

COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department
Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW
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OFFICER REPORT – DELEGATED

Application number: P/17/111	Expiry date: 15/03/2018
Received on: 15/12/2017	Neighbour expiry date: 08/02/2018
UPRN:	Consultation expiry date: 09/02/2018
Legal agreement:	Site notice posted: 18/01/2018
Departure:	Site notice expiry: 08/02/2018
Complies with Development Plan? Y/N If not, ensure you cover in the report how material considerations outweigh the plan?	
Is this decision contrary to local council recommendation?	

Applicant:	Mrs B Lishman
Site Address:	Mincarlo, Carn Thomas, Hugh Town, St Mary's.
Proposal:	Proposed erection of a porch at first floor level to the north side of the building and timber bridge giving access to the rear garden.
Application Type:	Full

<http://www.scilly.gov.uk/planning-application/planning-application-p17111>

Description of site and development:

Site Description

Mincarlo is a two-storey building with accommodation in the roofspace which has a primary use as a C1 guesthouse providing eleven bed and breakfast bedrooms with ancillary manager's accommodation. The building is accessed via a path off of the northern side of Higher Strand and has residential neighbours to the north, south and east of the site area. The land form predominantly rises from the coast. The nearest neighbouring property 'Biggal' is situated to the northern elevation of Mincarlo and the garden area of Mincarlo wraps around the neighbouring property on the southern, eastern and northern side with changes in land level.

Description of Proposal

The application proposes the erection of a first floor level porch and external walkway on the northern elevation of the building to provide an external access from the existing guesthouse owner's accommodation to the gardens. The porch is proposed to measure approximately 1.8 metres by 1.5 metres and is proposed to be constructed of painted timber and glazed units. The access bridge is proposed to be constructed of timber and will measure approximately 4.5 metres by 1.1 metres. Rooflights are also proposed to be installed on the northern roofslope.

Background and Relevant History

The property has a long planning history, which is summarised in the table below:

App. No.	Description	Decision and date
P/11/012/FUL	<i>Proposed installation of solar panels on single storey extension; installation of a window on the east elevation and the swapping of the east door and west window.</i>	Approved on 14/03/2011
P/08/095/ART4	<i>Proposed installation of solar thermal panels on south facing roof of rear extension.</i>	Approved on 03/12/2008
P5551	<i>Proposed alterations to existing house.</i>	Approved on 23/11/2004
P2680	<i>Proposed extension to the owners accommodation at the rear of premises</i>	Approved on 14/01/1988
P2468	<i>Proposed Demolition of kitchen at rear and provision of two storey extension</i>	Approved on 15/04/1986
P2457	<i>Proposed Demolition of kitchen and re-build two storey extension at rear.</i>	Refused on 25/02/1986
P1942	<i>Proposed porch</i>	Approved on 09/12/1980
P1899	<i>Proposed erection of an estate agents board to front boundary wall</i>	Refused on 20/05/1980

Public representations:

A site notice has been on display outside the site for a period of 21 days and neighbours were notified of the proposal. No letters of representation have been received.

Consultee representations:

Full copies of the representations received can be viewed online at
<http://www.scilly.gov.uk/planning-application/planning-application-p17111>

The Cornwall Archaeological Unit have considered the application and have no specific comments regarding the proposal.

Constraints and designations:

Conservation Area, AONB and Heritage Coast.

Relevant policies, SPGs and Government guidance:

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. As the proposal relates to a Grade II listed building, Section 66(1) of this legislation requires the Local Planning Authority to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses.

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.

Planning Policy

National Planning Policy Framework (NPPF) 2012

At the heart of the NPPF is 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 consideration indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place. With respect to general development and the Strategic Policies it is considered that the Local Plan remains up to date and conforms to the requirements of the NPPF.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. As heritage assets are irreplaceable, any harm or loss should require clear or convincing justification. Substantial harm to or loss of grade II listed building should be exceptional. Paragraph 133 states that where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the harm is necessary to achieve substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.

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, (c) Preserve or enhance the character or

appearance of the Conservation Area (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 relates to Sustainable Development and seeks to permit development in situations where the development contributes to the sustainability of the islands' environment, economy or local community through (b) ensuring or facilitating the re-use of previously developed land or existing buildings for the economic, social and environmental benefit of the islands and local communities and (c) Utilising natural resources efficiently in the design, construction and future use of land and buildings, including where appropriate, energy conservation and the use of renewable sources of energy generation, minimising the consumption and discharge of water and waste and by securing the recovery and re-use of suitable building materials.

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, and includes guidance on domestic extensions. Page 75 of the Design Guide states that in order to conserve the stock of existing buildings on the Isles of Scilly, it may be necessary for them to be adapted for 21st Century uses and requirements. However, in considering how to adapt the building, it is necessary to have regard to maintaining the character of the existing building and its capacity for change. It is also necessary to look at the requirements for extension and alteration; for instance, might the 'need' to have an extra room in a certain location be met instead by considering the reallocation of existing rooms and possibly locating a smaller extension in a different part of the building? In view of the Conservation Area designation covering the islands, the Planning Authority will assess whether a proposal to alter or extend a building will harm its character or its setting. The Authority will also assess whether the extension or alteration will result in the loss of privacy or daylight in adjacent properties.

