

Application Number: P/19/036/FUL
Received on: 18 September 2019
UPRN: 000192000888
Application Expiry date: 13th November 2019
Neighbour expiry date: 9th October 2019
Consultation expiry date: 9th October 2019
Site notice posted: 18th September 2019
Site notice expiry: 9th October 2019

Applicant: Mr D Parr,
Site Address: Lynwood,
Church Street,
Hugh Town,
St Mary's
TR21 0JT

Proposal: Demolition of garage and rebuilding on same footprint over two storeys consisting of en-suite bedroom and lounge as an extension to owners accommodation (Affecting setting of a Listed Building).

Recommendation

That the Application is REFUSED for the following reasons.

1. The proposed development, by virtue of its scale, proximity to surrounding buildings, materials and form, fails to provide a high quality sustainable development and adversely affects the character and appearance of the area, the setting of the adjoining historic assets and the immediate street scene. Therefore the proposal is considered to fail to comply with Policy 2 of the adopted Isles of Scilly Local Plan (2005) and policies SS2 and LC9 of the Submission Draft Isles of Scilly Local Plan (2015-2030) and the Isles of Scilly Design Guide (2007).
 2. The proposed development by virtue of the proximity of the first floor element of the adjoining dwellings known as Penlee Boathouse would have an overbearing impact and would result in a loss of light which is considered contrary to policy SS2 of the Submission Draft Isles of Scilly Local Plan (2015-2030) and the Isles of Scilly Design Guide (2007).
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Site Description and Proposed Development

Lynwood is located centrally in Hugh Town, St Mary's and comprises a large, terraced, town house which has been modified considerably. The extensions and alterations include a single storey garage workshop and outbuildings to the rear. The application site is in a densely developed area of the town with two and three storey buildings on either side of a narrow lane.

The application seeks the replacement of a single storey garage/workshop into annex accommodation comprising utility room, bathroom and bedroom with a lounge/diner area at first floor. The accommodation provided is an extension to the owner's accommodation as an ancillary annex. The ground floor development will measure 5.6m wide, 7.7m long and 2.4m in height to a flat roof. The first floor extension measures 3.7m wide 6.4m long with a height off the flat roof of 2.9m. The total height of the proposal would be approximately 5.1m. The amount of internal usable floorspace is around 40m².

Lynwood is a mid-terraced town house that is listed grade II, for the group value of LYNWOOD, ALBANY HOUSE, WESTFORD HOUSE, LONGRAS AND INNISIDGEN AND ATTACHED WALLS. The listing description sets out:

Terrace of five houses. Early C19. Rendered granite rubble; half-hipped slate roofs and brick stacks. Double-depth plan with side-entry and rear stair hall to each house. 3 storeys; symmetrical 10-window range, of 2-window range to each house. Concave-chamfered granite eaves cornice. 8-fielded-panelled doors with fanlight to Albany House and rectangular overlights to Lynwood, mid C20 replacement door-with similar fanlight to Longras, similar early C19 door with 4 panels replaced by glazing to Westwood House and similar early C19 door with 2 panels replaced by glazing to Innisidgen. 6/6-pane sashes to ground and first floors and 3/6-pane sashes to second floor, except early/mid C19 canted oriel window with 4/20/4-pane sashes and moulded cornice to Lynwood and first-floor bay window to Westford House with 4/20/4-pane sashes. Interior: Westwood has panelled doors set in moulded architraves, open-well staircase with wreathed handrail and enriched cornice with palmettes etc. to first-floor front room. Other houses said to have similar staircases and other features. Subsidiary features: coursed and dressed granite forecourt walls with segmental coping to Albany House, Westford House and Longras; similar low walls to Lynwood surmounted by spear-headed railings with terminal urn finials.

Background and Relevant History

There is no formal record of Lynwood applying for a change of use from a single dwelling (C3) to a guesthouse (C4) but it could be that this took place prior to 1948 or prior to the establishment of distinct uses classes, which may have resulted in the gradual change from a house to that of a guesthouse.

