

## **ADDENDUM REPORT PLANNING COMMITTEE 16<sup>th</sup>** **DECEMBER 2010**

**Item: 6.8**

**Site: Tamar House, St Andrew's Cross**

**Site: Ref: 10/01677/FUL**

**Applicant: Drake's View Ltd**

**Page: 79**

### **Additional information**

Environmental Noise assessment (Technical Report 10-IAC191) prepared by  
Hulley Acoustics

Phase 1 Environmental Desktop Sturdy Report: John Grimes Partnership

### **Further consultation responses**

**Public Protection Service:-** Recommend that should planning permission be granted following conditions are attached to the decision.

### **Land Quality – Observations**

The John Grimes Partnership Phase 1 Environmental Desktop Study Report dated 7<sup>th</sup> December 2010 that has been submitted with the application identifies a potential risk to future occupants of the proposed development from the inhalation of gases and vapours. In response to this potential risk, the report recommends that an appropriate ventilation system is installed, in order to ensure that these protection measures are implemented we recommend that the following conditions are attached to the application.

### **Land Quality - Conditions**

#### **1. Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### **Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### Condition – Code of Practice

During development of the scheme approved by this planning permission, the developer shall comply with the relevant sections of the Public Protection Service, Code of Practice for Construction and Demolition Sites, with particular regard to the hours of working and noise.

Reason: The proposed site is in immediate vicinity to existing residential properties, whose occupants will likely be disturbed by noise and/or dust during demolition or construction work and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### Informative – Code of Practice

A copy of the Public Protection Service, Code of Practice for Construction and Demolition Sites is available from <http://www.plymouth.gov.uk/homepage/environmentandplanning/pollution/noise/construction.htm> or on request from the Environmental Protection and Monitoring Team.

#### Informative – Asbestos

The John Grimes Partnership Phase 1 Environmental Desktop Study Report dated 7<sup>th</sup> December 2010 that has been submitted with the application identifies a potential risk to construction workers from asbestos containing materials in the building. The applicant should ensure that the appropriate assessments are carried out prior to commencement of the approved development and necessary measures are taken to protect the health of construction workers during development.

## Noise - Observations

The acoustic survey subsequent report prepared by the applicants to detail the occupants' exposure to residential amenity noise has determined that the development is placed in NEC category C (PPG 24).

PPG 24, states that planning permission should '*not be normally given to developments that fall into NEC category C*. However, consideration should be given if there are no quieter sites available or where appropriate conditions may be applied to ensure a commensurate level of protection against noise.

It is the applicant's contention that the use of particular glazing products and materials will ensure that all habitable rooms meet the good room criteria, as specified in BS 8233:1999 Sound insulation and noise reduction for buildings.

Therefore the Public Protection Service does not object to the application in terms of noise providing the following conditions are applied:

### Condition

All residential student accommodation shall be converted/constructed so as to provide sound insulation against externally generated noise. The good room criteria as prescribed in BS 8233, shall be applied, meaning there must be no more than 30 dB LAeq for living rooms (0700 to 2300 daytime) and 30 dB LAeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. Levels of 45 dB LAf, max should not be exceeded in bedrooms (2300 to 0700 night-time), more than 10-15 times per night.

Reason: To protect the amenity of the occupants/residents in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### Condition

*Prior to commencement*, full details of glazing, ventilation, construction materials for building facades and all habitable rooms shall be provided and agreed with the planning authority and designed to meet the good room criteria as stated above, with particular attention being given to construction materials.

Reason: To protect the amenity of nearby residents in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## Condition

*Prior to occupation*, all mitigation measures shall be put in place, tested and verified results forwarded to the planning authority for consideration and approval for all of the residential/habitable rooms within the application site.

Reason: To protect the amenity of the nearby residents in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## Condition

- The noise generated by any proposed extract ducting/ventilation/air conditioning equipment (least) shall not exceed the background noise level (La90) by more than 5 decibels, including the character/tonalities of the noise, at anytime as measured at the façade of the nearest residential property.

Reason: To control noise levels generated by the use hereby permitted, in accordance with policies cs22 and cs34 of the adopted core strategy.

