

## **ADDENDUM REPORT PLANNING COMMITTEE MARCH 4TH 2010**

**Item: 05**

**Site: Jamaica House, 82-84 Vauxhall Street, Plymouth.**

**Ref: 09/01867/FUL**

**Applicant: Sutton Harbour Company.**

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### **Deletion of Proposed Drinking Establishment Use (Class A4 Use)**

In the interests of clarity, as stated within the Officers Report, Member's attention is drawn to the fact that the originally proposed Drinking Establishment Use (Class A4 Use) for the ground floor has been withdrawn from the development proposal.

Accordingly, the proposed use for the ground floor is Retail (Class A1 Use) or Financial and Professional Services (Class A2 Use) or Restaurant /Café (Class A3 Use).

### **Noise Pollution Issues:**

The British Standard BS 8233:1999 – "Sound Insulation and Noise Reduction For Buildings – Code of Practice" provides recommendations for the control of noise in and around buildings.

The additional noise survey results have been received and demonstrate that taking into account the results recorded, the apartments are capable of being designed so as to achieve a "Good" Standard of sound mitigation measures in accordance with the accepted British Standard. Such measures will include (amongst others) all windows facing Annabel's Nightclub to be triple glazed and that the apartments are ventilated through the use of a passive ventilation system thus avoiding any necessity for bedrooms facing the adjoining nightclub to have opening windows. The rooflights to the top floor apartment will also be double glazed.

Whilst it is considered that the noise levels generated by the adjoining nightclubs and pubs in the locality during the busier summer season are very likely to increase over those recorded during the recent noise surveys, it is not considered that the noise levels generated will so significantly differ when compared to the maximum levels recently recorded to warrant a refusal of the planning application. It is however considered to be appropriate to impose a specific condition requiring a further noise survey to be undertaken following completion of the development but prior to any residential occupation of the apartments to demonstrate that the BS Standard of "Good" criteria has been achieved.

This position also falls within the advice given by the World Health Organisation (WHO) document "Guidelines for Community Noise (1999).

On this basis the Council's Public Protection Service does not object to the application and it is recommended that the application be supported.

### **Flood Risk:**

A late revised consultation response from the Environment Agency has been received which advises that whilst no objections are raised in principle, it is recommended that the emergency planners and services are consulted regarding evacuation plans before the application is determined in order to ensure that they have no fundamental concerns regarding the flood risks

that have been identified. Two additional conditions are then recommended to following this to ensure appropriate flood strategy and mitigation measures are implemented on the site.

The emergency planners have confirmed that there is a risk of flooding in this area should the existing Sutton Harbour lock gates fail. However, in the event of a flood, an area wide emergency response plan will be instigated which combined with reasonable flood response measures which it is considered can be designed into this development scheme, will enable a satisfactory response to the flood risk to be delivered.

On this basis it is recommended that the two additional flood risk conditions are included. These require details of safe access and evacuation procedures in the event of a flood, and details of flood prevention measures to be submitted prior to residential occupation of the building commencing.

Viability:

The viability assessment has now been verified by the Council. It is accepted that sufficient evidence has been submitted to justify the reduced Development Tariff payment of £10,000, and on this basis it is recommended that the application be supported.

Lifetime Homes

An additional condition is required to ensure that at least 20% of the residential apartments are designed to Lifetime Homes standards in accordance with Core Strategy policy CS15.

Report of Third Party Representation:

A further letter of representation has been received from the owner of the adjoining building. This states that “the area has been swamped with flats and other 'modern' buildings which are slowly but surely destroying the historic nature of the Barbican. The diversity and integrity of the remaining buildings will be seriously damaged by another such development”.

**Conclusion:**

Grant conditionally with the addition of four conditions (Flood Risk Strategy and Mitigation Measures; Noise Mitigation Measures to achieve a BS Standard of “Good”; and 20% Lifetime Home Requirement), and subject to the satisfactory completion of the S106 Obligation. Delegated authority to refuse the application should the S106 Obligation not be signed by the 4th May 2010.