In 1999 an application was submitted for the retention of two timber store sheds at rear of dwelling. Application P4667 was conditionally approved on 14.09.99. Later in 1999 an application was submitted for a replacement of existing defective slate hanging wall with smooth render. Application P4693 was conditionally approved on 16.11.99.

In 2000 an application was submitted for a reconstruction of rear extension to provide improved accommodation. Application P4812 - was conditionally approved on 22.06.00.

In 2007 an application was submitted for a new scantle slate on front elevation of house roof Application P/07/085 was conditionally approved on 23.08.07.

In 2010 an application was submitted for a replacement of 4 no. white painted timber sliding sash windows on 1st and 2nd floors of North elevation with like for like design and materials Application P/10/082 was conditionally approved on 22.10.10.

Consultations and Representations

The initial site notice was displayed in the vicinity of the application site for a period of 21 days. 10 Neighbouring properties were written to directly including:

- **Flat, Kirklees, 33 Porthcressa Road**
- **Kirkless, 33 Porthcressa Road**
- **Top Deck, Penlee House, Church Street**
- **Midships, Penlee House, Church Street**
- **Quarterdeck, Penlee House, Church Street**
- **4 Albany House, Church Street**
- **3 Albany House, Church Street**
- **2 Albany House, Church Street**
- **1 Albany House, Church Street**
- **Penlee Boathouse, Porthcressa Road**

Public Representations:

3 letters of representation have been received, 2 letters object to the proposal, These comments are summarised as follows:

Objection letters - Issues

- Loss of natural light
- Overbearing impact on surrounding properties
- Loss of vehicle parking
- Inaccurate Plans

A letter raising no objections to the application was received but raised major concerns with regards as to when the development commences in relation to noise pollution.

Consultation Representations:

Consultations were sent out to the Development Management Archaeological Advisory Officer (DMAAO), Cornwall Fire and Rescue and the Council's Water Department. Consultation responses were due on 9th October 2019 and no responses have been received.

Constraints:

Historic Landscape Characterisation: Settlement
Listed Buildings: Lynwood (GII), within curtilage. Adjoining: West
Scheduled Monuments: None
Archaeological Constraint Areas: None

Primary Legislation and Planning Policy

Primary Legislation

The Town and Country Planning Act 1990

Section 70(2) of the Planning Act requires the Local Planning Authority to have regard to the development plan, so far as material to the application, and any other material considerations when determination planning applications.

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 site is within the curtilage of a Grade II listed building and Section 16(2) requires Local Planning Authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

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 2017 (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.

Other Relevant Legislation and Regulations

Wildlife and Countryside Act 1981
Town and Country Planning Act 1990
(as amended)
Planning (Listed Buildings and
Conservation Areas) Act 1990 (as
amended)
Human Rights Act 1998
Section 17 of the Crime and Disorder
Act 1998
Planning and Compulsory Purchase Act
2004

Natural Environment and Rural
Communities (NERC) Act 2006
Planning Act 2008
The Conservation of Habitats and
Species Regulations 2017
Community Infrastructure Levy
Regulations 2010 (as amended)
Equality Act 2010
Flood and Water Management Act 2010
Localism Act 2011
Growth and Infrastructure Act 2013

Planning Policy

National Planning Policy Framework (NPPF) 2018

At the heart of the NPPF is a 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. As of 30th September 2019 the Council have submitted a new Local Plan to the Secretary of State for public examination. Paragraph 48 of the NPPF sets out that Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 172 advises that great weight should be given to conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. The conservation of wildlife and cultural heritage are important considerations. Paragraph 194 sets out clearly that any harm to, or loss of, the significance of a designated heritage asset would require clear and convincing justification and (b) assets of the highest significance, notably scheduled monuments should be wholly exception.

Chapter 16 relates to the conservation and enhancement of the historic environment and paragraph 189 requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Isles of Scilly Local Plan 2005

Policy 1 relates to environmental protection and seeks to permit development proposal 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, (b) Preserve nationally important archaeological remains and their settings; (c) Preserve or enhance the character or appearance of the Conservation Area and preserve the architectural or historic interest of all listed buildings, including their features and settings; (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 (SSSI); 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. Policy 2 (a) requires development to ensure conserve or enhance 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.

