

ADDENDUM REPORT

Planning Committee



Item Number: 08

Site: Drake's Island

Planning Application Number: 14/00002/LBC

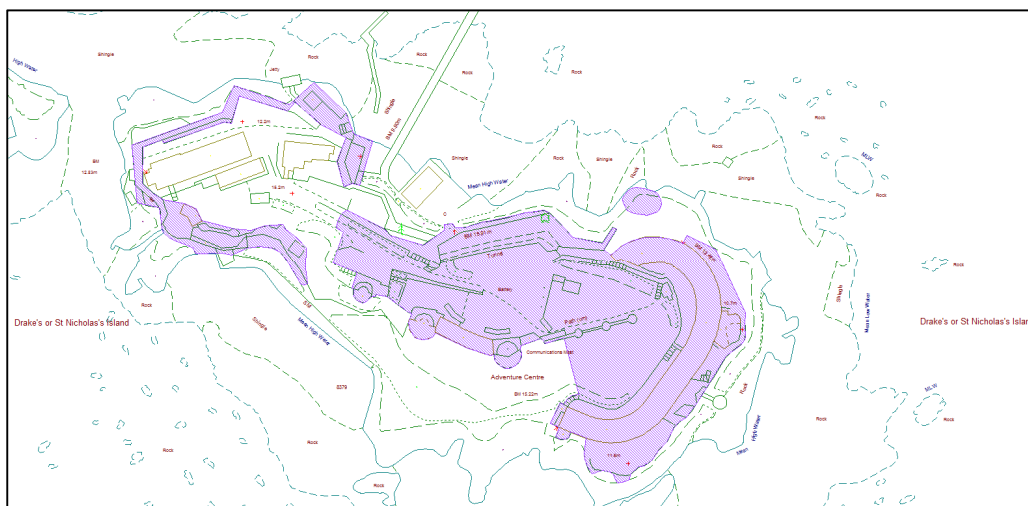
Applicant: Rotolok (Holdings) Ltd

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Site Description

It is considered helpful to include, within the Site Description section of the report, illustrations as follows showing the designation of heritage assets on the island, as this is important to the proper application of National Planning Policy Framework (NPPF) policies.

Figure 1: Scheduled Ancient Monuments on Drake's Island



The shaded areas in Figure 1 show the extent of the three Scheduled Ancient Monuments on Drake's Island. The summary description of these areas is as follows:

“The Coastal Fortifications of Drake's Island - Drake's Island stands as an imposing rock outcrop in the entrance to Plymouth Sound, and incorporates numerous defensive structures dating from the early post medieval period to the 20th century. The island covers 2.6ha, most of which is covered by military monuments, the earliest of which date from 1549. By 1590 there were 23 guns on the island, and it was held for Parliament during the Civil War, and was used for defence purposes until 1958. The monument includes 3 separate protected areas (for the full description, please see the SAM file)”.

It is proposed to clarify the following in Section 3.0 (Impact on Historic Environment) of the Analysis part of the report:

- 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 Historic England is the authorising body) although the effects on the Scheduled Ancient Monument are material considerations to be taken into account in the determination of this application.
- The statutory provision principally relevant to the heritage issues in the determination of this application is section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act"). Section 66(1) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The effect of section 66(1) of the Listed Buildings Act is that there is a statutory presumption in favour of the preservation Listed Buildings and their settings. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption. The NPPF provides guidance on the weight that should be accorded to such harm and in what circumstances such harm might be justified. Officers consider that all of the harms fall into the "less than substantial" category and most are at the lower end of the "less than substantial harm" category.
- 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. Assessed overall, these elements of the development would have a neutral effect on the significance of the heritage assets.
- With regards to the main hotel complex proposed for the Barrack Block/Officer's House/Ablutions Block, there are two key issues - the loss of original historic fabric and the proposal to connect the buildings to form 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. This would result in less than substantial harm and, within that category only moderate harm in the middle of the range. 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 accepted by Historic England as necessary for the viability of the development. It is therefore considered that any loss here, and with the Artillery Store, is significantly outweighed by the benefits of the proposed development and can be mitigated by recording.

- The proposal to connect the buildings with a central glazed “core” is considered to be a sound approach. The front of the glazed “link block” has been pulled back into alignment with the north frontage of the Island House – responding to Historic England’s request with the previous scheme (planning applications I2/00095/FUL and I2/00099/LBC), and allowing the building’s historic elevation to be seen in full. The proposal would result in no harm to the heritage assets.

It is proposed that the following section be added to the Analysis part of the report:

4.0 European Sites

With regards to the Tamar Estuaries Complex Special Protection Area (SPA), Natural England has advised that *“Following amendments to the proposed mitigation measures in the CEMP we believe that the redevelopment work could be completed whilst maintaining the Little Egrets on the island. This would require stringent adherence to all of the detailed measures set out in the CEMP.”*

With regards to the Plymouth Sound and Estuaries Special Area of Conservation (SAC) Natural England is *“satisfied with the majority of the mitigation provided the following recommended planning conditions are included:*

- *A monitoring methodology and threshold of damage for seagrass are agreed with Natural England prior to commencement of works*
- *Foul water drainage plan is submitted and agreed with Environment Agency and Natural England prior to commencement of works, this is to include turbidity data and plume modelling for all proposed outflows.*
- *However, we continue to have insufficient evidence regarding the following aspect of the development:*
- *Changes in water quality due to emissions from energy to waste plant, in order to assess the likelihood of significant effect we require information of the size of plant and expected emission levels.”*

The application for Listed Building consent is concerned only with the physical alterations to the buildings and other structures on Drake’s Island - i.e. the construction phase of the development and not its subsequent use. Natural England, with whom the Council agree, has concluded that, subject to the imposition of appropriate conditions for the construction phase of the development, that phase of the Drake’s Island proposals can be undertaken with requisite certainty of no adverse effect resulting to any of the European Sites.

