

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/20/004/HH

Received on: 24 January 2020

UPRN: 000192000047

Application Expiry date: 31 March 2020

Neighbour expiry date: NONE CONSULTED

Consultation expiry date:

Site notice posted: 5 February 2020

Site notice expiry: 26 February 2020

Applicant: Pam Beresford-Smith

Site Address: Glebe Barn
Middle Town
St Agnes
Isles of Scilly
TR22 0PL

Proposal: Addition of solar panels to the south-east facing pitched roof of Glebe Barn, a single storey two-bedroom holiday let in the curtilage of the Grade 2 listed building called The Parsonage. (Affects setting of a Listed Building).

Application Type: Householder

Recommendation

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

This is a planning application to install 26 solar panels on the south east facing roofslope of this holiday let. The roof is a relatively modern clay pan-tile roof and the panels will virtually cover all of the south east side.

Background and Relevant History

P3398 Planning permission granted for a conversion of the building to a guesthouse and redevelopment of the barn. 16/06/1992

P3695 Planning permission granted for a conversion of the building to a guesthouse and redevelopment of the barn. 13/009/1994

P3695 Planning permission granted for a conversion of the building to a guesthouse and redevelopment of the barn. 04/10/1994

P3695A (LBC) Planning permission granted for a conversion of the building to a guesthouse and redevelopment of the barn. 04/10/1994

P/10/024/LBC Erection of Conservatory on SE elevation. 28/04/2010

P/10/025 Erection of Conservatory on SE elevation. 28/04/2010

Consultations and Representations

Public Representations: NONE

Consultation Representations: NONE

Constraints:

Archaeological Constraint Areas: Middle Town, St Agnes. Island: St Agnes

Historic Landscape Character: Landscape Type: Settlements.

Scheduled Monuments: 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 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. 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.

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). This emerging document also contains policies for renewable energy (Policy SS8).

This policy requires renewable energy developments to (a) contribute towards meeting domestic, community or business energy needs for the islands. They should (b) seek to conserve the scenic landscape, seascape, cultural heritage and historic environment. They should (c) protect and enhance biodiversity and the maintenance of wildlife populations; (d) provide environmental enhancements and community benefits where possible; (e) not have a significant impact upon the amenity of the resident population; (f) have no significant adverse effects on airport radar, air traffic control and telecommunication systems. Finally, they should (g) contribute directly to energy conservation.

As of 30th September 2019, the draft Local Plan has been submitted to the Secretary of State. On the 21st to the 23rd January 2020 the draft plan was subject to an Examination in Public (EiP) and as such the policies it contains can be given greater weight in decision making. The draft policies of the new local plan will now be given primary consideration.

Planning Assessment

This is an application to install solar panels on the roof of a building, used as an

ancillary self-contained holiday let, as part of the dwelling known as the Parsonage. The Parsonage is a grade II listed building and as such the primary consideration of this proposal is the impact on the setting of this building as one of architectural or historic importance to the Isles of Scilly. It is also necessary to consider the impact of the proposal on adjoining neighbouring amenity. Given the nature of the proposal, to install domestic scale solar panels on the roof of this structure, this assessment will not consider the issues of bio-diversity or highway safety. By its very nature, there is no requirement to consider the justification for renewable energy in this case. The installation is to support the generation of energy to consume locally for residential/business purposes which accords with the requirements of emerging policy SS8 (a).

Impact upon neighbouring amenity

The proposed solar panels will be located only on the south east facing roof slope. The visible elements will therefore be seen from the road and from the Parsonage itself. It is not considered that the solar installation will have any impact upon neighbouring residential amenity. The nearest neighbouring property is the lighthouse directly opposite, around 50m to the south west of the site. The application site is situated lower down with views from the lighthouse being significantly elevated above the parsonage. No impacts from the solar installation have been identified. The proposal is considered to accord with Policy SS8 (e).

Impact upon the Historic Environment

Located within the Isles of Scilly Conservation Area, the structure, Glebe Barn, was rebuilt using the redundant remains of an earlier barn structure. It is not itself historically or architecturally important. Given the nature of the panels however and the fact that they propose to face towards the Parsonage, there is the potential for the installation to have a negative impact upon the setting of this designated heritage asset.

The Parsonage was added to the statutory list in 1992, as part of a wider assessment of buildings on the islands. A large number of building and structures were added around this time. The Parsonage has been subsequently permitted to be extended since being listed. Including a large two storey side extension and rebuilding of the barn, the subject of this application.

