



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department
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OFFICER REPORT – DELEGATED

Application number: P/17/075/FUL	Expiry date: 14/11/17
Received on: 19/09/17	Neighbour expiry date: N/A
UPRN: 000192000600	Consultation expiry date: N/A
Legal agreement:	Site notice posted: 22/09/17
Departure:	Site notice expiry: 13/10/17
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:	Mr P Spence
Site Address:	Victory Inn, South'ard, Bryher
Proposal:	Proposed installation of vertical cladding to single storey holiday let.
Application Type:	Householder

<http://www.scilly.gov.uk/planning-application/planning-application-p17075>

Description of site and development:

This application proposes the installation of vertical cedar cladding to a single storey holiday let at Victory Inn, South'ard, Bryher.

Site Description

Victory Inn is situated on the eastern side of Bryher. The building lies within the residential curtilage of South Hill, which is the same ownership. The site is secluded with screening surrounding the building and isn't visible from the public highway. Victory Inn is a single storey dwelling of painted cinder block work with a slate roof. The fenestration is pvcu. A single storey lean-to porch lies on the southern elevation.

Description of Proposal

The proposed works include the installation of vertical cedar cladding to the exterior of the dwelling.

Background and Relevant History

There is no previous planning history for this property.

Public representations:

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. No letters of representation have been received.

Constraints and designations:

Conservation Area, AONB and Heritage Coast.

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, (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 including siting, layout, density, scale, external appearance (i.e. details and materials) 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.

Appraisal/key issues and conclusion:

In light of the above mentioned policies and identified designations it is considered that the principal issue for consideration is whether the impact of the proposed development is acceptable in relation to the principle of development, the materials, scale, design and appearance; the impact on neighbouring amenity and the wider Conservation Area.

The proposed works are to install vertical cedar cladding to the exterior of the dwelling to improve insulation. The existing building is of painted cinder block construction and is in poor condition. The proposed cladding will be British sawn cedar cladding which will be left untreated to naturally weather down to a grey/silver colour.

In relation to Policy 1(a) of the Isles of Scilly Local Plan 2005 the proposed works will not have an impact on the natural beauty, wildlife or cultural heritage of the AONB or the heritage coast. In relation to Policy 1 (c), the proposed works will enhance the character and appearance of the Conservation Area, through the installation of the vertical cedar cladding.

In relation to Policy 2 (a) of the Isles of Scilly Local Plan 2005, it is considered that the design and materials of the proposed works are appropriate and enhance the existing building. In relation to Policy 2 (c), it is considered that the proposed works to install the cedar cladding is a use of natural resources efficiently in the design, construction and future use of land and buildings.

Impact upon the wider landscape.

Properties within this area are largely rendered white or a pale shade of stone with slate roofs and a mixture of materials on fenestration details. The proposed materials for the works match the materials on surrounding properties and it is judged that the use of these materials will pass the legislative test of preserving or enhancing the character and appearance of the Conservation Area.

The proposed site is not visible from public vantage points and has no near neighbouring properties. There is existing planting that would help to screen the proposed works. It is judged that the proposed works would have no material impact on the Conservation Area or the wider landscape due to its small size. The proposed works are to a dwelling and would be seen in context with existing residential dwellings and development.

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 proposed works are to install cedar cladding to the exterior walls. It is considered that the proposed works would not cause any material increase in overlooking, be overbearing or cause any additional loss of light and it is therefore judged that the proposal is acceptable, in this case.

Conclusion

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 (1:1250)**

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.

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: 9 th November 2017	Signed: 	Dated: 9 th November 2017
Planning Officer		Senior Manager	