

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/21/077/COU and P/21/078/LBC

UPRN: 000192000773

Received on: 7 September 2021

Valid on: 26 October 2021

Application Expiry date: 21 December 2021

Neighbour expiry date: 17 November 2021

Site notice posted: 27 October 2021

Site notice expiry: 17 November 2021

Applicant: Mr & Mrs Green

Site Address: Freesia
3 The Parade
Hugh Town
St Mary's
Isles Of Scilly
TR21 0LP

Proposal: Combined application for Planning and Listed Building Consent for a Change of use of guest house to self-contained holiday let with owners accommodation and associated works (Listed Building).

Application Type: Change of Use/Listed Building Consent

Recommendation: PER

Summary Conditions:

Planning

1. Standard time limit
2. Adherence to plans
3. Short let use of ground floor flat
4. Owners accommodation of first and second floor flat
5. Hours of Operation for Construction Works
6. Building Recording Condition
7. Detailed plans of external stairs
8. Detailed plans of chimney replacement
9. No external lighting

LBC

1. Standard LBC time limit
2. Building Recording Condition
3. Detailed plans of stairs
4. Details of replacement chimney

Reason for Delegated Decision

No Councillor has requested that the application come to the Full Council. The decision defaults to the level of Delegated:

- Not a Councillor ✓
- Not a Senior Officer (or Officer with influence over planning Decisions) ✓
- No relation to a Councillor/Officer ✓
- Not Major ✓
- Not Council's own application ✓
- Not a departure from the Development Plan ✓
- Not Called in ✓

Lead Member Planning Agreed

Name: Cllr Dan Marcus

Date: 15/12/2021

Site Description and Proposed Development

Freesia is a mid-terraced multi storey property that is situated in the heart of Hugh Town. It is a grade II listed building known as Stanmore House which was added to the National Heritage List for England (NHLE) for its group value in 1975. It is a coursed granite construction with timber windows and doors with modern interlocking concrete tiles and two front facing pitched roof dormer windows. It comprises three bays with a central door on the front elevation. The property is a double pile construction with additional extension to the rear. The list entry describes the property as:

House. Early C19. Coursed granite blocks; late C20 interlocking tiles to half-hipped roof; rendered end stack. Double-depth plan with central entrance hall. 2 storeys; 3-window first-floor range. Semi-circular arch with voussiors over mid C20 door with plain fanlight. Granite lintels over 8/8-pane sashes. Curved corner to left (west). Mid C20 rear addition. Interior not inspected.

The property is centrally located in Hugh Town, it is listed for its group value as a period property that relates well to a high proportion of buildings from this period in the vicinity. The property is considered to be an important building in terms of the wider character of the conservation area and retain a traditional appearance.

In 2021 the property owner secured a certification of lawful use for the use of the house as a guesthouse. The current proposal is to convert the guesthouse to owners accommodation on the upper floors with a self-contained self-catering holiday let on the ground floor.

In order to achieve independence between the two properties, the application proposes a new rear stepped access, above the later flat roof rear extension, which will then provide a separate means access to the first floor from the rear, leaving the main entrance on the front ground floor as the entrance into the holiday let. There will be a rear access from this flat into the rear yard area. The

ground floor section of the existing staircase will be taken out to provide the additional space, with the ceiling being blocked up.

The original staircase at first floor up to the second floor will also be replaced, due to the inadequate head height and differing floor heights between the first floor access to the rear flat roof (and new stepped access) and the main first floor. As a period staircase, the head heights do not meet current building regulations. Within the first floor and second floor the chimney breast structure will be removed to create more space within the rooms. Finally the chimney will be removed from the roof as this is cracked and with the removal of the breastwork from within the property, it would serve no function.

Certificate: A

Other Land Owners: None

Consultations and Publicity

The application has had a site notice on display for 21 days (27/10/2021 – 17/11/2021). The application appeared on the weekly list on 1st November 2021. Due to the nature of the proposal no external consultations are required.

