

# Council of the Isles of Scilly Delegated Planning Report Other application

**Application Number:** P/21/091/FUL

**UPRN:** 000192002536

**Received on:** 27 October 2021

**Valid on:** 1 November 2021

**Application Expiry date:** 27 December 2021

**Neighbour expiry date:** 25 November 2021

**Consultation expiry date:** 25 November 2021

**Site notice posted:** 4 November 2021

**Site notice expiry:** 25 November 2021

**Applicant:** Leading Edge Academies Partnership

**Site Address:** Five Islands School

Carn Gwaval

Old Town

St Mary's

Isles Of Scilly

TR21 0NA

**Proposal:** Erection of a new building with teaching facilities and a storage room in the below undercroft.

**Application Type:** Planning Permission

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## **Recommendation:**

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### **Summary Conditions**

1. Standard time limit
2. Adherence to plans
3. Submission of Biodiversity Enhancement Measures
4. No additional external illumination without consent
5. Submission of Site Waste Management Plan (PC)
6. Materials samples to be submitted, approved and implemented
7. Hours of Operation for Construction Works

**Agreement of Pre-commencement (PC) conditions sent:** 11/01/2022

**Extension of time agreed until:** 31/01/2022

## Reason for Delegated Decision

No Councillor has requested that the application come to the Full Council. The decision defaults to the level of Delegated:

- Not a Councillor ✓
- Not a Senior Officer (or Officer with influence over planning Decisions) ✓
- No relation to a Councillor/Officer ✓
- Not Major ✓
- Not Council's own application ✓
- Not a departure from the Development Plan ✓
- Not Called in ✓

### Lead Member Planning Agreed

Name: Cllr F Grottick

Date: 15/12/2021

## Site Description and Proposed Development

Five Islands Academy is an all-through, multi-site school, serving the island communities of Bryher, St Agnes, St Martin's and Tresco. The Academy has small primary bases on St Agnes, St Martin's and Tresco and a large base known as Carn Gwaval, which is located on St Mary's, for both primary and secondary students.

The school is a modern development constructed on a greenfield site in 2010. It is located between the settlements of Old Town and Hugh Town on a sloping site that is well screened in terms of the wider landscape.

The proposed new school building replaces a permission granted in 2019 for a classroom extension. The proposal is a stand alone structure which closely matches the design of the school building in terms of scale and profile and use of materials. The building will appear as a two storey building but due to the slope of the site, the small section of lower ground floor space is limited to a 21.6 square metre storage area with a single access door. To the front is cycle storage. The first floor comprises a large music classroom and a smaller classroom space. The rest of the floor comprises storerooms, practice rooms, toilet and an office.

**Certificate:** A

**Other Land Owners:** None

### Consultations and Publicity

The application has had a site notice on display for 21 days (04/11/2020 – 25/11/2021). The application appeared on the weekly list on 8th November 2021. Due to the nature of the proposal two external consultations have been carried out. These together with responses are set out below.

Consultee	Date Responded	Summary
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Cornwall Archaeological Unit	10/11/2021	Thank you for consulting us on this application. We have consulted the Cornwall & Isles of Scilly Historic Environment Record, and in particular, the results of archaeological evaluation and geophysical survey undertaken prior to the construction of the school site (Johns, Sturgess and Shepherd 2010), which revealed no significant archaeological features. The application site has been already been extensively disturbed by ground disturbance for the development of the existing school buildings (Design and Access Statement, figure 4 – note terracing). Therefore, in this instance, we consider it unlikely that significant archaeological remains will be disturbed by groundworks. No archaeological mitigation is required, and therefore no archaeological condition is sought.
Cornwall Fire and Rescue	09/11/2021	Access and Facilities for the Fire Service as detailed in B5 AD B Volume 2 will be required. You will be required to provide reasonable facilities for the Fire Service. In most circumstances this will mean providing vehicular access for fire appliances. It is important to remember that failure to do so may prevent the applicant from obtaining a completion certificate under the Building Regulations but more importantly, the lives of the occupiers will be put at risk.

### Representations from Residents:

Neighbouring properties written to directly:

- Carn Gwaval House
- Carn Gwaval Health and Wellbeing Centre
- Wisteria Cottage

[0] letters of objection have been received

[0] letters of support have been received

[0] letters of representation have been received.

