

# Council of the Isles of Scilly Delegated Planning Report Householder application

**Application Number:** P/21/001/HH

**Received on:** 5 January 2021

**UPRN:** 000192001544

**Application Expiry date:** 3 March 2021

**Neighbour expiry date:** NONE CONSULTED

**Consultation expiry date:**

**Site notice posted:** 8 January 2021

**Site notice expiry:** 29 January 2021

**Applicant:** Alastair Martin Duchy of Cornwall

**Site Address:** Green Farm Cottage  
Green Lane  
Pelistry  
St Mary's  
Isles Of Scilly  
TR21 0NX

**Proposal:** Re-roofing of the property with natural slate, installation of two additional rooflights to rear slope and re-pointing and restoration of granite stone work.

**Application Type:** Householder

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**Recommendation:** Conditional approval

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## **Summary Conditions:**

1. Standard time limit
2. Adherence to plans
3. Submission of Site Waste Management Plan
4. Submission of Biodiversity Enhancement Measures
5. Hours of Operation for Construction Works

**Have any pre-commencement conditions been agreed with the applicant:**

**YES: SWMP 03/03/2021**

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## Site Description and Proposed Development

Green Farm Cottage is located adjacent to the dwelling at Green Farm, which is located along Green Farm Lane at Pelistry on St Mary's. This is close to the north east corner of the island. The works include a re-roofing to improve thermal efficiency. This includes the removal of the 'scantle' slate and replacement with natural dry lay slate. The proposal also include the insertion of two additional conservation style rooflights in the north elevation and a general re-pointing and repair of stonework.

Certificate: A

Other Land Owners: None

## Consultations and Publicity

The application has had a site notice on display for 21 days ( 08/01/2021–29/01/2021). The application appeared on the weekly list on 11<sup>th</sup> January 2021. Due to the nature of the proposal no external consultations are required.

## Representations from Residents:

No neighbouring properties have been written to directly:

[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 relevant planning history under the adopted or emerging Local Plan.

## Constraints:

Historic Landscape Character      Farmland: anciently enclosed

## 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

<b>Amenity</b>	<b>YES OR NO</b>
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

<b>Heritage</b>	<b>YES OR NO</b>
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
<b>Other Impacts</b>	n/a
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	
Impact on protected trees a) Will this be acceptable b) Can impact be properly mitigated?	n/a
Has the proposal been designed to prevent the loss of any significant wildlife habitats or proposes appropriate mitigation where this has been demonstrated to be unavoidable?	n/a
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	y
Are the Water connection/foul or surface water drainage details acceptable?	y
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

<b>Protected Species</b>	<b>YES OR NO</b>
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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

<b>Waste Management</b>	<b>YES OR NO</b>
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	n
Is a condition required to secure a Site Waste Management Plan	y

<b>Sustainable Design</b>	<b>YES OR NO</b>
Does the proposal materially increase the use of the site to require additional sustainable design measures	n
Does the proposal include any site specific sustainable design measures	y
Is a condition required to secure a Sustainable Design Measures	n

**Analysis:** Complete if any objections to material planning issues or any conflict with policy requirements identified.

**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 the subject to conditions to address waste management and biodiversity enhancement.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 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 December 2005, the development plan for the Isles of Scilly comprises the Isles of Scilly Local Plan 2005: a 2020 vision and following submission to the Secretary of State in September 2019 and subsequent Examination in Public in addition to the receipt of the Inspectors Final Report, confirming the new plan as 'capable of adoption' significant weight is now given to the new Isles of Scilly Local Plan 2015-2030.