Representations from Residents:

Neighbouring properties written to directly:

- **4 The Parade**
- **Bourdeaux Shop, 2 The Parade**
- **Thoroughfare Cottage, The Thoroughfare**

[0] letters of objection have been received.

[0] letters of support have been received.

[0] letters of representation have been received.

Relevant Planning History:

Ref	Description	Decision	Date Determined
P1896	The installation of ventilated roof lights to attic on front elevation of roof of Stanmore House, The Parade, St Mary's	Permitted	1980
P5198	General improvements and renovations.	Permitted	2002
P5199	General improvements and renovations.	Permitted	2002
P5664	Installation of new hardwood front door.	Permitted	2005
P/06/090	Internal Alterations	Permitted	2006
P/21/043/CLE	Application for a Certificate of Lawful Use of the dwelling (Use Class C3) as a guest house (Use Class C1).	Granted	2021

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty

- Heritage Coast
- Listed Buildings: ID: DCO14336. Grade: II. Name: STANMORE HOUSE
- Historic Landscape Character Settlement

Planning Assessment

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	y
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	y
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	y
Would the proposal leave adequate garden area and green space to prevent the proposal appearing as an overdevelopment of the site and to ensure an adequate level of amenity?	y
Is the parking and turning provision on site acceptable?	n/a
Would the proposal generally appear to be secondary or subservient to the main building?	n/a

Amenity	YES OR NO
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	y
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	y
Is the proposal acceptable with regard to any significant change or intensification of use?	y

Heritage	YES OR NO
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	y
If within the setting of, or a listed building, <ul style="list-style-type: none"> a) Will the development preserve the character and special architectural or historic interest of the building? b) Will the development preserve the setting of the building? 	y
Within an Archaeological Constraint Area	n
Other Impacts	n/a
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	

Impact on protected trees a) Will this be acceptable b) Can impact be properly mitigated?	n/a
Has the proposal been designed to prevent the loss of any significant wildlife habitats or proposes appropriate mitigation where this has been demonstrated to be unavoidable?	y
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	y
Are the Water connection/foul or surface water drainage details acceptable?	n/a
If sited within a Critical Flood Risk Area (low lying land below the 5m datum) is the application accompanied by an acceptable Flood Risk Assessment?	n/a
Are there external lights	n

Protected Species	YES OR NO
Does the proposal include any re-roofing works or other alteration to the roof	n
Does the proposal include any demolition	y
Does the proposal include tree or hedge removal	n
Is an assessment of impact on protected species required	y
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	y
Are biodiversity enhancement measures required	n
Is a condition required to provide biodiversity enhancement measures	n

Waste Management	YES OR NO
Does the proposal generate construction waste	y
Does the proposal materially increase the use of the site to require additional long-term waste management facilities	n
Does the proposal include a Site Waste Management Plan	y
Is a condition required to secure a Site Waste Management Plan	n

Sustainable Design	YES OR NO
Does the proposal materially increase the use of the site to require additional sustainable design measures	n
Does the proposal include a any site specific sustainable design measures	n
Is a condition required to secure a Sustainable Design Measures	n

Change of Use of Serviced Accommodation: The lawful use of Freesia is as a guesthouse and Policy WC5(3) a) supports the change of use of existing [and lawfully operating] serviced accommodation to other forms of tourist accommodation, including self-catering, providing an element of owners/staff accommodation is retained for permanent occupation. In this respect, a certificate of lawful use has been secured, the proposal is acceptable.

Conditions are recommended to control occupancy of the first floor two storey owners accommodation, to be retained as permanently occupied staff/owners accommodation.

In light of staff accommodation/local need accommodation shortages generally, whilst it is not considered reasonable to require the use of the self-contained flat to be used for local need accommodation, on the basis that it is currently a guesthouse use, it is considered appropriate to allow some flexibility in use of the ground floor accommodation to require it to either be for short-let holiday accommodation or for long term letting purposes, it would be restricted to being occupied by those with a qualifying local need. Conditions to restrict the use of the accommodation is therefore recommended.

