



# COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department  
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## Delegated Report

<b>Application Number:</b>	P/15/026/LBC
<b>Recommendation:</b>	PER/DEL
<b>Date:</b>	1st July 2015
<b>8 Week Target:</b>	08.06.2015
<b>Neighbours Notified on:</b>	27.04.2015
<b>Expiry Date:</b>	
<b>Site Address:</b>	The New Quay, The Quay,
<b>Island:</b>	STMARY
<b>Development Proposed:</b>	Amendments to P/12/096/LBC including revised fender spacing and bollard location on quay extension, alterations to widened area and alterations to freight shed doors.
<b>No of Representations:</b>	0
<b>Consultation Responses:</b>	Natural England Historic England
<b>Consultation with Chair and Vice Chair of Planning Committee:</b>	29 <sup>th</sup> and 30 <sup>th</sup> June. Both agreed to a delegated decision.

### Description of Proposal

This is an application to amend the approved plans for extension and widening works to the quay at St Mary's harbour. The amendments are required as a result of unexpected contamination being discovered around the area of quay widening and Rat Island. This has necessitated the need to change the way in which the quay widening structure is attached to the sea bed. This now has to be anchored on piles and as such requires the use of rock armour at the base. As a result of these changes the wave return wall is now wider than previously approved. Initially it was proposed to use pre-cast concrete as a coping material on top of the wave return wall, but this has been amended to granite. Additionally the fender spacing and bollard locations require amending and the freight shed doors are proposed to be increased to 2m, attached to tracks, to enable them to be rolled open. Finally, in order to protect the harbourside building, it is proposed to attach protective Armco barriers to the perimeter of the freight shed.

### Site Description

The pier or quay at St Mary's harbour is a Grade II listed building located on the north west side of Hugh Town on St Mary's. It was first listed in 1992. Its earliest origins date the structure back to 1601 when a quay structure and breakwater were begun by Francis Godolphin. It was rebuilt in 1740 and 1748. In 1835-8 it was extended to connect to Rat Island for Augustus Smith who, at the time, was Lord Proprietor of the islands. It was lengthened in 1889 for the flower trade. It is constructed of granite rubble in the earlier sections, partly in distinctive vertical blockwork and shaped granite blockwork to the later arm of the quay. It has two distinctive granite piers at the south entrance and cast iron up-turned cannons have been re-used as bollards.

### Background and Relevant History

Planning history for this structure starts in 1960 with the submission of application number **P290**. This was for alterations to the pier and harbour and was approved in October 1960. In 1968 an application **P809** was submitted for the siting of oil storage tanks and pipelines. This was approved in 1968.

In 1976 an application **P1654** was submitted for a fork lift truck shed. This was approved in November 1976. In 1978 an application **P1693** was submitted for a fork lift shed and cottage alterations. This was approved in February 1978. In 1983 an application **P2155** was submitted for the provision of an extension to front elevation at Southard Sailing Workshop. This was approved in April 1983.

In 1990 an application **P3049** was submitted for a freight shelter. This was approved in February 1990. In 1993 a Circular 18/84 application **P3335** for improvements and extensions was submitted. This was approved in August 1993. In 1994 an application **P3673** was submitted for the siting of notice boards fixed to the wall. This was approved in June 1991. In 1997 a further application **P4165** was submitted for signs. This was conditionally approved in January 1997. Again in 1997 an application **P4201** was submitted for listed building consent for the provision of 5 safety ladders and fenders to the outer, middle and inner berths. This was approved in March 1997. An application was also submitted **P4190** for listed building consent for re-pointing the external north west face of the wall at Rat Bags and Sibleys Fuel. This was conditionally approved March 1997. In 1998 an application was submitted **P4348** and **P4350/LBC** for Sibleys to demolish a lean-to shed and erect a walled enclosure. These were conditionally approved in January 1998. Later in 1998 an application **P4409** for listed building consent for safety improvements was submitted and approved in May 1998. In 1998 an application for listed building consent **P4587** was submitted for the demolition of a section of wall to house a payphone. This was conditionally approved in March 1999. Again in 1998 an application was submitted P4361 for a waiting room and a wall mounted BT kiosk. This was conditionally approved in March 1998. In 1999 an application was submitted for planning and listed building consent **P4538** and **P4539/LBC** for the installation of a sewage treatment plant and re-surface part of the quay. This was conditionally approved in January 1999.