Set down from the road, the property is surrounded by a mature and relatively large garden, within the slope of the site. The private rear garden largely plateaus out and is laid to lawn. It is well screened. The barn is around 20m from the Parsonage. This is listing describes the property:

Parsonage, now house. Early C19. Colour-washed render over granite rubble; slate roof; rendered brick stacks except granite stack with drip course to rear

wing. L-plan with rear right wing. 2 storeys; 2-window range. Late C19 French windows to right and 2/2-pane sash to left; first-floor C20 windows. Rear wing has early C19 8/8-pane sash and C20 lean-to with door and glazing-bar casements. Interior: panelled doors and shutters and plain staircase.

The proposed solar panels do not affect any element of the architectural importance of this property. In terms of evidential value then it is considered that the presence of the barn, rebuilt using original granite, retains the evidence of past human activity of this site. The installation of solar panels on the roof will not result in loss of evidential value.

The position of the barn, adjacent to the Parsonage retains historical value suggestive of the ways in which the site was previously used. Its name also strongly leads to an understanding of its past important use as a barn in connection with the house. Again, the installation of solar panels on the roof will not result in loss of historical value.

Given that the barn was rebuilt within the last 30 years its aesthetic value is limited in terms of the wider setting of the Parsonage, but it is considered that the installation will have some impact upon the aesthetic value of this site. The panels will be very much apparent from the Parsonage, from within the garden and from views of the site from the road. Although wider views of the site would be limited. The optimum solution for preserving the aesthetic value of this site would be to install less visible solar products or use solar slates. The applicant is seeking to install a standard product in a very prominent position within the curtilage of this listed building. The panels will be particularly visible and discordant features within the setting of the listed building.

As a parsonage there will be a degree of communal value for the island of St Agnes, although Parsonages are not places of worship in themselves and it is likely that this building has not been occupied by a 'parson' for a considerable period of time, there will be some communal/collective community value associated with this large island property. The installations connected with this application will however have a limited impact upon the communal value of this site.

Overall it is considered that from a conservation perspective the installation as proposed will have an adverse impact upon the aesthetic value of this site. There is no mitigation that could be put in place to reduce the visual impact of the proposed solar installation. It is considered however that as the building, known as Glebe Barn, is a relatively modern rebuild, and the solar installation will assist in making the islands more sustainable in the long term, there are wider benefits to be gained as a result of this installation. It is also noted that the Parsonage has been permitted to be enlarged since being added to the statutory list in 1992.

The installation reflects the wider local, national and global trend to address issues of a climate emergency and for an island community it is considered necessary to balance this issue with the wider historic environment. On this occasion, given the limited locations for solar, it is accepted that the installation is a reversible installation, and subject to conditions to ensure they are removed once no longer required are considered to be on-balance acceptable.

Condition

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:

- Drawing 2, Proposed Layout, South West Elevation Plan, Date Stamped 23/01/2020
- Q.Peak Duo-G6 340-355 Solar Panel Specification, Date Stamped 23/01/2020
- Site Plan, Date Stamped 23/01/2020
- Location Plan, Date Stamped 23/01/2020
- Design and Access Statement, Date Stamped 23/01/2020

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 Submission Draft Isles of Scilly Local Plan 2005 and Policy OE7(6) of the Isles of Scilly Local Plan (2015-2030).

C3 The Solar panels hereby permitted shall be permanently removed upon redundancy for their dedicated purpose and the building reinstated to its former condition within a period of six months unless otherwise agreed in writing by the Local Planning Authority.

Reason: The Solar panels [and equipment] have been permitted for a dedicated purpose and, if no longer needed, should be removed from this part of the Islands in the interests of the visual amenities of the area and the setting of the adjacent Grade II Listed Building, in accordance with Policy SS8(2) of the Submission Draft Isles of Scilly Local Plan (2015-2030).

C4 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.

Print Name: Lisa Walton

Job Title: Senior Officer, Planning and Development Management

Signed:  30th March 2020

Authorised Officer with Delegated Authority to determine Planning Applications on behalf of the Council of the Isles of Scilly.

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, e, f,		
Contrary to (tick)										
In accordance with (tick)								✓		
Our Outstanding Environment										
	OE1	OE2	OE3	OE4	OE5	OE6	OE7			
Clause/Part (State)							6			
Contrary to (tick)										
In accordance with (tick)							✓			
A Strong Living Community										
	LC1	LC2	LC3	LC5	LC5	LC6	LC7	LC8	LC9	