Isles of Scilly Design Guide 2007

The Isles of Scilly Design Guide is a Supplementary Planning Document (SPD) that forms an important part of the local Development Plan. This states that "It is important that the nature of the surrounding area is understood and reflected in any development proposal. Without this awareness it is likely that a development will be unsympathetic".

Submission Draft Isles of Scilly Local Plan 2015-2030

The emerging policies within the consultation draft of the Local Plan set out a clear range of policies designed to protect the landscape character (Policy OE1) as well as the natural (Policy OE2) and historic environment (Policy OE7). This emerging document also contains policies for domestic extensions and ancillary buildings (Policy LC9) as well as general sustainability (Policy SS1) and sustainable design and place-making (Policy SS2).

As the Submission draft Local Plan has now been submitted to the Secretary of State for public examination, at the time of writing this report, the policies it contains can be given greater weight, following 3 rounds of public consultation, where there are no outstanding objections to the policies mentioned above.

Planning Assessment

The main considerations relating to this application are the principle of development, impact on the surrounding landscape, the setting of Lynwood and its neighbouring attached properties as a grade II set of listed buildings, overall design, ecology and residential amenity.

Principle of the development

Section 38 of the Planning and Compulsory Purchase Act 2004 sets out the clear legal requirement that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) constitutes guidance as a material consideration in determining planning applications. The NPPF however does not change the statutory status of the development plan and states “proposed development that conflicts (with the relevant development plan) should be refused unless material considerations indicate otherwise”.

The NPPF is not a development plan and therefore does not carry the weight of a development plan document in the determination of planning applications.

Within the adopted local plan Policy 1 relates to environmental protection and seeks to permit development proposal 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.

Policy 2 sets out that development will be permitted, where proposals would contribute to the sustainability of the islands, environment, economy or local communities through conserving or enhancing the landscape through appropriate design including siting, layout, density, scale and external appearance.

Within the emerging local plan Policy SS1 encourages development should also seek conserve and enhance the natural and built environment, improve the access to alternative forms of travel and minimise the risk that development has on flood risk.

Policy LC9 advises that domestic extensions and ancillary buildings and states development will be permitted where it respects its setting taking account of the following [(1) is not set out here as it is not considered relevant]:

(2) Where the existing dwelling is already within the minimum range of internal space standards and a proposal is to enlarge the property, this will only be permitted to meet a growing household size. In such circumstances applicants must be clear on the number of bedrooms and the size of the household. The size of extension must be in accordance with Nationally Described Space Standards (Technical Housing Standards) (or any replacement standards) for the size of property proposed.

(3) In all cases proposals will also need to: a) improve the overall energy performance of the building and accord with the principles set out in Policies SS1 Principles of Sustainable Development and SS2 Sustainable Quality and Design; and b) ensure there is sufficient space within the existing curtilage to accommodate the extension without resulting in overdevelopment of the site or adversely impacting on residential amenity space and parking provision.

(4) An extension to an existing dwelling will not be permitted to include any element of holiday letting accommodation and, where appropriate, a condition will be imposed removing permitted development rights to further extend or alter the dwelling.

(5) All planning applications for extensions to existing dwellings should be supported by calculations of the existing and proposed habitable floor space.

Officers consider that the principle of development is acceptable subject to an assessment of the details of the proposal against the relevant policies.

Increase in Scale

It is noted that calculations are not provided as to the precise amount of accommodation in the existing dwelling. The existing dwelling is a large extended mid-terrace property which operates as a guesthouse and the applicants also live at this property and therefore are likely to have some shared spaces with the guesthouse. There are no plans of the existing dwelling to enable a calculation of floorspace to be made. The proposal is therefore contrary to the requirements of Policy LC9(5). As this information is missing it is not possible to establish whether the proposal complies (1) or (2) in terms of scale of the accommodation proposed and whether the dwelling is already of an adequate scale. No information has been provided to set out why additional accommodation is now required.

