

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/17/093/FUL

Received on: 27 October 2017

UPRN: 000192002561

Application Expiry date: 29 December 2017

Neighbour expiry date: 20 March 2019

Consultation expiry date:

Site notice posted: 6 November 2017

Site notice expiry: 27 November 2017

Applicant: Mr Stephen Whormersley
Site Address: Land Adjacent to Beachfield House
Porthloo
St Mary's
Isles of Scilly

Proposal: Erection of a 2-bedroom dwelling. (Amended Plans) -
Removal of front porch, alterations to fenestration on front,
rear and North West elevations and increase in width of
middle part of dwelling by 0.55m.

Application Type: Planning Permission

Recommendation

1. That the Amended Application is APPROVED for the reasons set out in the below update report, subject to the signing of a Section 106 Legal Agreement, to restrict occupation of the dwelling and subject to the condition set out below.

Site Description and Proposed Development

This application was considered at Full Council in December 2017. The report is linked (Link 1) below. The principle of a local need dwelling has been fully considered by members and approved. This recommendation was subject to the applicant entering into a Section 106 Legal Agreement before planning permission being granted. The S106 remains unsigned and the applicant has sent through amended plans.

The amendments include:

- The two storey rear return element (central section of the proposed dwelling) is proposed to be 0.5m wider than the design as originally considered. The main two storey front section and the rear single storey element on the end of the dwelling remains as originally considered;
- Removal of the front porch and replace with French doors;
- Replace a wide west facing ground floor window with French doors; and
- The front 'bow' bay window now projects out further (by 0.5m) than originally proposed.

The amended application has been subject to a further consultation with neighbouring properties, previous objectors and relevant consultees.

Background and Relevant History

As set out in the original report in Link 1 below.

Consultations and Representations

Public Representations (following re-consultation: 06/03/2019 – 20/03/2019)

Property	Date	Comments
Avalon	No rep received	n/a
Beachfield House	No rep received	n/a
Little Avalon	No rep received	n/a
Beachfield House Chalet	No rep received	n/a
East Bank	15/03/2019	Comments that the dwelling will be over-development of the area. They remain concerned about 'access'. The amended plans now show the dwelling to be 0.5m closer to their property, impacting on privacy. Land to the front should not become a car parking space it will further affect their property and restriction against such a use should be imposed. The bay window feature is inappropriate and should be a simple window.

Consultation Representations

No further re-consultation was required on the basis of the amendments proposed.

Constraints (within the red line site boundary):

Historic Landscape Character:	Settlement
Listed Buildings:	None
Scheduled Monuments:	None
HERs:	None

Planning Assessment

It is considered that the assessment, given that a decision was reached in 2017 to grant planning permission, regardless of the fact that the decision has not yet been issued, should focus only on those elements now proposed to be amended. This includes an assessment of only those items listed above, as changes to the dwelling that Members were minded to approve in 2017.

It is clear that the applicant was arguing against the use of a S106 in 2017, on the grounds of an appeal decision of 2016, which reflected on the SHMA and the identified of a need to fulfill the demand for open market homes. That point was considered and concluded that in order to retain a stock of affordable homes, available for local occupation, it was not considered socially sustainable to grant permission for the proposed dwelling, without first the applicant agreeing to a S106 to restrict occupation to qualifying persons. The applicant indicated, in 2017, that if the Council would insist on a S106 then he would enter in to one, to secure the permission for a dwelling. Subject to the signing of a S106 it is considered that the principle of the dwelling proposed, in the location proposed, remains acceptable. Additionally the Local Plan (2015-2030) recognizes a the subset of housing needs in terms of the newly arising 'need' likely to be required over the plan period, of 105 homes. As of August 2021 there have been 21 permissions granted for new homes subject to a S106 (22 including this one). So whilst there have been a reasonable number of permissions granted, delivery rates of those homes remains low, with only 5 actively being progressed.

Design, Scale, Massing and Materials

The proposed widening of a rear two storey section of the design, by 0.5m, will not affect the overall appearance of the dwelling, when viewed from the public realm. The part of the dwelling proposed to be wider overall, would only be visible when viewing the property from the rear. There are no other 'knock-on' elements of the building that change the position either on the ground or relative to neighbouring properties. The east side single storey porch, becomes slightly smaller, rather than being pushed towards the east boundary or the property on the east side (Avalon). The dwelling remains generally, for most parts, as originally proposed, and will retain the same appearance from the road, in terms of visible massing, with a frontage that aligns with the existing row of dwellings at this part of Porthloo.

The enlarged bay window, not a standard feature of a traditional Scillonian cottage, was considered an acceptable element in 2017. It does reflect a granite property in Hugh Town, and the enlargement does not significantly alter the appearance of the dwelling as originally assessed. It is noted that the front porch feature will also be lost and replaced with French doors. It is considered that these two elements proposed will have some impact upon the overall appearance of this property and whilst it is unfortunate to lose a porch, as this has an energy saving benefit, the appearance is somewhat simplified as a result.