Impact upon the Listed Building: The application is supported by a Heritage Impact Assessment, which seeks to consider the impact upon significance of the removal of apparent original features: stairs and chimney (pot and internal chimney structure) that are required to achieve the change of use and subdivision of the guesthouse. This assessment has been carried out by a competent heritage professional and in general notes that there are only a few remaining features of historic significance at this property with the stairs in particular being considered highly significant. The removal of the chimney from the roof is identified as negative, with minor or less than substantial harm arising as a result. It is noted that a replacement chimney could be constructed which would have a positive impact and deliver substantial benefit.

In response to this harm, it is noted that no replacement chimney is proposed, with the roof proposed to be made good once the chimney is removed. It is considered that a replacement chimney could be conditioned. This would need to be a pre-commencement condition.

In terms of the removal of the chimney breasts from within the building itself, as this is hidden beneath stud walls, the impact of removal is unknown. The removal of original fabric it is, however, deemed to have a negative impact. The Heritage Statement suggests that the removal could be mitigated by a program of building recording to lift the negative/unknown impact and instead result in a positive/unknown impact.

In terms of the staircase, the applicant states this is a later installation to the property, but the Heritage Statement notes this to be the right period for the property with half turns to access the upper floors. On this basis, as there is no evidence to the contrary, it is likely to be an original staircase which is judged to be of considerable significance. The heritage impact, as result of the proposed staircase removal and replacement, is assessed as negative giving rise to moderate harm. Although this is still less than substantial overall, in that enough heritage value will remain to justify it as a heritage

asset. It is considered that the proposal does result in harm to the special character of this as a designated heritage asset.

Although the listing description does not describe the interior of the building, and it was initially listed for its group value, based on the period and retained original features of the exterior of the building, the horizontal sub-division will see the loss of original fabric, or likely original fabric. The principle front elevation will be retained and it is considered that this front elevation is highly significant and sensitive to change and will be maintained as the principal entrance to the ground floor holiday let apartment. The rear later extension will form part of the ground floor flat, with a new external staircase installed to access the rear of the property, above the flat roof of the rear extension. It is the alterations required to create this already modified window, which will become the main entrance to the first floor flat, together with the removed staircase, and creation of open spaces as a result of the removed chimney breast, which will result in some harm overall.

It is noted that the property, within recent history as evidenced by the planning history above, has been heavily modified to create the guesthouse, with a later larger modern extension to the rear and alterations to openings on the rear. None of these changes have been recorded so it is unclear whether the staircase is original and what other changes have taken place. Based on the heritage assessment there is no evidence to confirm the staircase was replaced. It seems unlikely if it currently does not comply with the building regulations in terms of clearances. It is considered that there are some benefits to the proposal, including the creation of self-contained flat for the applicant and retention of a self-contained self-catering apartment for holiday let use.

The Council recently declared a housing crisis on the islands as a result of the difficulties of many island-based business to recruit staff due to accommodation shortages, as noted above, and local families being unable to secure long-term permanent accommodation. The applicants are making the case that they have resolved their own housing issues, through the purchase of the guesthouse and are now seeking to convert it from a guesthouse to a family home (two upper floors) whilst retaining tourist accommodation. The alterations to the property, it is stated, cannot be effectively split without the staircase being modernised and removed from the ground floor altogether and the chimney being removed. If they are not able to create the self-catering flat, as income to support them, they are unable to occupy the managers flat as a young family. They would therefore likely have to apply for social housing, placing added burdens on the existing housing crisis of the islands.

The assessment and ultimately the acceptability of the proposal therefore rests on whether the harm identified above, although less than substantial, is acceptable in light of the case being made by the applicant to secure their own long-term family accommodation, whilst retaining an income that would be from the continued tourist accommodation being offered within the former guesthouse. No alternative solutions have been put forward by the architect that could see the retention of these original features, whilst achieving the split within the property. This is on the basis of the head height required which is not adequate with the current staircase.

