gypsum board.

The applicant has also submitted their Building Regulation Floor Plans, Drawing no. 53MR/303/BR Rev. C5 to demonstrate that the soundproofing proposed will be put on both party walls of the property at all levels of the property, including the roofspace where 2 bedrooms have been approved.

Relevant Planning History

71638 - Change of use from dwelling (Class C3) to 8 bed, 8 person, house in multiple occupation (HMO) (Sui Generis) with loft conversion including rear dormers and front velux rooflight - Approved with Conditions, 23/04/2025

Publicity

Not applicable.

Statutory/Non-Statutory Consultations

Environmental Health - Pollution Control - No objections to proposed sound proofing

scheme.

Pre-start Conditions - N/A

Development Plan and Policies

EN7/2 Noise Pollution

NPPF National Planning Policy Framework

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.

The proposed separating wall sound insulation is to be increased over the sound insulation of the tested wall(s) by additional sound resisting plasterboard wall linings.

The predicted sound level in the adjoining residential dwelling due to operation of the HMO is 6 dB(A) and hence sound from the normal operation of the HMO is likely to be inaudible in the adjoining houses as a result of the proposed sound proofing.

Based on the both the submitted report and plans, the details of the condition have been satisfied. It is therefore recommended that the application be discharged.

Recommendation: Approve

Conditions and Reasons:

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

Drawing no. 53MR/303/BR Rev. C5: Proposed Plan Layouts; and,
Noise Impact Assessment, dated 09 June 2025, carried out by Philip Dunbavin
Acoustics Ltd - REPORT NO. J005595-8889-RDC-01

Providing that the development is carried out in accordance with these details, 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	12/8/25	dm	12/8/25