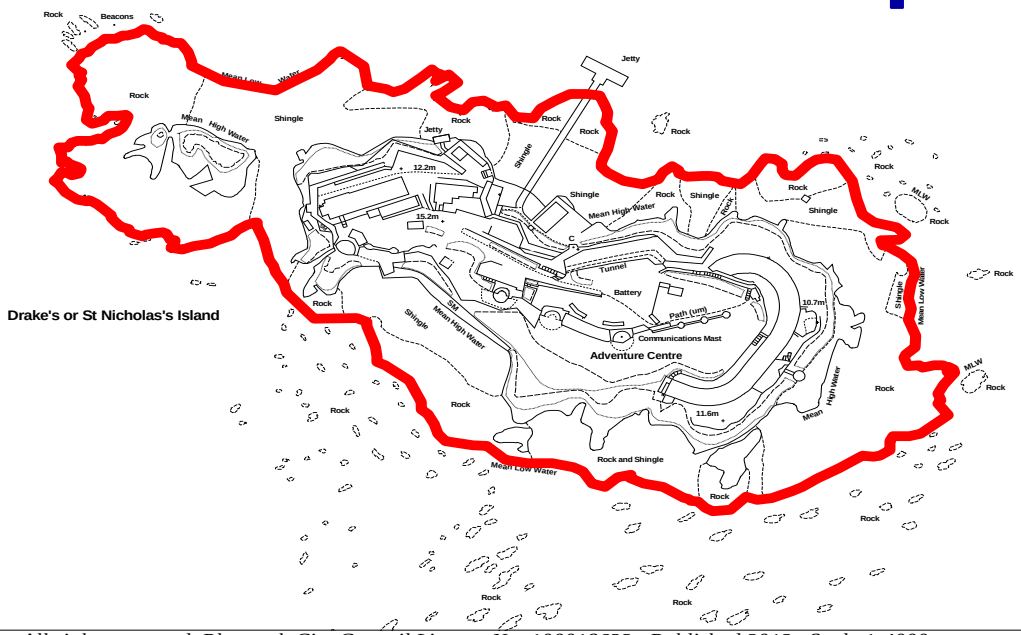
PLANNING APPLICATION REPORT

***ITEM*: 03**

Application Number:	12/00099/LBC
Applicant:	Rotolock (Holdings) Ltd
Description of Application:	Refurbishment and extensions to existing redundant buildings to form hotel development to include refurbishment of jetty, refurbishment, part demolition and extensions to Grade II listed Barrack Block, Island House, and Ablutions Block. Refurbishment and part demolition to scheduled Ancient Monument Casemated Battery and general landscaping and infrastructure works
Type of Application:	Listed Building
Site Address:	DRAKE'S ISLAND PLYMOUTH
Ward:	St Peter & The Waterfront
Valid Date of Application:	24/01/2012
8/13 Week Date:	**24/04/2012**
Decision Category:	Related to a major - more than 5 Letters of Representation received
Case Officer :	Matt Coombe
Recommendation:	Refuse
Click for Application Documents:	**www.plymouth.gov.uk**



Update
On 06/12/12, Planning Committee took the decision to defer this application until 03/01/13 to allow the Planning Authority time to consider the historic environment implications of amended drawings received on CD just before the 06/12/12 Planning Committee meeting.

Since the 06/12/12 Planning Committee meeting, officers have also again attempted to persuade the applicant to withdraw the scheme to allow time for the other outstanding information to be gathered and submitted – as this missing information has potential to impact on the design and historic environment aspects of the scheme. Officers have suggested a positive way forward, whereby the applicant could withdraw the application and then resubmit – entering into a Planning Performance Agreement with the Planning Authority, which would give more certainty, and allow a sufficient timeframe for the missing spring and summer ecological surveys to be completed. Unfortunately, the applicant has not been willing to withdraw the application.

