

# Council of the Isles of Scilly Delegated Planning Report

**Application Number:** P/19/023

**Received on:** 14 May 2019

**Application Expiry date:** 12 July 2019

**Neighbour expiry date:** 07 June 2019

**Consultation expiry date:** 07 June 2019

**Site notice posted:** 17 May 2019

**Site notice expiry:** 07 June 2019

**Applicant:** Five Islands School

**Site Address:** Carn Gwaval  
Old Town  
St Mary's  
Isles Of Scilly  
TR21 0NA

**Proposal:** Erection of new classroom with storage room in undercroft below

**Application Type:** Full

## Recommendation

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1. That the application is APPROVED subject to the conditions set out below.
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**Contributors:****Public Representations:**

NONE

**Consultation Representations:**

Development Management Archaeological Advisory Officer - Thank you for consulting us on this application. We have consulted the Cornwall & Isles of Scilly Historic Environment Record, and note that the proposed building is situated on a site that has previously been subjected to geophysical survey (Sabin and Donaldson 2010) and evaluation (Johns et al 2010). The results from these did not suggest that significant archaeological remains not previously recorded would lie within the site. The site also appears to have been extensively landscaped and any remains present are likely to have been removed in any case. 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 – no objections subject to compliance with part B of the Building Regulations.

**Constraints:****Scheduled Monuments:** NONE**Listed Buildings:** NONE**Archaeological Constraint Areas:****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.

**Description of Proposal**

The proposal is an extension of the main building at The Five Islands School Carn Gwaval site. The extension would be over an existing area of steeply sloping ground. The level difference of the ground has been utilised by the neighbouring building to create plant room with an undercroft and accommodation above. The proposed development adopts a similar design approach with a classroom being provided on the upper floor. The classroom would accommodate approximately 30 pupils with a floor area of approximately 57sqm. The lower floor would be the undercroft, this would provide storage and would have a floor area of approximately 29sqm, to account for the change and slope in the existing ground levels across the site.

The design and materials of the extension would respond to and respect the existing adjacent school building.

**Background and Relevant History**

<b>App. No.</b>	<b>Description</b>	<b>Date</b>
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	21.12.2009

	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.	
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

## Consultations and Representations

A site notice has been on display at the main entrance to the school site, for a period of 21 days. Adjoining properties have been written to directly and have had 21 days in which to review the plans and comment on the application. No representations have been received

The Development Management Archaeological Advisory Officer (DMAAO) has been consulted on the basis of potential for below ground archaeological remains. Comments are summarised above but no archaeological monitoring is required for the proposal.

## Primary Legislation and Planning Policy

### Primary Legislation

#### 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. The Council of the Isles of Scilly are currently working to a 2005 Local Plan, where policies have been saved until a new plan has been adopted. This 2005 Local Plan is not considered to be compliant with the 2004 Planning and Compulsory Purchase Act or the 2012/2018 NPPF and subsequent guidance (NPPG). The Council commenced a review of the 2005 Local Plan in 2015, with a public consultation on the scope of the new local plan. This work is now at a draft stage, which has gone through one further Regulation 18 Public Consultation and is supported by a raft of evidence on these issues. The Draft Local Plan 2015-2030 whilst it has only limited weight until it is formally adopted, is considered below.

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, (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; and locally important biodiversity habitats, species and landscape features.

Policy 2 (Sustainable Development) states that development will be permitted in situations where a proposal would, where practicable and appropriate, contribute to the sustainability of the islands' environment, economy or local communities through: (a) conserving or enhancing 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; and (b) Ensuring or facilitating the re-use of previously developed land and existing buildings for the economic, social and

environmental benefit of the islands and local communities taking into account any environmental designations set out in Policy 1.

Policy 5 (Transport) seeks to achieve and maintain an effective, affordable and accessible year round transport system.

Policy 6 (Infrastructure for Sustainable Communities) advises that development proposals, among other things, must, where appropriate, either improve existing infrastructure or impose no unsustainable burden upon it; ensure that water supplies, in terms of quality and quantity, can be adequately provided and that local water sources remain unharmed; and that in areas not served by a sewage system, development must connect to an approved treatment plant. Policy 6 advises that development proposals, in keeping with the particular scale and character of the islands, will be supported where they, among other things are for new or enhanced education facilities.

### **Isles of Scilly Design Guide (2007)**

The Isles of Scilly Design Guide was adopted as a Supplementary Planning Document in 2007. This document provides important guidance to the design of development of the islands where planning permission is required.

