



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department
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OFFICER REPORT – DELEGATED

Application number: P/18/001	Expiry date: 09/03/18
Received on: 12/01/18	Neighbour expiry date: N/A
UPRN: 000192000600	Consultation expiry date: 09/02/18
Legal agreement:	Site notice posted: 15/01/18
Departure:	Site notice expiry: 05/02/18
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:	Mr A May
Site Address:	Seaways, Porthloo Road, Porthloo, St Mary's
Proposal:	Construction of new lychgate at entrance to Juliet's Garden and Coast Path.
Application Type:	Full

<http://www.scilly.gov.uk/planning-application/planning-application-p18001>

Description of site and development:

This application proposes the construction of a new lychgate at the entrance to Juliet's Garden and Coast Path, St Mary's and forms a re-submission of a previously approved application for a lychgate in the same location (P/13/005) which has lapsed.

Site Description

The site lies to the north of Seaways in the Porthloo area of St Mary's. The site comprises of an existing stone gateway at the start of the path to Juliet's Garden. The gateway is formed by two granite pillars with granite spheres set atop on either side of the pathway. It fronts onto the road and forms the entrance of the pathway to Juliet's Garden and the coastal path beyond.

Background and Relevant History

In 1982 application P1982 was approved for the change of use from agricultural to café/snack bar. In 1992 application P3428 was refused for the conversion and extension of a barn for a kitchen and restaurant. This application was allowed on appeal. In 2005 application P5611 was approved for extensions and alterations to restaurant. In 2013 application P/13/005 was approved for the construction of new lychgate at entrance to Juliet's Garden and Coast Path.

Public representations:

There have been no public letters of representation received.

Consultee representations:

The AONB partnership were consulted on the 19th January 2018. A site notice has been on display outside the site for a period of 21 days. No letters of representation have been received.

Constraints and designations:

Conservation Area, AONB and Heritage Coast. The building is close to a Scheduled Monument and Grade I listed building of the Garrison Walls.

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.

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) 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.

Section 11 relates to conserving and enhancing the natural environment and paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts upon biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Isles of Scilly Local Plan 2005

Policy 1 relates to environmental protection and seeks to permit development proposals 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 replacement windows.

Appraisal/key issues and conclusion:

The principal issue for consideration is the impact the proposed lychgate would have on the wider character of the Conservation Area and AONB designations. It is also a material planning consideration to consider the impact of the proposed development upon the privacy and amenity of neighbouring properties.

Impact upon the wider landscape.

The site is situated in the Porthloo area of St Mary's which lies to the north-west side of St Mary's. The site comprises of an existing stone gateway at the start of the pathway down to Juliet's Garden and lies adjacent to the boundary wall for the neighbouring property 'Seaways'. The existing entranceway is formed by two granite pillars with granite spheres atop set either side of the pathway. This entranceway fronts the road and represents the entranceway to Juliet's Garden and the coastal path beyond that. The stonework continues to the west of the south pillar forming the path boundary, whilst only a small section of stonework extends to the west of the north pillar. The gateway is open and forms a traditional entrance to Juliet's Garden. A small stone building lies to the north-west of the entranceway that is used to store bulbs.

The applicant states that first time visitors sometimes find the restaurant and coast path hard to spot and travel past it. The applicant also states that a new lychgate will clearly mark the entrance to the restaurant where the access pathway meets Porthloo Hill. The applicant also states that there are a number of design objectives they have for the proposed lychgate. Firstly, that a statement is needed to mark the entrance to the Juliet's Garden pathway to overcome the current confusion. Secondly, that the route of the coast path also needs to be clarified and that information boards could be provided under the new roof structure for visitors to study and thirdly that there is very little shelter along this section of the pathway and the proposed lychgate could provide a welcome stopping point as well as a convenient collection and drop-off point for taxis.

This application seeks to erect a covered gateway at this location (Lychgate). The structure would be approximately 3.8 metres by 3.5 metres giving a proposed footprint of approximately 13m². The total proposed roof area is approximately 4.2 metres by 4.1 metres giving a proposed area of approximately 17m². The proposed structure is supported on three corners by the existing granite pillars to the northeast and southeast and the existing stonewall to the southwest corner. The fourth corner of the structure the north west will be a treated softwood post. The granite spheres will be removed and re-used elsewhere. The new pyramid shaped roof will be constructed from treated sawn hardwood with exposed rafters and a robust timber ring beam. The roof will be clad with natural slate to match that the existing roof material of the adjacent property 'Seaways'.

It is considered that whilst the principle of a structure forming a covered gateway at this location, in terms of its purpose and function would be acceptable, given the value of the landscape and designations (Conservation Area and AONB) within which it is located, care would need to be taken to ensure that its design and form are appropriate. Given the relatively small form of development, its construction using natural, traditional materials to blend with those within the local vernacular and its additional purpose of improving the legibility and use of this area in relation to the coast path and entrance to a local business, it is considered that the potential impact the proposed works could have on the landscape would be outweighed.

Impact upon privacy and amenity

The eaves height of the proposed roof sits approximately 0.3 metres above the existing stone boundary wall that separates the pathway from the adjacent neighbour 'Seaways' and rises up to the peak of the pyramid shaped roof at a height of 1.6 metres above the existing stone wall. 'Seaways' is contained within the blue lined area on the location plan that denotes land ownership and is the applicants address for this application. No neighbour letters of objection have been received.

Throughout the process of the previously approved application the AONB partnership commented on the application in particular in relation to lighting and signage. As part of the application considerations, it was recommended that details of these elements be conditioned in order to safeguard residential amenities of neighbouring properties and to ensure that there would be no detrimental impact on the character or appearance of the Conservation Area at this location. In addition to this, a number of conditions were recommended to ensure that the structure would have a satisfactory external appearance. These conditions have been added to this application.

The replacement of doors and windows can have a very short-term noise impact during installation but it is not considered that the post construction phase will give rise to any additional privacy or amenity issues over and above the existing situation. It is considered that the application is acceptable.

Conclusion

Drawing on all of the above considerations, on balance it is considered that the proposal would comply with all the relevant policies (1 and 2) of the Local Plan and would have the effect of preserving the character of the Conservation Area at this location in accordance with the statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is judged that the proposal is acceptable and it is recommended for approval.

Recommendation:

Recommendation: The application be Conditionally Approved subject to the following 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 requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

- **The Location Plan**
- **Proposed Plan – Drawing Number 1776-04 Rev A**
- **Proposed Plan & Elevations – Drawing Number 1776-05 Rev A**
- **Perspective view from road – 1776-06**

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 Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

3. **No work shall be commenced on any part of the development hereby permitted until a sample of the roofing slate has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved sample.**


Reason: To ensure a satisfactory external appearance that would preserve the character of the Conservation Area in accordance with policies 1 and 2 of the Local Plan.

4. **Prior to installation details of any external lighting including the type, finish, number, location and illumination levels shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.**

Reason: To protect the neighbouring residential amenities and the landscape, which is designated an AONB and Conservation Area, from unnecessary levels of light pollution in accordance with Policy 1 of the Local Plan.

INFORMATIVE

This planning permission does not constitute Advertisement Consent. You should contact the Local Planning Authority to confirm whether Advertisement Consent would be required for any signage or advertisements proposed.

Signed: Yvonne Dale	Dated: 28/02/18	Signed: 	Dated: 08/08/2018	Signed:	Dated:
Case Officer		IOS PLANNING		Senior Manager	