

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/20/009/FUL

Received on: 7 February 2020

UPRN: 000192001325

Application Expiry date: 15 April 2020

Neighbour expiry date: NONE CONSULTED

Consultation expiry date:

Site notice posted: 19 February 2020

Site notice expiry: 11 March 2020

Extension of Time Agreed Date: 17/08/2020

Applicant: Mr Keith Hale Mainland Marketing
Site Address: Mainland Marketing Ltd
High Cross Lane
Old Town
St Mary's
Isles Of Scilly
TR21 0NG

Proposal: Proposed side extension to house storage area and covered plant parking area.

Application Type: Planning Permission

Recommendation

1. That the Application is APPROVED for the following reason and subject to the conditions set out below.

Site Description and Proposed Development

Saith Carreg is a dwelling 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. Due to the sloping nature of this part of St Martin's where the land to the rear slopes up steeply, the garden associated with this property is to the front across the road, that leads up to the Seven Stones Pub.

The application proposes to construct a timber summer house (3m x 3m) within the garden that is located across a small track of road, in what is the garden associated with this dwelling. The summer house proposed is square with a door unusually positioned across one of its corners. The roof is a pyramid hipped type with a felt covering. The building is painted timber construction with timber windows and doors.

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. In 2019 an application to install a new Window in Saith Carreg Barn (P/19/083/HH) was approved.

Consultations and Representations

Public Representations: None

Consultation Representations: Development Management Archaeological
Advisory Officer 20/04/2020 No objections

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: Farmland: bulb strips, late C19/C20

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 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).

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 there is a policy support for an extension to an existing agricultural/horticultural building. Once this is established then it is necessary to assess whether the single storey extension proposed is in keeping with the existing building, the wider character of the area and whether there are any impacts upon the privacy and amenity of neighbouring properties, the wider natural environment, including protected species or any other issues on infrastructure or highway safety.

Principle

Policy 4 of the adopted Local Plan advises that development proposal will be supported where the proposal promotes employment and economic activity by providing opportunities for businesses to support viable communities. Proposals based on the existing economic base of tourism, agriculture and fishing, as well as the distinctiveness of the islands, will be supported in the following cases:
(a) where such development contributes to the further diversification and essential modernisation of the islands' economy.

Policy WC1 of the Submission Draft Local Plan relates to general employment and where a development proposal seeks to strengthen, enhance and diversify the islands' economy then support will be given where the proposal is appropriately designed, scaled and located, in accordance with other policies in the Local Plan.

The constraints of this site are that it is within the wider Conservation Area and AONB designations but that there are no designated heritage assets within the vicinity of the site. The site lies outside of the islands natural environment designations.

In terms of historic landscape character then it is located within an area defined as: anciently enclosed farmland (prehistoric to early post-medieval).

It is also known from Bat Roost records that the site is a known bat roost.

The proposal is for a single storey side extension to an existing agricultural building that is used by Mainland Marketing for the co-ordination of the local flower growing and bulb industry by local flower farmers on St Mary's. The building allows for preparation of flowers for sale to the mainland. The applicant states that the extension will enable further incremental improvements and efficiencies for the flower market.

It is considered that the proposal, based on the existing economy of flower growing/production is acceptable in principle under both the adopted Local Plan and the submission Draft Local Plan.

Scale and Design

In the context of the existing building the proposed side extension is a long single storey lean-to structure. The building is located on the west side of ST Mary's airport within a site that slopes down to the north and west. The building overall is generally well-screened within the wider landscape. The proposed extension will be located on the east, south east side of the building, which has no visible presence within the wider landscape.

The proposed extension covers a larger area of around 82m² in floorspace, which is achieved by a long lean-to extension on the east facing elevation between the access road and the building. The proposal equates to a 15% increase in usable floorspace of the existing complex of buildings.

The materials are shown to match the existing agricultural buildings in terms of appearance. This includes a profiled sheet roof and hit and miss vertical timber boarding for the walls.

Overall the proposal is considered acceptable in terms of scale, materials and design.

Impact upon the wider landscape (CA and AONB)

As assessed above the proposed extension will be well screened and it is considered that the scale, design and material will reflect the agricultural nature of the building as well as the rural setting of the site. It is sufficiently tucked away as to have no wider impact upon the landscape and will therefore have a neutral impact upon the conservation area and wider scenic beauty of the AONB.

Impact upon residential amenity

The site of Mainland Marketing lies over 110 metres to the east of the nearest private residential property. The position of the proposed extension is not considered to give rise to any impact upon this nearest residential property.

Impact upon the natural environment (including protected species)

The site does not lie within any natural environment designations and is over 250m to the east of the nearest SSSI. The Lower Moors SSSI is identified as being in a 100% unfavourable but recovering status (10.13ha). Lower Moors is located immediately to the east of Hugh Town on the island of St Mary's in the Isles of Scilly. The site comprises a topogenous mire, exhibiting a range of wetland habitats, developed on alluvium and peat overlying the Hercynian granite bedrock. Streams and drainage ditches flow southwards towards Old Town Bay. The proposal will be constructed in an area already laid to hard surfacing. Due to the nature of the proposal and its position it is considered that the proposal will not have a negative impact upon this designation.

