

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/19/083/HH

Received on: 25 November 2019

UPRN: 000192000449

Application Expiry date: 21 January 2020

Neighbour expiry date: NONE CONSULTED

Consultation expiry date:

Site notice posted: 29 November 2019

Site notice expiry: 20 December 2019

Applicant: Mrs Emily Crees
Site Address: Saith Carreg Barn
Lower Town
St Martin's
Isles of Scilly
TR25 0QW

Proposal: Installation of ground floor front window

Application Type: Householder

Recommendation

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

Saith Carreg Barn is a dwelling converted from an original barn building and forms part of the larger holding associated with the Seven Stones Inn on the Isles of St Martins, Isles of Scilly. The building has a linear footprint and frontage on to the road. The building is granite with a clay pantile roof and red clay ridge tiles. Window details are a mixture of stone and timber lintels with large granite stone quoins around the door. The stone work is generally course but also has appearance of random rubble.

The application proposes to insert a new timber window on the ground floor on the rhs, to match the front window at the ground floor on the lhs. This is a timber casement window.

Background and Relevant History

Planning history shows that (for the dwelling Saith Carreg) in 2001 an application was made for alterations to the existing bedroom at the rear of the cottage. P4991 was approved in April 2001. In 2005 an application was submitted for a conversion of the barn to a dwelling. P4857 was approved in July 2005.

Consultations and Representations

Public Representations: None

Consultation Representations: NONE

A site notice has been on display for a period of 21 day to the front of the site. No written representations have been received.

Constraints:

Listed Building: No

Scheduled Monument: No

Archaeological Constraint Area: No

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 determination 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 submission draft of the Local Plan sets 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). This emerging document also contains policies for residential extensions (Policy LC9). This requires alternations or extensions to respect its setting, be appropriate to the scale of the existing dwelling. Enlargements should not result in over-development of the site, other harm to neighbouring amenity and should not include elements of new holiday letting accommodation.

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. The Local Plan Examination in Public is due to take place between 21st and 23rd January 2020, where an independent Inspector will assess the soundness and legal compliance of all policies contained within the New Local Plan.

Planning Assessment

The main planning issues for consideration are whether the alterations proposed are in keeping with the existing building, whether there are any impacts upon the privacy and amenity of neighbouring properties and whether the alternations impact upon the biodiversity of the this site.

As a conversion from an existing barn, the current dwelling has only a few openings, presumably to reflect its original character and purpose. The property now forms part of a row of dwellings connected with the pub which have the appearance of a ‘street’ and there is little evidence of a former agricultural use of which the barn was part of. The building was permitted to be converted to a dwelling and was converted in accordance with the approved plans. There is no record on this original application of a window being proposed in this elevation and being removed for the importance of original character, it would simply appear that the applicant was seeking to utilise the original openings in the barn building.

The building was captured in the 1995 agricultural buildings survey. At that time it was also part of the Seven Stones Inn and was used as a general store with a derelict glasshouse. Photographs of the building from that period show that it has changed little in appearance with its conversion to a dwelling. The building at that time had a very much ‘domestic’ appearance. Dating to the 19th century

Whilst it is important for the sake of legibility when traditional buildings are re-used, it is not considered that the installation of a window as proposed would be out of keeping with the character of this part of St Martins or the building itself.

The proposal to match an existing window would not result in any significant harm overall relative to the wider character of the existing building. Providing the window is of a timber construction, matching the details of the window to the west, it is considered that the proposal would have a neutral impact upon the wider landscape, and it would therefore preserve the character of the conservation area.

The window would serve a kitchen and would not overlook any neighbouring property. The nearest neighbour lies approximately 50m to the south with intervening field/garden. This is a property known as Hilldrop and given the change in levels between the application site and this neighbouring property (with Hilldrop being considerably lower down) it is not considered that the new kitchen window, as proposed, would give rise to harm to the privacy and amenity of this property.

The installation of a window does not trigger the need for a wildlife assessment in terms of any protected species that could be affected. It is considered disproportionate to require any biodiversity enhancements, sustainable design measures or a site waste management plan. Overall the proposal is considered to comply with Policy 1 and Policy 2 of the adopted Local Plan and emerging Policies SS1, SS2 and LC9 of the Submission Draft Isles of Scilly Local Plan (2015-2030).



Subject to undertaking works in accordance with the approved plans, the proposal is considered acceptable and is recommended for approval.

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 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved details only including:
 - Location Plan, 1:1250 scale
 - Photograph/Plan 1: Proposed front (south) elevation, date stamped 24/11/2019
 - Design and Access Statement, date stamped 24/11/2019

These are stamped as APPROVED

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Listed Building and Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

Signed: 	Dated: 20/01/2020	Signed: 	Dated: 20/1/2020
Planning Officer		Senior Manager	

Monitoring	Yes	No
Sustainable Design Measures required		✓
Provided		

Conditioned		
Site Waste Management Plan Required		✓
Provided		
Conditioned		
Biodiversity enhancements required		✓
Provided		
conditioned		

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)	1. a), b), c), d), e),								
Contrary to (tick)										
In accordance with (tick)	✓									
Our Outstanding Environment										
	OE1	OE2	OE3	OE4	OE5	OE6	OE7			
Clause/Part (State)										
Contrary to (tick)										
In accordance with (tick)										
A Strong Living Community										
	LC1	LC2	LC3	LC5	LC5	LC6	LC7	LC8	LC9	
Clause/Part (State)									(1)	
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)						