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By Liv Rickman at 12:50 pm, Mar 27, 2024

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26 March 2024

P/24/011/FUL: Land To South Of Pungies Lane, Pungies Lane, Telegraph, St Mary's, Isles of Scilly - Construction of 4 no. single storey terraces consisting of 10 no. new dwellings, construction of bin and cycle store, formation of new access and associated landscaping works and drainage works (Major Development)

Thank you for seeking consultee comments from the Isles of Scilly National Landscape partnership on the above proposed development.

As you will be aware, all of the islands are recognised as a National Landscape through the Isles of Scilly Area of Outstanding Natural Beauty (the AONB) designation. The AONB enjoys the very highest level of landscape protection. The primary purpose of the designation is to conserve and enhance the natural beauty of the area and planning policy requires that development within the AONB as a National Landscape, delivers this purpose.

In response to the proposed development as submitted, I hereby provide the formal response on behalf of the partnership to the local planning authority (the LPA) as follows:

The proposals seek to develop 10 dwellings, providing a mix of household sizes, on a greenfield site adjacent to the settlement of Telegraph.

The site was previously allocated in the now superseded Isles of Scilly Local Plan - A 2020 Vision, adopted in 2005, under Policy A.1. The current 2021 adopted Isles of Scilly Local Plan 2015 – 2030 (the LP) provides that all housing site allocations are 'within/adjoining the main settlements of Hugh Town and Old Town on St Mary's' at the direction of the Local Plan Examination Inspector (page 11 of his report dated 23 February 2021).

As a consequence, the former site allocation was not carried forward to the LP. However, the LP allows for unallocated windfall housing through Policy LC7, subject to a number of criteria, including that 'All new homes will be required to meet Local Housing Needs in accordance with Policies LC1, LC2 and LC3' and that '*On St Mary's where the site is within or adjoining an existing settlement as shown on the Policies Map.*'

On the latter point, the site adjoins the identified settlement of Telegraph on the Policies Map. Due to the location of the site adjacent to Telegraph, the surrounding context in visual and character terms of settlement form, alongside acknowledging the previous allocation, subject to accordance with Policies LC1, LC2, LC3 and LC7 of the LP (it is noted that the proposal is not presented as a Policy LC4 staff accommodation scheme in the Design, Access and

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Planning Statement), and that the future tenure of the accommodation can be appropriately controlled for perpetuity through conditions or a planning obligation, we support the principle of the development and we do not consider the proposal would represent *'major development'* having regard to paragraphs 182 and 183 of the National Planning Policy Framework 2023 (the NPPF).

We do however raise a query on accordance with Policy LC7, as the Design, Access and Planning Statement explains through Section 10 that *'This application aims to provide housing for 'essential need' workers and permanent island residents that may not fulfil eligibility criteria for affordable housing but still need to reside full time on the islands to provide essential services underpinning the economy.'*

Nonetheless, if the LPA are satisfied in this regard that the proposed development is policy compliant in terms of the nature and control over its future tenure, we raise no further comments on this matter.

Turning to the detail of the proposed development, it is frustrating that the application has not been supported by a landscape assessment or similar. However, from our observations of the site and the surrounding context, we consider that: the single storey form/ massing; the linear layout of the development; the commensurate density to the area; alongside the retention and restoration of wherever possible of boundary screening to the northern boundary; and the landscape restoration/ management to the eastern side of the application site; will appropriately ensure (subject to addressing our points below) that the development is broadly compatible with the characteristics of the surroundings and will have an acceptable effect upon the purposes of the National Landscape/ AONB designation.

That said, we do wish to provide the following recommendations/comments on the detail of the development for your further consideration:

- Whilst we are predominately supportive of the material finishes proposed (subject to appropriately worded conditions managing the detail of such), which we consider are recessive, responsive to the site context and align with the guidance provided within the Isles of Scilly Design Guide (the Design Guide), we do have some concerns with the use of clay tiles to sections of the primary components of the roofing of the main buildings rather than the use of natural slate, particularly to the road facing elevations.

Whilst we acknowledge that in some cases variation of materials is beneficial, to add visual interest and to avoid uniformity, we are not convinced that such an approach would be acceptable in this case as we do not consider that the use of clay tiles as a roofing material on the primary form of the development is and appropriate reflection of the primary roofing material found in the surrounding area.

