

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/20/001/FUL

Received on: 3 January 2020

UPRN: 000192000448

Application Expiry date: 3 March 2020

Neighbour expiry date: 28 January 2020

Consultation expiry date:

Site notice posted: 14 January 2020

Site notice expiry: 4 February 2020

Applicant: Mr Alistair Martin Duchy of Cornwall

Site Address: Hilldrop Flower Farm
Lower Town
St Martin's
Isles of Scilly
TR25 0QW

Proposal: Removal of chimney stack above eaves level.

Application Type: Planning Permission

Recommendation

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1. That the Application is APPROVED for the following reason and subject to the condition set out below.
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Site Description and Proposed Development

Hilldrop Farm is a two storey white rendered cottage, which is a mid-terraced structure, given the attachment of buildings to either side. The property faces on to and abuts the north side of the main road, running through the island. The chimney is situated on the rear roof slope towards the east side of the property.

The proposal is to take down the top section of the chimney feature down to just below the eaves level and make good the opening with a lead dressing.

Background and Relevant History

In 1970 an application for 2 chalets was approved under P957. In 1989 an application to change the use of a flat to a shop was approved under P2966. In 1991 a further application to change the use of a barn to a shop was approved under P3300. In 1999 an application was approved under P4697 for repairs and alterations to outbuilding for continue use as garage and stores. In 2000 permission was granted for external alterations, including staircase and rendered walls decorated, under P4745. In 2002 an application for internal and external alterations to cottage and shop was approved under P5143. In 2005 an application for a change of use of the shop to holiday accommodation was approved under P5746. Finally in 2007 an application for changes to windows and rooflights was approved under P5746.

Consultations and Representations

Public Representations: None

Consultation Representations: NONE

A site notice has been on display for a period of 21 days and no letters of representation have been received.

Constraints:

Archaeological Constraint Areas Name: Lower Town. Island: St Martin's
Historic Landscape Character Multiple (Spatial)

Primary Legislation and Planning Policy

Primary Legislation

The Town and Country Planning Act 1990

Section 70(2) of the Planning Act requires the Local Planning Authority to have regard to the development plan, so far as material to the application, and any other material considerations when determination planning applications.

The Planning (Listed Buildings and Conservation Area) Act 1990

The site is within a Conservation Area where there is a requirement to ensure that any development preserves or enhances the character or appearance of the area, as embodied in Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990.

The Countryside and Rights of Way Act 2000

The Isles of Scilly is also a designated Area of Outstanding Natural Beauty (AONB). The legal framework for such areas is provided by the Countryside and

Rights of Way Act 2000. The Act places a statutory duty on the Local Authority to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land within it.

The Conservation of Habitats and Species Regulations 2010 (Consolidation of Conservation (Natural Habitats, &c.) Regulations 1994)

It is a legal duty of a Local Planning Authority, when determining a planning application for a development, to assess the impact on European Protected Species ("EPS"), such as bats, great crested newts, dormice or otters. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations, which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

Planning Policy

National Planning Policy Framework (NPPF) 2019

At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place. With respect to general development and the Strategic Policies it is considered that the Local Plan remains up to date and conforms to the requirements of the NPPF.

Paragraphs 39-41 identifies the need to front-load the planning system through pre-application engagement. This states that the right information is crucial to good decision-taking, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitat Regulations Assessment and Flood Risk Assessment). To avoid delays the NPPF advocates early discussions with the local planning authority as well as expert bodies as early as possible.

Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 172 advises that great weight should be given to conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. The conservation of wildlife and cultural heritage are important considerations.