The relevant development plan policies that have been taken into consideration are set out below:

### **Isles of Scilly Local Plan, adopted December 2005**

*Policy 1 Environmental Protection* ✓

*Policy 2 Sustainable Development* ✓

Policy 3 Housing

Policy 4 Economic Development

Policy 5 Transport

Policy 6 Infrastructure for Sustainable Communities

Policy 7 Fish and Livestock Processing

Policy 8 Safeguard Power Station, St Mary's

Policy 9 Waste Disposal

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

Policy 11 Uninhabited Islands

Proposal A Housing Sites St Mary's

Proposal B Employment Land, St Mary's

Proposal C Sport and Recreation Facilities, St Mary's

Proposal D Quays

Proposal E Mixed Use Development Tresco

### **Submission Draft Isles of Scilly Local Plan 2015-2030**

#### **Sustainable Scilly**

*Policy SS1 Principles of Sustainable Development* ✓

*Policy SS2 Sustainable quality design and place-making* ✓

Policy SS3 Re-use of Buildings

Policy SS4 Protection of retailing, recreation and community facilities

Policy SS5 Physical Infrastructure

Policy SS6 Water and Wastewater Management

Policy SS7 Flood Avoidance and Coastal Erosion

Policy SS8 Renewable Energy Developments

Policy SS9 Travel and Transport

Policy SS10 Managing Movement

### **Outstanding Environment**

Policy OE1 Protecting and Enhancing the landscape and seascape

Policy OE2 Biodiversity and Geodiversity

Policy OE3 Managing Pollution

Policy OE4 Protecting Scilly's Dark Night Skies

Policy OE5 Managing Waste

Policy OE6 Minerals

Policy OE7 Development affecting heritage

### **Living Communities**

Policy LC1 Isles of Scilly Housing Strategy to 2030

Policy LC2 Qualifying for Affordable Housing

Policy LC3 Balanced Housing Stock

Policy LC4 Staff Accommodation

Policy LC5 Removal of Occupancy Conditions

Policy LC6 Housing Allocations  Choose an item.

Policy LC7 Windfall Housing:  Choose an item.

*Policy LC8 Replacement Dwellings and Residential Extensions* ✓

Policy LC9 Homes in Multiple Occupation

### **Working Communities**

Policy WC1 General Employment Policy

Policy WC2 Home based businesses

Policy WC3 New Employment Development

Policy WC4 Alternative Uses for Business or Industrial land and buildings

Policy WC5 Safeguarding Serviced Accommodation

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

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 and Block Plan, Drawing Number: 10/0799-P01 REV 0**
- **Plan 2 Proposed Elevations, Drawing Number: 10/0733-P03 REV 0**
- **Design and Access Statement**

**These are stamped as APPROVED.**

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the adopted Isles of Scilly Local Plan (2005) and Policy OE1 and OE7(5) of the Emerging Isles of Scilly Local Plan (2015-2030).

**C3 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.

**C4 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 Emerging Isles of Scilly Local Plan (2015-2030).

**C5 Before the dwelling is first occupied details shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate a scheme for the provision of features suitable for bats, which should be appropriate for bats found on St Mary's and in a location(s) suitable for bat roosting. Once approved the works shall be implemented before the next bat active season, following the completion of the development, in accordance with the agreed scheme and thereafter the features shall be permanently maintained.**

Reason: To provide measurable net gains in features suitable to enhance biodiversity at this site in accordance with Policy SS2(g) of the Isles of Scilly Local Plan (2015-2030).

**PRE-COMMENCEMENT CONDITION: Site Waste Management Plan**

**C7 Prior to the commencement of the development, hereby approved, a scheme including details of the disposal of all waste arising from the 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, to be submitted and agreed 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 not eroded by uncontrolled mineral extraction or the tipping of waste. In accordance with the requirements of Policy SS2 (2) of the Isles of Scilly Local Plan (2015-2030).

**Further Information**

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 2019.
2. 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 £34 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.
3. 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 £34 for each request to discharge conditions(s) and this is payable for each individual request made to the Local Planning Authority.
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.

<b>Print Name:</b>	Lisa Walton	03/03/2021
<b>Job Title:</b>	Senior Officer, Planning and Development Management	



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Signed:



**Authorised Officer with Delegated Authority to determine Planning Applications**

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