The site is identified as an existing bat roost. On this basis the applicants have been requested to support their application with a Preliminary Ecological Appraisal and Primary Roost Assessment. The outcome of the initial reports confirmed the presence of bats and helped inform a roost characterisation study. This has been required to understand the type of roost and the impact the proposal is likely to have on the site. Droppings found within the development confirmed the presence of Common Pipistrelle and on this basis three presence/absence surveys were carried. An external dusk survey did not identify any bats emerging from roosting sites associated with the building. A subsequent internal dusk survey identified 2 roosts at the eastern end of the southern elevation and a single roost exit at the apex of the gable end of the east elevation used by Soprano Pipistrelle. A further dawn re-entry survey identified 2 Common Pipistrelle returning to roost. The first at the apex of the western gable end of the barn. The second above the first-floor window on the eastern elevation of the barn overlooking the courtyard area. Inspection internally around these entry points confirmed the roost sites. The results of the surveys confirm the presence of a non-

breeding summer roost of Common and Soprano Pipistrelle bats within the barn. An impact assessment identified that the proposed works would not result in the destruction of these roosts, but temporary disturbance is likely if appropriate measures are not taken to protect these species.

The roost characterisation recommended appropriate mitigation measures which should be put in place to ensure that the proposed works can proceed without negatively impacting on the Favourable Conservation Status (FCS) of both Common and Soprano Pipistrelle on St Mary's in the long-term. On this basis it is considered that conditions to require works only to proceed in accordance with the mitigation measures outlined in the report. Mitigation measures recommended include the appropriate timing of works, the provision of further roosting sites and ecological oversight of works.

It is considered that the proposal could have a potential impact upon bats, as protected species, but subject to the works sufficiently mitigated, the impact can be satisfactorily minimized.

Impact upon the historic environment (including designated heritage assets)
The site is not a listed building or scheduled monument and the proposal is not within the curtilage of any. There is no defined archaeological constraint area within the vicinity. Given that the proposal will be constructed on an area of existing hardstanding, there will be no significant foundations required and therefore no below ground impacts. Overall the proposal is considered acceptable in terms of the wider historic environment.

Impact upon Infrastructure and Highways

The proposal relates to an existing employment site of an existing agricultural/horticultural business. The proposal does not result in the loss of car parking and it is not considered that the proposal will significant increase vehicular movements. The road leading to Mainland Marketing is also an access road to St Mary's airport and as such is a regularly used road by many vehicles on St Mary's, including taxis and buses. Overall however the proposal will not result in the loss of car parking, or narrowing of the road leading to the site. There are not considered to be any highway safety issues arising as a result of the proposal

The proposal does not propose to increase water usage or sewage discharge and on this basis the proposal is considered acceptable.

The emerging Local Plan requires all sites to be accompanied and supported by Site Waste Management Plans (SWMP) to ensure waste, both in the short and long term, are effectively managed. In the short term this is about the management of construction waste and the sourcing of minerals and aggregates in connection with construction. In the long term this this about ensuring adequate facilities are provided, in this case for the use of the larger horticultural building that is proposed. The

applicant has provided a SWMP which does address the management of waste in the short-term as part of the construction phase. It is considered that the matters set out have been adequately addressed to ensure waste is managed effectively. The proposal does not include details of the long-term occupation phase to manage commercial waste and recycling but given the size of the application site, there are no concerns about the adequacy of space for the appropriate management of waste.

Conclusion

Overall the proposal has been assessed as acceptable subject to the conditions set out below and would be recommended for approval

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:**

- **Plan 1 Location Plan, 1:1250 scale**
- **Plan 2 Site Plan, 1:500 scale**
- **Plan 3 Proposed Plans and Elevations, Drawing No: MM-PS-2a**
- **Plan 4 Roost Characterisation Report (Mitigation/Timing/Enhancement)**

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.

- C3 Prior to the first use of the extended part of the building, hereby approved, the biodiversity enhancement measures including (1) new roost entry/exit and (2) new internal roost site along the southern interior wall, as set out in the Roost Characterisation Report, shall be installed as set out in the Ecological Enhancement section and be retained as such thereafter.**

Reason: In the interests of securing appropriate and proportionate biodiversity net gains at this site in accordance with Policy OE2, SS1(d) and SS2(g).

Print Name: Lisa Walton

Job Title: Senior Officer, Planning and Development Management

Signed:



10/09/2020

Authorised Officer with Delegated Authority to determine Planning Applications

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. c)								
Contrary to (tick)										
In accordance with (tick)	✓	✓								
Our Outstanding Environment										
	OE1	OE2	OE3	OE4	OE5	OE6	OE7			
Clause/Part (State)		5								
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)	all									

Contrary to (tick)						
In accordance with (tick)	✓					

Application Number:	P/20/009/FUL	
Valid Date	19/02/2020	
Date Decision Issued	10/09/2020	
Approved	Refused	Withdrawn
DEL/LMP: 04/08/2020		COMM