

Council of the Isles of Scilly

Delegated Planning Report

Other application

Application Number: P/21/071/FUL

Received on: 12 August 2021

UPRN: 000192000448

Application Expiry date: 13 October 2021

Neighbour expiry date: 13 September 2021

Consultation expiry date: 13 September 2021

Site notice posted: 23 August 2021

Site notice expiry: 13 September 2021

Extension of Time Agreed: 17 December 2021

Applicant: Mr Alastair Martin
Site Address: Hilldrop Flower Farm
Lower Town
St Martin's
Isles Of Scilly
TR25 0QW
Proposal: Change glass roof to cement profile sheeting.
Application Type: Planning Permission

Recommendation: PER

Summary Conditions:

1. Standard time limit
2. Adherence to plans
3. No external illumination without approval
4. Submission of Site Waste Management Plan
5. Hours of Operation for Construction Works
6. Submission of Biodiversity Enhancement Measures

Pre-commencement conditions agreed: 16/12/2021

Extension of Time Agreed: 16/12/2021

Reason for Delegated Decision

No Councillor has requested that the application come to the Full Council. The decision defaults to the level of Delegated:

- Not a Councillor ✓
- Not a Senior Officer (or Officer with influence over planning Decisions) ✓
- No relation to a Councillor/Officer ✓
- Not Major ✓
- Not Council's own application ✓
- Not a departure from the Development Plan ✓
- Not Called in ✓

Lead Member Planning Agreed

Name: Dan Marcus

Date: 17/09/2021

Site Description and Proposed Development

Hilldrop Farm is located at Lower Town, on St Martins. It is located to the north side of the main road that runs through St Martins. The building, the subject of this application, is located opposite on the south side of the road.

The building is primarily a partially glazed roof glass house. It is a single storey rectangular building on a north south alignment. It has gable ends, with the lower parts of the walls being stone and the upper parts of the walls being vertical timber clad or timber framed supporting glass. The northern gable end and eastern wall are solid with the upper parts of the western and southern walls being glazed or being open, the southern gable end is timber framed but unglazed being covered with a tarpaulin. The northern half of the roof is covered with corrugated cement fibre sheeting with the southern end being glazed.

The proposal is to remove the glazed roof of the southern half of the building and cover the roof with corrugated materials to match the northern half of the building.

Certificate: A

Consultations and Publicity

The application has had a site notice on display for 21 days (23/08/2021– 13/09/2021). The application appeared on the weekly list on 23rd August 2021. Due to the nature of the proposal a consultation was made with Cornwall Archaeological unit. Any comments received are set out below

| Consultee | Date Responded | Summary |
|-----------|----------------|--|
| CAU | 24/09/2021 | The building is thought to be one of two surviving glass house structures on St Martins. It dates back to at least 1906 and is situated on the site of an earlier smaller building. It is located in a |

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| | | <p>prominent position by the roadside and is considered an integral element of the streetscene.</p> <p>On this basis it is important to include an assessment of its heritage value within the Design and Access Statement. This should give a qualified view as to the significance of this building and what impact the proposed works would have on that significance.</p> |
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Representations from Residents:

Neighbouring properties written to directly:

- Hillside Chalet, Lower Town
- Pine View Chalet, Lower Town

[0] letters of objection have been received and include the following points:

[0] letters of support have been received and include the following points:

[0] letters of representation have been received.

Relevant Planning History:

No planning history relevant under the 2005 Local Plan or the adopted 2015-2030 Local Plan.

Constraints:

Archaeological Constraint Areas Name: Lower Town. Island: St Martin's
Historic Landscape Character Multiple (Spatial)

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 dwelling, street and area? | y |
| Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area? | y |
| 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? | y |
| Would the proposal generally appear to be secondary or subservient to the main building? | y |
| Amenity | YES OR NO |
| Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues? | y |

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| 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? | y |

| 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? | y |
| 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? | y |
| 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/a |
| Are there external lights | n |

| Protected Species | YES OR NO |
|--|------------------|
| Does the proposal include any re-roofing works or other alteration to the roof | y |
| 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 | y |
| Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements | y |

| | |
|--|---|
| Are biodiversity enhancement measures required | y |
| Is a condition required to provide biodiversity enhancement measures | y |

| 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 | n |
| Is a condition required to secure a Site Waste Management Plan | y |

| 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 a any site specific sustainable design measures | n |
| Is a condition required to secure a Sustainable Design Measures | n |

Analysis: On the basis that the building is thought to be one of two surviving glass house structures on St Martins, dating to back to the early 20th century and in a prominent position by the roadside, it is considered an integral element of the streetscene and as such an important non-designated heritage asset within the Conservation Area.

The proposal involves no other extension and simply proposes the remove the glazed half of the roof and replace this with corrugated materials to match the northern half, in a manner that would allow the 'glass house' roof to be reinstated in the future. The complete loss of the 'glass house' roof does result in some harm to significance.