The information received on CD just before the 06/12/12 Planning Committee meeting was as follows:

Planning Application Drawings
10057 L09.20, 10057 L09.21, 10057 L09.23, 10057 L09.24, 10057 L09.25, 10057 L09.26, 10057 L09.27, 10057 L09.28, 10057 L09.29, 10057 L09.30, 10057 L09.31, 10057 L09.32, 10057 L09.33, 10057 L09.34, 10057 L09.35, 10057 L09.36, 10057 L09.37, 10057 C09 16 P1, C010057 C09.10, 10057 C0911 P1, 10057 C0912 P1, 10057 C0913 P1, 10057 C0914 P1, 10057 C0915 P1, 10057 L09.01 P1, 10057 L09.02 P1, 10057 L09.03 P1, 10057 L09.05 P1, 10057 L09.06 P1, 10057 L09.07 P1, 10057 L09.08 P1, 10057 L09.09 P1, 10057 L09.10 P1, 10057 L09.11 P1, 10057 L09.12 P1, 10057 L09.13 P1, 10057 L09.14 P1, 10057 L09.15 P1, 10057 L09.16 P1, 10057 L09.17 P1, 10057 L0001 P1, 10057 L0101 P1, 10057 L0201 P1, 10057 L0202 P1, 10057 L0203 P1, 10057 L0204 P1, 10057 L0205 P1, 10057 L0206 P1, 10057 L0207 P1, 10057 L0208 P1, 10057 L0209 P1, 10057 L0301 P1, 10057 L0302 P1, 10057 L0303 P1, 10057 L0304 P1, 10057 L0401 P1, 10057 L0403 P1, 10057 L0404 P1, 10057 L0405 P1, 10057 L9301 P1, 10057 L9302 P1, 10057 L9303 P1

Supporting Documents
Tree Report, Phase 1 Seagrass Report v1, ER11-156 Drake's Island Inter-tidal habitat assessment, Inter-tidal CEMP v2 (DRAFT), Marine and Inter-tidal Ecology - ES Chapter V1, Bat Report DRAFT 2 1 (2), Drake's Island Botanical Report DRAFT with Appendices, Heritage Impact Assessment 16DEC2011, Heritage Assessment Final 19/12/11 78970.01, Heritage Assessment Gazeteer, Energy Statement (Issue 2a), External Lighting Report (Issue 2), CS20 Statement (Issue 2), Drake's Hotel Travel Plan B, Transport Statement P9595/T/B , Phase 1 Environmental Assessment P9595/G200/B, Flood Risk Assessment P9595/G201/C, Foul Drainage Strategy P9595/H001/B, Construction Environment Management Plan P9595/G203/A, Bird Survey Final Report B2, Bird Survey Report P1B, EcIA & Extended Phase 1 Habitat Survey

Officers worked hard to analyse this late information in time to provide a verbal update to the 06/12/12 Planning Committee. This update is summarised by subject area in the table below:

Subject area	**Comments**
Environmental Impact Assessment (EIA) / Environmental Statement (ES)	No new information submitted. Latest information not incorporated.
Habitat Regulations Assessment (HRA)	No new information submitted. Latest information not incorporated.
Environmental Management Plan	Not received.
Construction Environmental Management Plan (CEMP)	Received, but in draft form, with missing information. Does not cross refer to either the EIA or the HRA.
Inter-tidal Construction Environmental Management Plan	Received, but in draft form with insufficient information. Document does not feed into the other report entitled 'CEMP' and does not provide information on how the jetty or any foreshore works will be undertaken in order to protect the marine environment.
European Marine Site & Eelgrass	The survey material is complete, and a new report has been received. There are a number of measures which are put forward as mitigation measures to avoid impacts, but further work is required to ensure that they will go ahead given that they require work with other relevant authorities and agencies. Recommendations are made for the CEMP, relating to access for the construction barge being limited to certain tide times, but this is not reflected in the CEMP. More detail is required on the mitigation strategy as part of a single ES, EIA and HRA.
Bats	Draft report provided with no new information. No mitigation suggested. Surveys agreed in the Scoping Report [May, June and July 2012] were not carried out. There may be a breeding colony of bats but no surveys were carried out between March and August 2012.
Botany	No new information submitted. Recommendations have not been incorporated into the EIA or the Design and Access Statement. Impacts and mitigation measures are unknown.
Birds	Bird report received. Bird surveys have not been conducted in a manner that would inform the planning decision. April and May surveys were not undertaken. Winter surveys were not undertaken. The bird report refers to a survey conducted in mid-June 2012 which identifies 69 Little Egrets

