

Council of the Isles of Scilly Delegated Planning Report Minor/Other Application

Application Number: P/20/099/FUL

Received on: 3 December 2020

UPRN: 000192002797

Application Expiry date: 12 February 2021

Neighbour expiry date: 13 January 2021

Consultation expiry date: 13 January 2021

Site notice posted: 23 December 2020

Site notice expiry: 13 January 2021

Applicant: Emily Crees
Site Address: Land To North Of Seven Stones Inn
Lower Town
St Martin's
Isles Of Scilly

Proposal: Installation of ground mounted solar photovoltaic panel array.

Application Type: Planning Permission

Recommendation: Grant Planning Permission subject to conditions.

Summary Conditions:

1. Standard time limit
2. Adherence to plans
3. Hours of Operation for Construction Works
4. Removal of equipment once redundant

Site Description and Proposed Development

The application site is located in an elevated position within Lower Town on the Island of St Martin's. The existing building is used as an inn with granite walls and a slate roof. The building faces south and the land to the front slopes down from the inn, with a pedestrian access up from the south and a vehicular and pedestrian access to the west. The main building of the pub is single storey with a recently approved and completed extension on the east side which has a mezzanine floor feature.

The proposal is to site a bank of stand alone solar panels on land to the rear of the main pub building. The panels will be arranged in two rows 12m x 4m

running in an east-west orientation. The intention is to fix the panels to the ground, angled to face south, on railway sleepers, to avoid impact below ground.

Certificate: A

Other Land Owners: None

Consultations and Publicity

The application has had a site notice on display for 21 days (23/12/2020 – 13/01/2021). The application appeared on the weekly list on 21st December 2020. Due to the position of the panels an external consultation has been carried out, in relation to archaeological impacts:

Development Management Archaeological Advisory Officer (14/01/2021)

Comments: Thank you for consulting us on this application. We have consulted the Cornwall & Isles of Scilly Historic Environment Record, and 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.

Representations from Residents:

Neighbouring properties written to directly:

Pine View, Lower Town St Martins

No letters of objection have been received

No letters of support have been received

No letters of representation have been received.

Relevant Planning History:

No planning history relevant under the adopted or emerging Local Plan but P/16/132/FUL was an approval for a side extension to the pub.

Constraints:

Scheduled Monuments: PREHISTORIC CAIRN CEMETERY AND FIELD SYSTEM ON TINKLER'S HILL, ST MARTIN'S

Archaeological Constraint Area: TINKLER'S HILL. ISLAND: ST MARTIN'S

Historic Landscape Character: SETTLEMENT

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 area?	y

Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	n/a
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?	n/a
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
Is the scale proposed in accordance with NDSS	N/A

Amenity	YES OR NO
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	N/A
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?	N/A

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	Y
Other Impacts Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	N/A
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
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
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	N
Does the proposal materially increase the use of the site to require additional long-term waste management facilities	N
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 any site specific sustainable design measures	Y
Is a condition required to secure a Sustainable Design Measures	N

Analysis: Whilst the site is within the Tinklers Hill ACA, no likely impact identified in terms of below ground archaeological remains.

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.

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 December 2005, the development plan for the Isles of Scilly comprises the Isles of Scilly Local Plan 2005: a 2020 vision and following submission to the Secretary of State in September 2019 and subsequent Examination in Public significant weight is now given to the submission draft 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, adopted December 2005

Policy 1 Environmental Protection ✓

Policy 2 Sustainable Development ✓

Policy 3 Housing ☐

Policy 4 Economic Development ☐

Policy 5 Transport ☐

Policy 6 Infrastructure for Sustainable Communities ✓

Policy 7 Fish and Livestock Processing ☐

Policy 8 Safeguard Power Station, St Mary's ☐

Policy 9 Waste Disposal ☐

Policy 10 Air Travel Infrastructure, St Mary's and Tresco ☐

Policy 11 Uninhabited Islands ☐

Proposal A Housing Sites St Mary's ☐

Proposal B Employment Land, St Mary's ☐

Proposal C Sport and Recreation Facilities, St Mary's ☐

Proposal D Quays ☐

Proposal E Mixed Use Development Tresco ☐

Submission Draft Isles of Scilly Local Plan 2015-2030

Sustainable Scilly

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 ☐

Outstanding Environment

Policy OE1 Protecting and Enhancing the landscape and seascape ☐

Policy OE2 Biodiversity and Geodiversity ☐

Policy OE3 Managing Pollution ☐

Policy OE4 Protecting Scilly's Dark Night Skies

Policy OE5 Managing Waste ☐

Policy OE6 Minerals ☐

Policy OE7 Development affecting heritage ☐

Living Communities

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 ☐ Choose an item.

Policy LC7 Windfall Housing: ☐ Choose an item.

Policy LC8 Replacement Dwellings and Residential Extensions

Policy LC9 Homes in Multiple Occupation ☐

Working Communities

Policy WC1 General Employment Policy ☐

Policy WC2 Home based businesses ☐

Policy WC3 New Employment Development ☐

Policy WC4 Alternative Uses for Business or Industrial land and buildings ☐

Policy WC5 Safeguarding Serviced Accommodation ☐

- *Site Waste Management Plan: Provided*
- *Sustainable Design Measures: N/A*
- *Biodiversity Enhancement Measures: Provided in the PEA n/a*

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.

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: 1:1250**
 - **Plan 2 Block Plan: 1:200**
 - **Plan 3 Proposed Panel Specification**
 - **Plan 4 Proposed Site Section**
 - **Plan 5 Design and Access Statement**
 - **Plan 6 Heritage Impact Assessment**
- 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 1 of the Isles of Scilly Local Plan (2005) and Policy OE1 and OE7 of the submission Isles of Scilly Local Plan (2015-2030).
- C3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended), (or any order revoking or re-enacting that Order) prior to installation, details of any external lighting shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the agreed details.**
Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties and to protect the amenities of this rural area and preserve the dark night skies of the Isles of Scilly and the St Martins Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Submission Draft Isles of Scilly Local Plan 2015-2030.
- C4 All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800- and 1800-hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.**
Reason: In the interests of protecting the residential amenities of neighbouring properties.
- C5 The solar panels and associated equipment, hereby approved, shall be permanently removed upon redundancy for their dedicated purpose and the site reinstated to its former condition within a period of three months unless otherwise agreed in writing by the Local Planning**

Authority. Should equipment become faulty or cease to operate it should either be removed or repaired within a period of 3 months and the site reinstated to its former condition.

Reason: The solar panels have been permitted for a dedicated purpose and to facilitate the generation of renewable energy in connection with Seven Stones Public House. Any equipment/installations no longer needed or which ceases to function, should be repaired or removed in the interests of the visual amenities of the area.

Print Name:	Lisa Walton	29/01/2021
Job Title:	Senior Officer, Planning and Development Management	
Signed:		
Authorised Officer with Delegated Authority to determine Planning Applications		

*Monitoring – Case Officer – Don't forget to complete and enter into the Monitoring Table:
Y:\Infrastructure & Planning\Planning\Monitoring\2015-2030 Local Plan Monitoring*