

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/20/021/HH

Received on: 22 April 2020

UPRN: 000192001474

Application Expiry date: 24 June 2020

Neighbour expiry date: 27 May 2020

Consultation expiry date:

Site notice posted: 7 May 2020

Site notice expiry: 28 May 2020

Applicant: Mike Green
Site Address: 4 Bay View Terrace
Telegraph Road
Porth Mellon
St Mary's
Isles Of Scilly
TR21 0NE

Proposal: Installation of solar panels on land behind the property.

Application Type: Planning Permission

Recommendation

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

Tregea forms one of six terraced properties known as Bay View Terrace. Tregea is Number 4 and is a two storey, mid-terrace property with a painted render exterior, upvc windows and doors and a slate roof. It has a lawful use to show the property was split into 2 flats.

This application seeks planning permission to install free-standing solar panels on land to the rear. This includes a bank of 6 panels which are angled to face the rear of the applicants property, in a south west direction. Each panel measures 1720mm in height and 1030 in width, making a total width of just over 6m. The panel will be raised off the ground by 0.6m at the lower side and 0.8m to the rear (creating the sloping angle).

Background and Relevant History

P/16/069 – Certificate of existing use for the use of dwelling as 2 C3 dwellings. Approved 26.08.2016.

P/16/110 – Planning permission for works to two flats, replacement 2 storey rear extension, new windows and roof lights. Approved 05.12.2016.

P/17/002 – Discharge of conditions C4 and C5 on planning application P/16/110. C4 approved 29.08.2017. C5 refused 29.08.2017.

P/19/035 – Erection of a garden shed – Approved 22.08.2019

Consultations and Representations

A site notice has been on display to the front of the site on Telegraph Road for a period of 21 days and immediate neighbours, and those who share a boundary with the site have been written to directly. No representations have been received.

Due to the nature of the application there have been no external consultation required.

Public Representations:	None
Consultation Representations:	NONE

Constraints

Scheduled Monuments: 90m to the NE of the site is Harry's Walls, Scheduled Monument

Listed Buildings: NONE

Archaeological Constraint Areas: 85m to the W is the Porthmellon ACA; 66m to the SW is the Downderry ACA; 55m to the N is the Mount Flaggon/Harry's Walls ACA; 166m to the SE is the Lower Moors ACA

SSSI: 166 to the SE is the Lower Moors SSSI

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.

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.

Policy 6 relates to infrastructure for sustainable communities and (2) states Development proposals, in keeping with the particular scale and character of the islands, will be supported, where they: (a) are for renewable energy projects; or (b) facilitate improvements to the electricity supply network or the under grounding of all cables; or (c) would provide telecommunications infrastructure of immediate community benefit; or (d) are for recycling or the composting of waste closer to its source; or (e) are for new or enhanced community, health, education, childcare, sport, recreational, arts and culture facilities.

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 seeks to support development proposals for renewable energy that contribute towards creating sustainable island communities providing they (a) contribute towards meeting domestic, community or business energy needs within the islands, (b) they conserve the scenic beauty, landscape, seascape, cultural heritage or the historic environment of the islands, (c) they protect and enhance biodiversity, (d) they provide environmental enhancements, where possible, (e) they would not have a significant adverse effect on the amenity of local residents in terms of noise, dust, odour, reflected light, traffic or visual intrusion, (f) there would be no significant effects on airport radar, air traffic control and telecommunications systems and (g) they contribute towards energy conservation directly.

Renewable energy generation for the islands will improve the reliability of the islands' electricity supply. The Government has set a UK target to deliver 15% of the UK's energy consumption from renewable sources by 2020, and also has an ambition that

by 2020, 12% of heating should come from renewable sources. At a local level, the Smart Island programme establishes a target that seeks to achieve a 40% reduction in energy bills for residents by 2025, and for 40% of island energy demands to be met through renewable generation by 2025.

As of 30th September 2019 the Submission draft Local Plan has been submitted to the Secretary of State, and as of January 21-23rd 2020 the Planning Inspectorate carried out an Examination in Public of the Local Plan. At the time of writing this report, the above policies are being given greater weight relative to the adopted 2005 Local Plan.

Planning Assessment

The main consideration is to understand whether the proposed solar panels would contribute towards the domestic energy needs of the islands without causing harm to the amenity of neighbouring properties or the wider character of the area and any impacts upon the natural or historic environment.

Principle of development

Given that the panels will provide energy for the domestic needs of the two flats at 4 Bay View Terrace, it is considered that the proposal is in accordance with the main policy aim of SS8 of the emerging Local Plan (2015-2030) and the NPPF. There does not need to be justification for need to generate renewable energy.

Impact upon the neighbouring amenity

The application site is a mid-terrace dwelling which has a large front garden, separated from the terrace by a shared access road, and a space to the rear comprising a number of outbuildings and a section of land that runs to the rear. The land to the rear comprises a yard area with a garden beyond that slopes steeply up in a north easterly direction. The panels will be located to the rear of the land to the rear of the property. This slopes up steeply and given the nature of the site, these will be visible to neighbouring properties, but it is not considered that they would impact upon amenity.

Impact upon the wider conservation area and AONB

It is noted that Bay View Terrace is not a listed building, but it is within the Isles of Scilly Conservation Area and Area of Outstanding Natural Beauty (AONB) where there is an overriding requirement to ensure development proposals either conserve or enhance the wider character of the area. There are some views of this land to the rear of Bay View Terrace, as it slopes up significantly from the level of the dwellings, but glimpses of it are limited and only from the within the site itself will the panels be noticeable in the landscape. In this case it is considered that the siting of a range of free-standing solar panels on land to the rear of this area will result in a neutral impact overall in terms of the character of the conservation area and AONB.. The installation contributes directly to the generation of a renewable form of energy without giving rise to harm to the wider character of this area and is considered appropriate. It is considered that the proposal is in accordance with Policies 1 and 2 of the 2005 Local

Plan and Policies SS1, Policy SS2, OE1 and OE7 of the draft Isles of Scilly Local Plan 2015 – 2030.

Overall the proposal is considered to be acceptable and would accord with Policies 1, 2 and 6 of adopted Local Plan (2005) and Policies SS2 and SS8 of the draft Isles of Scilly Local Plan (2015 – 2030).

The application is recommended for Approval subject to the conditions below.

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 29/04/2020;**
- **Proposed Plans, date stamped 29/04/2020**
- **Proposed Site Plan, date stamped 29/04/2020**
- **Solar Panel Type, date stamped 29/04/2020**

These are stamped as APPROVED

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 and Policy 2 of the Isles of Scilly Local Plan 2005 and Policies SS1, SS2, OE1 and OE7 of the draft Isles of Scilly Local Plan (2015 – 2030).

C3 The solar panels hereby approved 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 photovoltaic 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 in accordance with Policy SS8 of the emerging 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.

Further Information

1. In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and proactive manner, in accordance with paragraph 38 the National Planning Policy Framework 2019.

Print Name: Lisa Walton

Job Title: Senior Officer, Planning and Development Management

Signed:



19/06/2020

Authorised Officer with Delegated Authority to determine Planning Applications

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)		k)						(1)		
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)										
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						

Monitoring	Yes	No
Sustainable Design Measures required		✓
Provided		
Conditioned		
Site Waste Management Plan Required		✓
Provided		
Conditioned		
Biodiversity enhancements required		✓
Provided		
conditioned		

Application Number:	P/20/021/HH	
Valid Date	29/04/2020	
Date Decision Issued	19/06/2020	
Approved	Refused	Withdrawn
DEL/LMP: 16/06/2020		COMM