



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department
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OFFICER REPORT – DELEGATED

Application number: P/18/004	Expiry date: 30/03/18
Received on: 02/02/18	Neighbour expiry date: N/A
UPRN: 000192000600	Consultation expiry date: N/A
Legal agreement:	Site notice posted: 05/02/18
Departure:	Site notice expiry: 26/02/18
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 B Eaton
Site Address:	Carn Vean Barn, Pelistry Lane, Pelistry, St Mary's
Proposal:	Erection of staff/family annex accommodation with amended design to that approved under planning permission P/13/078.
Application Type:	Full

<http://www.scilly.gov.uk/planning-application/planning-application-p18004>

Description of site and development:

The proposal is an amendment to application P/13/078, which was granted in January 2014 (which itself was an amendment to application P/07/132, which was granted in December 2007. An extension of time for the development associated with application P/07/132 was granted in December 2012) for the erection of staff/family annex accommodation. The amendments include the addition of a front porch to the main building, a first floor rear extension to provide an office and an en-suite bedroom, the replacement of double doors on the south west elevation with a window and the removal of a door on the north west elevation.

Site Description

Carn Vean is a guesthouse, café and family home, located north eastern side of St Mary's. Carn Vean Barn lies to the north-west of the existing property. The access drive lies to the immediate south of the barn with the highway beyond. Open fields surround the property with mature screening bordering the site.

Background and Relevant History

In November 1982 an application for a certificate of existing lawful was submitted and granted for the property to be used as a guesthouse in conjunction with the change of use of the grounds to a tea garden and café. In September 2002 an application was submitted and approved for works to relocate the kitchen, improve the WC facilities and convert the loft space into a bedroom. In January 2005 an application was submitted and refused for an extension and improvements to the outbuilding to form staff accommodation and 3 guest rooms. An appeal submitted against this refusal was dismissed in June 2005. In December 2005 an application was submitted and approved for the erection of a conservatory for tearoom and lean-to extension for guest rooms. In September 2007 an application was submitted and refused for the extension and improvements to the outbuilding to form staff accommodation and 3 guest rooms. In December 2007 application **P/07/132** was submitted and approved for interior improvements to the main building and conversion of outbuildings into family/staff accommodation. In December 2012 an application was submitted and approved for the renewal of approved application P/07/132. In December 2013 application **P/13/078** was submitted and approved for the replacement of the existing store with staff/family annex accommodation.

Public representations:

No public letters of representation have been received.

Consultee representations:

A site notice has been on display outside the site for a period of 21 days. No statutory consultees were notified.

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.

The proposed development will accord with the local planning authority's statutory duty under section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 because it would preserve and enhance the character and appearance of the Conservation Area.

The proposed demolition will accord with the local planning authority's statutory duty under sections 72 (1) and 74 (3) of the Planning (Listed Buildings and Conservation Areas) Act 1990

because there would be no significant impact upon the character and appearance of the Conservation Area of setting to the building.

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 considerations 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.

Section 12, which covers conserving and enhancing the historic environment, paragraph 126, supports new development making a positive contribution to the historic environment and

distinctiveness and paragraph 131 support new development making a positive contribution to local character and distinctiveness.

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 (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; (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 and ensure that new proposals are sympathetic to the character of the islands.

Policy 3 supports new housing where it meets the needs of the community, including staff accommodation. Market housing is prohibited and any new housing must be well integrated into the built environment.

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 materials, scale, design and appearance; the impact on neighbouring amenity and the wider landscape including the Conservation Area and AONB.

Principle of Development

The proposal is to demolish the existing store and replace it with the erection of a new annexe dwelling for the accommodation of staff/family. As such, the principle of development is considered acceptable subject to other material planning considerations.

Design, Scale, Massing and Materials

The proposed works seek to provide staff/family accommodation of the property by demolishing an existing store that is within the curtilage of the property and replace it with the erection of a new building. The existing store is single storey with access to the roof space. The existing store is of concrete block construction with timber windows and a corrugated fibre cement roof.

The proposed replacement staff/family accommodation has a proposed floor space of approximately 151.4m². The ridge height is 6.4 metres with an eaves height of 4.1 metres. The proposed staff/family accommodation will be limestone render with horizontal timber cladding to the north west and north east single storey elements with a natural slate roof. The proposed south elevation has four sets of full-length aluminium framed glass doors. The north east elevation shows two full-length double doors and the south west elevation shows a porch. The window material proposed is white UPVC. The staff/family accommodation provides at ground floor an en-suite bedroom, a lounge and a kitchen/diner. The first floor provides a bedroom, a bathroom and an office.

The proposal is therefore considered to be acceptable by way of its scale, massing, design and materials.

Impact upon the Conservation Area, AONB and the wider landscape.

The proposed dwelling is situated within the curtilage of this guesthouse. Proposals for new dwellings within Conservation Areas will be expected to meet a high standard of design with the general objective of making sure that the proposed change reinforces the area's established character and appearance. The detailed design and scale of the building, including the use of materials, are considered suitable to the character and appearance of the property and the surrounding area.

The store is proposed to be demolished and a Wildlife Survey has been submitted with the previous application. The survey indicated that no bat droppings were found anywhere although there are numerous potential access points. Previous bat surveys on the building in 2007 and 2010 revealed no reason to suggest that bats were present however, bats can change roosts frequently and are more difficult to detect in winter.

