

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/19/067/FUL

Received on: 9 October 2019

UPRN: 000192002769

Application Expiry date: 9 December 2019

Neighbour expiry date: **4 November 2019**

Consultation expiry date: 4 November 2019

Site notice posted: 17 October 2019

Site notice expiry: 7 November 2019

Applicant: Mr Rob Maund

Site Address: Land Adjacent To Emergency Services Station
Cobblers Row
New Grimsby
Tresco
Isles of Scilly

Proposal: Installation of ground mounted electric vehicle charging point, electrical feeder pillar and associated hard standing for one vehicle.

Application Type: Planning Permission

Recommendation

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1. That the Application is APPROVED for the following reason and subject to the condition set out below.
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Site Description and Proposed Development

The application site is located at Palace Lane, New Grimsby, at the end of a row of properties known as Cobblers Row, on the island of Tresco. The proposal relates to the installation of an electric vehicle charging point and area of hard surfacing for the parking of vehicles.

Cobblers row is a row of 8 terraced properties owned by Tresco Estate and the application is submitted by BT for a floor-mounted electric vehicle charging point and feeder pillar and hardstanding adjacent to the Emergency Services Station. The applicant has served Certificate B and notified the Duchy of Cornwall and Robert Dorrien-Smith as the land-owners and long-term lessee of the site.

Background and Relevant History

None relevant

Consultations and Representations

Public Representations: None

Consultation Representations: None

A site notice has been on display for a period of 21 days in the vicinity of the site. No letters of representation have been received. The Ambulance Station and The Fire Station have both been notified as interested parties to the Emergency Services Station. Consultations have been set out to Cornwall Fire and Rescue and Cornwall Archaeological Unit have both been consulted on this application and no consultation responses have been received.

Constraints:

Historic Landscape Character: Farmland: bulb strips, late 19th/early 20th century

Listed Building: None

Scheduled Monuments: None

Archaeological Constraint Areas: None

Primary Legislation and Planning Policy

Primary Legislation

The Town and Country Planning Act 1990

Section 70(2) of the Planning Act requires the Local Planning Authority to have regard to the development plan, so far as material to the application, and any other material considerations when determining planning applications.

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) 2019

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.

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.

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".

Submission 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 OE7). Additionally the emerging Local Plan has a policy for renewable energy developments (Policy SS8). This requires development proposals, where the contribute

towards sustainable island communities, that seek to reduce greenhouse gas emissions will be supported where (a) they contribute towards meeting domestic, community or business energy needs within the islands; (b) where they do not compromise scenic beauty, wildlife, landscape, seascape, cultural heritage or historic environments of the islands; (e) they would not have adverse effects on the amenity of local residents in terms of noise, dust, odour, reflected light, traffic or visual intrusion.

As of 30th September 2019 the Submission draft Local Plan has been submitted to the Secretary of State, at the time of writing this report, and as such the policies it contains can be given greater weight.

Planning Assessment

The main planning consideration relates to whether the proposal is acceptable in principle and whether there are any adverse impacts identified as a result that would suggest the application refused. These impacts include the amenity of neighbouring properties, the impact upon the wider visual landscape as a conservation area and area of outstanding natural beauty, the impact upon the natural environment, including protected species and highway safety.

It is considered that the principle of an electric vehicles charging point is acceptable in principle and would accord with both the adopted Local Plan at Policy 2 and the emerging Local Plan at Policy SS1 (c) and Policy SS8. Additionally the installation of a ground-mounted electric vehicle charging point, without the addition of hard standing, would be permitted development under Class D, of Part 2 of Schedule 2 of the General Permitted Development Order (GPDO) 2015. It is therefore necessary to consider whether the proposal would result in any harm to any matters of acknowledged importance, as assessed below.

