

Council of the Isles of Scilly Delegated Planning Report Householder/other application

Application Number: P/20/076/FUL

Received on: 24 September 2020

UPRN: 000192000117

Application Expiry date: 12 November 2020

Neighbour expiry date: NONE CONSULTED

Consultation expiry date:

Site notice posted: 6 October 2020

Site notice expiry: 27 October 2020

Applicant: Mr A Sandford And Miss O Callan Olivia's Kitchen
Site Address: Olivia's Kitchen
The Town
Bryher
Isles of Scilly
TR23 0PR

Proposal: Installation of eleven solar panels on front roof of cafe building, to provide 3.4kw power.

Application Type: Planning Permission

Recommendation: Permit subject to conditions

Summary Conditions/Reasons for refusal

1. Standard time limit
2. Adherence to plans
3. Removal of panels once no longer required

Have any pre-commencement conditions been agreed with the applicant:
NO

If yes – date agreed:

Extension of time agreed until: n/a

Site Description and Proposed Development

Olivia Kitchen is situated at The Town on the island of Bryher. It is located on the north side of the road and is immediately accessible from the road. The building is single storey with a corrugated sheet roof. It operates as a café with both indoor and outdoor seating.

The proposal is to install 11 solar panels on the front facing roofslope of the café

building which will provide 3.4kw of power to reduce energy consumption and costs.

Consultations and Publicity

The application has had a site notice on display for 21 days (06/10/2020 – 27/10/2020). The application appeared on the weekly list on 5th October 2020. Due to the nature of the proposal no external consultations are required.

Representations from Residents:

Neighbouring properties written to directly:

Moonrock, The Town Bryher

New Park, The Town Bryher

Hillcrest, The Town Bryher

0 letters of objection have been received and include the following points:

0 letters of support have been received and include the following points:

Relevant Planning History:

No planning history relevant under the adopted or emerging Local Plan.

Constraints:

Historic Landscape Character Landscape Type: Settlements.

Planning Assessment

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	Yes
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	Yes
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	Yes
Would the proposal leave adequate garden area and green space to prevent the proposal appearing as an overdevelopment of the site and to ensure an adequate level of amenity?	Yes
Is the parking and turning provision on site acceptable?	n/a
Would the proposal generally appear to be secondary or subservient to the main building?	Yes
Is the scale proposed in accordance with NDSS	n/a

Amenity	YES OR NO
----------------	------------------

Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	Yes
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	n/a
Is the proposal acceptable with regard to any significant change or intensification of use?	Yes

Heritage	YES OR NO
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	Yes
If within the setting of, or a listed building, a) Will the development preserve the character and special architectural or historic interest of the building? b) Will the development preserve the setting of the building?	n/a
Within an Archaeological Constraint Area	No
Other Impacts	n/a
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	
Impact on protected trees a) Will this be acceptable b) Can impact be properly mitigated?	n/a
Has the proposal been designed to prevent the loss of any significant wildlife habitats or proposes appropriate mitigation where this has been demonstrated to be unavoidable?	n/a
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	Yes
Are the Water connection/foul or surface water drainage details acceptable?	n/a
If sited within a Critical Flood Risk Area (low lying land below the 5m datum) is the application accompanied by an acceptable Flood Risk Assessment?	n/a
Are there external lights	No

Protected Species	YES OR NO
Does the proposal include any re-roofing works or other alteration to the roof	Yes
Does the proposal include any demolition	No
Does the proposal include tree or hedge removal	No
Is an assessment of impact on protected species required	No

Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	n/a
Are biodiversity enhancement measures required	No
Is a condition required to provide biodiversity enhancement measures	No

Waste Management	YES OR NO
Does the proposal generate construction waste	No
Does the proposal materially increase the use of the site to require additional long-term waste management facilities	No
Does the proposal include a Site Waste Management Plan	No
Is a condition required to secure a Site Waste Management Plan	No

Sustainable Design	YES OR NO
Does the proposal materially increase the use of the site to require additional sustainable design measures	No
Does the proposal include a any site specific sustainable design measures	Yes
Is a condition required to secure a Sustainable Design Measures	No

Analysis: The proposed solar panels will assist in the reduction in non-renewable energy and reduce energy bills for the business at Olivia's Kitchen. There is no harm identified with the proposal and subject to the panels being removed from site once no longer required, or they cease to function beyond repair, then they should be removed.