It cannot be assumed that bats will not be present when the work is done so care should be taken during the works as bats could roost unseen deep within crevices. By law, a location can be defined as a roost even if only used by a bat on one occasion.

If work is to be commenced in the Spring/Summer, it is requested that bat wardens are contacted a week or two before work is commenced in order to carry out a dusk and/or dawn survey. It would be helpful if some gaps could be left under any new fascia boards and hanging tiles.

There is a recognised need for staff accommodation to recruit and retain the workforce as indicated in clause (2) of Policy 3 of the Local Plan:

To ensure that suitable housing is available to meet the long-term needs of the community, residential development will only be permitted where it is required to meet:

- a) An identified and recognised local need or to accommodate a key worker whose needs cannot be met by the existing housing stock; or
- b) The provision of staff accommodation for businesses on or near the premises where possible and where it can be demonstrated that there is no other accommodation available and it is not possible to recruit staff already housed on the islands.

In the context of criterion b of Policy 3 and based on the previous planning permissions to provide staff accommodation, it is considered the principle of this proposal is and complies with Policy 3 of the Local Plan and, by association, with the NPPF, which supports local-needs housing. The residential use of the proposed building is considered to be compatible with nearby uses that include business and residential properties.

It is considered that the proposed works preserve and enhance the character and appearance of the Conservation Area. The proposal is not considered to give rise to any harm to the scenic beauty of the landscape including the AONB.

Impact upon residential amenity

The proposed staff/family accommodation will replace the existing store. There are no near neighbours to the north, west or east. The existing guesthouse/café/tea room, which this staff accommodation will serve, lies to the south west. It is not considered that the proposed staff/family accommodation will be overbearing, increase overlooking or lead to a loss of light in this case.

Other Considerations

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 NNPF.

INFORMATIVES

The applicant is reminded of the provision of the Wildlife and Countryside Act 1981 and the E.C. Conservation (Natural Habitats) Regulations Act 1994. This planning permission does not absolve the applicant with complying with the relevant law protecting species, including obtaining and

complying with the terms and conditions of any licences required, as described by Part IV of Circular 06/2005.

Conclusion

Drawing on all of the above considerations, it is considered 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**
- **Block Plan**
- **Proposed Amended Plan – Drawing Number CV-AP-5a**

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. Prior to the commencement of the approved development, a scheme including details of the sources of all building materials and the means/location of disposal of all demolition material and all waste arising from building works, including excess material from excavations, shall be submitted to and agreed in writing with the Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme unless otherwise agreed in writing by the Planning Authority.**

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application, but are required to fully understand the impact upon landscape and management of waste, to be submitted and agreed by the Local Planning Authority. This is to ensure those characteristics which contribute to the status of the Isles of Scilly as a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast are not eroded by uncontrolled mineral extraction or the tipping of waste. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan 2005.

- 4. The occupation of the accommodation hereby permitted shall be limited to the owner(s) or a person(s) solely or mainly employed at Carn Veon Guest House & Restaurant and shall be occupied as an integral part of the existing premises edged in green on the approved plans and shall not be sold or sublet or otherwise disposed of as a separate unit of accommodation.**

Reason: To ensure that the accommodation is occupied by only the owner or persons fully or mainly employed in the Carn Veon Guest House & Restaurant in accordance with Policy 3 of the Local Plan.

5. The development hereby approved shall not be externally lit unless the specification of the lighting has been submitted to and agreed in writing by the Local Planning Authority. The lighting shall accord with the approved details thereafter.

Reason: In order to protect the character and amenity of the area in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), there shall be no extensions, outbuildings or external alterations to the building subject to this application without the prior agreement in writing of the Planning Authority.

Reason: To safeguard the character and appearance of the building and the surrounding area.

7. All external and internal works involving machinery required in connection with the implementation of this permission shall be restricted between 0800 and 1800 hours Monday to Saturdays. There shall be no works involving machinery on a Sunday, Bank or Public Holiday.



Reason: In the interests of protecting the residential amenities of neighbouring properties.

8. Prior to the commencement of the development hereby permitted a detailed scheme indicating the sustainable design measures to be incorporated into the proposal shall be agreed in writing with the Local Planning Authority and should include water conservation and harvesting measures as well as energy saving measures. The sustainable design scheme shall be implemented in strict accordance with the details as agreed prior to the occupation of the accommodation hereby permitted.

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application, but are required to fully understand where design features can be incorporated to reduce energy and water consumption. This is to ensure the proposal incorporates sustainable design measures and to minimise the impact of the development on essential infrastructure in accordance with Policies 2 and 6 of the Local Plan.

9. Prior to installation large scale (1:20) drawings showing details of the window frames and doors to be used in the development shall be submitted to and be approved in writing by the Local Planning Authority. The details shall show the profile of any glazing bars, method of opening, reveal back from the facing brick or stone and finished colour and treatment. Once approved the windows and doors shall be installed in accordance with the approved scheme and thereafter shall be retained.

Reason: In order to protect the character and amenity of the area in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

Signed: Yvonne Dale	Dated: 22/03/18	Signed: 	Dated: 23/03/2018	Signed: 	Dated: 23.3.18
Case Officer		IOS PLANNING		Senior Manager	