	using the island as a year round roost. Any number over 45 individuals exceeds the threshold for being "nationally important". The report suggests that if the project goes ahead there is the possibility of significant damage to existing, breeding and/or roosting bird populations, which in turn would impact upon the relevant SAC and SPA. No bird survey data has been incorporated into the EIA or HRA. Impacts and mitigation measures are unknown.
Ecology [Phase 1]	No new information submitted.
Flood Risk	No new information submitted.
Foul Drainage	Draft drawing provided showing sewage treatment outfall moved to west side of island.
Noise	One reference to the proposed helipad has been amended in the Design & Access Statement, to emphasise its use for "more serious emergency needs". Further references to the helipad elsewhere remain unchanged.
Historic Environment	Revised set of drawings received, showing removal of Casemate patio terraces and set-back of main hotel central glazed link. Further changes include major revisions to the Arrival Building and swimming pool extension design.

Since the 06/12/12 Planning Committee, officers have had further dialogue with English Heritage regarding the design changes outlined above. English Heritage has welcomed the reduction in the scale of the main hotel glazed link element, and the fact that it no longer obscures the view of the historic Officer's Building. English Heritage also welcomes the removal of the patio terrace areas to the front of the Casemate hotel rooms. Some concern remains about the detail of the new Casemate glazing apertures, which English Heritage consider to not respond adequately to the design of the existing shields, but suggest that this could be dealt with by a modification condition.

Officers consider that it is possible that the historic environment refusal reason at the end of this report could be removed subject to the consideration of any further comments that were received after a period of re-advertising that included these amended drawings. However, it is considered that it would not be in the public interest, to re-advertise and re-consult formally on this application at this stage - given that much information remains in draft or incomplete form. Advertising amendments in a piecemeal way is both confusing for the public and would not enable interested parties to consider the inter relationships between the different elements of the new information.

Site Description

Drake's Island is located in Plymouth Sound, about 600 metres south of the Hoe. It extends to about 2.6 hectares and is formed of limestone and volcanic rock rising to a height of some 29 metres.

Formerly known as St Nicholas Island, its strategic position on the approach to Sutton Harbour, the Cattewater, Hamoaze and Dockyard led to it being fortified from at least the 16th century. Military use of the island continued until after World War II. From 1963 to 1989, Plymouth City Council obtained a lease from the Crown and operated a youth adventure training centre there. The current owner bought the island from the Crown in 1995. Since then the island buildings have been unused, and have fallen into disrepair.

A large proportion of the island is a designated Scheduled Monument (SAM 12614), comprising three designated areas. At the western end of the island, the designated area includes the main entrance, coastal walls and the western gun battery. A small area in the north-east of the island encloses a small area believed to contain remains of a 16th century artillery tower. The largest area includes the majority of the central and eastern parts of the island, enclosing the casemated batteries of 1860-1, and most of the later artillery batteries and magazines. Although excluded from the Scheduled Monument, the group of four principal buildings occupying the north-west end of the island are Grade II listed. These buildings comprise the 18th and 19th century former Barracks, Ablution Blocks, Commanding Officer's House and Guardhouse.

The range of remains and fortifications, and the prominent location of Drake's Island, make it a heritage site of the greatest importance. It also has significant wildlife interest as it is located within the Plymouth Sound and Estuaries European Marine Site.

Proposal Description

The proposals seek to carry out conversions and extensions to existing buildings to allow the island to function as a luxury hotel resort. The intention is that the island will be made available not just to hotel residents and guests, but that arrangements will be made to allow controlled access to members of the public.