Appraisal/key issues and conclusion:

The main planning issues are considered to be whether the impact of the proposed development is acceptable in relation to the principle of development, the design, scale and materials; the impact on neighbouring amenity and the wider Conservation Area, and the impact on the natural and historic environment.

Principle of Development

The proposal involves the erection of a porch and external elevated walkway at first floor level to the rear of the guesthouse to provide an external access to the owner's accommodation within the building. The development is considered acceptable in principle subject to the other material planning considerations as outlined below.

Design, Scale and Materials

The proposed walkway and porch doors and windows would be constructed using natural materials of timber. The proposal appears to have a simple design, which is not considered to detract from the character or appearance of the building. The proposed use of natural materials is considered acceptable and in accordance with Policy 2 of the adopted Local Plan and the adopted Design Guide.

Impact upon the Conservation Area and AONB

The proposed development will be located within the curtilage of this detached guesthouse. Views into the site from public vantage points would see the proposal in the context of the existing built environment and the simple design and minor scale of the development help to mitigate the proposal from causing any adverse visual impacts on the Conservation Area. The proposal will not appear prominent or dominant in the landscape and the existing mature vegetation and the north rising land form, provide good screening of the development from the north, west and east. It is therefore considered that the proposed development would preserve the character of the Conservation Area and not give rise to any harm to the scenic beauty of the landscape including the AONB and Heritage Coast designations.

Impact upon the Natural and Historic Environment

The building has been the subject of extensive extensions and alterations since 1980 and is not considered to be of historic value and interest in terms of the historic environment. The site within an Archaeological Constraint Area, however the Cornwall Archaeological Unit have considered the application and have no specific comments regarding the proposal. It is therefore considered that the proposal will not have any detrimental impacts upon the historic environment.

The site is outside of any natural environment designations. The nearest Site of Special Scientific Interest (SSSI) 'The Lower Moors (St Mary's)' lies over 430 metres to the south east of the application site. The site is primarily in unfavourable recovering. Due to the condition of the designation, it is not considered that the proposal will be affect the natural environment.

Impact upon residential amenity

Balconies and other raised platforms can lead to a loss of privacy for neighbouring occupiers. However, in this instance it is judged that due to the changes in level between the application site and the neighbouring properties- in particular with 'Biggal'- together with the existing mutual impact and screening provision from the built form and vegetation; users of the walkway are not considered to overlook neighbouring properties to an adverse degree than that of the existing level of overlooking. No written representations have been received from neighbouring

properties and taking into account the existing mutual impact, it is therefore considered that the proposal will not have a significantly harmful impact upon the residential amenity of neighbouring properties.

Other Considerations

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

Conclusion

Drawing on all of the above considerations, it is considered that the proposal is acceptable and it is recommended for approval.

Appraisal/key issues and conclusion:

Recommendation: The application be Conditionally Approved subject to the following Conditions:

C1 The development, hereby permitted shall be begun before the expiration of three years from the date of this permission.


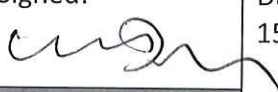
Reason: In accordance with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

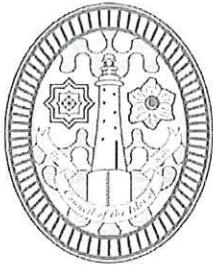
C2 The development, hereby permitted shall be carried out in accordance with the approved details only including:

- **Location Plan, date stamped by the Local Planning Authority on 17 January 2018**
- **Site Plan, date stamped by the Local Planning Authority on 17 January 2018**
- **Proposed Elevations Plan, Drawing number; MC-PE-1a, Date stamped by the Local Planning Authority on 15 December 2018**
- **Proposed Floor and Roof Plans, Drawing number: MC-PP-1a, Date Stamped by the Local Planning Authority on 15 December 2018.**

These are signed and stamped as APPROVED

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Listed Building in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

Signed: <i>S Wade</i>	Dated: 14/03/2018	Signed: 	Dated: 15/03/2018	Signed: 	Dated: 15/03/2018
Case Officer		IOS Planning		Senior Manager	



IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

COUNCIL OF THE ISLES OF SCILLY

Town Hall, The Parade, St Mary's TR21 0LW
Telephone: 0300 1234 105 – Email: planning@scilly.gov.uk

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) Order 2010

PERMISSION FOR DEVELOPMENT

Application No: P/17/111/FUL

Date Application Registered: 18th January 2018

Applicant: Mrs Bryony Lishman
Mincarlo
Carn Thomas
Hugh Town
St Mary's
Isles Of Scilly
TR21 0PT

Site Address: Mincarlo Carn Thomas Hugh Town St Mary's Isles Of Scilly

Proposal: Erection of porch at first floor level to the North side of the building and timber bridge giving access to the rear garden.

In pursuance of their powers under the above act, the Council hereby **PERMIT** the above development to be carried out in accordance with the following 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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These are stamped as APPROVED

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Listed Building in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

Further Information

- 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 proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.

- 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 £34 would be required) for the submission of a full planning application for a revised scheme. Please discuss any proposed amendments with the Planning Officer.

Signed

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.

Senior Manager: Infrastructure and Planning

DATE OF ISSUE: 15th March 2018