## Air Quality - Informative

Air Quality monitoring in the vicinity of the proposed development has demonstrated regular exceedance of the National Air Quality Objective for Nitrogen Dioxide. Consequently, following conclusion of the formal declaration administrative process, the proposed development will be included in an Air Quality Management Area

As such the Public Protection Service strongly advise that all windows in habitable areas that outwardly face, Old Town Street, Royal Parade and Exeter Street are sealed and that mechanical ventilation is provided as an alternative.

**Highway Authority** - In transport terms the proposed use is compatible with the central accessible location and would generate a similar number of vehicle trips to the existing office use. The applicant has confirmed that 2 car parking spaces are available for this particular use indicated as drop-off spaces in the plans which could also be used as disabled parking spaces. The applicant has indicated that no further spaces would be available.

Inclusive mobility indicates a requirement of up to 6% of the total provision should be provided as disabled spaces. Given that the maximum provision for such as use would be 20 spaces it is considered that the disabled parking provision is sufficient. It is normally expected that some facility for dropping off of students be provided in addition to disabled parking in this case the 2 spaces proposed would be shared between the drop off provision and disabled users.

On balance therefore it is considered that the parking provision is sufficient for the use proposed.

There is also reference to a new security gate. The provisions for access through this gate would need to be considered not only for occupants of the site but also deliveries and refuse collection etc.

The provision of 24 cycle parking spaces is considered acceptable.

A Travel Plan Condition is suggested to include provision of information on sustainable travel options for residents. The recommendation and conditions indicated on my previous response are re-iterated below.

### **Section 106 Planning Obligation revised**

A planning obligation is required to mitigate the impacts of the development. Impacts will arise in the following areas:-

Local health infrastructure. The development will create an additional demand upon local health facilities. The Primary Care Trust has provided evidence that capacity in the City Centre locality is substantially deficient for meet the needs of the project population growth in this area. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £167.00 per residential unit, i.e. a total of £6,680.

Playing Pitches. The development is in a location that is deficient in terms of access to playing pitches. There is therefore an impact on infrastructure requirement that arises as a result of the development, namely the provision of improved access to playing pitches. The estimated cost of mitigating this impact is £444.06 per residential unit, i.e. a total of £17,762.4.

Local green space.

The development is in a location that is deficient in terms of access to green space. There is therefore an impact on infrastructure requirement that arises as a result of the development, namely the provision of improved access to green space. The estimated cost of mitigating this impact is £325.58 per residential unit, i.e. a total of £13,023.2.

The applicant has indicated that they wish to have the application considered under the Council's Market recovery mechanism, and are prepared to accept the terms of that provision. A viability assessment has been submitted in support of that application.

The Tariff contributions, with market recovery provision, are reduced by half for a previously developed brown field site such as this. This 50% reduction is reflected in the figures in the recommended heads of terms, described below

- a. The following Heads of Terms are proposed, each of which have been tested against Regulation 122 of the Community Infrastructure Levy Regulations 2010, to enable appropriate mitigation of the impacts identified above:
  - i. Local health infrastructure tariff. £3,340, to be allocated to the provision of additional capacity in local health care facilities within the City Centre locality.
  - ii. Playing pitches tariff. £8,881.2, to be allocated to the provision of improved playing pitch facilities in the area, as identified in the Playing Pitch Strategy.
  - iii. Local green space tariff. £6,511.6, EITHER to be allocated to the provision of accessible green spaces in a location appropriate to the development OR to be allocated to the management and improvement of local green space.

Therefore to mitigate the impacts of the proposed development, with a reduction for market recovery, a total tariff contribution of £18,732.8 is required

In addition, a Planning Obligations Management Fee. £4,541.72 is required, to be used to meet the Council's costs in administering and monitoring the implementation of this Section 106 Agreement.

2. Since these planning obligations have been reduced as a result of market recovery/viability issues, these tariff contributions have to be prioritised. In this case prioritisation is recommended in accordance with the Cabinet recommendations, i.e. making the following the first priorities (1) Strategic transport (2) European Marine Site/Strategic Green Space .

**Conditions (in addition to those recommended by PPS)**

Condition time limit amended to 2 years market recovery and condition 9 (East elevation windows) omitted

Omit wording of printed condition 12 and substitute with:-

(12) Notwithstanding any details shown on approved plans, full details, including samples, of replacement windows shall be submitted to and approved by the Local Planning Authority prior to the conversion works being undertaken. The replacement windows shall be installed in accordance with the approved details prior to the first occupation of the building by students.

Reason:- To ensure satisfactory appearance of the building within the street scene.