The proposed development is largely concentrated in three main areas:

- The group of buildings at the western end of the island representing the former residential quarters of soldiers and officers
- The Casemated Battery at the eastern end of the island
- The arrival point on the north side of the island

In brief, the proposals seek to convert the Barrack Block into 25 hotel bedrooms and suites, to convert Island House into bar and restaurant areas, to convert and extend the Ablution Block, to provide spa, gym and swimming pool facilities and to link the three buildings with a highly glazed linking element of contemporary architecture that will provide the core services and the main vertical circulation for the four building elements of the hotel. Space is also allocated for a conference suite, services rooms, staff support and ancillary facilities. Creation of a seating area is proposed to the rear of the Barrack Block, together with a circular viewing platform and other landscape features. To allow for this space it is proposed that the existing ammunitions store here be demolished.

The Casemated Battery at the east end of the island is proposed for conversion to provide additional hotel accommodation in the form of 19 single and double unit suites, with two "Feature Rooms" restored to reflect their original historic form and made accessible to the public.

The landing jetty at the north side of the island is proposed for repair and refurbishment and the adjacent late 20th century Boat House is proposed for demolition, to be replaced with a modern "Arrival Building" with a "scenic lift" giving access from the jetty level to the main hotel level at the top of the cliff. A boat store is also proposed within the building.

The Design & Access Statement makes reference to the provision of a gravel helipad on the upper part of the island. Here also, it is proposed that historic pathways be uncovered, low-level lighting be added and the area generally be made safe.

It is proposed that overgrown vegetation on the island be cut back.
Installation of lighting is proposed for the tunnel and store room network beneath the island, which is to be generally cleaned and repaired but with no major changes.

Pre-Application Enquiry
Prior to application submission, extensive pre-application meetings took place through the Council's Development Enquiry Service, including detailed discussions focusing on ecology and heritage (with English Heritage involvement). The pre-application process included a site visit to the island – again with English Heritage in attendance – on 17/01/11. The applicant held a day-long public consultation event on the proposal at the Royal Corinthian Yacht Club on 01/12/11 and conducted further pre-application consultation with the Plymouth Waterfront Partnership and other bodies.

Relevant Planning History
99/00981/LBC - Alterations and extensions to Officer's House, Barrack Block, and Ablution Block – REFUSED

99/00980/FUL - Change of use of Casemates to visitor attraction with cafe; Officers House to a tavern/restaurant (together with rear extension); Barrack Block to hotel (together with extension) - REFUSED

Consultation Responses

English Heritage
Supports – in latest response, subject to the following changes:

1. Removal of balcony/patio areas in front of casemate rooms.
2. Full recording of casemate shields, and their careful removal and storage on site.
3. Further discussion on casemate glazing detail.
4. Potential display of a removed shield in room 34.1 to illustrate cross-section, rather than removal of the room's existing shield.
5. Improvement to the detailing of the glazed link element between the Barrack Block, Officer's Building and Ablutions Block.

Environment Agency
Objects – on the grounds of insufficient information as follows:

1. Flood Risk Assessment (FRA) has not considered flooding to all parts of the proposed development and additional information is required to show how flood risks will be managed.
2. More information is required with regard to;
    a. sewage treatment,
    b. construction environment management,
    c. contaminated land, and
    d. waste management.

Natural England
Objects – on the grounds of insufficient information to determine impacts upon (and mitigation and enhancement strategies for);

1. Plymouth Sound and Estuaries Special Area of Conservation (SAC),
2. Tamar Estuaries Complex Special Protection Area (SPA)
3. biodiversity generally (including protected birds, bats and botany), and
4. South Devon Area of Outstanding Natural Beauty (AONB) and Cornwall AONB in terms of landscape.

Ministry of Defence
Support – subject to detailed design requirements to address explosive safeguarding concerns.

Public Protection Service
Objects – the Public Protection Service recommends refusal due to insufficient information relating to potential noise impacts, including the potential for noise to be excessive due to the proposal of a heliport, possible operational events and the construction phase. The risk is considered unacceptable because there is no evidence to indicate otherwise.