In 2000 an application for planning and listed building consent was submitted **P4816** and **P4817/LBC** for replacement of sewage treatment plant. This was conditionally approved in June 2000. In 2003 a listed building consent application **P5282** was submitted for the installation of two ladders and fenders in the middle berth. This was conditionally approved in March 2003. In 2004 an application was made for planning and listed building consent **P5422** and **P5467/LBC** for the provision of a new access ramp and handrail. This was conditionally approved. An application was submitted for listed building consent P5487 for the installation of a lighting system. This was initially deferred but later withdrawn in August 2004. A further application was submitted for listed building consent **P5538/LBC** for the installation of a lighting system, cctv and bollards. This was eventually conditionally approved in November 2004. Also in 2004 an application for listed building consent was submitted **P5569/LBC** for the installation of safety barriers. This was also approved in March 2004. An application for listed building consent was submitted **P5598/LBC** and approved in December 2004 for the refurbishment of showers and disabled access including the provision of two ladders for fishing vessel services. In 2005 an application was also conditionally approved, **P5621/LBC**, for the installation of a service bollard. Also in 2005 an application for listed building consent **P5640/LBC** was submitted and conditionally approved. Finally in 2005 a further application for listed building consent **P5725/LBC** for the installation of a fuel pipeline in the outer arm of the quay and 3 inspection chambers was conditionally approved in October 2005.

In 2007 an application for planning permission and listed building consent **P/07/104** and **P/07/108/LBC** was submitted for a new freight shed in conjunction with a proposed quay refurbishment. Both applications were refused in September 2007. In 2008 an application for planning and listed building consent **P/08/051/LBC** and **P/08/081** were submitted for fixing a dinghy and small craft landing and mooring pontoon to St Mary's quay and the replacement of underground fuel pipes and erection of fuel kiosk. Both applications were conditionally approved in July and October 2008.

### **Consultations and Representations**

No letters of representation have been received. Consultation responses have been received from Natural England and Historic England. The consultation responses do not raise objections but their comments have been summarised below. The Vice-Chairman of Planning Committee raised concerns about additional use of pre-cast concrete in a listed building that is principally and originally constructed of granite. As a result of these concerns the applicant was asked to amend the scheme to remove the pre-cast concrete coping from the wave return wall. The applicant has amended plans and agreed to use granite.

#### **Natural England**

The details have been assessed against The Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations. Based upon the information provided they raise no objections in relation to statutory nature conservation sites. They comment that the application was not assessed in relation to protected species and would draw the Authorities attention to Standing Advice which should be applied to this application as a material consideration. This application, however is for Listed Building Consent only and as such the local planning authority can only take into account the impact of the proposed development on significance, character and appearance of the structure as a heritage asset. The proposed quay widening and extension works have been approved under a Harbour Revision Order where impact upon the natural environment has already been considered.

#### **Historic England**

Comment that they have assessed the proposal and do not wish to offer any comments on this occasion. The recommend the application be determined in accordance with national and local policy guidance and on the basis of the Council's expert conservation advice.

### **Primary Legislation**

#### **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.

### **Planning Policy**

#### **National Planning Policy Framework (NPPF) 2012**

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. Paragraph 131 advises that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to a viable use consistent with their conservation; the positive contribution that conservation of heritage assets can make to

sustainable communities including their economic viability; the desirability of new development making a positive contribution to local character and distinctiveness.

#### **Isles of Scilly Local Plan 2005**

Policy 1 of the Local Plan seeks to ensure that development proposals respect and protect the recognised quality of the islands' natural, archaeological, historic and built environment. Development proposal will need to ensure that the character and appearance of the Conservation Area is preserved or enhanced.

#### **Planning Assessment**

The principal consideration for this application is whether the proposed amendments will give rise to any harm or loss of significance overall to a structure of historic importance as a designated heritage asset.

Extensions and alterations to the quay have been approved in both 2009 and again in 2012. The amendments now sought do not significantly change an already approved scheme. The quay has been altered significantly over the last 400 years to suit its change in function, but it remains a functioning quay and harbour structure. The existing quay will be retained and whilst significance can be harmed or lost through alteration this should be justified with clear and convincing justification and any harm to or loss of significance needs to be balanced with the wider public benefits to the proposal. Through the course of assessment of the scheme in 2012 it has been accepted that appropriate mitigation measures, to reduce impact, are acceptable. This has included re-using existing granite as part of the quay extensions, suitably recording and monitoring works and demolition in accordance with a Written Scheme of Investigation as well as improving its appearance by removing previously unsympathetic aspects of work (poor concrete repair and poorly laid granite setts for example). These aspects can continue to be conditioned. It is considered that the amendments now sought would not result in any additional harm or loss of significance. The scheme will retain the significant public benefits. This includes securing its optimum viable use as a working quay and harbour. Taking the social and economic benefits of the scheme into account and the mitigation measures, it is considered that the proposal would, after the amendments, remain acceptable.

#### **Other considerations**

The ministerial Statement 'Planning for Growth' and the National Planning Policy Framework have been taken into account in assessing this scheme.

#### **Conclusion**

In light of the above assessment the proposal is considered to be acceptable and does not give rise to any additional harm. The application is recommended for approval.

**Signed**

**Date:**