

3-5 New Street, Salisbury SP1 2PH

Planning Application for Material Change of Use

Noise Assessment

Introduction

This part of the planning application deals with noise levels.

The planning officer previously requested in the pre-planning advice to an earlier planning application for the property that:

‘..evidence needs to be submitted with the application to demonstrate that internal noise levels as detailed in BS8233:2014 can be met in regards to road traffic. The assessment should also take into account noise from any external mounted plant, which must be assessed in accordance with BS4142:2014 and noise transfer from the licensed premises must not exceed NR20 in the adjoining dwelling.’

However, that advice took no account of the fact that change of use from Class B1 (offices) to Class C3 (residential) was granted on 3rd December 2020. The grant of the application could only have come about following consideration by the Council of the various matters, which included noise levels arising from the adjoining licensed premises.

Conclusion

The matters considered were material considerations, and the Council must be taken to have satisfied itself as to the acceptability of residential use or it would not have granted permission. The situation is unchanged and the Council cannot revoke a permission it has granted, especially when that permission has been acted on: the change of use was implemented in February 2021 when the last of the office tenants vacated and residential use commenced.

The applicant has taken both legal and planning advice on this matter and is conclusively advised that there is no reasonable basis for the request and a that noise reports are unnecessary because the Council has already decided that residential use is acceptable.

This argument was previously raised in the planning application for the property for a scheme involving alterations to the front and rear elevations of the property. The Council accepted the truth of the argument and did not refer to noise levels in its decision to refuse that application.