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**Delegated report**      Officer: Eleanor Overton

**Application ref. DMOT/2019/0885**

Approval of details required by condition 6 of permission ref 9/2019/0419 (relating to approval of reserved matters for layout, scale, appearance and landscaping pursuant to outline permission ref. 9/2017/1293) on Land at SK2430 7995, Derby Road, Hilton, Derby

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Valid date:                      06/08/2019

Consults expired:            19/09/2019

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This decision is delegated to officers under the terms of the current Scheme of Delegation.

**Responses to consultations and publicity**

Environmental Health has concluded that upon review of the Noise Assessment (dated July 2019) they are happy with the findings and the proposed mitigation. To address the matters raised within the letters of representation, they have further commented that they do not have significant concerns regarding noise, as the location in question is already predominantly residential, with exiting property closer to the road noise sources. They consider the mitigation proposed to be adequate, and that it will provide better internal noise levels than within the existing properties within the location. Given this, despite the limited data used to base the mitigation upon, they are satisfied with the report's conclusions. In response to the concerns over ventilation, they agree that keeping windows closed and relying on alternative ventilation means is not ideal, however have confirmed that this solution would meet building regulations and is therefore deemed acceptable.

In relation to the acoustic fence, it is considered that there will be no appreciable increase in noise levels as a result of its installation upon the exiting property, on the basis of the relative position of the barrier and the noise sources.

The Parish Council have raised the following concerns:-

- That due to noise interference and the meter falling over, a reduced amount of data was actually collected.
- The majority of data was collected over the weekend, when noise would have been reduced – resulting in the data being unrepresentative.
- No consideration of overheating implications have been provided.
- In relation to the proposed acoustic fencing, the noise assessment does not model or comment on the associated impacts on nearby residents who will receive the deflected sound.
- It is considered that a comprehensive assessment should be prepared in line with the ProPG guidelines and practice exhibited in other planning applications made to South Derbyshire District Council; particularly in respect of the overheating risk and the wider consideration of the mitigation actions. Further readings should be taken which deliver the volume of data that the consultants considered necessary at the outset which reflects, more fully, the noise during the working week.

One letter of representation has been received, this raises the following matters:-

- Confusion as to where condition 6 has come from as it did not appear on the letter of the 8th July 2019.
- The noise assessment appears to be consistent with others undertaken in the locality.
- The assessment was carried out over a weekend when the weather was dry and the trees in full leaf.
- noise from the A50 is louder when the road is wet and also when the trees have lost their leaves. On this basis there is an argument for retaining as many trees on site as possible.
- As the survey was conducted over the weekend, any noise emanating from the Hilton industrial estate was not captured.. A noise monitor at the North East end of the site operating during the working week would have determined if there was any significant noise from this source.

- It is hoped that the suggested mitigation will be adopted.
- There is no commitment from the applicant to actually adopt the recommendations of the report.

### **Relevant policy, guidance and/or legislation**

The relevant Development Plan policies are set out in the officer report relating to the host permission.

### **Planning considerations**

This application seeks approval of details required by conditions set out on the host permission such that the scope of planning considerations is confined to the matters which those conditions seek to control or address. Matters of principle are thus not of relevance under this assessment

### **Planning assessment**

Condition 6 is worded as follows:-

Prior to the construction of a dwelling, a noise assessment shall be submitted to and approved in writing by the Local Planning Authority along with a scheme of noise mitigation for protecting occupants of the development from noise from the A50. The dwellings shall be constructed in accordance with the approved scheme and noise mitigation measures shall be completed before the first occupation of each respective dwelling and thereafter maintained. Subsequent replacement or insertion of windows and doors and any conversion of loft space by owner/occupiers of the dwellings shall be done in a manner to ensure the same level of acoustic protection as achieved by the noise mitigation measures approved under this condition. Reason: In the interests of protecting the amenity of the prospective occupiers.

A Noise Assessment dated July 2019 Ref: 25201-04-NA-01 has been submitted to discharge this condition. This has been considered by the Council's Environmental Health department to be acceptable. Furthermore, as required by the condition, the mitigation set out within the noise assessment will be implemented.

### **Recommendation**

Approve

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

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| Recommendation made: | 02/10/2019 |
| Report agreed:       | 04/10/2019 |
| Authorised officer:  | Chris Nash |

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