Isles of Scilly Local Plan 2005

Policy 1 relates to environmental protection and seeks to permit development proposal only where they respect and protect the recognised quality of the island's natural, archaeological, historic and built environment. Proposals should (a) conserve or enhance the natural beauty, wildlife and cultural heritage of the Area of Outstanding Natural Beauty and protect the unspoilt character and good appearance of the heritage coast, (b) Preserve nationally important archaeological remains and their settings; (c) Preserve or enhance the character or appearance of the Conservation Area and preserve the architectural or historic interest of all listed buildings, including their features and settings; (d) safeguard

the integrity and nature conservation objectives of Special Protection Areas (SPAs), RAMSAR sites and Special Areas of Conservation (SAC); (e) protect a statutorily protected plant or animal species and the wildlife, geographical and geomorphological interest and features of designated Sites of Special Scientific Interest (SSSI); and locally important biodiversity habitats, species and landscape features.

Policy 2 relates to Sustainable Development and seeks to permit development in situations where the development contributes to the sustainability of the islands' environment, economy or local community. Policy 2 (a) requires development to ensure conserve or enhance the landscape, coastline, seascape and existing buildings of the islands through appropriate design including siting, layout, density, scale, external appearance (i.e. details and materials) and landscaping.

Isles of Scilly Design Guide 2007

The Isles of Scilly Design Guide is a Supplementary Planning Document (SPD) that forms an important part of the local Development Plan. This states that "It is important that the nature of the surrounding area is understood and reflected in any development proposal. Without this awareness it is likely that a development will be unsympathetic".

Submission Draft Isles of Scilly Local Plan 2015-2030

The emerging policies within the consultation draft of the Local Plan set out a clear range of policies designed to protect the landscape character (Policy OE1) as well as the natural (Policy OE2) and historic environment (Policy OE7). This emerging document also contains policies for principles of sustainable design (Policy SS1) and sustainable quality design and place-making (Policy SS2).

As of 30th September 2019 the Submission draft Local Plan has been submitted to the Secretary of State, and as of January 21-23rd 2020 the Planning Inspectorate carried out an Examination in Public of the Local Plan. At the time of writing this report, the above policies are being given greater weight relative to the adopted 2005 Local Plan.

Planning Assessment

The main planning issues relate to the impact of the work on the wider character of the Conservation Area and the Area of Outstanding Natural Beauty (AONB). Given the nature of the works it is important that it does not result in harm to protected species, particularly as gaps and such features in buildings can be used by bats. Given the nature of the works it is not considered necessary to consider the impact upon privacy or amenity of neighbouring properties.

Impact upon the Conservation Area and AONB

Hilldrop Farm is a relatively traditional building within the built form of Lower Town on St Martins. The building appears on the 1889 Ordnance Survey Maps of St Martins and as such is considered to be one of the older buildings on the island. The construction of such a high chimney is required to ensure the smoke is sufficiently elevated away from the property. It is, however, not uncommon for

such chimney features to be redundant and cause problems for the fabric of the building, with ingress of moisture. In this case the applicant has stated that the chimney feature has become redundant as a result of an internal refurbishment. If left the chimney will create longer term health and safety issues with maintenance and will contribute to water ingress issues within the building.

It is noted that Hilldrop Farm is not a listed building but it is within the Isles of Scilly Conservation Area and Area of Outstanding Natural Beauty (AONB) where there is an overriding requirement to ensure development proposals either conserve or enhance the wider character of the area. In this case it is considered that the removal of the chimney, retaining the rest of the building in situ will result in a neutral impact overall in terms of the character of the conservation area and AONB. Additionally this chimney is not part of a strong characteristic within the built-up area of Lower Town, where its removal may be more apparent. From the front of the site, the chimney is not currently visible. There are some views of this from the rear, at the Seven Stones Inn, but this is not a prominent feature and it can only be seen within the context of the rooftops. Although the loss of such features has a gradual erosion of original features, it is not considered that retention on this building, as proposed and for the reasons set out, is appropriate, given the conclusion as to the neutral impact upon the wider character of the area. It is considered that the proposal is in accordance with Policies 1 and 2 of the 2005 Local Plan and Policies SS1, Policy SS2, OE1 and OE7 of the draft Isles of Scilly Local Plan 2015 – 2030.