Information regarding the property online¹ identifies that the property occupies 3 floors with 4 bedrooms let-out as guesthouse accommodation. On the ground floor there is a lounge, kitchen, owner's bedroom and owners lounge, which leads out into the private rear garden, which also provides access to the workshop building, the subject of this application. The property is therefore already a 5 bedroom property and the proposal will result in this being a 6 bedroom property. As the proposal is not for additional guest accommodation and is

¹ http://scillyestateagents.com/island_main/lynwood/lynwood.html?LMCL=Q2xURC

described as annex accommodation, Policy LC9 requires applicants to set out why additional accommodation is required.

Currently a 5 bedroom, 3 storey property should have a minimum of 116-134 square metres of internal usable floorspace. As set out above it is not possible to establish what the current internal usable floorspace is as no plans are provided and these calculations have not been included. The proposed 2 storey annex accommodation is around 40m². As an extension to the main dwelling the scale of the increase to the size proposed is considered acceptable. But as set out above, it is unclear why additional accommodation is proposed, if not for additional tourism accommodation. The application only describes the accommodation as an extension, and a householder fee of £206 has been paid (not £462 that would be required for a self-contained dwelling). The proposal is therefore clearly intended to be as annex accommodation for the owners of this property, rather than as commercial holiday let accommodation.

Without the necessary justification as to why an enlarged home is required, whilst the scale of the accommodation is considered acceptable, this does not accord with the emerging policies of the Local Plan which, as set out above, can now be given greater weight in the determination of application.

It is considered on balance that the proposal is not acceptable as it conflicts with the requirements of Policy LC9 of the Submission Draft Isles of Scilly Local Plan 2015-2030.

Historic Environment

As set out above, Lynwood is a Grade II listed building, within the applicant's ownership. The adjoining buildings to the north-east, Albany House, and to the north west, Penlee House, are also a Grade II listed buildings. The buildings facing on to the Porthcressa Road, that are the dwellings immediately to the east, 33 Porthcressa Road and west, Penlee Boathouse, are not listed buildings, but these existing properties, do similarly sit themselves within the original curtilage of these listed buildings (33 Porthcressa Road sits within the former curtilage of Albany House, and Penlee Boathouse sits within the former curtilage of Penlee House).

The listed buildings form part of the protected streetscape facing onto Church Street and were listed in 1975 for their group value, along with many of the listed buildings within the centre of Hugh Town. All of the existing buildings on Church Street, within the immediate vicinity are important buildings within the character of the conservation area in the heart of Hugh Town. The proposed annex accommodation will sit on the Porthcressa Road side, which is considerably less historic in nature, relative to Church Street. This area features a collection of modern and later developments of various designs, heights and styles.

The application site would be situated within the setting of these listed buildings. In accordance with the section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority shall have special regard to the desirability of preserving the setting of listed buildings.

The application site is currently a courtyard to the rear of Lynwood. Courtyards can form important elements to a building's setting and character, the contribution of the courtyard to

the interest of the listed building and its setting in this instance is considered to be good, as one of the few remaining listed buildings along Church Street, to not have been completely separated off from the original plot. The ground is laid to hardstanding and the existing workshop structure, to be removed, takes up a large part of this outdoor curtilage space. That being said this courtyard is a pleasant space which gets most of the afternoon sunshine.

The application refers to the demolition of a non-listed garage and its replacement with a two storey annex accommodation. The structure of the workshop to be removed is considered a later addition, post-listing, and as such is not a significant part of the dwelling of Lynwood. Its removal would not harm the special interest of this listed building.

Policy 1 of The Isles of Scilly Local plan states that development should conserve or enhance the character or appearance of the Conservation Area and preserve the architectural or historic interest of all listed buildings, including their features and setting.

Policy SS1 (Principles of Sustainable Development) of the Draft Isles of Scilly Local Plan 2015 – 2030 (Pre-submission Draft) also sets out the need to conserve and enhance the outstanding natural, built and historic environment.

The NPPF, in paragraph 192 states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Furthermore, para 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Lynwood forms one of 5 terraced properties which have half hipped slate roofs and brick stacks. The terrace is listed for its architectural detail and the positive impact it has on the surrounding. The proposed works are not directly part of the main building at Lynwood as they seek to remove an existing garage and store which were erected in 2000/2001. A Heritage Impact Assessment has been submitted but this fails to assess the impact on the setting of the Listed Building in any meaningful way. Instead the report sets out the materials and scale of the development.

