

Andrew King

From: Planning (Isles of Scilly)
Subject: Planning Application Representation - P/21/039/FUL

From: Arthur Miller
Sent: 13 December 2021 09:09
To: Planning (Isles of Scilly) <planning@scilly.gov.uk>
Subject: Planning Application Representation - P/21/039/FUL
Importance: High

Dear Planning team,

With reference to the above application we would make the following observations and concerns:

- a) We are surprised and concerned that there is no provision of a garage to the proposed new building. For information, there are Duchy covenants in place, from the conveyance by the Duchy of 1988 which clearly states that one of the limited uses of the existing building is as a garage. Furthermore, the same conveyance covenants state that the area of land directly in front of the south elevation of Mr Harding's building, (which is not actually owned by Mr Harding, but is part of the estate of the late Cynthia Hardern), must be kept in a clean and tidy condition and must NOT be used for storage of any materials, scrap or have vehicles left there, or have/do anything on this land that would be a nuisance to neighbouring properties. There are only rights of access over said area of land, to enable access to the garage/workshop – in accordance with the conveyance/covenants.
 - i. For some time now, Mr Harding has left a campervan on the above land, as well as a car, and numerous building materials which is in clear breach of the aforementioned covenants. The parking has been discussed with Mr Harding, and it remains a concern to us that the presence of the campervan (which is visible along the fence line of the reception/garden area of our distillery entrance) is detrimental to the appearance of our distillery frontage, considering we are business that relies heavily on attracting tourists during the season. We have also discussed the stacking of materials against the wooden fence between the land in front of the south elevation of the workshop and our distillery's garden area, as this had been deteriorating our fence. This area was cleared thankfully, and should remain so, given the aforementioned Duchy covenants.
 - ii. With the ever-increasing number of vehicles on the island and the very apparent impact this is having on a number of key roads i.e. high traffic flow, we would expect there to be a requirement by Planning to provide a garage where viable, to reduce on road parking levels. Accordingly, we had expected and would have thought there is clear scope to incorporate a garage within the proposed building design, and so we would ask for this to be considered. Failing this, whilst we assume he will move to parking his car on Old Town Lane, we trust Mr Harding's campervan will be parked at the Water Meadow Barn he uses further down Old Town Lane, as this has adequate off-road parking provision for multiple vehicles.
- b) With further reference to the aforementioned Duchy covenants and the fact that the area of land directly in front of the south elevation of Mr Harding's building is part of Castle Farm House, we do not believe it is permissible to build the proposed bins store on said land, as shown in his drawings? Accordingly, provision for this would need to be within the property's demise, and so new drawings and waste management proposals will need to reflect this.

- c) We've experienced significant issues with water ingress to the western wall of our distillery, emanating from failings in the existing guttering over the gulley on/over the eastern elevation of Mr Harding's workshop. Whilst we are grateful for the temporary repairs he has carried out to try to alleviate this issue, we are understandably concerned to ensure that the new proposed fibreglass gulley will be of suitable construction/integrity to finally provide adequate permanent protection to prevent further water ingress to the western wall/side of our distillery.
- i. We are also concerned that there should be adequate NEW provision for the flow of the rainwater emanating from above, to avoid overwhelming and in turn risking flooding from the current soakaway, which we did not appreciate flowed into our own demise. Accordingly, there will need to be suitable new provision to appropriately drain the rainwater to Old Town Lane.
- d) Further to above, we are equally concerned to ensure that adequate, fully compliant waste drainage is to be provided to connect with the mains sewer system situated in Old Town Lane. We assume the necessary conditions/building regulations will be imposed if this application is approved.
- e) Whilst there is no suitable drawing of the proposed eastern elevation, we are concerned to note from drawing reference CFW 8 the scale and positioning of the proposed roof windows as these significantly impact privacy for us in the first-floor apartment of the distillery. At the least, we would expect these windows to be opaque glass, albeit when windows are opened this will result in noise transfer/inconvenience and visibility impacting privacy, especially with the proposed raising of the roof height.
- f) Regarding the raising of the roof, we are concerned to ensure there will be no risk of or actual damage to our own western elevation and/or roof, as a result of the building works that will be required. Equally, we are concerned at the impact of the disturbance of building works during the busy and essential tourism season for our distillery, as we can ill afford to have trade affected after the impact of the pandemic on the last two seasons. We would therefore ask that works be restricted to prior to/after the main tourist season if at all possible.
- g) Considering the earlier reference to the land ownership and Duchy covenants, we assume that the trustees of the estate for the late Cynthia Hardern have been served notice and so duly notified of the proposed application? As the estate is to be sold, I anticipate the trustees/executors would be concerned as to the proposed works (especially the proposed bin store and vehicular parking on their land!) given the potential impact on the sale.

Kind regards

Arthur & Hilary Miller
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