DELEGATED REPORT

FILE REFERENCE: SMD/2016/0333

MAIN ISSUES:

Noise impacts / residential amenity

PUBLICITY/REPRESENTATIONS:

Site Notice – Displayed on 01/07/2016.

Environmental Health officer – If the use of the flat upstairs is linked to the vets and no sub letting or separate sale is allowed then we have no issues with the removal of this condition. If the flat was to be sub let or sold off then we would be concerned about future noise impacts and complaint from new tenants and would need to see sound insulation improvements.

Neighbour Notification – No representations received.

Werrington Parish Council – No representations received.

CASE OFFICER ASSESSMENT:

The application is for the removal of Condition 3 attached to planning permission SMD/2016/0152. The previous application was for the change of use of 50 Washerwall Lane, Werrington from a hairdressing salon to a veterinary clinic (D1) and this was granted in May 2016 subject to a number of conditions. In order to protect the amenities of the existing first floor flat above the proposed vets, the Council's Environmental Health officer recommended the following condition (No. 3) which was attached to the decision:

Development shall not commence until a site specific scheme for protecting the residential units from noise, has been submitted to, and approved in writing by the Local Planning Authority. The submitted scheme shall have due regard for the British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and be designed to achieve noise levels of less than 35 dB LAeq in bedrooms and less than 40 dBLAeq in living areas. A report shall be produced containing all raw data and showing how calculations have been made. A copy of such report shall be submitted to the Local Planning Authority for its approval.

It is this condition that the applicant now seeks to remove. The principle of the change of use has been established by the previous approval. The main consideration in assessing the current application is the noise impact on the first floor flat resulting from the removal of Condition 3 and the requirements of that condition.

The applicant seeks to remove the condition on the basis that the flat belongs to the applicant's family and is currently occupied by a member of the applicant's family. Once the flat is no longer needed by the current occupant, the flat will be provided for university vet students, locum vets and trainee nurses who will be working for the applicant on short term contracts/work placements. The applicant currently runs a clinic in Endon which has a flat above used for the same purpose. The applicant states that the first floor flat shall remain in ownership of the applicant's family as an asset of the Willow Veterinary Clinic for use by their employees. No animals will be staying on site outside of the hours stated in condition 5, therefore noise levels after hours will be no higher than existing. The applicant also states that the noise generated currently by the hair dressing salon during busy periods is much higher and continual than the noise generated generally in either of the veterinary practices. This is due to the constant use of hairdryers and people talking over the sound of the hair dryers and background music/noise, therefore it is suggested the proposed veterinary use will be less noisy.

The Environmental Health Team has been consulted and they do not object to the current application to remove this condition provided that the flat is not sub let or sold off in the future as there would be concerns about future noise impacts and complaint from new tenants and there would be a need for sound insulation improvements.

Subject to a condition tying the occupancy of the first floor flat to persons employed at the veterinary clinic (including the dependents of such persons residing with them) or by members of the applicant's family, and given the applicant's willingness to accept such a condition, it is considered that the proposed removal of condition 3 complies with the requirements of Policy DC1 of Local Plan which relates to design and protection of residential amenity.

RECOMMENDATION: **Conditional approval**

Date 22/07/2016 **Signed** _____

Mark Ollerenshaw

DEVELOPMENT CONTROL MANAGER COMMENTS:

Date **Signed** _____