Officers acknowledge that the development will be to the rear of the property and away from the main historic façade of the building. The character of buildings along Porthcressa Road is very different to that of Church Street and that this is a limiting factor in the impact the development will have on the setting of the Listed Buildings. The existing single storey

garage has a negative impact on the setting of the Historic Buildings and the creation of a two storey extension with only limited reference to listed building will have a further negative impact through the lack of reference to the detail of the Listed Building.

Having said that, from the information available it does appear that the most significant elevation fronting Church Street will be largely unaffected. Therefore, the impact is considered to be lower end of less than substantial impact.

Overall officers consider that the proposed development fails to conserve the heritage assets and therefore is considered contrary to Policy 2 of the Isles of Scilly Local Plan and policies SS2 and LC9 of the Draft Isles of Scilly Local Plan Pre-Submission Draft.

Design and Materials

Policy 2 of the Isles of Scilly Local Plan sets out that development will be permitted, where proposals would contribute to the sustainability of the islands, environment, economy or local communities through conserving or enhancing the landscape through appropriate design including siting, layout, density, scale and external appearance.

Furthermore, policy SS2 requires new development to contribute to the creation of high quality and distinctive, functional and sustainable places. This will be achieved by requiring designs to respond to their local areas creating development which is in keeping with their surroundings have regard to bio-diversity issues and the proposals are accessible to all forms of transport.

Policy LC9 Residential Extensions and Ancillary Accommodation seeks to improve the overall energy performance of the building, ensure there is sufficient space within the existing curtilage without overdevelopment the site or adversely affecting the residential amenity of the site and parking provision.

Paragraph 131. Of the NPPF states that “In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The current single storey garage offers a utilitarian appearance in the street scene. The proposed development seeks to change this by offering a more domestic development for habitable use. The only reference to its use can be found in the Ecological survey which sets out that the erection of a two storey annex. The use of a shallow pitch is contrary to the prevailing surrounding character and does not offer an acceptable response to the local character. Officers also question whether given the shallow pitch of the roof whether natural slates would be viable. Even with modern practice a roof slope should be at least 15% and having reviewed the planning application forms the materials appear to refer to fibre glass tiles, which fails to respect the character of the listed structures to the north. The overall design appears contrived, the 2m set-in from the neighbouring property to accommodate the neighbours side window together with the full width ground floor offers a mismatch. The building is designed to appear as an extension to the adjoining property but the window proportions, eaves line and form of the building offer little resemblance to any surrounding building. In the opinion of the officers the building also fails to offer an acceptable response to

the area as a stand-alone development. While the stepping back of the first floor element will reduce the impact upon the surrounding street scene the design for the reasons given above is considered to fail to offer high quality design.

The proposed development fails to comply with Policy 2 of the Isles of Scilly Local Plan and policies SS2 and LC9 of the Draft Isles of Scilly Local Plan Pre-Submission Draft.

Ecology

Relevant legislation includes the Wildlife and Countryside Act (1981) (as amended); the Countryside and Rights of Way Act, 2000; the Natural Environment and Rural Communities Act (NERC, 2006); and the Conservation of Habitats and Species Regulations (2017) and the EU Habitats Directive. Local planning authorities have a legal obligation to consider whether European protected species are likely to be affected by a proposed development.

The Natural Environment and Rural Communities Act 2006 requires that “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.” Further, The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010), Regulation 9(5) provides that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”. A Local Planning Authority is a competent authority for the purpose of these regulations and is exercising a function in deciding whether or not to grant a planning permission.

Policy 1 of the Isles of Scilly Local Plan sets out that all development should safeguard the statutorily protected plant and animal species of Sites of special Scientific Interest.

Policy OE2 sets out that development which in combination or stand-alone have an adverse impact upon the integrity of an international or European nature conservation designation will need to satisfy the requirements of the Habitat Regulations. The policy continues to development which are likely to result in the loss, deterioration or harm to species or habitats will not be permitted unless the need or benefit outweigh the harm on the relevant biodiversity interest; it can be demonstrated that the development could not reasonably be located in an alternative location; measures to mitigate the harm can be secured through a planning condition.