### Relevant Planning History:

App. No.	Description	Date
P/09/100	Conditional Approval of Planning Permission for the erection of a through School (for age groups 3-16) for educational and community use, provision of Sports hall (four courts), indoor and outdoor formal and informal educational and recreational facilities including a multi use games area, senior and junior hard play areas, open space, demolition of part existing school and three existing agricultural structures, use of part of existing school for mixed educational and community use associated with the new Sports Hall, new landscaping, improvements to car parking area, provision for service access, upgrading of existing sewage works/bio bubble, increase in height of Old Town Quay Sea Wall and importation of local fill for land raising as appropriate to minimise flood risk.	21.12.2009

P/09/101	Approval of Conservation Area Consent for demolition of part existing primary school to accommodate in part a proposed new Sports Hall, and demolition of 3 agricultural structures to allow for development of a new school and ancillary development.	21.12.2009
P/10/059	Conditional Approval of Planning Permission for the variation of condition 2 (detailed plans) and condition 3 (specification of materials) of planning permission P/09/100 to erect a new school to make minor material amendments to the approved scheme including; Reduction of ground level of main buildings complex from 6.2m to 5.35m, reduction in number of retaining structures and increase in natural grassed banks, removal of one hard surfaced recreational court and replacement with vegetable garden, removal and replacement of remaining part of West-East hedgerow at South end of site, reduction in number of rooflights, removal of some outdoor teaching spaces and addition of lean-to.	06.08.2010
P/10/070	Conditional Approval of Planning Permission for the erection of temporary office accommodation in connection with the new school build.	06.08.2010
P/11/053	Conditional Approval of planning permission for the installation of PV array on south facing roof of junior section	10.11.2011
P/11/069	Conditional approval of Removal of Condition 23 of planning permission P/09/100 in relation to the provision of a footpath from Old Town within the new school site, and variation of Condition 20 of planning permission P/09/100 to allow for the access at Carn Gwaval to be used for vehicles in connection with those who are registered disabled.	29.09.2011
P/12/104	Conditional approval for the planning permission for the Provision of two sheds and provision of playground equipment.	28.11.2012
P/13/034	Conditional approval for the planning permission for the provision of play equipment	17.07.2013
P/17/063	Conditional approval for a tree works application for the removal of an elm tree	07.09.2017
P/18/027	Conditional approval for planning permission for the installation of windows and doors to convert existing void space into useable rooms	23.05.2018
P/19/023	Erection of new classroom building with storage room in undercroft below.	12/07/2019

### Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Historic Landscape Character: Farmland: bulb strips, late C19/C20

### Planning Assessment

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	y
Would the proposal appear in-keeping with the appearance of the existing building, street and area?	y

Would the materials, details and features match the existing building and be consistent with the general use of materials in the area?	y
Would the proposal leave adequate curtilage and green space to prevent the proposal appearing as an overdevelopment of the site and to ensure an adequate level of amenity?	y
Is the parking and turning provision on site acceptable?	y
Would the proposal generally appear to be secondary or subservient to the main building?	y

<b>Amenity</b>	<b>YES OR NO</b>
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	y
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	y
Is the proposal acceptable with regard to any significant change or intensification of use?	y

<b>Heritage</b>	<b>YES OR NO</b>
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	y
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	n/a
<b>Other Impacts</b>	y
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	y
Impact on protected trees a) Will this be acceptable b) Can impact be properly mitigated?	y
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?	y
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	y
Are the Water connection/foul or surface water drainage details acceptable?	y
If sited within a Critical Flood Risk Area (low lying land below the 5m	n/a

datum) is the application accompanied by an acceptable Flood Risk Assessment?	
Are there external lights	y

<b>Protected Species</b>	<b>YES OR NO</b>
Does the proposal include any re-roofing works or other alteration to the roof	N
Does the proposal include any demolition	N
Does the proposal include tree or hedge removal	N
Is an assessment of impact on protected species required	N
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	N
Are biodiversity enhancement measures required	Y
Is a condition required to provide biodiversity enhancement measures	Y

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

<b>Sustainable Design</b>	<b>YES OR NO</b>
Does the proposal materially increase the use of the site to require additional sustainable design measures	y
Does the proposal include a any site specific sustainable design measures	y
Is a condition required to secure a Sustainable Design Measures	n

**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 March 2021, the development plan for the Isles of Scilly comprises the 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, 2015-2030

