

Council of the Isles of Scilly

Delegated Planning Report

Application Number: P/20/010/HH

Received on: 13 February 2020

UPRN: 000192002140

Application Expiry date: 11 May 2020

Neighbour expiry date: 6 April 2020

Consultation expiry date:

Site notice posted: 18 March 2020

Site notice expiry: 8 April 2020

Applicant: Mrs Emily Crees

Site Address: Saith Carreg
Lower Town
St Martin's
Isles Of Scilly
TR25 0QW

Proposal: Erection of a summer house in our front domestic garden.

Application Type: Householder

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). This emerging document also contains policies for residential extensions (Policy LC9). This requires alternations or extensions to respect it 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 detached summer house proposed is in keeping with the character of the area and whether there are any impacts upon the privacy and amenity of neighbouring properties.

The proposed summer house is a detached timber structure that will be visible in the front garden. Given that the front garden slopes down towards the nearest neighbouring properties to the south, it will be visible from the rear of those properties (The Locker, Hilldrop and Teania) which are between 20 and 35 metres from the proposed summer house, it is however, of a domestic scale. The east boundary comprises a high pittosporum hedge, noted as being 3m in height. The summer house proposed, therefore will be well screened from most wider views of the site and will have minimal impact upon the privacy and amenity of nearby residential properties.

Although detached from the row of dwellings and Saith Carreg to the north, it is considered that the summerhouse will be located within an area of garden associated with Saith Carreg and will not have any wider adverse impacts.

Although the site lies within the Lower Town Archaeological Constraint Area the nature of the proposal does not require large scale foundations and on this basis no archaeological monitoring is required. A consultation with the Development Management Archaeological Advisor has confirmed this.

The installation of a summerhouse 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
 - Block Plan, 1:200 scale
 - Summer House Plans (Lugarde) Ref: PFA03 (300x300cmx250cm(H))
 - 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.

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. 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)						