The application is accompanied by a Preliminary Ecological Appraisal & Preliminary Bat Roost Assessment. The conclusions of the report are that no nesting birds were found in the building. Bats were considered able to access all areas of the building however, no mammal droppings were found on the site. The habitat around surrounding the proposed development suggests limited opportunity for bats to feed and to commute to and from the site. The presence of street lighting further increases the likelihood that bats would use the existing building as a roost.

No conflicting information has been received and therefore the proposal is considered to comply with policy 1 of the Isles of Scilly Local Plan and policy OE2 of the Draft Isles of Scilly Local Plan Pre-Submission Draft.

Residential Amenity

Policy SS2 of the Draft Isles of Scilly Local Plan sets out that development will not be permitted if it is considered to be poor or unsustainable development. In supporting high quality sustainable development proposal should amongst other things safeguard the amenity of individual and properties by addressing issues such as privacy, overlooking, overshadowing, overbearing impacts and unreasonable noise.

The proposed development does not increase any detrimental impact upon the surrounding amenity with regards to the ground floor development. Its scale and massing is similar to that which exists. The use of the ground floor as a bedroom also reinforces that the level of potential overlooking is limited. However, the first floor element of the proposal is considered to have an adverse impact. The occupiers of Penlee Boathouse have objected to the scheme due to the overbearing impact it will have on their property. The first floor element, only 2 m from a first floor window will dominate the internal space, have an adverse impact upon the light to the property. Similar concerns have been raised by the occupants of 9 Buzza Street, which is to the north of the application site. They are concerned that the two storey development will remove any remaining light to their kitchen and invade their privacy. Officers share these concerns and consider the proposal fails to accord with policy SS2 for these reasons.

Other matters

Further concerns have been raised by the occupiers of 33 Porthcressa who are concerned that the construction works will have a detrimental impact upon the holiday business given the noise and dust generated by the development. However, some disturbance during construction is inevitable and subject to an appropriate condition officers consider that this impact could be mitigated to an acceptable level.


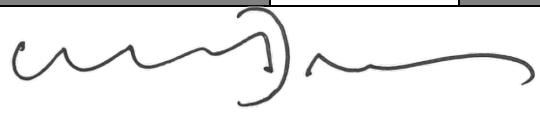
Concern has also been raised regarding the loss of parking. Policy 5 of the Local Plan states that development will be permitted where the proposal would encourage the use of alternative modes of transport other than the private car. Policy SS9 of the Draft Local Plan sets that development which has the potential to generate vehicular movements and car parking will be permitted providing that provision is made to support and promote the use of sustainable transport such as walking, cycling or green vehicles, where appropriate and appropriate off street parking is available. The proposal would see the loss of any off street parking. Local residents have raised this as a concern as this would increase on street parking. However, officers consider the site to be in a sustainable location in easy reach of local services. While there may well be some pressure for parking it is considered that given the sites location many will choice to use alternative modes of transport. Therefore on balance the loss of off street parking is not a reason to refuse the application.

Conclusion

Officers have balanced all of the issues associated with this application and have considered them against both the adopted and emerging plans. Officers consider that the policies within the emerging local plan carry some weight in the decision making process and have had limited objection to them. Overall it is considered that the proposal fails to be of a high quality design and the proposal, if permitted, would have an adverse impact upon the surrounding area and historic environment. The proposal also adversely affects the amenity of 33 Porthcressa Road and Penlee Boathouse due to the close proximity of the development to

the properties and the detrimental impact the proposal will have on the sunlight and privacy of both occupants.

Careful consideration has been given to all the material considerations but none would draw officers to support the proposal. Therefore, the application is recommended for refusal.

Signed: D Kinsella	Dated: 06/11/2019	Signed: 	Dated: 06/11/2019
Planning Officer (ENPA)		Senior Officer Planning and Development Management (CIOS)	
Signed: 			
Senior Manager, Infrastructure and Planning (CIOS)		Dated: 7/11/2019	