

# Council of the Isles of Scilly Delegated Planning Report

**Application Number:** P/18/058/FUL  
**Received on:** 19 July 2018  
**Application Expiry date:** 5 October 2018  
**Extension of Time Agreed:** 26 October 2018  
**Neighbour expiry date:** 31 August 2018  
**Consultation expiry date:** None  
**Site notice posted:** 13 August 2018  
**Site notice expiry:** 3 September 2018

**Applicant:** Mr Nigel Wolstenholme Tregarthen's Hotel Ltd  
**Site Address:** Woolpack Battery  
The Garrison  
St Mary's  
Isles of Scilly

**Proposal:** Minor internal works including the formation of two new windows to match existing to facilitate the change of use for seasonal accommodation for staff employed at Tregarthen's Hotel. (Listed Building) (Scheduled Monument) (Amended Plans).

**Application Type:** Planning Permission

## Recommendation

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1. That the Application is APPROVED subject to the condition set out below.
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## Contributors:

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### Public Representations:

None

### Consultation Representations:

Mr Sean Taylor (17 August 2018)

Casework Officer Historic England (7 September 2018)

Environmental Health Officer: NONE

Mr Terry Nottle - Fire Officer: (20 August 2018)

Senior Officer: Infrastructure: NONE

## Constraints:

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**Scheduled Monuments:** DESIGUID: DCO605. NAME: LATE 19TH-EARLY 20TH CENTURY WOOLPACK BATTERY ON THE GARRISON, ST MARY'S

**Listed Buildings:** ID: DCO14333. Grade: II. Name: WOOLPACK BATTERIES

**Archaeological Constraint Areas:** Name: The Garrison. Island: St Mary's

**Historic Landscape Character:** Multiple (Spatial)

## Site Description and Proposed Development

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This is an application for a change of use of this former military battery to seasonal staff accommodation for the purposes of staff of Tregarthen's Hotel. The proposal includes installation of room dividers to create smaller individual bedrooms and two new window openings, a new internal window and other internal reconfigurations to create facilities suitable for individuals rather than group accommodation. No other external structures or works are proposed and no perimeter fencing is proposed. The alterations will provide accommodation for 10 people.

The Woolpack Battery is a turn-of-the 19<sup>th</sup>/20<sup>th</sup> Century military defensive structure that is mostly subterranean in nature, with evidence of ventilation and defensive structures above ground. A date stone indicates 1901. Historic Ordnance Survey Maps of 1890 show an earlier 'woolpack battery' as being located much further south and shows this as 'dismantled'. By 1908 the current location of the woolpack battery is identified but this map shows this newer battery as also 'dismantled'. It would appear from this evidence that it was in use for a period of less than 10 years.

As currently laid out the internal below ground space is split into around 7-8 spaces with the northern side containing 4 rooms and the southern side being 3 further rooms plus a few smaller lobby spaces. There are x2 sets of external steps leading down to a small open area where there are 4 main entrances into the building.

Two new windows are being proposed in the wall of the sunken open area, to provide light to the split accommodation within. These are proposed to match the existing windows and will be within the south wall.

## Background and Relevant History

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In 1968 an application (**P0757**) was submitted for a temporary (3 year) hydrographic Survey Station. This was approved. In 1995 (**P3869**) was approved for the conversion of the battery to hostel accommodation for the purpose of volunteer accommodation. This use continued up to 2015 when the Isles of Scilly Wildlife Trust were using the accommodation for its volunteers. In 2009 an application was submitted (**P/09/018/LBC**) for the installation of emergency lighting. This was approved. Since 2015 the structure has remained vacant. In 2016 the Scheduled Monument was

added to the Heritage at Risk Register for the Isles of Scilly (link below). The 2017 update notes that discussions and potential new uses are under way with the site owner. The applicant sought pre-application advice with Historic England.

## Consultations and Representations

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**Historic England:** notes that they support the application on heritage grounds as it offers opportunities to develop the use to which the battery was previously converted to a long-term sustainable solution. They identify a degree of harm as a result but balance this with the benefits of the long-term sustainable use of the building, consistent with conservation of the building.

**The Council's Environmental Health Officer:** Notes that the accommodation would likely require a license under the Housing Act, as a House in Multiple Occupation and that some of the room sizes look too small for the mandatory room sizes required in a licensed HMO. It is advised that the applicant's ascertains the presence or levels of radon within the structure given its subterranean nature and intended use. Following clarification of room sizes and radon issues the EHO has advised the applicant of the requirements in relation to amenity standards, should the use become a licensed HMO and has advised that, under the Housing Act, should high levels of radon be detected, then adequate health and safety interventions will be required.