EIA: Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

Proactive working: In accordance with guidance within the National Planning Policy Framework the Council has worked in a positive and creative way and has concluded that the application is acceptable for planning approval/imposed conditions to enable the grant of planning permission.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy: Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance

with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of December 2005, the development plan for the Isles of Scilly comprises the Isles of Scilly Local Plan 2005: a 2020 vision and following submission to the Secretary of State in September 2019 and subsequent Examination in Public significant weight is now given to the submission draft Isles of Scilly Local Plan 2015-2030.

The relevant development plan policies that have been taken into consideration are set out below:

Isles of Scilly Local Plan, adopted December 2005

Policy 1 Environmental Protection ✓

Policy 2 Sustainable Development ✓

Policy 3 Housing

Policy 4 Economic Development

Policy 5 Transport

Policy 6 Infrastructure for Sustainable Communities ✓

Policy 7 Fish and Livestock Processing

Policy 8 Safeguard Power Station, St Mary's

Policy 9 Waste Disposal

Policy 10 Air Travel Infrastructure, St Mary's and Tresco

Policy 11 Uninhabited Islands

Proposal A Housing Sites St Mary's

Proposal B Employment Land, St Mary's

Proposal C Sport and Recreation Facilities, St Mary's

Proposal D Quays

Proposal E Mixed Use Development Tresco

Submission Draft Isles of Scilly Local Plan 2015-2030

Sustainable Scilly

Policy SS1 Principles of Sustainable Development ✓

Policy SS2 Sustainable quality design and place-making ✓

Policy SS3 Re-use of Buildings

Policy SS4 Protection of retailing, recreation and community facilities

Policy SS5 Physical Infrastructure

Policy SS6 Water and Wastewater Management

Policy SS7 Flood Avoidance and Coastal Erosion

Policy SS8 Renewable Energy Developments ✓

Policy SS9 Travel and Transport

Policy SS10 Managing Movement

Outstanding Environment

Policy OE1 Protecting and Enhancing the landscape and seascape ✓

Policy OE2 Biodiversity and Geodiversity

Policy OE3 Managing Pollution

Policy OE4 Protecting Scilly's Dark Night Skies ✓

Policy OE5 Managing Waste

Policy OE6 Minerals

Policy OE7 Development affecting heritage

Living Communities

Policy LC1 Isles of Scilly Housing Strategy to 2030

Policy LC2 Qualifying for Affordable Housing

Policy LC3 Balanced Housing Stock

Policy LC4 Staff Accommodation

Policy LC5 Removal of Occupancy Conditions

Policy LC6 Housing Allocations Choose an item.

Policy LC7 Windfall Housing: Choose an item.

Policy LC8 Replacement Dwellings and Residential Extensions

Policy LC9 Homes in Multiple Occupation

Working Communities

Policy WC1 General Employment Policy

Policy WC2 Home based businesses

Policy WC3 New Employment Development

Policy WC4 Alternative Uses for Business or Industrial land and buildings

Policy WC5 Safeguarding Serviced Accommodation

- *Site Waste Management Plan: N/a*
- *Sustainable Design Measures: N/A*
- *Biodiversity Enhancement Measures: Provided in the PEA N/a*

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Recommended 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**
- **Plan 2, Roof Layout Plan**
- **Plan 3, Proposed Panels Specification (Paradise Power Systems Ltd)**

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 of the adopted Isles of Scilly Local Plan 2005 and Policy OE1 of the submission Draft Isles of Scilly Local Plan 2015-2030.

C3 The solar panels and associated equipment, hereby approved, shall be permanently removed upon redundancy for their dedicated purpose and the site reinstated to its former condition within a period of three months unless otherwise agreed in writing by the Local Planning Authority. Should equipment become faulty or cease to operate it should either be removed or repaired within a period of 3 months and the site reinstated to its former condition.

Reason: The solar panels have been permitted for a dedicated purpose and to facilitate the reduction of non-renewable energy on the Isles of Scilly. If the equipment is no longer needed or ceases to function it should be removed from the site in the interests of the visual amenities of the area.

Print Name:	Lisa Walton	[DATE]
Job Title:	Senior Officer, Planning and Development Management	
Signed:		
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*