

PLANNING COMMITTEE 7 JULY 2015

LATE INFORMATION REPORT

AGENDA ITEM 4 – 15/00330/FUL, 80 LONGFORD LANE

1 Since the Committee agenda was published, the applicant has submitted various documents relating to this application. This late information report outlines what has been submitted (and circulated direct to Committee Members by the agent); discusses the issues raised in those documents; updates Committee on consultee comments; and considers the recommendation to Committee.

2 On Friday 3 July the applicant's agent circulated to Members an email message containing various comments on the proposal. In addition, that message had an updated Environmental Noise Report, to address issues raised by the Council's Environmental Protection officer.

3 On Monday 6 July the applicant's agent circulated to Members an email message which had attached to it a Counsel Opinion document from Thea Osmund-Smith of No5 Chambers. Where relevant, this Late Information Report responds to issues raised in that Opinion.

4 Following receipt of the updated Environmental Noise Report, this has now been considered by the Council's Environmental Protection officer. His comments are set out in full below:-

"I have reviewed the attached report and I am still not comfortable that the worst case scenario of impactive vehicle door and boot noise is not going to create issues to the surrounding residents. Additionally, I do not agree with the acoustic consultant that impactive noise should be averaged over an 8 hour period. Although I do have to agree that there is unlikely to be a significant amount of vehicle movements at night.

Nevertheless, the consultant has addressed my previous points on a whole and with this in mind I would also not be comfortable in refusing the application in its current form. Therefore, I would recommend approval of this application subject to the acoustic consultant's recommendation that the gravel parking area be replaced with a paved surface to minimise noise from moving vehicles."

5 The main Committee report omits to make reference to the benefits of providing an additional residential dwelling. It should be noted that as the Council can currently demonstrate a 5-year housing supply (plus appropriate buffer), there is no over-riding need to provide an additional dwelling. The provision of an additional dwelling would however assist, albeit in a small way, in delivering the Council's housing requirements.

The provision of an additional housing unit therefore weighs in the favour of the proposal in the overall planning balance.

6 In terms of the comments of Environmental Protection on the latest noise report submitted by the applicant, it is worth considering some background information. It is important to note that there are no recognised 'official' guidelines against which noise impacts from vehicles using site access driveways and on-site turning areas can be judged. The applicant's noise consultants have compared the vehicle noise impacts with guidelines for assessing road traffic noise. Clearly the impacts of continuous road traffic on a property adjacent to a highway are very different from the occasional, intermittent noise generated by a vehicle using a driveway immediately adjacent to a house in an otherwise quiet garden location. As such, while the technical noise assessment work does indicate that the noise impacts of the proposal should not be particularly harmful at adjoining properties, it has to be noted that Environmental Protection are still not comfortable that the worst-case scenario of impactful vehicle door and boot noise is not going to create issues to surrounding residents. There are still concerns over the averaging of these impacts over an 8-hour period, which would undoubtedly lessen their severity.

7 The key issue in my opinion here is that the amenity impacts of vehicles using the proposed development, are of a character and nature which would be noticeably different from those likely to be currently experienced at nearby and adjacent residential properties. The area to the rear of properties along Longford Lane is characterised by quiet and tranquil garden areas. The proposal would introduce a new, free-standing residential property to that context. It is quite clear that the comings and goings of vehicles to and from such a property would alter the character and nature of that location significantly. While in terms of measurable and modellable noise impacts the proposal would not appear to cause harm to nearby residents, it is quite apparent that the new use would be one which is very different in its nature and impacts than the present use.

8 While the Inspector in the most recent appeal did indeed consider that the character and appearance of the area would not be harmed by the proposal, the main report in paragraph 6.19 sets out why I consider it is reasonable for the Council to consider this issue in relation to this application. The character and appearance of an area is also in my view not just a 'visual' issue. The character of an area can be affected significantly by change to the nature of activities taking place within it. The noise impacts and disturbance of those activities therefore does also impact upon the character of the area. I have referred previously to the quiet nature of rear gardens away from traffic noise on roads to the front of houses. I therefore feel that while the noise work undertaken by the applicant's noise consultants satisfies Environmental Protection that noise from the proposed use would not be harmful to residents, its

contribution to the character of the area should also be considered. I therefore advise that the impact of the introduction of additional vehicle noise and disturbance at the site could still be considered to have a detrimental effect.

9 The enjoyment of the rear gardens of properties surrounding the application site was clearly an issue of concern to the Inspector in the most recent appeal. As stated above, while enjoying the quiet nature of those gardens, the addition of impact noise from vehicle doors, boots, engines and radios would be intrusive, would clearly be noticeable, and would have an adverse effect. In addition there would be noise disturbance from the additional domestic activity associated with an additional dwelling.

10 In accepting the adverse effect of people using the main entrance to the proposed dwelling on neighbours to the west (95 Little Normans), the applicant is now proposing to move the entrance to the southern side of the building (see Para 6.19 of the main report). It has to follow therefore that those adverse effects (identified by the appeal Inspector) will be relocated to the south of the building. That can only increase the impact of those effects on number 82 Longford Lane. That is the property that borders the application site, and has a rear patio area and conservatory at the back of it, i.e. closest to the application site. If the impacts identified by the Inspector as having an adverse effect on 95 Little Normans are significant enough to cause the applicant to seek to address them by moving the doorway, it is clear that the additional adverse effect on number 82 Longford Lane will be unacceptable.

11 Members will have seen reference to boundary treatment to the east of the property in the Counsel Opinion, in relation to light impacts from car headlights. It is accepted that the boundary treatment should prevent undue disturbance from car headlights in that direction.

12 I draw member's attention again to a more recent appeal decision at nearby 26 Innsworth Lane (Para 6.19 of the main report) where the Inspector dismissed the appeal. I append that decision to this report for information.

CONCLUSION

13 While additional information provided by the applicant has now led to Environmental Protection removing their opposition to this proposal, I consider that while the measurable and quantifiable noise harm may not be excessive, its impact on residential properties will still be apparent and would still unreasonably affect the amenity of neighbours. As such, the recommendation in the main report, to refuse permission, still stands.

