

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/19/019/FUL

Received on: 15 May 2019

Application Expiry date: 10 July 2019

Neighbour expiry date: 5 June 2019

Consultation expiry date: 5 June 2019

Site notice posted: 15 May 2019

Site notice expiry: 05 June 2019

Applicant: Miss C Farrington
Site Address: Castle Farm Kitchen
Old Town Lane
Old Town
St Mary's
Isles of Scilly

Proposal: Replace existing white timber frame paned door and window with new timber framed part panelled doors in grey. Redecoration of existing external render from white to grey.

Application Type: Full

Recommendation

1. That the application is APPROVED subject to the conditions set out below.
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Contributors:**Public Representations:**

NONE

Consultation Representations:

NONE

Constraints:

Scheduled Monuments: NONE

Listed Buildings: NONE

Archaeological Constraint Areas: NONE

Site Description and Proposed Development

Castle Farm Kitchen and Apartment are situated within Old Town on St Mary's. The building is adjacent to the Old Town Inn, Old Town Stores and a new distillery. There is a self-contained residential flat to the rear of the commercial space. The site forms part of a larger building and is mono-pitched with a painted render exterior. A white timber framed door and 2 no. windows are in place on the east elevation.

This application seeks planning permission to replace the existing white timber door, 2 no windows and the panelling below with a set of grey timber double doors with smaller glazed panels at the top. The proposal also includes the redecoration of the existing render from white to grey.

Background and Relevant History

N/A

Consultations and Representations

No comments received

Primary Legislation and Planning Policy

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) 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 Local Plan 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 these issues. The Draft Local Plan 2015-2030 whilst it has only limited weight until it is formally adopted, 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.

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 the conservation and enhancement of the historic environment.

Isles of Scilly Local Plan 2005

Policy 1 relates to environmental protection and seeks to permit development proposals 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 and (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. Policy 2 (Sustainable Development) states that development will be permitted in situations where a proposal would, where practicable and appropriate, 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; and (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.

Isles of Scilly Design Guide (2007)

The Isles of Scilly Design Guide was adopted as a Supplementary Planning Document in 2007. This document provides important guidance to the design of development of the islands where planning permission is required.

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 OE4 seeks to protect Scilly's Dark Skies from light pollution.

Planning Assessment

The main planning issues are considered to relate to the impact on the character and appearance of the building and the impact on the character and appearance of the Conservation Area.

The application property forms part of a larger building. The proposed development consists of the replacement of the existing white timber door and 2 windows with panelling with a set of grey timber double doors with glazed panes at the top on the east elevation.

The existing door, windows and panelling measures approximately 2.0m x 2.0m. The proposed double door measures approximately 2.4m x 2.0m.

Policy 1 of the adopted Local Plan relates to Environmental Protection. This policy seeks to ensure that all development proposals respect and protect the recognised quality of the islands' natural, archaeological, historic and built environment. The proposed development is small scale and of minor nature. The proposal seeks to replace a timber door and windows with a timber double set of doors with glazed panels. It is considered that the proposed development preserves and may offer an enhancement to the character or appearance of the Conservation Area and therefore accords with Policy 1 of the Local Plan and there is no conflict with other policies of the Local Plan including Policy 2 and Policy OE4 of the draft consultation Local Plan 2015-2030.

The works, in terms of the consideration of the planning application, are considered to have an acceptable impact on the character and appearance of the building. The replacement materials match those that are to be removed. The impact of the works on the character and appearance of the Conservation Area is considered to be negligible and may offer an enhancement upon the existing materials.

Other Considerations

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

The development has been assessed against the provisions of the Human Rights Act, and in particular Article I of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third part interests/ the Development Plan and Central Government Guidance.

Conclusion

On balance, the proposed development is judged to have an acceptable impact on the character and appearance of the building and the Conservation Area. The proposal is considered to comply with Policies 1 and 2 of the adopted Local Plan and Policy OE4 of the consultation draft Local Plan, it is, therefore, recommended that permission be granted.

Links

<http://www.scilly.gov.uk/planning-application/planning-application-p19019>

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 provisions of Section 91 of the Town and Country Planning Act 1990, (as amended by the Planning & Compulsory Purchase Act 2004).

2. The works hereby approved shall be carried out strictly in accordance with drawings labelled as Location Plan, CFK4 – Block Plan, CFK2 – Proposed East Elevation and CFK3 – Proposed Entrance Plan.

Reason: To ensure a satisfactory standard of development in the interests of amenity

Informatives

1. Statement of Positive Engagement
2. Appeal

Signed:	Dated:	Signed:	Dated: 2/7/2019
<i>Y. Dale</i>	01/07/19		
Planning Officer		Senior Manager	