

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/24/033/FUL

UPRN: 000192002554

Received on: 29 April 2024

Valid on: 30 April 2024

Application Expiry date: 25 June 2024

Neighbour expiry date: 22 May 2024

Consultation expiry date: 28 May 2024

Site notice posted: 6 May 2024

Site notice expiry: 27 May 2024

Applicant: Mrs Ella McLachlan

Site Address: Cowrie Cottage

Middle Town

St Martin's

Isles Of Scilly

TR25 0QN

Proposal: The erection of a wooden clad garden studio measuring 6m x 4m and 2.5m high for use in conjunction with applicants home based business

Application Type: Planning Permission

Recommendation:

Summary Conditions

1. Standard time limit
2. Adherence to plans
3. To be used ancillary to main house only
4. Hours of Operation for Construction Works

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 D Marcus

Date: 24/05/2024

Site Description and Proposed Development

Cowie Cottage is a semi-detached dwelling constructed in the late 2000's sited on land on the east side of Middle Town on the main road through St Martin's. The pair of dwellings are set on land sloping up to the north from the road being of whiter render finish with painted timber windows, one with a red concrete tile roof and the other with a natural slate roof. The properties have stone hedges defining the front curtilage and a low timber fence with some hedging delineating the rear curtilages that extend up the slope.

This application is for the proposed siting of a 'garden studio' building measuring 6m x 4m x 2.4m high. It would be vertically clad in a natural finish 'thermo-wood' with an EPDM flat rubber roof and 2.4m aluminium bi-fold doors on the front elevation.

The building would be situated in the north east corner of the rear garden replacing a redundant play house. The proposed building would be to enable the applicant to expand their existing home-based business 'Phoenix & Providence' which makes and sells organic seaweed skincare. The business sells products online and is expanding to supply products wholesale to other retail outlets. The building would be accessed via the garden by employees only and used for the manufacture and storage of products.

Certificate: B

Other Land Owners: Duchy of Cornwall & Cornwall Rural Housing Association

Consultations and Publicity

The application has had a site notice on display for 21 days (06/05/2024 – 27/05/2024). The application appeared on the weekly list on 7th May 2023. Due to the nature of the proposal the following consultations were made:

Consultee	Date Responded	Summary
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Environmental Health	10/06/2024	No comments to make
South West Water	14/05/2024	As not connecting to the public asset SWW have no comments or concerns
Cornwall Fire & Rescue Service	03/05/2024	This development does not appear to meet the exemption criteria under Class 6 of Schedule 2 of the Building Regulations. Access for fire appliances within the site will be considered satisfactory providing it complies with Part B5 of Approved Document B, Vehicle Access. Adequate water supplies for firefighting purposes will be achieved by complying with the requirements of Part B5 of Approved Document B.
Cornwall Archaeological Unit	14/05/2024	Consider it unlikely that significant archaeological remains will be disturbed by the limited groundworks of the proposed scheme. No archaeological mitigation is required, and therefore no archaeological condition is sought.

Representations from Residents:

Neighbouring properties written to directly:

- Heather Drift, Middle Town

[0] letters of objection have been received

[0] letters of support have been received

[0] letters of representation have been received.

Relevant Planning History:

Under the 2005 Local Plan:

- P/07/101: Erection of two new affordable dwellings. GRANTED January 2010

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Archaeological Constraint Area – Top Rock Hill – Adjacent
- Scheduled Monument – Tinklers Hill – 197m
- Flood Prone Lane – St Martin’s – 60m

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 dwelling, street and area?	Y
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	Y
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?	Y

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?	Y

Amenity	YES OR NO
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

Heritage	YES OR NO
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
Other Impacts 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?	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	Y
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	N

Protected Species	YES OR NO
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/a
Are biodiversity enhancement measures required	N
Is a condition required to provide biodiversity enhancement measures	N

Waste Management	YES OR NO
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	Y
Is a condition required to secure a Site Waste Management Plan	N

Sustainable Design	YES OR NO
Does the proposal materially increase the use of the site to require additional sustainable design measures	N
Does the proposal include a any site specific sustainable design measures	N
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.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 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 ✓
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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		N
Sustainable Design Measures	Y		N
Biodiversity Enhancement Measures:	N		N

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, dated 31/01/2024**
- **Plan 2 Block Plan, drawing number TQRQM24114124123672, dated 23 April 2024**
- **Plan 3 Elevations, drawing number FR0910-01 rev A, dated 10/06/2022**
- **Plan 4 Ground Floor Level/3D Sketch, drawing number FR0910-02 rev A, dated 10/06/2022**
- **Plan 5, Design and Access and Supporting Statement, dated 25/04/20024**

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 The garden studio, hereby permitted, shall not be used other than for purposes ancillary to the residential use of the dwelling known as Cowrie Cottage and associated home-based business use only and not for any other commercial purposes.

Reason: The application has been assessed on the basis of its ancillary use only and any wider commercial use would need to be assessed in terms of the amenity of the area.

C4 No construction plant and/or machinery shall be operated on the premises, as part of the implementation of this permission, before 0800 hours on Mondays through to Saturdays nor after 1800 hours. There shall be no works involving construction plant and/or machinery on a Sunday or Public

or Bank Holiday.

Reason: In the interests of protecting the residential amenities of the islands.

Print Name: Lisa Walton

21/06/2024

Job Title: Chief Planning Officer

Signed:



Authorised Officer with Delegated Authority to determine Planning Applications