Policy	Tick if Used ✓
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	
Policy OE1 Protecting and Enhancing the landscape and seascape	✓
Policy OE2 Biodiversity and Geodiversity	
Policy OE3 Managing Pollution	
<i>Policy OE4 Protecting Scilly's Dark Night Skies</i>	
Policy OE5 Managing Waste	
Policy OE6 Minerals	
Policy OE7 Development affecting heritage	
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	
Policy LC7 Windfall Housing:	
Policy LC8 Replacement Dwellings and Residential Extensions	
Policy LC9 Homes in Multiple Occupation	
Policy WC1 General Employment Policy	
Policy WC2 Home based businesses	
Policy WC3 New Employment Development	

Policy WC4 Alternative Uses for Business/Industrial land and buildings	
Policy WC5 Visitor Economy and Tourism Developments	

Info Requirements	Submitted (LVC)	Not Submitted	Condition Required
Site Waste Management Plan			y
Sustainable Design Measures			n
Biodiversity Enhancement Measures:			y

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.

In discharging their functions, must have “due regard” to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

### **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, drawing number: 1647-PL01 Rev A
  - Plan 2 Proposed Site Plan, drawing number: 1647-PL03 Rev A
  - Plan 3 Proposed Elevations – North and West, drawing number 1647-PL06 Rev A
  - Plan 4 Proposed Elevations – South and East, drawing number 1647-PL05 Rev A
  - Plan 5 Proposed Floor Plans, drawing number 1647-PL04 Rev A
  - Design and Access Statement

**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 OE1 and OE7 of the Isles of Scilly Local Plan (2015-2030).

- C3** Prior to the first use of the school building, hereby approved, details of measures for biodiversity enhancements, either on the building or around the site, including the installation of appropriate bat boxes and bird nesting boxes and suitable native planting, if additional landscaping is required, shall be submitted to and approved in writing by the Local Planning Authority, the measures approved shall be installed before the first bird nesting and bat active season following the completion of the development and be retained as approved 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) of the Isles of Scilly Local Plan (2015-2030).

- C4** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended), (or any order revoking or re-enacting that Order) prior to installation, details of any external lighting shall be submitted to and approved, in writing, by the Local Planning Authority. Any external lighting proposed will need to be sensor activated or timed to be of the lowest brightness possible and be cowled and angled down to the ground only. The lighting shall thereafter be installed in accordance with the agreed details.

Reason: To protect the amenities of the locality and to preserve the dark night skies of the Isles of Scilly and the Garrison Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Isles of Scilly Local Plan (2015-2030).

**PRE-COMMENCEMENT CONDITION: Site Waste Management Plan**

- C5** Prior to the commencement of the development, hereby approved, a scheme including details of the sources of all building materials and the means/location of disposal of all demolition material and all waste arising from building works, including excess material from excavations, shall be submitted to and agreed in writing with the Planning Authority. The

**development shall thereafter proceed in strict accordance with the approved scheme only.**

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application but are required to fully understand the impact upon landscape and management of waste, to be submitted and agreed by the Local Planning Authority. This is to ensure those characteristics which contribute to the status of the Isles of Scilly as a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast are not eroded by uncontrolled mineral extraction or the tipping of waste. In accordance with the requirements of Policies SS2(2) and OE5 of the Isles of Scilly Local Plan (2015 - 2030).

**C6 Prior to the installation of any external surface material, precise details, to include samples if possible, of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: To safeguard the visual amenity and landscape character of the Islands in accordance with policies OE1 and OE7 of the Isles of Scilly Local Plan 2015-2030

**C7 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 the islands.

Informatives

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 creative manner, in accordance with paragraph 38 the National Planning Policy Framework 2021.
2. In accordance with the provisions of Section 96A of the Town and Country Planning Act which came into force on 1st October 2009, any amendments to the approved plans will require either a formal application for a non-material amendment (for which a fee of £234 would be required) or the submission of a full planning application for a revised scheme. If the proposal relates to a Listed Building you will not be able to apply for a non-material amendment and a new application for a revised scheme will be required. Please discuss any proposed amendments with the Planning Officer.
3. Discharge of conditions

<b>Print Name:</b>	Lisa Walton	11/01/2022
<b>Job Title:</b>	Chief Planning Officer	
<b>Signed:</b>		

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Authorised Officer with Delegated Authority to determine Planning Applications

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