Queen's Harbour Master
Support – subject to agreement of detailed requirements including;

1. impact of lighting on navigation,
2. positioning of marker buoys,
3. construction phase navigation,
4. route of ferry,
5. impact on designated small craft anchorage, and
6. minimised impact on the SAC.

Royal Society for the Protection of Birds (RSPB)
Objects – on the basis that the information provided does not adequately address the issues raised at the scoping stage for inclusion in the Environmental Impact Assessment and is therefore insufficient to demonstrate that the existing wildlife of Drake's Island (including designated features of the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA) will be protected during construction and operation of the proposed development.

Representations
At the time of writing the Officer's report, 12 individual representations have been received.

One representation supports the proposal on the basis that it will provide new jobs.

Eight representations object to the proposal, and their issues of concern can be summarised as follows:

1. Impact on protected wildlife including protected birds (notably, Little Egrets) and bats.
2. Impact on the seagrass beds.
3. Lack of environmental mitigation measures.
4. Potential contamination risk from previous uses on island.
5. Insufficient archaeological information.
6. Public access will be limited and not affordable.

Three representations do not object or support the proposal, but raise issues with regards to the following:

1. Lack of a comprehensive ecological study.
2. Concern over potential impacts on seahorse habitat.
3. A restrictive covenant potentially affecting development of the island.

Analysis

Planning Policy Position
In the First Deposit Local Plan (FDLP) Proposal 113, Drake's Island was allocated for leisure, recreation and tourism uses, with development to make provisions including for "sensitivity to and enhancement of the island's historic, architectural and nature conservation interests". The FDLP has now been superseded by the adopted Core Strategy, and the Hoe Area Vision in this document provides general planning policy guidance relevant to Drake's Island:

Core Strategy Area Vision 4 - The Hoe
To enhance the civic quality and focus of The Hoe, including its foreshore and related spaces, promoting in particular its tourism, leisure and residential functions.

To create a balanced neighbourhood at West Hoe, encouraging sustainable mixed-use development including new community facilities.

The Council's objectives to deliver this vision are:
1. To maintain a unique, high quality, well-resourced and engaging tourist and leisure destination.
2. To enhance the built environment and address regeneration needs through new development.
3. To improve the range and quality of public facilities and information.
4. To provide a more memorable link between The Hoe and the city.
5. To improve pedestrian movement across The Hoe to its attractions and foreshore.
6. To provide high quality public, water and sustainable transport facilities serving The Hoe and its neighbourhood.

Drake's Island is not shown in the Hoe Vision Diagram. The emerging Plymouth Plan may include a more detailed proposal to replace the FDLP Proposal 113, but the planning issues and objectives are likely to be similar.

The following Core Strategy policies are relevant:
CS01 - Sustainable Linked Communities
CS02 - Design
CS03 - Historic Environment
CS04 - Future Employment Provision
CS12 - Cultural / Leisure Development Considerations
CS13 - Evening/Night-time Economy Uses
CS18 - Plymouth's Green Space
CS19 - Wildlife
CS20 - Resource Use
CS21 - Flood Risk
CS22 - Pollution
CS28 - Local Transport Consideration
CS32 - Designing out Crime
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS22 - Pollution

The following Supplementary Planning Documents are relevant:

- Planning Obligations and Affordable Housing Supplementary Planning Document (Second Review 2012)
- Design Supplementary Planning Document (2009)
- Development Guidelines Supplementary Planning Document (2010)

The NPPF - National Planning Policy Framework (March 2012) – is also a key consideration.

Principle of Development
The proposed development is well aligned to planning policy objectives and is considered consistent with spirit of the City Vision - to create "one of Europe's finest, most vibrant waterfront cities". The Local Planning Authority was able to confirm strong support to the principle of the proposal in the pre-application response letter to the agent, dated 20/01/11.

Impact on Historic Environment
It must be noted that the Council's responsibility as Local Planning Authority, to the historic environment on Drake's Island, extends only to the Listed Buildings and not the Scheduled Ancient Monument (for which English Heritage is the authorising body).