The applicant amended the application to address the heritage impact assessment as requested by the archaeological advisor. This was assessed as an acceptable assessment and does not require further building recording.

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 March 2021, the development plan for the Isles of Scilly comprises the 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, 2015-2030

| Policy | Tick if Used ✓ |
|---|----------------|
| 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 | |
| Policy OE1 Protecting and Enhancing the landscape and seascape | ✓ |
| Policy OE2 Biodiversity and Geodiversity | |
| Policy OE3 Managing Pollution | |
| <i>Policy OE4 Protecting Scilly's Dark Night Skies</i> | |
| Policy OE5 Managing Waste | |
| Policy OE6 Minerals | |
| Policy OE7 Development affecting heritage | ✓ |
| 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 | |
| Policy LC7 Windfall Housing: | |
| Policy LC8 Replacement Dwellings and Residential Extensions | |
| Policy LC9 Homes in Multiple Occupation | |
| Policy WC1 General Employment Policy | |
| Policy WC2 Home based businesses | |
| Policy WC3 New Employment Development | |
| Policy WC4 Alternative Uses for Business/Industrial land and buildings | |
| Policy WC5 Tourism Developments | |

| Info Requirements | Submitted (LVC) | Not Submitted | Condition Required |
|------------------------------------|-----------------|---------------|--------------------|
| Site Waste Management Plan | n | | y |
| Sustainable Design Measures | n | | n |
| Biodiversity Enhancement Measures: | N | | y |

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, Block Plan and Elevation Plan, drawing number: 10/0127-30 REV A dated 11-08-2021**
- **Protected Species Assessment, Wheal Grey Ecology Ltd, Dated August 2021 (Bat mitigation and enhancement)**

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 Policies OE1 and OE7 of the 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 those of neighbouring residential properties and to protect this rural area and preserve the dark night skies of the Isles of Scilly and the St Martins Cricket Pitch Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Isles of Scilly Local Plan (2015-2030).

PRE-COMMENCEMENT CONDITION: Submission of Site Waste Management Plan

- C4 Prior to the commencement of the development, hereby approved, 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, shall be submitted to and agreed in writing with the Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme only.**

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. This is to ensure waste is minimised in accordance with the waste hierarchy and to ensure appropriate management

and routes to disposal are in place. In accordance with the requirements of Policy SS2(2) of the Isles of Scilly Local Plan 2015-2030.


- C5 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.

PRE-COMPLETION: Submission of Biodiversity Enhancement Measures

- C6 Prior to the substantial completion of the re-roofing works, hereby approved, details of measures to promote biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the installation of bat boxes and bird nesting opportunities appropriate to species found on the Isles of Scilly. Local guidance from the Isles of Scilly Wildlife Trust, for example, should be sought to inform the type, number and positioning of suitable bat and bird boxes. The measures approved shall be installed, prior to the first breeding/nesting season following completion of the development and shall be retained as such thereafter.**

Reason: To promote measures to improve and awareness of the value of biodiversity on the Isles of Scilly and in accordance with the requirements of Policies SS1(d) and SS2(g) of the Isles of Scilly Local Plan (2015-2030).

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| Print Name: | Lisa Walton | 16/12/2021 |
| Job Title: | Chief Planning Officer | |
| Signed: |  | |
| Authorised Officer with Delegated Authority to determine Planning Applications | | |

Informatives

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 paragraph 38 the National Planning Policy Framework 2021.
2. In accordance with the Town and Country Planning (fees for Application and Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 a fee is payable to discharge any condition(s) on this planning permission. The fee is current £116 for each request to discharge condition(s) where the planning permission relates to any other type of development other than a householder application. The fee is payable for each individual request made to the Local Planning Authority. You are advised to check the latest fee schedule at the time of making an application as any adjustments including increases will be applied:
https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf
3. 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 £234 would be required) or the submission of a full planning application for a revised scheme. If the proposal relates to a Listed Building you will not be able to apply for a non-material amendment and a new application for a revised scheme will be required. Please discuss any proposed amendments with the Planning Officer.

4. The Applicant is reminded of the provisions of the Wildlife and Countryside Act 1981 and the E.C. Conservation (Natural Habitats) Regulations Act 1994, the Habitat and Species Regulations 2012 and our Natural and Environment and Rural Communities biodiversity duty. This planning permission does not absolve the applicant from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in part IV B of Circular 06/2005. Care should be taken during the work and if bats are discovered, they should not be handled, work must stop immediately and a bat warden contacted. Extra care should be taken during the work, especially when alterations are carried out to buildings if fascia boards are removed as roosting bats could be found in these areas. If bats are found to be present during work, they must not be handled. Work must stop immediately and advice sought from licensed bat wardens. Call The Bat Conservation Trust's National Bat Helpline on 0845 1300 228 or Natural England (01872 245045) for advice.