**Cornwall Archaeological Unit:** They note the proposal is fairly modest in scale and impact that would lead to minor gains for this designated heritage asset. They do note however that they would welcome a conservation management plan and the aspiration for removal of the structure from the Heritage at Risk register. Finally they note that there are no archaeological implications resulting from the proposal.

**Cornwall Fire and Rescue:** Note that access for fire appliances within the site will be considered satisfactory providing it complies with Part B5 of the Approved Document B, 2007 of the Building Regulations.

## Primary Legislation and Planning Policy

### Primary Legislation

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#### **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

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## **National Planning Policy Framework (NPPF) 2018**

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. The Council of the Isles of Scilly are currently working to a 2005 Local Plan, where policies have been saved until a new plan has been adopted. This 2005 is not considered to be compliant with the 2004 Planning and Compulsory Purchase Act or the 2012/2018 NPPF and subsequent guidance (NPPG). The Council commenced a review of the 2005 Local Plan in 2015, with a public consultation on the scope of the new local plan. This work is now at a Draft Stage, which has gone through one further Regulation 18 public consultation and is supported by a raft of evidence on this issues. The Draft Local Plan 2015-2030 whilst it has only limited weight until it is formally submitted, is considered below.

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. The applicant has engaged with both the Council, as the LPA, and Historic England, on the basis that the Woolpack Battery is a Listed Building and Scheduled Monument, where both Listed Building Consent is required and potentially Scheduled Monument Consent.

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.

Chapter 16 of the NPPF relates to conserving and enhancing the historic environment. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

## **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”.

Page 40 of this guidance sets out the character of St Mary’s and in relation to the Garrison states: “The Garrison is distinctive in that it has been heavily fortified over the centuries so that the shore is lined with ramparts, breastworks and battery positions. The headland also contains the Elizabethan Star Castle on the highest point”.

### **The Garrison, St Mary’s Isles of Scilly – Conservation Plan 2010**

This work provides extensive research and history for the evolution of the Garrison and contains much information on the development of the various batteries. Page 27 states “in the 1890’s the Army and Navy Review recommended that the Isles of Scilly should be established as an advanced naval signalling and re-fuelling station and it would be classed as a defended port. The perceived threat came from the French Atlantic naval bases. Implementation of this recommendation between 1898 and 1906 produced a range of defensive works sited mainly within the Garrison. Between 1898 and 1901 two 6” gun batteries, Woolpack and Steval Batteries (sites 118 and 129) and a defended barracks (site 120) were built on the summit plateau”. It notes that during the mid-20<sup>th</sup> century and World War II the Woolpack battery was re-used with the installation of 6” gun battery (page 28).

### **Consultation 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 OE3). Policy OE3 Development affecting heritage: sets out that Great weight will be given to the conservation of the heritage assets on the Isles of Scilly. Development and/or works affecting any heritage asset, including designated and non-designated assets, will be permitted provided that it would make a positive contribution to sustaining or enhancing the significance of the heritage asset, taking account of its character, appearance and setting.

Clearly the consultation draft Local Plan has only gone through one round of public consultation, at the time of writing this report, and as such the policies it contains can only be given limited weight. However, it is important to ensure the policies are tested following the drafting of the report to understand the practical implications and make any adjustments as necessary.

## **Planning Assessment**

This is a combined assessment for Planning Permission (P/18/058/FUL) and Listed Building consent (P/18/059/LBC) for the works described above and as such it is necessary to consider the principle of development, the impact on the special character and appearance of the Woolpack Battery as a Grade II listed building and Scheduled Monument including its setting. The impact upon the wider historic environment including nearby designated heritage assets and the blanket conservation area. It is also a material planning consideration, for the planning assessment, to consider the impact upon amenity, particularly any neighbouring residential properties or adjoining land uses, impacts upon highway safety and protected species.

### **Impact upon the listed building/scheduled monument**

The 19<sup>th</sup>/20<sup>th</sup> century structures consist of a rectangular building with its long axis parallel to the Garrison walls. As set out in the Garrison Conservation Plan, the character of the Garrison derives jointly from its well-preserved multi-period complex of defensive works and its associated structures and its role as an area of open green spaces and spectacular panoramic views bounding the western edge of town (Kirkham, 2003, 55 from the Conservation Plan for the Garrison). It also notes that

despite modern encroachments, the aesthetic values of the Garrison remain apparent with the dominant features of the walls and star castle contributing greatly to the historic environment. The assessment of significance of this conservation plan states: The Garrison is a significant local landmark and a key element of Hugh Town's overall character. Besides its archaeological and historic importance, the promontory and the walks around it are a key component of the island's tourist attractions upon which the local economy is primarily based. As such the Garrison represents a significant asset as a visitor attraction. The elements of the woolpack battery that relate to this application have limited wider impacts, on the basis that the largest surviving elements are below ground. Additionally views from the south are from lower vantage points and views from the north are screened by trees. The site is primarily visible when within the site itself and even then its difficult to interpret what the site is.