Refurbishment of the jetty and the proposed Arrival Building are considered to have a minimal effect on the island's historic assets and will significantly improve the existing arrangements. The Arrival Building's bold angular design and associated landscaping measures are welcomed, as are the proposals for the gateway approach to the main hotel area.

With regards to the main hotel complex proposed for the Barrack Block/Island House/Ablutions Block, there are two key issues - the loss of original historic fabric and the proposal to "wrap" the buildings into one hotel "core". The proposal requires a significant amount of demolition of existing features and fabric, though the most significant elements to be removed are the three stairways on the southern side of the main Barrack Block. While this is regrettable, this building is only assessed as "moderate" in the Heritage Assessment and the loss is justified in both the Heritage Impact Assessment and English Heritage's letter of 06/03/12 as necessary to the viability of the development. It is therefore considered that any loss here, and with the Artillery Store, can be mitigated by recording.

Whilst the proposal to "wrap" the buildings around a central glazed "core" is considered to be a sound approach overall, the Local Planning Authority is in agreement with the English Heritage view that the front of the glazed "link block" should be pulled back behind the north frontage of the Island House, to allow this building's historic elevation to be seen in full. It is understood from the agent, that the applicant may be willing to make this change. However, at the time of writing, amended drawings have not been received and the scheme must be assessed against the submitted information.

There have also been significant negotiations with English Heritage regarding the proposals for the Casemates building – particularly with regards to the proposed loss of a number of cast iron blast shields. The applicant has sought to remove a number of historic blast shields to create larger windows (and therefore allow more light and wider views to the proposed hotel rooms within the Casemates building). English Heritage was initially concerned about the number of blast shields proposed for removal, and this position was recorded in their initial consultation response dated 06/03/12. However, English Heritage has since reviewed this position and has taken the "finely balanced decision" that they are prepared to consider the compromise of the temporary removal of six of the casemate blast shields as proposed, subject to the following changes.

1. Removal of balcony/patio areas in front of casemate rooms.
2. Full recording of casemate shields, and their careful removal and storage on site.
3. Further discussion on casemate glazing detail.
4. Potential display of a removed shield in room 34.1 to illustrate cross-section, rather than removal of the room's existing shield.
5. Improvement to the detailing of the glazed link element between the Barrack Block, Officer's Building and Ablutions Block.

Once again, it is understood from the agent, that the applicant may be willing to make these changes. Unfortunately however, at the time of writing, amended drawings have not been received.

The proposals are therefore not considered compliant with Policy CS03 (Historic Environment) and Policy CS02 (Design) of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

Impact on Wildlife

Impact on European Marine Site (EMS)

Drake's Island lies within the Plymouth Sound and Estuaries Special Area of Conservation (SAC) up to the low water mark. Inter-tidal habitats are a Biodiversity Action Plan priority for the UK. There is relatively little information on the marine habitats surrounding the island, but it is known that eel grass beds are present. Eel grass is an important habitat (including, notably, for the spiny seahorse, which is legally protected under the Wildlife and Countryside Act (1981)) and is a primary reason for the designation of the SAC.

There is potential for kelp forests to be damaged during the construction phase. There is also the potential for damage to intertidal rock and boulder shore communities from an increase in human presence in the area following construction. In addition, works on the intertidal area, including demolition of the boat house and use of machinery on the foreshore have the potential to cause damage to intertidal habitat.

Natural England advises that several aspects of the proposal have the potential to negatively impact upon the eelgrass bed to the north of Drakes Island. These include works in the intertidal area during the construction phase, whether the jetty is refurbished or completely replaced. There is little information on the refurbishment methods so it is difficult to ascertain the extent of the impact. In addition, the proposed development would likely lead to an increase in boat activity in the vicinity of the eelgrass, including risk of damage from anchoring, prop wash, and direct damage at low water, including from vessels, outboard engines and oars.

