EM/P23-0244

7 February 2024

Wiltshire Council
County Hall
Bythesea Road
Trowbridge
BA14 8JN

BY EMAIL: Isabel.Gatier@wiltshire.gov.uk

Dear Isabel

Town and Country Planning Act 1990 (As Amended)
Planning Application for Conversion of Vacant Office (Class E) to Provide Residential Dwelling (Class C3) (Resubmission of Planning Application PL/2023/05290)
15 New Road, Chippenham SN15 1HJ
Ref. PL/2023/10739

I write further to our application for the change of use of the office building to provide a new dwelling.

We have seen the comments that have been received to date and respond as follows.

Public Protection

Following the comments on the previous application, the layout has been updated and the bedrooms placed on the side furthest from the ground floor takeaway. Notwithstanding this, the Environmental Health Officer maintains an objection to the proposed works.

In response to the Officer's comments on the calculations within the NIA, Suono make the following observation:

The council's comment is as follows:
"I take issue with the external noise intrusion calculations in appendix B of the acoustic report. Three scenarios are included - A, B and C. For scenario A (standard thermal double glazing offering a sound reduction index of R_w 30 dB and direct path trickle vents) it is predicted that the external façade of the master bedroom will have a rating noise level of 67

dB(A). This would equate to an internal bedroom level of 54 dB(A) (assuming a 13 dB reduction for a partially opened window) however the report fails to apply its own rating levels and instead predicts a level of 42 dBA in the master bedroom."

Our response:
The calculations of internal noise levels have taken measured noise levels at the façade and applied the necessary corrections including penalties for attention drawing characteristics following guidance within BS 4142:2014+A1:2019 and a façade correction. They have then predicted indoor noise levels accounting for the combined sound insulation performance of the building including façade, windows, ventilation elements and roof where appropriate. The calculated indoor noise level is the sum of both the direct noise path and the reverberant noise path within the room. We note that the comment on our calculations being incorrect is not the case. They have been misunderstood; the presented noise levels are the results while windows are closed, not open.

In terms of the more general objection to the use of mechanical ventilation to protect amenity, we disagree that this is an unacceptable form of mitigation. While it is accepted that residents will be subject to a high noise level if windows are open, this is not unusual in a Town Centre location and there are existing residential apartments at first floor, adjoining commercial uses throughout the centre where they are potentially subject to equal or greater levels of noise. With MHVR providing an acceptable climate within the building, it would not be necessary to open windows and therefore residents would not be subject to unacceptable noise levels.

National and local planning policy is clear in encouraging the reuse of existing buildings and brownfield land to provide new homes. The building as existing is redundant but is in good structural condition and is therefore capable of conversion and this option is therefore efficient in terms of materials and land-use.

In our experience, MVHR is an acceptable form of mitigation in areas where there is a high level of background noise and has additional benefits in the heating of properties in cooler months. In locations such as town centres, it is often required to site residential development in close proximity to commercial uses and this system helps many Councils to meet their housing needs in a sustainable location.

A recent appeal decision in London Borough of Tower Hamlets dealt with a similar issue, albeit at a larger scale. Appeal ref. APP/E5900/W/23/3318344 in relation to the redevelopment of a brownfield site at 60-70 & 100 The Highways and 110 Pennington Street, London was allowed after the Inspector found that the proposal for a mix of uses including apartments above a nightclub would ensure suitable living conditions for neighbours through the use of MHVR. In their decision (attached) the Inspector stated:

"In my view, there is nothing unusual about the proposed MVHR system which I consider would maintain adequate internal temperature heating and cooling controls for the occupants of the proposed residential units."

And:

"…in my view, there is no demonstrable evidence to suggest that the proposed MHVR system would cause either a risk of unacceptable noise exposure or cause any overheating risks that would be detrimental to the living conditions of the occupants of the proposed residential units."

It is important to note that a previous permission for 2 apartments was approved on the site in 2011 (ref. N/11/01240/FUL) and no acoustic mitigation was specified at that time. The current application makes it clear that a suitable sound environment can be provided within the apartment and that a habitable climate can be maintained without residents needing to open the windows this, together with the increased floorspace for the dwelling is a significant improvement on the previously approved development.

Town Council

The response form the Town Council raised two queries.

In response to point a) we can confirm that the entire car parking/servicing area is in the ownership of the applicant and only serves Domino's at 16-17 New Road. The proposed use of the two parking spaces will not adversely impact the operation of the takeaway which will retain ample space for staff and delivery vehicles to park.

In terms of the open space provision at point b), it is our understanding that the contribution previously sought would now be catered for under the CIL payment.

Highways and Archaeology

Neither raise any concerns.

Summary

The proposed conversion will provide a new dwelling in the Town Centre which will reuse a redundant building in a highly sustainable location. This is an important benefit which should be weighed in favour of the development. It has been demonstrated that, with the proposed mitigation in place, an acceptable standard of living can be achieved for future residents.

I trust that the above information is helpful, and would be grateful of an opportunity to discuss this when you have been able to review the updated proposals in full.

I look forward to hearing from you.

Yours faithfully



Emma Morrison

Planning Assistant
emma.morrison@pegasusgroup.co.uk

Enc.