The proposal includes no significant changes externally, which is disappointing as some interpretation, landscape improvements and signage would be beneficial to understand this site from a public/visitor perspective, as well as generally improving the appearance of the site. The exterior of the main subterranean site has been neglected since the Wildlife Trust ceased occupation and ventilation systems have been switched off. It is considered that appropriate landscaping and maintenance would be beneficial to any future use of this site. To address this the applicant has submitted a schedule of works to set out repairs and improvements to the structures of this site. This includes cleaning and making safe the existing access routes, railings and gutters.

The proposal will primarily focus on improving the internal accommodation and externally will consist of general aesthetic improvements to ensure the use is safe for residential purposes. Internally some of the larger rooms will be split to facilitate adequate sized and accessible bedrooms, with appropriate levels of amenity for cooking and bathroom facilities. The main physical change externally will come from the installation of two new windows, these will be visible from within the lower ground open-air space. These are proposed to match and will line-up with existing windows.

The occupation of the structure will inevitably change the nature and character of this site, particularly use of outdoor space, where recreational activity would likely take place by staff residing here. For long periods of the 20<sup>th</sup> century the military activity, outside of WWII, would likely be absent or very limited, leaving the site as a tranquil relic of past use. Activity has taken place in the past with the most recent use being the Wildlife Trust and it is not considered that this change would give rise to significant harm to the character and setting of this listed building (amenity issues will be assessed below). The physical changes will introduce features that are considered to be in keeping with the style of this military structure of this period, and are indicated to match the style of existing windows. It will be important that repairs to this structure, as it was noted that one of the existing windows, serving the current kitchen, was significantly damaged and boarded up, for example. As set out above however there is a repair schedule that sets out repair and maintenance of the site overall. This will ensure the use will be sympathetic to the character and setting of this building.

It is noted that Historic England are supportive of the re-use and welcome the occupation of the building. They do not raise any objections to the works proposed. Similarly guidance from Cornwall Archaeological Unit do not consider there would be any archaeological harm or impact as a result of this proposal. Overall it is recommended that the proposal, whilst it would give rise to some harm to the significance of this heritage asset, this is balanced with the wider benefits of occupation that will likely stem its current decline and remove it from the risk register. The proposal is therefore considered to preserve the architectural and historic interest of the application site as a grade ii listed building and scheduled monument, currently identified as 'at risk', and is considered to preserve its

features and its setting. The proposal is therefore considered to be in accordance with Policy 1 of the adopted Isles of Scilly Local Plan, 2005. The proposal is similarly in accordance with Policy OE3 of the Isles of Scilly Draft Local Plan 2015-2030. The 2018 NPPF requires any harm to or loss of significance of a designated heritage asset to be weighed against the wider public benefits including, where appropriate, securing its optimal viable use (para. 196). As identified above, the installation of two new windows and re-configuration of internal space will give rise to some harm to the significance of this building but it is considered that there are overriding benefits that outweigh this harm, which is considered less than substantial. This is on the basis that the proposed change of use and small alterations internally and externally will secure a use that is to a reasonable degree compatible with its historic use and occupation and will benefit the currently declining state of this at risk asset.

### **Impact upon the wider historic environment**

As set out above, the application site is located within a multi-designated historic environment, the significance of which is clearly set out in the conservation plan for the garrison. Given the potential benefits of use and the limited visual impact of the proposal, it is not considered that the proposal would give rise to any significant harm. It is considered that the proposal will have a neutral to positive benefit on this site which will have the potential to enhance the wider conservation area. The proposal is considered to preserve the character of the conservation area in accordance with Policy 1 of the Isles of Scilly Local Plan and emerging Policy OE3 of the Draft Isles of Scilly Local Plan 2015-2030. Para 200 of the 2018 NPPF advises that proposals that preserve those elements of the setting of a conservation area, that make a positive contribution to the area, should be treated favourably. It is considered that the application site does contribute to the wider character of the Garrison, which is a significant element of the St Mary's Conservation Area. The proposed use is considered appropriate and the works proposed will have a neutral to positive benefit as a result. It is therefore considered to be acceptable in terms of the wider historic environment and conservation area.