The scale of the property does change and results in a 2 storey 2 bedroom property with around 130 square metres of internal usable floorspace which is around 64% larger than the minimum standard for a property of this size. Since the original application was submitted in 2017 the local plan used in the Committee Report (DEC 2017) to assess this application, was the 2005 Local Plan. The 2005 Local Plan has now been replaced by the new Local Plan (2015-2030). The 2005 plan did not set a maximum size for new homes, so whilst consideration was being given, at that time, to construct policies to ensure new homes met the NDSS, the proposed maximum of 30% came out of the Local Plan Examination in Public in 2020. This was subject to public consultation during September – November 2020. The Inspectors Final Report on the Isles of Scilly Local Plan (2015-2030) was submitted to the Council in February 2021 where the modifications to Policy LC3 (to set a maximum size limit of 30% above the minimum was one of the recommendations to make the plan ‘sound’. New homes are now required to comply with the requirements of Policy LC3 to ensure they are maintained as reasonably affordable and available to local people, in perpetuity. A two storey, two bedroom property should have a minimum of 79m² of Gross Internal Floorspace (GIF) which is required by Policy LC3. Part(2) of this Policy states:

“(2) All new homes must offer a good standard of accommodation by being constructed in accordance with the minimum Nationally Described Space Standards (Technical Housing Standards) (or any replacement standards) and no more than 30% above these minimum standards, as a maximum”;

In this case a two storey, two bedroom home that is at the maximum and no more, should have no more than 103m² of GIF. The property has 129m². As amended therefore the two storey two-bedroom home exceeds Policy LC3(2) and should therefore now be refused. Consideration now requires officers to balance the weight given to the identified figure for 105 local need homes up to 2030 and the constraints placed on any homes coming forward. That is that new homes should be sustainable and of a high quality design in keeping with the character of the area, for windfall homes, which this would be considered, they should be sustainably located. In that they should be within or adjoining existing defined settlement areas. This proposed dwelling is of a design considered to be

appropriate and located within an existing settlement area. The proposal makes good use of a 'frontage' plot without adversely harming either neighbouring amenity, highway safety or resulting in an isolated home.

Neighbouring Amenity

It is noted that the neighbour immediately to the south east, has raised concerns with the proposed dwelling. Focussing on only those elements that are proposed to change, then the rear element that proposes to be around 0.5m wider, will bring the south east wall, of that part of the building, 0.5m closer to this neighbouring property. In order to address the closer position, internally it is proposed to have a downstairs WC, so the ground floor window will be an obscurely glazed opening, rather than a window to a main habitable room. In any event a 2m high boundary fence structure could be erected that would ensure overlooking is minimized. In terms of the potential for the new dwelling to be 'overbearing' or give rise to over-shadowing, it is not considered that the enlarged part of the dwelling, as now proposed, will give rise to a significant impact upon this neighbouring property on the basis that this neighbour lies to the south and it would not be significantly affected by the casting of shadows from this dwelling.

Conclusion on Amended Plans and Change in Local Planning Policy

Based on the policies in place at the time the application was considered by Full Council with a recommendation based on the 2005 local plan. The proposed (what is now considered to be) larger 2-bedroom local need home in this case is given significant weight, on the basis that no adverse harm is identified and there remains an identified number of local need homes. It is still recommended that usual Permitted Development Rights are removed, to ensure it does not become larger and subject to the applicant entering into the previously agreed-to S106, the recommendation is on balance to recommend this amended scheme for approval.

Links

Original Full Council Report 14/12/2017 :

<http://committees.scilly.gov.uk/documents/s23836/P-17-093%20Committee%20Report.pdf>

Key Dates

Application Submitted:	03/11/2017
Full Council Decision	14/12/2017
Commenced S106 Paperwork	14/12/2017
First Draft of S106	03/01/2017
Red Line issues identified	11/01/2018
Revised Red Line Local Plan	18/01/2018
Applicant sought Amendments	09/01/2019
Neighbours Reconsulted	06/03/2019

Initial Update Report drafted 03/03/2020
Agent Notified of change in Policies 20/03/2020

Lead Member Consulted:

On Amended Plans

Cllr D Marcus 08/10/2019
Cllr D Marcus 28/06/2021
Cllr D Marcus 31/08/2021

Extensions of Time Requested

22/12/2017 No Response
07/06/2021 No Response

Signed:



01/09/2021

Print Name: Lisa Walton

Job Title: Chief Planning Officer

Duly Authorised Officer with Delegated Authority to determine Planning Applications

Proposed Amended Conditions (modified to reflect standard versions now used and the current local plan):

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 AMENDED Location Plan, Drawing Number: TQRQM17305094616374. Date Stamped: 28 February 2019**
- **Plan 2 AMENDED Proposed Site Plan and Rear and SE Elevations, Drawing number: SW-B-6b. Date Stamped: 28th February 2019**
- **Plan 3 AMENDED Proposed Floor Plans and Front and NW Elevations Plans - Drawing Number: SW-B-6A. Date Stamped 28 February 2019.**
- **Design and Access Statement, Date Stamped 27 October 2017**

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).