It is noted that some of the harm can be mitigated through the recording of the building, particularly the staircase and chimney, although that does not retain the heritage value,

merely records it. I give minimal weight to the connection between the housing crisis and the proposed harm, but I give greater weight to the creation of family accommodation out of this property whilst retaining a form of tourism accommodation. There are no other wider public benefits to take into account this case. The property is a private building and is otherwise stable and not deteriorating.

Overall, the building should be recorded as the minimum step towards mitigating the harm identified and whilst not the most convincing case, the issues around retention of housing is recognized. The heritage statement concludes that whilst the staircase results in harm, this harm is less than substantial and recording this feature would still ensure this property retains sufficient heritage value overall.

I recommend a number of conditions to approve details of the replacement chimney and external steps as the precise method of construction and materials of both are not provided in the proposal.

It is considered therefore that the proposed works, having regard to section 16, 17 and 18 of the Planning and Listed Buildings and Conservation Areas Act 1990, are acceptable. The proposal is considered to accord with adopted Policy 1 of the 2005 Local Plan and Policy OE7(6) of the submission draft Isles of Scilly Local Plan 2015-2030

EIA: Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

Proactive working: In accordance with guidance within the National Planning Policy Framework the Council has worked in a positive and creative way and has concluded that the application is acceptable for planning approval. This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This application has been considered in accordance with Sections 16, 17, and 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy: Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 2021, the development plan for the Isles of Scilly comprises the Isles of Scilly Local Plan 2015-2030.

The relevant development plan policies that have been taken into consideration are set out below:

Isles of Scilly Local Plan, 2015-2030

Policy	Tick if Used ✓
Policy SS1 Principles of Sustainable Development	
Policy SS2 Sustainable quality design and place-making	
Policy SS3 Re-use of Buildings	

Policy SS4 Protection of retailing, recreation and community facilities	
Policy SS5 Physical Infrastructure	
Policy SS6 Water and Wastewater Management	
Policy SS7 Flood Avoidance and Coastal Erosion	
Policy SS8 Renewable Energy Developments	
Policy SS9 Travel and Transport	
Policy SS10 Managing Movement	
Policy OE1 Protecting and Enhancing the landscape and seascape	
Policy OE2 Biodiversity and Geodiversity	
Policy OE3 Managing Pollution	
Policy OE4 Protecting Scilly's Dark Night Skies	
Policy OE5 Managing Waste	
Policy OE6 Minerals	
Policy OE7 Development affecting heritage	✓
Policy LC1 Isles of Scilly Housing Strategy to 2030	
Policy LC2 Qualifying for Affordable Housing	
Policy LC3 Balanced Housing Stock	
Policy LC4 Staff Accommodation	
Policy LC5 Removal of Occupancy Conditions	
Policy LC6 Housing Allocations	
Policy LC7 Windfall Housing:	
Policy LC8 Replacement Dwellings and Residential Extensions	
Policy LC9 Homes in Multiple Occupation	
Policy WC1 General Employment Policy	
Policy WC2 Home based businesses	
Policy WC3 New Employment Development	
Policy WC4 Alternative Uses for Business/Industrial land and buildings	
Policy WC5 Visitor Economy and Tourism Developments	✓

Info Requirements	Submitted (LVC)	Not Submitted	Condition Required
Site Waste Management Plan	y		
Sustainable Design Measures	n		
Biodiversity Enhancement Measures:	n		

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

Considerations under Human Rights Act 1998 and Equalities Act 2010: The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

In discharging their functions, must have “due regard” to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

Recommended Conditions: Planning application P/21/077/COU

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:

- **Plan 1 Existing Plans and Location Plan, drawing number: 4042 01 A dated June 2021**
- **Plan 2 Proposed Plans AMENDED, drawing number: 4042 02 C dated June 2021**
- **Heritage Assessment and Design and Access Statement**
- **Site Waste Management Plan**

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 OE1 and OE7 of the Isles of Scilly Local Plan (2015-2030).

