



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department
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OFFICER REPORT – DELEGATED

Application number: P/17/038	Expiry date: 11/07/17
Received on: 16/05/2017	Neighbour expiry date: 08/06/2017
UPRN:	Consultation expiry date: None
Legal agreement:	Site notice posted: 18/05/2017
Departure:	Site notice expiry: 08/06/2017
Complies with Development Plan? Y/N If not, ensure you cover in the report how material considerations outweigh the plan?	
Is this decision contrary to local council recommendation?	
Applicant:	Mrs C O'Brien
Site Address:	Hanjague, Rocky Hill, St Mary's
Proposal:	Erection of garage and associated works
Application Type:	Full

<http://www.scilly.gov.uk/planning-application/planning-application-p17038>

Description of site and development:

This application proposes the erection of a garage and associated works at Hanjague, Rocky Hill, St Mary's.

Site Description

The proposed garage site is situated to the western side of the property known as Hanjague. Hanjague is a 1950's bungalow. It has a rendered external finish with a slate roof. Between the existing property and the proposed site to the west there is a mature hedgerow separating the two sites. The proposed site is flat and has mature planting to the eastern and northern boundaries, a post and wire fence to the western boundary with a field beyond and an access gate on to the road at the southern boundary.

Background and Relevant History

The existing bungalow was constructed in the 1950's. Planning permission has previously been granted for a shed in 1957, a garage in 1960 and for an extension to the dwelling in 1960. In 1970 planning permission was refused for a bungalow in the grounds. Planning permission was granted for a garage and store in 1981 and during the mid 1990's various planning permissions were granted to convert the dwelling into two dwellings. In 1999 application **(P4550)** was submitted and approved for the erection of a garage. In 2003 application **(P5375)** was submitted and approved for the erection of a garage (renewal of application P4550). In 2009 application **(P/09/061)** was submitted and approved for the erection of a garage, which lapsed prior to implementation.

Public representations:

The following neighbour was notified: Sunnyside Farm. A site notice has been on display outside the site for a period of 21 days.

No letters of representation have been received.

Consultee representations:

A site notice has been on display outside the site for a period of 21 days. One letter of representation has been received.

Cornwall Archaeology Unit

We note that the application is close to the site of Prehistoric, Romano-British, and medieval findspots (MCOs 31179, 31180, 31181). These include a large collection of querns, a granite cross, a chamfered pillar, holed stones, and millstones, all collected from the grounds of Rocky Hill Farm. The proposed development is also situated adjacent to Anciently Enclosed Land, as defined by the Isles of Scilly Historic Landscape Assessment and Management Strategy. This type has a high potential for medieval or earlier archaeological remains.

We therefore consider it prudent that an archaeological watching brief should be carried out during the early stages of groundworks, undertaken by a suitably qualified organisation or individual, and subject to a Condition attached the planning consent. This is in accordance with the provisions of NPPF Section 12, paragraph 141.

We recommend that if consent is given that a single archaeological recording condition of section A-C inclusive (please do not split into separate Conditions or treat separately), which includes words recommended by the Association of Local Government Archaeological Officers (ALGAO).

Constraints and designations:

Conservation Area, AONB and Heritage Coast. The site is rich in prehistoric monuments and findspots.

Relevant policies, SPGs and Government guidance:

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.

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) 2012

At the heart of the NPPF is 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 consideration 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.

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, (c) Preserve or enhance the character or appearance of the Conservation Area (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; and locally important biodiversity habitats, species and landscape features.

Policy 2 relates to sustainable development and seeks to permit development where practicable and appropriate, proposals would contribute to the sustainability of the islands environment, economy or local communities through: (a) conserving or enhancing the landscape, coastline, seascape and existing buildings of the islands through appropriate design and landscaping; (b) ensuring or facilitating the re-use of previously developed land and existing buildings for the economic, social and environmental benefit of the islands and local communities taking into account any environmental designations set out in Policy 1; and (c) utilising natural resources efficiently in the design, construction and future use of land and buildings.

Appraisal/key issues and conclusion:

The principal issue for consideration is the impact the garage will have on the wider character of the conservation area and AONB designations including the historic environment in particular, given the proximity of the Prehistoric, Romano-British and medieval findspots. It is also a material planning consideration to consider the impact of the proposed development upon the privacy and amenity of neighbouring properties.

The proposed garage will be constructed using rendered block work, with four windows (two on the west elevation and two on the east elevation). The windows will be timber framed and painted. The garage door will be an aluminium slot roller shutter. The roof will be corrugated fibre cement roofing sheets. The proposed floor area is 94.86m².

This application is a re-submission of an earlier lapsed application (P/09/061). There have been three previous applications for a garage on this site that have all lapsed. The dimensions for the proposed garage mirror those approved under P/09/061 except for the ridge height of the proposed garage. The proposed garage will be 15.3m x 6.2m with an eaves height of 2.6m and a ridge height of 3.5m (under application P/09/061 the approved ridge height was 3.3m).

The garage will be used to enable the owner to store and/or maintain vehicles or boats.

Impact upon the wider landscape.