### **Impact upon the natural environment including protected species**

A known bat roost, identified as brown long-eared bat, exists around 250m to the north east of the battery, close to Trinity Cottages at Garrison Woods. There is a high potential for bats to be active in and around this building. Whilst there are no alternations of roofs or demolition proposed it is appropriate to identify with the applicant the requirements in respect to bats, should they be uncovered during any permitted works. Outside of this it is not considered that the proposal would impact significantly on bats or other protected species. A Bat and Barn Owl Visual Survey has been undertaken and submitted to support the application. This sets out a very limited potential for birds or bats to be using this building with only access through a broken window in an otherwise concealed room. This report concludes that there was no visual evidence of bats or owls found at this site and that the buildings have low suitability and on this basis no further surveys were recommended. Subject to an appropriate level of landscape improvements and maintenance the proposal is considered to be acceptable in terms of the wider natural environment. There are no SSSI, Ramsar or SPA sites within the Garrison and the SAC covers the waters around the islands but it is not considered that the proposed use and alterations would impact upon any of these designations. The application is considered to be in accordance with Policy 2 of the adopted Isles of Scilly Local Plan 2005 and emerging draft Policy OE2 of the Draft Isles of Scilly Local Plan 2015-2030.

### **Impact upon amenity**

There are limited activities that take place on the Garrison and its primary use is leisure and recreation, particularly walks around the walls, sports on the sports pitch or camping on the Garrison Campsite. The Woolpack battery is relatively isolated in nature but permissive footpaths do run past the site and access to the site is through the campsite and past the sports field. The proposal will

result in an increase in use by people who would be walking through these areas in order to get to their accommodation at the battery. It is not considered that a 10 room unit of accommodation would have a significant impact upon walkers, or sporting activities. The accommodation is required for staff, who would work at Tregarthen's Hotel. It is likely that movements of people and activities within the accommodation will be varied throughout the day, given hotel shift patterns. Any use of the exterior of the site, by its occupants through barbeques or sitting outside on days off for example, has the potential to give rise to the greatest nuisance to the amenity of the area. This will be particularly important to manage by the applicant/hotel manager. Significant noise disturbance would also be controlled through section 79 of the Environmental Protection Act. Given the small-scale nature of the accommodation, such significant nuisances are not likely to be regular occurrences. The closest point between the campsite grounds and the application site is approximately 30m, to the north of and east sides of the site, where there is intervening tree screening. Additionally the topography and landscaping around the battery creates a bunding which encloses the majority of the site. Unless activities were taking place on the top of the gun batteries on the south side, then activity would be both hidden and acoustically contained within the site. It is considered the impact will not be significant. It is concluded that the level of use will not cause a significant impact upon the amenities of this area that would suggest the application should be refused.

### **Impact upon highway safety**

Outside of the construction phase of the proposal, where materials will be driven to the site and waste materials taken away it is likely that occupants would walk or cycle to the site. Additionally no car parking is provided as part of the proposal. It is therefore considered that there would be no impact upon highway safety.

### **Other issues**

The proposal seeks to address staff accommodation needs of Tregarthen's Hotel, where accommodation has been displaced as a result of modernisation and improvements of the Hotel. Related to this proposal is the works approved at Tregarthen's and the previously withdrawn schemes at a property known as Men-a-Vaur and Treboeth, which sought to provide suitable staff accommodation solutions, both applications submitted and withdrawn within the last 2-3 years..

The proposal seeks to address the 'at risk' concerns of a designated heritage asset which will potentially see the Woolpack Battery removed from the SW Buildings at Risk Register, where the condition status is identified as 'poor'. The proposal will have a positive effect on the both the fabric of the building, through occupation, building maintenance and management of the site. The physical changes will give rise to some harm to the original fabric through an irreversible change which includes the installation of two windows and the less than substantial harm of the reversible subdivisions of internal space. The introduction of staff accommodation will give rise to a change in nature of the site, from an abandoned battery

### **Conclusion**

The application be approved subject to the condition set out below.

### **Links**

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Heritage at Risk – South West 2017: <https://historicengland.org.uk/images-books/publications/har-2017-registers/sw-har-register2017/> (page 168)

### **Conditions**

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The following conditions are recommended

1. Standard 3 year time limit
2. In accordance with the approved details including:
  - Section, Window Elevation Plan and Section Details, Drawing No: P160071-05, Rev. B
  - Proposed Basement Plan and Elevation, Drawing No: P160071-03, Rev B
  - Site Local Plan, Drawing No: P160071-01
  - Site Waste Management Plan, Issue P02, Dated 03.10.2018
  - Schedule of Work, Woolpack Battery, Dated 01/10/2018
  - Site Management Plan, Dated
3. No External Illumination

### Informatives

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1. Statement of Positive Engagement
2. Standard Bat Discovery Condition

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|--|----------------------|--|----------------------|
| Signed:<br> | Dated:<br>22/10/2018 | Signed:<br> | Dated:<br>22/10/2018 |
| Planning Officer   |                      | Senior Manager   |                      |