PRE-COMMENCEMENT CONDITION – Site Waste Management Plan

C3 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 the Islands to ensure that the construction of the development is adequately controlled and to protect the amenities of the area and essential infrastructure in accordance with Policies SS2(2) of the 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 to 1800 hours Monday to Saturday. 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.

PRE-COMMENCEMENT CONDITION – Archaeological Monitoring Condition

C5 A) No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and:

- 1. The programme and methodology of site investigation and recording**
- 2. The programme for post investigation assessment**
- 3. Provision to be made for analysis of the site investigation and recording**
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation.**
- 5. Provision to be made for archive deposition of the analysis and records of the site investigation.**
- 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation**

B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

[Note: The archaeological recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.]

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 the Islands archaeological, historic and built environment, to be submitted to and agreed in writing 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 preserved or enhanced. In accordance with the requirements of Policy OE7(7) of the Isles of Scilly Local Plan (2015-2030).

PRE-COMMENCEMENT CONDITION – Submission of Landscaping Scheme

C6 Prior to the commencement of development, hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall indicate the species and size of shrubs and the positions in which they will be planted. The scheme shall be carried out and completed during the planting season next following the substantial completion of the development, hereby approved unless otherwise agreed in

writing. Any shrub damaged or becoming seriously diseased within five years from the date in which the scheme shall have been completed shall be replaced with the same or a similar species of shrub.

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application, but are required to enable the Local Planning Authority to consider measures to ensure the assimilation of the development into the landscape, to safeguard the appearance and character of this part of the Islands and to mitigate any adverse impact upon biodiversity in accordance with Policies OE1 and Policy OE2 of the Isles of Scilly Local Plan (2015-2030).

PRE-INSTALLATION CONDITION – Samples of facing materials

C7 Prior to their installation on the development, hereby permitted, details including samples of the stone to be used on the elevations of the building, and the natural slate to be used for the roof covering, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To confirm details of the development not already clearly shown in the interests of the character and appearance of the building in accordance with Policies SS2 of the Isles of Scilly Local Plan (2015-2030).

C8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions (Class A), alterations to the roof (Class B and C), porches (Class D), ancillary outbuildings (Class E), hard surfaces (Class F) or chimneys or flues (Class G) shall be erected or constructed on the dwelling, here by permitted, without the prior permission, in writing, of the Local Planning Authority through the submission of a further application.

Reason: To control any subsequent enlargements in the interests of the visual and residential amenities of the locality and in the interests of the affordability of the dwelling and the local housing stock in accordance with Policy LC3 of the Isles of Scilly Local Plan (2015-2030).

C9 Prior to the first occupation of the development hereby permitted, the dwelling shall be connected to a new sewerage treatment system, the details of which shall be agreed in writing with the Local Planning Authority. The sewerage treatment system shall be implemented in strict accordance with the details as agreed and retained thereafter.

Reason: To prevent the increased the risk of pollution of surface and ground water by ensuring the provision of a satisfactory means of foul water control and disposal.

C10 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 Garrison Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Isles of Scilly Local Plan (2015-2030).

Further Information

1. **STATEMENT OF POSITIVE ENGAGEMENT:** 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 2019.
2. **SECTION 106 AGREEMENT:** The planning permission hereby approved is subject of a section 106 agreement to control the occupancy of the dwelling to ensure it contributes towards the housing need of the local community.
 3. **WATER SUPPLIES:** Compliance with Part B5 of Approved Document B, Fire Mains and Hydrants. Residential Sprinklers: Cornwall Fire and Rescue Service support the provision of domestic sprinklers into all new residential developments. These should be installed to BS9251 and will reduce the risk to life and significantly reduce the degree of damage caused by fire. This consideration if implemented will enhance the safety of the occupants and any attending firefighters whilst providing property protection and maintaining the buildings continuity.
 4. **APPLICATION TO SOUTH WEST WATER:** Please ensure an application is made to South West Water for new connections. developerservicesplanning@southwestwater.co.uk
 5. **BUILDING CONTROL:** Please ensure that all building works accord with the Building Regulations and that all appropriate approvals are in place for each stage of the build project: buildingcontrol@cornwall.gov.uk
 6. **DISCHARGE OF CONDITIONS:** 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. Currently, for a full application, the fee is £234 but any fee increase would need to be applied should the national fees increase). The fee is payable for each individual request to discharge condition(s). Please check the latest fee schedule before you apply here: https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf
 7. **NON-MATERIAL AMENDMENTS:** 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 (currently the fee is for this is £234 but any fee increase would need to be applied should the national fees increase) 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. Please check the latest fee schedule before you apply here: https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf