

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/A/11/2151672
Planning Application	10/1036-DK
Proposal	Demolition of Girl Guides hut, and erection of a dwelling (as augmented by plans received 17.11.2011, as amended by plans received 19.11.2010)
Location	Guide Hall, Hewell Lane, Barnt Green, B45 8NZ
Ward	Hillside
Decision	Refused (delegated decision): 17th December 2010

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Discussion

The main issues are whether the proposed development would provide an acceptable standard of living accommodation for future occupiers in terms of (1) private amenity space, and (2) protection from noise.

In the Inspector's judgment, the design of the proposed building is an intelligent and creative response to the constraints and opportunities of this particular site.

The amount of private amenity space available to future occupiers would comfortably exceed the minimum recommended by the SPG, and the provision of a proportion of this space within a south-facing internal courtyard would create the potential for a sitting-out area in the part of the premises least likely to suffer from noise associated with the adjoining railway line.

In respect of the first main issue then, the Inspector found that the proposed dwelling would meet the objectives of policies DS13 and S7 of the Bromsgrove District Local Plan (2004), which seek to ensure that new development reflects the need to safeguard and improve the quality of life of residents, and does not adversely affect their amenities. It would also accord with the guidance set out in the Council's SPG.

Turning to the second main issue, National planning advice set out in Planning Policy Guidance (PPG) 24: *Planning and Noise* clearly explains that when assessing proposals for residential development near a source of noise, it is necessary to determine into which of four Noise Exposure Categories (NECs) the proposed site falls. The NECs for sites exposed to noise from rail traffic are defined in a table at Annex 1 of PPG 24. If a site falls within NEC D, planning

permission should normally be refused; if it falls within NEC C, planning permission should not normally be granted, unless a commensurate level of protection against noise can be ensured.

In the absence of any evidence at all concerning the noise levels to which future occupiers would be exposed, the Inspector was unable to reach a reliable judgment as to whether or not the mitigation measures incorporated within the proposed design would render the residential development of the site acceptable.

Without such evidence, the Inspector could not conclude that the proposed development would satisfy the requirements of Policy ES14A of the Local Plan or of PPG 24, both of which seek to ensure that where new housing is located close to an existing source of noise, the impact of that noise upon future occupiers can be adequately mitigated.

The Inspector concluded that while the proposed development would provide an acceptable standard of living accommodation in terms of private amenity space, there was insufficient information on which to assess whether it would provide adequate protection from noise.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED**.

Recommendation

The Committee is asked to RESOLVE that the item of information be noted.