### **Pre-submission Draft Isles of Scilly Local Plan 2015-2030 (April 2019)**

The emerging policies within the pre-submission 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). Policies provide principles for sustainable development and water management. This emerging document also contains further policies relevant to this proposal, including:

Policy SS1 (Principles of Sustainable Development): requires development to meet the economic and social needs of the Isles of Scilly in a manner that does not compromise the ability of future generations to meet their own needs and to enjoy the islands outstanding environment. Development will be required to make a positive contribution towards the social, economic and environmental sustainability of the Isles of Scilly, while minimising its environmental footprint and taking into consideration climate change.

Policy SS2 (Sustainable Quality Design and Place-Making): requires new development design to contribute to the creation of high quality, distinctive, functional and sustainable places. Development will not be permitted if it is considered to be of poor or unsustainable design. Development proposals that involve the construction or conversion of buildings will need to be supported by a Statement of Sustainable Design Measures (SDM) as well as a Site Waste Management Plan (SWMP).

Policy OE1 (Landscape Character); advises that, among other things, development will only be permitted where it would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape.

Policy OE2 (Biodiversity and Geodiversity): requires that, among other things, development conserves and where possible restores or enhances biodiversity.

Policy OE7 (Development Affecting Heritage): gives great weight to the conservation of heritage assets.

Policy SS4 (Protection of Retailing, Recreation & Community Facilities) advises that, among other things, development for new community facilities will be support where it is appropriately designed, scaled and located and it does not harm the amenities of the surrounding area.

The pre-submission draft Local Plan has not yet been adopted and, therefore, at the time of writing this report, these policies carry more limited weight.

## **Planning Assessment**

The main planning issues are considered to be whether the impact of the proposed development is acceptable in relation to its design, scale and its impact on the character and appearance of the locality, including the Conservation Area and the character and scenic beauty of the Area of Outstanding Natural Beauty (AONB). It is also necessary to consider whether the addition of a school classroom would have any direct implications for highway safety.

### **Principle of Development**

The application site is part of an existing school site and the proposal supports the existing community use on that site. The extension of the school building is acceptable in principle.

### **Design, scale and impact upon the locality and the character and appearance of the Conservation Area and Area of Outstanding Natural Beauty**

The proposed extension would attach to the substantial school building. The scale and form of the extension would respond to the main building and sit harmoniously with it. The external finishing materials used in construction would match those on the main building.

The general character of the site would not be altered through the proposed development, such that the design is considered to be acceptable.

The scale of development and use of materials is such that the proposal is considered to have an acceptable impact on the locality, and the proposal is considered conserve the character and appearance of the Conservation Area and the Area of Outstanding Natural Beauty.

There are no residential neighbours to the site and the proposal is considered to have an acceptable impact on local amenity.

### **Impact upon Highway Safety**

Both local and national planning policy require development proposals to be served by safe vehicular and pedestrian access. The school is served by two points of vehicular access and footpath linking the site to Porthmellon to the north and Old Town to the South. Vehicular access is limited to car parking to the south at Nowhere carpark, which has a limited amount of visitor car parking and a drop-off for school children. To the north side is a vehicular only access for staff car parking. The proposal is to deliver an additional class room. An additional class room is required due to capacity issues with the existing primary cohort, which different year groups currently having to share classroom space. The additional classroom is required to enable each year group to have their own classroom space. There is not therefore proposed to be an increase in school children intake that would generate additional vehicular and pedestrian movements around the school site. On this basis the additional classroom is considered acceptable in terms of highway safety and in accordance with Policy 5 of the 2005 Local Plan.

### **Other Considerations**

The Ministerial Statement 'Planning for Growth' and the National Planning Policy Framework have been taken into account in assessing this scheme.

The development has been assessed against the provisions of the Human Rights Act, and in particular Article I of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third part interests/ the Development Plan and Central Government Guidance.

### **Conclusion**

In conclusion, it is considered that the principle of development is acceptable. The design and scale of

the extension are appropriate having regard to the context of the site and the proposal is judged to have an acceptable impact on local amenity and an acceptable impact on the character and appearance of the Conservation Area and AONB.

The recommendation is that planning permission be approved.

### Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990, (as amended by the Planning & Compulsory Purchase Act 2004).
2. The works hereby approved shall be carried out strictly in accordance with drawings submitted with the application, numbers 1348/PL01 rev A, 1348/PL03 rev A, 1348/PL04 rev A and 1348/PL05 rev A. Reason: To ensure a satisfactory standard of development in the interests of amenity.
3. Notwithstanding the information submitted with the application, no artificial external lighting shall be installed within the application site unless precise details, including details of its siting, position, design, orientation and maximum level of illumination of external lighting to be installed has previously been submitted to and agreed in writing by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the agreed details. Reason: To confirm details of the proposals in the interest of the character, appearance and amenity of the locality.

### Informatives

1. Statement of Positive Engagement
2. Non-material amendments

Signed: <i>J. White</i>	Dated: 04/07/2019	Signed: 	Dated: 12/07/2019
Planning Officer		Senior Manager	