The Design Guide explains that clay tiles (double roll pantiles curves S shape) are primarily used on agricultural buildings and outbuildings. The Design Guide also explains that slate *'is an established building tradition which should be used as first preference wherever possible.'*

It is also noted that reference has been drawn to a suggested comparable proposal by the Duchy of Cornwall at Tresco determined under P/21/020/FUL. However, from reviewing the approved plans for this development, it is evident that the predominance of the roofing materials approved here were of a natural slate on the primary buildings, with clay tiles on subservient wings and outbuildings only. This example therefore does not lead us to differing conclusions on this matter.

Nonetheless, if the LPA are minded to support the use of clay tiles as a primary roofing material, we hereby suggest that a condition should be imposed to ensure that the tile is of the curved S shape double roll pantile as referred to in the Design Guide.

- We note that terraces C and D, being those closest to the public facing highway have their primary entrances to the south (rear) elevations, fronting away from the north publicly fronting elevation. However, it is welcomed that the proposed northern elevations contain design details that present as active to the street

scene. We consider that it will be critical for the proposal to ensure that there are no high level boundary enclosures (such as fencing) adjacent to the existing low-level boundary wall to the public highway so that an active and open presentation to the street scene is provided, rather than a closed off environment.

- It is acknowledged that components on the northern boundary wall will be required to be removed/ re-contoured to provide access into the site for future users. We hereby request that the components to be removed/ re-contoured are limited as far as is practical, and the rebuilding/ restoration of the wall is undertaken in accordance with a Method Statement as set out in the supporting Preliminary Ecological Assessment (the PEA). The front boundary wall should be safeguarded thereafter.
- With regard to recommendations in the PEA, we do not agree that bat emergence surveys can be controlled via planning conditions. Paragraph 99 of Circular 06:2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impacts within the Planning System explains that it ‘... *is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.*’
Bats are a protected species, and it would not be reasonable to attach a survey requirement as part of a condition in any approval, in accordance with Circular 06:2005 as set out above.
Therefore, the surveys are required in advance of a formal decision being reached.
Otherwise, we agree with the wider recommendations in the PEA which could be appropriately secured through conditions.
- In accordance with the comments from Peter Dudley following the Cornwall Archaeological Advice Request, we agree that due to ‘*the high concentration of later prehistoric monuments in the surrounding area*’ it would be ‘*prudent that a Strip Map and Sample (SMS) and an archaeological watching brief should be carried out during the early stages of groundworks, undertaken by a suitably qualified organisation or individual.*’

I trust the above will be of benefit in your consideration of the proposals, and please note our comments are focussed to the effects of the development upon the National Landscape.

As set out whilst we are generally supportive of the proposal we considered a number of matters should be considered further in advance of a formal decision.

Yours sincerely,

James Evans

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On behalf of the Isles of Scilly National Landscape partnership

Legislative and Planning Policy Context

AONBs as a National Landscape are designated under the National Parks and Access to the Countryside Act 1949 and in 1991 the Countryside Commission confirmed that the primary purpose of the AONB designation is to 'conserve and enhance natural beauty.' Subsequent legislation has emphasised that in pursuing this primary purpose, account should be taken for the needs of agriculture, forestry and rural industries as well as the economic and social needs of local communities.

Policy OE1 of the LP refers to 'Protecting and enhancing the landscape and seascape' sets out that 'Development will only be permitted where it aligns with the statutory purpose of Areas of Outstanding Natural Beauty (AONB), and therefore conserves and enhances the islands' landscape, seascape and scenic beauty. Development must take into account and respect:

- a) the distinctive character, quality, scenic beauty and sensitivity of the landscape and seascape;
- b) the undeveloped and special character of the Heritage Coast;
- c) other qualities, such as important features and views, dark skies and tranquillity, and having regard to the AONB Management Plan; and
- d) the Isles of Scilly Landscape Character Study and any successor or associated documents.'

The above policy amplifies and extends paragraph 182 of the NPPF which requires that (our emphasis underlined) 'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

Further paragraph 183 of the NPPF explains that: 'When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development¹ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of: a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'

¹ The NPPF explains that major development in this regard differs from the statutory definition of major development as follows 'For the purposes of paragraphs 182 and 183, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.'