

FAO: Liz Harrison
Planning Department
Eastleigh Borough Council

Sent Electronically only

Thursday 24th August 2023

**Discharge of conditions 12 of full planning permission F/19/86233
Land to the North and East of Boorley Green, Winchester Road, Botley, SO32 2UA**

We are submitting the information below in relation to conditions 12 - application ref: DC/23/95159.

Condition 12 – Entertainment Noise

Response received from Environmental Health:

As discussed earlier I'm coming back to you with my comments on the proposal that has been put to you by the developer that the internal noise levels in the flats can be met without the need for MVHR.

This may be so, however I would stress that this is not good acoustic design, or high standard of design that the NPPF encourages, nor does it fully address the issues of concern. The developer needs to take account of their agent of change responsibility, NPPF 187, by taking steps to ensure that the adjacent hotel does not have unreasonable restrictions placed on them as a result of development permitted after they were established. There is a clear potential for noise nuisance impact on future residents from the legitimate use of the Hotel for entertainment purposes, and mitigations need to be sufficient to minimise the requirement for the council to take nuisance abatement action against the hotel in response to complaints.

This approach informed the recommendations of the applicant's own noise consultants who previously recommended MVHR as the solution.

We are concerned that the proposal would result in 'sealed boxes', with the opening of windows being the only way to increase ventilation, thereby subjecting the residents to increased noise levels from the hotel, and the likelihood of action being taken against the hotel by Environmental Health.

Should the applicant wish to propose an alternative scheme we will of course be happy to consider it, however the amended scheme needs to demonstrate how the agent of change principle has been adequately addressed and the how adjacent hotel will not have restrictions placed on them as a result of development.

The previously submitted noise report demonstrated that the internal noise level maximums specified in planning condition 12 are all expected to be met based on the entertainment noise levels provided in the original 24 Acoustics report.

The assessment was based on windows being closed and in the "standard" ventilation state with trickle vents open. This is in accordance with the relevant standards. It is considered that the ventilation option identified in the report - Greenwoods 5000EA trickle vent per room – as selected based on discussions with the design team - is sufficient to ventilate the room without the need to open windows.

The current proposal of the trickle vents is supplemented by Decentralised Ventilation System 3 (DMEV - [Decentralised Mechanical Extract Ventilation | Vent-Axia](#)) which, with acoustic rated



SLR Consulting Limited

windows and a single Greenwood 5000EA trickle vent per habitable room, is compliant with building regulations and will achieve minimum dwelling ventilation rates without the need to open windows (apart from the occasional purge ventilation). This should ensure that the agent of change principle has been addressed sufficiently.

Purge ventilation is required regardless of which ventilation system is adopted, i.e. would be applicable to System 1, 3(DMEV) & 4(MVHR).

In conclusion the details above have demonstrated that the apartment buildings will not be 'sealed boxes' but will be ventilated in accordance with best practice and the requirements of the Building Regulations whilst adhering to the requirements of condition 12.

Kind Regards

Debra Higginbotham

Senior Consultant - Planning

SLR Consulting