C3 The self-contained ground floor flat, hereby permitted, as show in yellow on the attached plan, shall not be used otherwise than for either:

- **the provision of short-let holiday accommodation, in connection with the permanent owners accommodation; or**
- **if rented out on a longer-term basis, to persons with an established identified specific local need in accordance with Policy LC2 of the Local Plan.**

Short-term holiday let use shall not exceed continuous occupation for more than 28 days in any calendar year. In accordance with the General Data Protection Regulations, the owner or operator shall maintain a register of occupants for each calendar year. This shall be made available on request for inspection by any duly authorised officer of the Local Planning Authority.

Reason: The property is changing from lawful guesthouse use to a mixed use of owners accommodation and self-catering accommodation and on the basis the ground floor flat meets the minimum space standards this condition provides flexibility to use and when

not required for holiday let to enable the accommodation to be retained for longer term local need accommodation.

- C4** The self-contained two storey first floor flat, hereby permitted, as show in green on the attached plan, shall not be used otherwise than for the provision of owners accommodation only in connection with the self-contained ground floor flat (as per condition C3) at Freesia, The Parade. The owner's accommodation shall not be occupied or used as short-term holiday letting accommodation and shall be retained as permanent accommodation.

Reason: To ensure that the development is occupied as staff or owners accommodation in accordance with Policy WC5 of the Isles of Scilly Local Plan 2015-2030

- C5** 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.

- C6** **A) No alterations shall take place until a programme of historic building recording work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and:**

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

B) No alterations shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The historic building recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.

Reason: A pre-commencement condition is necessary in this instance due to the need to ensure that a programme and methodology of historic building recording is undertaken before physical works commence on site. This is in accordance with the provisions of NPPF (2021) Chapter 16, paragraph 205 and Policy OE7(6) of the Isles of Scilly Local Plan (2015-2030).

- C7** Before development starts large scale drawings to a minimum scale of 1:20 of the external stairway, including the railings, the precise materials of construction shall be submitted to and approved in writing by the Local Planning Authority. The stairway shall then be constructed in accordance with the agreed details and be retained as such thereafter.

Reason: So that the appearance of the external steps is sympathetic to and does not harm the character and appearance of the Listed Building and does preserve or enhance the character of the Conservation Area. In accordance with Policy OE7 of the Isles of Scilly Local Plan (2015-2030).

- C8 Prior to the removal of the existing chimney, details including scale drawings of 1:20 of the construction, materials and finish of the replacement chimney shall be submitted to and approved in writing by the Local Planning Authority. The replacement chimney shall be constructed in accordance with the agreed details within 6 months of chimney removal and be retained as such thereafter.**

Reason: So that the appearance of the replacement chimney is sympathetic to and does not harm the character and appearance of the Listed Building and does preserve or enhance the character of the Conservation Area. In accordance with Policy OE7 of the Isles of Scilly Local Plan (2015-2030).

- C9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended), (or any order revoking or re-enacting that Order) prior to installation, details of any external lighting shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the agreed details.**

Reason: To protect the amenities of the locality, including those of neighbouring residential properties and to protect this rural area and preserve the dark night skies of the Isles of Scilly and the Garrison Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Isles of Scilly Local Plan (2015-2030).

Listed Building Consent Conditions: P/21/078/LBC

- 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 18 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

- C2 A) No alterations shall take place until a programme of historic building recording work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and:**

- 1. The programme and methodology of site investigation and recording**
- 2. The programme for post investigation assessment**
- 3. Provision to be made for analysis of the site investigation and recording**
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
- 5. Provision to be made for archive deposition of the analysis and records of the site investigation**
- 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation**

B) No alterations shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The historic building recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.