Impact upon the Natural Environment

It is considered that the main impact upon the wider natural environment would be the potential to impact upon bats. As a statutorily protected species it will be critical to establish, before determining this application, whether any bats would be affected by the proposal. The applicant has not undertaken a preliminary ecological assessment or primary roost assessment at this site. Whilst there is the potential for bats to use cracks and crevices within this chimney, it is not a known bat roost. The applicant has stated that once scaffold has been erected, the chimney will be carefully inspected for bats, signs of bats and any bat activity. Demolition will be carried out in a careful and sensitive manner with a view to checking crevices as work progresses. If required the applicant has stated that the site will be inspected and independently assessed if there is evidence of bats becomes apparent. It is recommended that the applicant is provided with contact details of Bat Helpline and the Bat Discovery Informative should be placed on the decision notice. Given the small-scale nature of the works, the applicant's commitment to ensure bats are not affected and the need to comply with the law with respect to protected species, in any event, it is considered that this Authority can conclude that bats are unlikely to be harmed as a result of the works.

In terms of the management of waste, and the potential impact upon the natural environment. The applicant has stated that waste materials, arising from the demolition works, will be dealt with by working closely with the St Martins waste and freight handlers to ensure appropriate disposal on St Mary's where the materials can be re-used and recycled as appropriate. Any material not suitable

for re-use will be disposed of through the Waste Site Facility on St Mary's.

Overall, subject to the applicant ensuring demolition is handled sensitively with respect to bats and waste is dealt with appropriately, as set out in the Design and Access Statement, the proposal is considered to be acceptable and would accord with Policies 1 and 2 of adopted Local Plan (2005) and Policies SS1, SS2, OE1 and OE7 of the draft Isles of Scilly Local Plan (2015 – 2030).

The application is recommended for Approval.

Conditions

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

C2 The development hereby permitted shall be carried out in accordance with the approved details only including:

- **Location Plan, Block Plan Proposed and Existing Section Plan, date stamped 06/01/2020, Drawing Number 10/0127-06, Rev B dated 22.11.2019;**
- **Design and Access Statement: Hilldrop house, chimney removal, date stamped 06/01/2020**

These are stamped as APPROVED

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 and Policy 2 of the Isles of Scilly Local Plan 2005 and Policies SS1, SS2, OE1 and OE7 of the draft Isles of Scilly Local Plan (2015 – 2030).

C3 All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800 and 1800 hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.

Reason: In the interests of protecting the residential amenities of neighbouring properties.

Print Name: Lisa Walton

Signed:



02/03/2020

Job Title: Senior Officer, Planning and Development Management

Authorised Officer with Delegated Authority to determine Planning Applications

Monitoring – Case Officer – Don't forget to complete and enter into the Monitoring Table: Y:\Infrastructure & Planning\Planning\Monitoring\2015-2030 Local Plan Monitoring

Promoting a Sustainable Scilly										
	SS1	SS2	SS3	SS4	SS5	SS6	SS7	SS8	SS9	SS10
Clause/Part (State)	a)	(1) a), b),								
Contrary to (tick)										
In accordance with (tick)	✓	✓								
Our Outstanding Environment										
	OE1	OE2	OE3	OE4	OE5	OE6	OE7			
Clause/Part (State)	a)						(5) a),			
Contrary to (tick)										
In accordance with (tick)	✓						✓			
A Strong Living Community										
	LC1	LC2	LC3	LC5	LC5	LC6	LC7	LC8	LC9	
Clause/Part (State)										
Contrary to (tick)										
In accordance with (tick)										
A Strong Working Community										
	WC1	WC2	WC3	WC4	WC5	WC6				
Clause/Part (State)										
Contrary to (tick)										
In accordance with										

Monitoring	Yes	No
Sustainable Design Measures required		✓
Provided		
Conditioned		
Site Waste Management Plan Required	✓	
Provided	✓	
Conditioned		
Biodiversity enhancements required		✓
Provided		
conditioned		

Application Number:	P/20/01/HH	
Valid Date	07/01/2020	
Date Decision Issued	01/03/2020	
Approved	Refused	Withdrawn
DEL/LMP: 28/02/2020		COMM