It is unclear as to whether there is any data on localised turbidity levels at the site. Eelgrass beds are sensitive to increases in turbidity as well as nutrient enrichment, which can cause excessive growth of epiphytic algae. There is insufficient information and assessment of nutrient loading and pollution levels associated with the proposed sewage discharges, and measures to address this impact on sub-tidal habitat. Natural England advice indicates that the sewage outfall, in its present location adjacent the eelgrass bed, creates a risk of adverse effects on this protected habitat.

<u>Impact on Protected Birds</u>
The Local Planning Authority has records of 66 individual Little Egrets roosting in the trees on Drake's Island. This is understood to be a nationally significant number, and given that this is a species cited in the designation of the Tamar Estuaries Complex Special Protection Area, further information has repeatedly been sought on the likely level of impact - of both the development phase and the operation phase of the proposal.

Little egrets are protected under the Wildlife and Countryside Act 1981, and are vulnerable to a number of factors including:

- Scrub clearance/ ground redevelopment
- Helicopter disturbance
- Disturbance during construction
- Disturbance from increased human presence
- Possible permanent abandonment of the site if developed
- Lighting impacts

The draft Environmental Statement (ES) provided with the application makes reference to improved access on the island without consideration of impacts on the Little Egret population.

The potential for construction and operational phases of the proposal to displace Little Egrets and implications for the integrity of the SPA require detailed assessment and an appropriate evidence based approach. Unfortunately, despite extensive dialogue with the applicant's agents, together with advice provided in our consultation responses, and repeated requests, this assessment has not been provided as part of the information put forward by the applicant.

Impact on Bats

There is evidence that protected bats are present on Drake's Island, including the Lesser Horseshoe species. In the pre-application dialogue with the applicant's agent, the Local Planning Authority made it clear that a full set of bat surveys would be necessary. These surveys could have been undertaken in the Spring and Summer of 2011. Unfortunately, insufficient bat survey information was submitted with the planning application. Despite extensive dialogue with the applicant's agent, and assurances that bat survey work has been undertaken, unfortunately no further information has been supplied to the Local Planning Authority at the time of writing, and details of impacts and mitigation measures remain unclear.

Impact on Botany

The island contains notable plant species, including Corn Parsley, Broad-Leaved Everlasting-Pea, Lesser Sea-Spurrey, Sea Spleenwort, Sea Fern-Grass, Dark-Green Mouse-Ear, Tree Mallow and Round-Leaved Crane's-Bill. The Local Planning Authority has repeatedly sought sufficient information in this respect, including a Phase 2 Botanical Survey. Unfortunately, this information has not been supplied to the Local Planning Authority at the time of writing, and details of impacts and mitigation measures remain unclear.

The proposals are therefore not compliant with Policy CS19 (Wildlife) of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

Flood Risk

The Environment Agency objection to the proposal identifies that the Flood Risk Assessment (FRA) has not considered flooding to all parts of the proposed development and additional information is required to show how flood risks will be managed. The areas of particular concern include the electricity substation and proposed hotel bedroom in the Casemates lower level torpedo room.

The proposals are therefore not compliant with Policy CS21 (Flood Risk) of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

Noise

The Council's Public Protection Service recommends refusal due to insufficient information relating to potential noise impacts of the development, including the potential for noise to be excessive due to the proposal of a helicopter landing pad, possible operational events and the construction phase. The risk is considered unacceptable because there is no evidence to indicate otherwise.

The proposals are therefore not compliant with Policy CS22 (Pollution) of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

Human Rights Act
The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Section 106 Obligations
Due to the lack of information in relation to this proposal, officers have not been in a position to begin detailed negotiations over heads of terms for a Section 106 agreement. However, were the proposal to be approved, there are impacts on the environment which would require mitigation. The impacts relate to offsetting the cumulative impacts on the European Marine Site.

Equalities & Diversities issues
This development affects people of all ages and from all backgrounds, as it provides hotel, spa, bar and restaurant facilities which will be made available to the general public, as well as heritage trail and historic environment exhibitions and interpretation.

Clearly, due to the island's topography and terrain, access for some groups to some areas may be challenging. The Arrival Building does however propose a lift giving access from the Jetty level to the main hotel level plateau.