Reason: A pre-commencement condition is necessary in this instance due to the need to ensure that a programme and methodology of historic building recording is undertaken before physical works commence on site. This is in accordance with the provisions of NPPF (2021) Chapter 16, paragraph 205 and Policy OE7(6) of the Isles of Scilly Local Plan (2015-2030).


- C3 Before development starts large scale drawings to a minimum scale of 1:20 of the external stairway, including the railings, the precise materials of construction shall**

be submitted to and approved in writing by the Local Planning Authority. The stairway shall then be constructed in accordance with the agreed details and be retained as such thereafter.

Reason: So that the appearance of the external steps is sympathetic to and does not harm the character and appearance of the Listed Building and does preserve or enhance the character of the Conservation Area. In accordance with Policy OE7 of the Isles of Scilly Local Plan (2015-2030).

- C4 **Prior to the removal of the existing chimney, details including scale drawings of 1:20 of the construction, materials and finish of the replacement chimney shall be submitted to and approved in writing by the Local Planning Authority. The replacement chimney shall be constructed in accordance with the agreed details within 6 months of chimney removal and be retained as such thereafter.**

Reason: So that the appearance of the replacement chimney is sympathetic to and does not harm the character and appearance of the Listed Building and does preserve or enhance the character of the Conservation Area. In accordance with Policy OE7 of the Isles of Scilly Local Plan (2015-2030).

Print Name:	Lisa Walton	16/06/2022
Job Title:	Chief Planning Officer	
Signed:		
Authorised Officer with Delegated Authority to determine Planning Applications		

Further Information

- STATEMENT OF POSITIVE ENGAGEMENT:** In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and proactive manner, in accordance with paragraph 38 the National Planning Policy Framework 2019.
- BUILDING CONTROL:** Please ensure that all building works accord with the Building Regulations and that all appropriate approvals are in place for each stage of the build project: buildingcontrol@cornwall.gov.uk
- DISCHARGE OF CONDITIONS:** In accordance with the Town and Country Planning (fees for Application and Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 a fee is payable to discharge any condition(s) on this planning permission. Currently, for a full application, the fee is £234 but any fee increase would need to be applied should the national fees increase). The fee is payable for each individual request to discharge condition(s). Please check the latest fee schedule before you apply here: https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf
- NON-MATERIAL AMENDMENTS:** In accordance with the provisions of Section 96A of the Town and Country Planning Act which came into force on 1st October 2009, any amendments to the approved plans will require either a formal application for a non-material amendment (currently the fee is for this is £234 but any fee increase would need to be applied should the national fees increase) or the submission of a full planning application for a revised scheme. If the proposal relates to a Listed Building you will not be able to apply for a non-material amendment and a new application for a revised scheme will be required. Please discuss any proposed amendments with the Planning Officer. Please check the latest fee schedule before you apply here: https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf
- DISCOVERY OF BATS/PROTECTED SPECIES:** The Applicant is reminded of the provisions of the Wildlife and Countryside Act 1981 and the E.C. Conservation (Natural Habitats) Regulations Act 1994, the Habitat and Species Regulations 2012 and our Natural and Environment and Rural Communities biodiversity duty. This planning permission does not absolve the applicant from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in part IV B of Circular 06/2005. Care should be taken during the work and if bats are discovered, they should not be handled, work must stop immediately and a bat warden contacted. Extra care should be taken during the work, especially when alterations are carried out to buildings if fascia boards are removed as roosting bats could be found in these areas. If bats are found to be present during work, they must not be handled. Work must stop immediately and advice sought from licensed bat wardens. Call The Bat Conservation Trust's National Bat Helpline on 0845 1300 228 or Natural England (01872 245045) for advice.
- PARTY WALL ISSUES:** As the proposed works affect the boundary with a neighbouring property, this decision does not

convey any other form of consent or agreement that may be necessary in conjunction with these works and does not override or supersede any civil rights, which the neighbour may have. The attention of the applicant is drawn to the information contained in the Party Wall etc. Act 1996.