Properties within this area are largely rendered white or a pale shade with slate roofs and a mixture of materials on fenestration details. The current materials for the garage are traditional and it is judged that the use of these materials will not cause material harm to the building or the character and appearance of the Conservation Area.

The proposed site is well screened from public views with mature planting to the eastern and northern boundaries, a post and wire fence with field beyond on the western boundary and an existing access gate on to the road with additional planting to the western side of the gate adjacent to the road.

The Cornwall Archaeological Unit have advised that the application site is close to the site of Prehistoric, Romano-British and medieval findspots and is also adjacent to Anciently Enclosed Land. As such they consider it prudent that an archaeological watching brief should be carried out during the early stages of groundworks, undertaken by a suitably qualified organisation or individual, and subject to a Condition attached to the planning consent.

Impact upon privacy and amenity

The proposal is not considered to result in material harm to the privacy or amenity of adjacent residential properties or neighbouring land uses. The garage will be built using traditional materials. There are windows proposed in the east and west elevations. The two windows in the eastern elevation will look into the existing mature hedgerow with the existing property beyond and the two windows in western elevation look onto open land not neighbouring properties. It is considered therefore that the proposal is acceptable.

Conclusion

It is considered that the siting, scale and design of the proposed garage is appropriate in this location as it would not significantly impact on the character and appearance of the surrounding area in accordance with Policies 1 and 2 of the Local Plan.

Drawing on all of the above considerations, it is considered that the proposal is acceptable and it is recommended for approval.

Recommendation:

Recommendation: The application be Conditionally Approved subject to the following Conditions:

- 1. 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 Buildings and Conservation Areas) Act 1990 (as amended).

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

- **The Location Plan – O04/001**
- **Block Plan – O04/005**
- **Proposed Plan and Elevations – O04/030**

These are signed and 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 of the Isles of Scilly Local Plan 2005.

- 3. Prior to the commencement of the approved development, a scheme including details of the sources of all building materials and the means/location of disposal of all demolition material and all waste arising from building works, including excess material from excavations, shall be submitted to and agreed in writing with the Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme unless otherwise agreed in writing by the Planning Authority.** Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application, but are required to fully understand the impact upon landscape and management of waste, to be submitted and agreed by the Local Planning Authority. This is to ensure those characteristics which contribute to the status of the Isles of Scilly as a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast are not eroded by uncontrolled tipping of waste. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan 2005.
- 4. The building hereby approved shall be used solely as a garage/store in connection with the residential use of the property known as Hanjague and shall not be for any kind of living accommodation or in connection with any trade, business or commercial use.** Reason: To ensure that the development accords with the Policies 2 and 6 of the Local Plan, which seek to restrict any additional strain on essential services.
- 5. No development shall commence until**

- a) A programme of archaeological 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**
- i. The programme and methodology of site investigation and recording**
 - ii. The programme for post investigation assessment**
 - iii. Provision to be made for analysis of the site investigation and recording**
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation**
 - vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation**

- a) **No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition a).**
- b) **The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. [Note: The archaeological 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:**
This is a pre-commencement condition that requires details that were not submitted as part of the application, but are required to fully understand the impact upon the Islands archaeological, historic and built environment, to be submitted and agreed by the Local Planning Authority. This is to ensure those characteristics which contribute to the status of the Isles of Scilly as a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast are preserved or enhanced. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan 2005.

- 6. **The internal floor level of the building, hereby permitted, shall be no more than 5cm above existing ground level, or in accordance with a plan to be submitted and approved, in writing, by the Local Planning Authority. If a plan is agreed in writing, setting out an alternative internal floor level, the works shall then take place in accordance with that approved plan. Reason:** To minimise the impact of the building in the landscape.
- 7. **Existing planting shall be enhanced in accordance with a scheme to be agreed with the Planning Authority before any work takes place. This scheme shall include details of species, location, and timescale for implementation and once approved the planting shall take place in accordance with those details and thereafter maintained, maintenance to include the replacement of any plants that die or become diseased. Reason:** To minimise the impact of the building in the landscape.
- 8. **The colour of the external finishes to the roof, walls and roller shutter door shall be agreed with the Local Planning Authority before any works take place and once agreed, works shall take place in accordance with the agreed details and thereafter maintained in accordance with those agreed details. Reason:** To minimise the impact of the building in the landscape.

INFORMATIVE:


On previous planning applications it was highlighted that the applicant's attention be drawn to the claim by the tenant of Sunnyside Farm that he has a permissive right of way across the rear (north) of the application site. This planning permission does not override any outstanding claim of this nature and the onus is on the developer to ensure that all necessary permissions and other consents are in place before the garage hereby permitted is constructed.

Further Information:

- 1. 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 paragraphs 186 and 187 of the NPPF.
- 2. In accordance with the Town and Country Planning (fees for Applications, Deemed Applications,

Requests and Site Visits) (England) Regulations 2012 a fee is payable to discharge any condition(s) on this planning permission. **The fee is £28 for each request to discharge condition(s).** The fee is payable for each individual request made to the Local Planning Authority.

3. 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 (**for which a fee of £28 would be required**) 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.

Signed: 	Dated: 16/06/2017	Signed:	Dated: 16/06/2017
Planning Officer		Senior Manager	