Conclusion

It is proposed to clarify in the Conclusion part of the report that;

- i. the list of potential benefits generated by the proposal is considerable and clearly and significantly outweighs any effect on the heritage assets, and
- ii. as all listed building issues have been satisfactorily addressed, and because the Council can be satisfied that the works of demolition, alteration and conversion can be conditioned and a legal agreement put in place so as to be certain that any which may not require the grant of planning permission will not adversely affect the integrity of any European site, officers can recommend that this Listed Building Consent application be approved, subject to the attached conditions and the completion of a legal agreement.

Planning Obligations

It is necessary to add a Planning Obligation section to the report as follows:

The planning obligations sought include the following:

- a. A comprehensive ecological mitigation package as set out in the Habitat Regulations Assessment to ensure there is no adverse effect on the European Marine Sites and the island's features of nature conservation interest, including little egrets, lesser horseshoe bats and eelgrass beds, during the listed building consent works.
- b. An appropriate financial contribution towards the provision of an on-site ecological warden tasked with managing, monitoring and safeguarding the island's features of nature conservation interest, including little egrets, lesser horseshoe bats and eelgrass beds, during the listed building consent works.
- c. A commitment to provide permanent areas of interpretation explaining the island's historic and nature conservation interest, including in the arrival building and casemates feature rooms.
- d. A commitment to fund the creation of a byelaw to prohibit boat anchoring to prevent any damage to the seagrass beds if the applicant's own monitoring and protection scheme is not effective.

Recommendation

It is proposed to change the recommendation in the report to: **Grant Conditionally subject to a S106 Agreement, with delegated authority to refuse if the S106 Agreement is not completed by the end of February 2016.**

Conditions

References to English Heritage need to be changed to Historic England in the conditions.

The following changes to conditions are also proposed:

3. PRE-COMMENCEMENT: CODE OF PRACTICE DURING CONSTRUCTION

It is proposed to delete this condition since Condition 4 (PRE-COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN) will cover arrangements for managing all environmental effects of the development during the construction period. The other conditions will be renumbered accordingly.

4. PRE-COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

It is proposed to change the Reason and Justification as follows:

Reason: To safeguard against pollution and adverse effects on protected wildlife and to avoid conflict with Policies 19 and 22 Policy CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021).

Justification: To ensure that wildlife habitats are adequately protected during the construction works.

11. PRE-COMMENCEMENT: SEAGRASS SURVEY AND MONITORING METHODOLOGY

Prior to commencement of the development a seagrass bed protection scheme to include an annually-repeating Phase 2 seagrass and seahorse survey programme, a monitoring methodology and threshold of change for the seagrass beds will be submitted to, and agreed with, the Local Planning Authority and Natural England. The development and subsequent monitoring will be undertaken in accordance with the agreed scheme and methodology.

Reason:

To safeguard against damage to the protected seagrass beds and to avoid conflict with Policies 19 and 22 Policy CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021).

Justification:

To ensure that wildlife habitats are adequately protected from the development.

19. PRE-COMMENCEMENT: RECORDING OF FEATURES

No works shall take place until the implementation of a programme of recording of features that will be destroyed or damaged in the course of the works to which this consent relates has been secured, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that a record of such features is made and kept available for inspection, in accordance with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

Justification:

To ensure that important important historic features are properly protected / respected before construction commences.

21. CONDITION: REPORTING OF UNEXPECTED CONTAMINATION

In the event that contamination of ground conditions is found when carrying out the approved development that was not previously identified, expected or anticipated, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Where remediation is necessary a remediation scheme must be prepared, which 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.

Following completion of measures identified in the approved remediation scheme, a verification 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:

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 risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 -123 of the National Planning Policy Framework 2012.

22. CONDITION: USE OF THE TORPEDO ROOM

It is proposed that this condition be deleted since it relates to the operation of the Torpedo Room.

The following new conditions are proposed:

PRE-CONSTRUCTION: GLAZED ACOUSTIC SCREEN BETWEEN THE CASEMATES AND TUNNEL OPENING

No listed building works shall take place until the glazed acoustic screen between the casemates and tunnel opening has been completed.

Reason:

To ensure wildlife habitats are protected, to comply with Policies CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 118 of the National Planning Policy Framework 2012.

Justification:

To ensure that wildlife habitats are adequately protected from the listed building works.

CONDITION: IMPACTS ON LITTLE EGRETS

No listed building works shall be undertaken during the sensitive nesting and roosting periods for little egrets, with noise levels not exceeding 30dB within 50m of the little egret nesting and roosting areas as detailed in the Habitat Regulations Assessment.

Reason:

To ensure wildlife habitats are protected, to comply with Policies CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 118 of the National Planning Policy Framework 2012.

Justification:

To ensure that wildlife habitats are adequately protected from the listed building works.