Local Finance Considerations
Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. In this case the development will not generate any New Homes Bonus contributions for the authority. Therefore the development plan and other material considerations, as set out elsewhere in the report, are the only matters to be taken into account in the determination of this application.

Conclusions
The Local Planning Authority has given strong support for the principle of this proposal and officers have committed a great deal of time to working with the applicant's agent to try and resolve the various issues of concern and move the planning application forward. However, despite repeated advice and requests for updated plans and outstanding survey information, this has not been forthcoming.

In summary, the outstanding concerns with regards to the historic environment, wildlife, flood risk and noise are such that this proposal cannot be supported in its current form.

The application is therefore recommended for refusal.

Recommendation

In respect of the application dated **24/01/2012** and the submitted drawings 10057 C09.16, 10057 C09.10, 10057 C09.11, 10057 C09.12, 10057 C09.13, 10057 C09.14, 10057 C09.15, 10057 L09.01, 10057 L09.02, 10057 L09.03, 10057 L09.04, 10057 L09.05, 10057 L09.06, 10057 L09.07, 10057 L09.08, 10057 L09.09, 10057 L09.10, 10057 L09.11, 10057 L09.12, 10057 L09.13, 10057 L09.14, 10057 L09.15, 10057 L09.16, 10057 L09.17, 10057 L09.20, 10057 L09.21, 10057 L09.23, 10057 L09.24, 10057 L09.25, 10057 L09.26, 10057 L09.27, 10057 L09.28, 10057 L09.29, 10057 L09.30, 10057 L09.31, 10057 L09.32, 10057 L09.33, 10057 L09.34, 10057 L09.35, 10057 L09.36, 10057 L09.37, 10057 L00.01, 10057 L01.01, 10057 L02.01, 10057 L02.02, 10057 L02.03, 10057 L02.04, 10057 L02.05, 10057 L02.06, 10057 L02.07, 10057 L02.08, 10057 L02.09, 10057 L03.01, 10057 L03.02, 10057 L03.03, 10057 L03.04, 10057 L04.01, 10057 L04.02, 10057 L04.03, 10057 L04.04, 10057 L04.05, 10057 L04.06, 10057 L04.07, 10057 L04.08, 10057 L93.01, 10057 L93.02, 10057 L93.03, Bat Scoping Assessment, Ecologist Report - Drake's Island Species List, Ecologist Report - EcIA and Extended Phase 1 Habitat Survey, Ecologist Report - Phase 1 Habitat Survey, Ecologist Report - Phase 1 Habitat Survey Legend, Environmental Statement with Appendices, Heritage Assessment, Heritage Assessment Appendix One Gazetteer, Heritage Impact Assessment, Inter-Tidal Habitat Assessment, Drakes Hotel Travel Plan, Flood Risk Assessment, Foul Drainage Strategy, Phase 1 Environmental Assessment, Transport Statement, Transport Statement Part 2, Tree Report - Tree Constraints Plan – East, Tree Report - Tree Constraints Plan – West, Tree Report - Tree Constraints Plan Report, and accompanying Design and Access Statement,it is recommended to: **Refuse**

Reasons for Refusal

NEGATIVE IMPACT ON HISTORIC ENVIRONMENT

(1) The Local Planning Authority considers that the design of the central glazed core building linking the Barrack Block, Officer's Building and Ablutions Block has a negative impact on the adjacent listed buildings, and wider historic setting of the island and landscape, by virtue of its footprint, massing, external appearance and use of materials. The proposals are therefore not compliant with Policy CS03 (Historic Environment) of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

REFUSAL (WITH ATTEMPTED NEGOTIATION)

(1) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant [including pre-application discussions] [including [the offer of] a Planning Performance Agreement] and has looked for solutions to enable the grant of planning permission. However the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.

Relevant Policies

The following (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, were taken into account in determining this application:

CS03 - Historic Environment
SPD3 - Design Supplementary Planning Document
NPPF - National Planning Policy Framework March 2012