Visual Impact of the wider landscape as a CA and AONB

Located on the island of Tresco on the Isles of Scilly the site is within a designated Conservation Area and Area of Outstanding Beauty. The specification submitted proposes a BP chargemaster fastcharge: 1400 x 366 x 254 as well as an electrical feeder pillar of 1100 x 750 x 400. Both to be located to the rear of an area of hardstanding to the north east side of the Emergency Services Station. The visual impact of this is considered to be minimal and whilst new elements they will be very much seen within the context of this building as a point of emergency service provision. It is considered that the proposal will have a neutral impact overall on the wider character of the conservation area and would not harm the scenic beauty of this part of Tresco and AONB status. Overall the proposal is considered acceptable.

Impact upon the historic environment

As noted above the proposal is not considered to be harmful to the wider conservation area. It is noted that there are no listed buildings, scheduled monuments or archaeological constraint areas within the site area. The proposal is not considered to affect the setting of any other designated heritage assets. The historic landscape character is noted as bulb fields that possibly date to the late 19th or early 20th century. As the proposal does not propose any hedgerow removal it is not considered that it would have any impact upon the legibility of the landscape. Overall it is considered that the proposal would not have any significant impacts upon the historic environment.

Impact upon residential amenity

The proposal is located in an area already used by emergency service and BT vehicles. As it amounts to a car parking space area of hardstanding and two units for the purposes of charging vehicles already using this area, there are no known effects that could arise that could impact upon the amenity of neighbouring properties along Cobblers Row. It is not considered that there would be any increase in vehicles and no structures that could affect outlook. Overall therefore it is considered that the proposal is acceptable in terms of residential amenity.

Impact upon the natural environment

The site is not located within any natural environment designations, although Tresco itself is surrounded by the Special Area of Conservation (which is a marine designation) as well as 3 SSSI designations (Great Pool, Castle Downs to the north and Pentle Bay, Merrick and Round Islands to the south, south-east coast). None of these are close to the proposed development. The closest part of the Castle Downs SSSI, which overlaps with the Isles of Scilly Special Protection Area (SPA) which is over 250m away to the north west. Great Pool SSSI is around 450m to the south.

There are no records of bat roosts in this area and it is not considered that the proposal would have any impacts upon protected species.

Overall therefore the proposal is considered to comply with Policies 1 and 2 the adopted Local Plan (2005) and emerging policies SS1 and OE1 of the submission draft Isles of Scilly Local Plan (2015-2030).

Conditions

- C1 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 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- C2 The development hereby permitted shall be carried out in accordance with the approved details only including:**



- **Location Plan, date stamped 08/10/2019**
- **Proposed Block Plan and General Arrangement (1:500), date stamped 08/10/2019**
- **Specification of the Chargemaster Fastcharge Floor-Mounted Electric Vehicle charging Unit and associated specification (19000425)**

These are 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.

- C3 All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800 and 1800 hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.**

Reason: In the interests of protecting the residential amenities of neighbouring properties.

Signed: 	Dated: 15/11/2019	Signed: 	Dated: 16/11/2019
Planning Officer		Senior Manager	

Monitoring – Case Officer – Don't forget to complete and enter into the Monitoring Table:
Y:\Infrastructure & Planning\Planning\Monitoring\2015-2030 Local Plan Monitoring

Promoting a Sustainable Scilly										
	SS1	SS2	SS3	SS4	SS5	SS6	SS7	SS8	SS9	SS10
Clause/Part (State)	A, b, c,									
Contrary to (tick)										

In accordance with (tick)	✓									
Our Outstanding Environment										
	OE1	OE2	OE3	OE4	OE5	OE6	OE7			
Clause/Part (State)	A, b									
Contrary to (tick)										
In accordance with (tick)	✓									
A Strong Living Community										
	LC1	LC2	LC3	LC5	LC5	LC6	LC7	LC8	LC9	
Clause/Part (State)										
Contrary to (tick)										
In accordance with (tick)										
A Strong Working Community										
	WC1	WC2	WC3	WC4	WC5	WC6				
Clause/Part (State)										
Contrary to (tick)										
In accordance with (tick)										