

Council of the Isles of Scilly Delegated Planning Report Householder application

Application Number: P/24/042/HH

UPRN: 000192000455

Received on: 28 May 2024

Valid on: 24 June 2024

Application Expiry date: 19 August 2024

Neighbour expiry date: NONE CONSULTED

Consultation expiry date: 19 July 2024

Site notice posted: 28 June 2024

Site notice expiry: 19 July 2024

Case Officer: LISAW

Applicant: Miss Inga Drazniece

Site Address: The Elms
Lower Town
St Martin's
Isles Of Scilly
TR25 0QW

Proposal: A timber frame structure 5m x 4m for use as an art studio
and storage.

Application Type: Householder

Recommendation: PER

Summary Conditions

1. Standard time limit (3 years)
 2. In accordance with the approved plans
 3. Hours of Construction
 4. Ancillary use only
 5. horizontal timber cladding
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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: Cllr D Marcus

Date: 01/08/2024

Site Description and Proposed Development

The Elms is a relatively modern bungalow constructed with a granite/rendered finish, natural slate roof and white painted timber windows and doors. It is located in its own plot of land with curtilage around it at the east end of Lower Town, St Martins. The site is well screened by tall hedging with an opening where the informal driveway rises up from the main track through Lower Town which bounds the site to the south.

The dwelling itself is raised approximately 2m above the track with garden area around it, the proposed site for the building is in the south-east corner of the site behind the entrance driveway. This area is set lower than the dwelling and bounded by low granite walls.

The proposal is to construct a 4m x 5m red cedar timber clad shed with a mono-pitched GRP roof with a height of 2.4m on the south side down to 1.8m on the north. The structure runs parallel to the road with two grey UPVC windows on the south elevation and French doors on the west elevation. The site previously contained an old shed so requires little groundwork and it has a low granite wall running along the south side. Guttering will collect rainwater for use around the dwelling site.

The proposed use of the building is for storage and crafts/hobbies in connection with the dwellinghouse.

Certificate: B

Other Land Owners: Duchy of Cornwall

Consultations and Publicity

The application has had a site notice on display for 21 days (28/06/2024 – 19/07/2024). The application appeared on the weekly list on 1st July 2024. Due to the nature of the proposal the following consultations were required:

Consultee	Comments	Date
Cornwall Archaeological Unit	we consider it unlikely that significant archaeological remains will be disturbed by the proposed development. No archaeological mitigation is required, and therefore no archaeological condition is sought.	03/07/2024
Cornwall Fire & Rescue Service	It's unclear if the proposed development falls within Regulation 9 of the Building Regulations [exempt buildings] therefore advice should be sought from the local authority building control office before work begins should planning approval be granted.	24/06/2024

Representations:

[0] letters of objection have been received

[0] letters of support have been received

[0] letters of representation have been received

Relevant Planning History:

No planning history relevant under the Local Plan but:

P.5704	Conditional approval of planning permission for the erection of porch and detached timber garage.	29.07.2005
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Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Flood Prone Land – St Martins – 40m
- Archaeological Constraint Area
 - Tinklers Hill – 60m
 - Lower Town – 110m
- Scheduled Monument – Tinklers Hill – 100m

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?	Y
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
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?	y
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?	n/a
Within an Archaeological Constraint Area	n
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 Will this be acceptable 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	y

beauty of the AONB	
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	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	Y
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	n
Is a condition required to secure a Sustainable Design Measures	n

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 permission to be granted. This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004. This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 Visitor Economy and Tourism Developments	

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. In discharging their functions, must have “due regard” to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

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**
- **Plan 2 Block Plan**
- **Plan 3 Elevation Plan - Proposal, drawing version 1.3, dated 26/04/2024**

- **Plan 4 Floor Plans , drawing version 1.3, dated 26/04/2024**

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 OE1 and OE7 of the Isles of Scilly Local Plan (2015-2030).

- C3 No construction plant and/or machinery shall be operated on the premises, as part of the implementation of this permission, before 0800 hours on Mondays through to Saturdays nor after 1800 hours. There shall be no works involving construction plant and/or machinery on a Sunday or Public or Bank Holiday.**


Reason: In the interests of protecting the residential amenities of the islands.

- C4 The development hereby permitted shall not be used at any time other than for the purpose's incidental and ancillary to the residential use of the dwelling on the application site and for the avoidance of doubt shall not at any time be occupied as a separate dwelling or holiday let.**

Reason: To ensure that the development hereby permitted is occupied only for ancillary purposes to the dwelling specified in accordance Policy LC8 of the Isles of Scilly Local Plan 2015-2030.

- C5 The external walls of the building hereby permitted shall be clad in vertical timber boarding and this material shall be retained on the building thereafter.**

Reason: To ensure that the character and appearance of the development is sympathetic to this location within the Islands and in accordance with Policy SS2(1) of the Isles of Scilly Local Plan 2015-2030 that encourages high-quality design and contribute to the islands' distinctiveness and social, economic and environmental elements of sustainability.

Print Name:	Lisa Walton	19/08/2024
Job Title:	Chief Planning Officer	
Signed:		
Authorised Officer with Delegated Authority to determine Planning Applications		