

Council of the Isles of Scilly Delegated Planning Report Householder application

Sion

Application Number: P/22/015/HH

UPRN: 000192002609

Received on: 25 January 2022

Valid on: 31 January 2022

Application Expiry date: 28 March 2022

Neighbour expiry date: 23 February 2022

Consultation expiry date: n/a

Site notice posted: 2 February 2022

Site notice expiry: 23 February 2022

Applicant: Julie Havlin
Site Address: Rowenruth
Pungies Lane
Telegraph
St Mary's
Isles Of Scilly
TR21 0NS

Proposal: Erection of new garage to replace existing garage and construction of a balcony on west end of property (Amended Plans).

Application Type: Householder

Recommendation: PER

Summary Conditions:

1. Standard time limit (3 years)
 2. In accordance with the approved plans
 3. Garage to remain for car parking and ancillary use only
 4. Details of bat box type
 5. No external illumination
 6. Hours of construction
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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: 20/04/2022

Site Description and Proposed Development

Rowenruth is a large detached two storey dwelling, that was approved as a Local Need replacement dwelling back in 2013 (P/13/043/FUL). Occupation of the property therefore is restricted by a Section 106 legal agreement. Only recently constructed and nearing completion the property is of a traditional design with a slate roof and rough render walls. To the rear there are large picture dormer windows and to the [west] side is an already approved Juliet balcony window.

The proposal is to construct a full balcony, in place of the approved Juliet balcony, and replace the older and original large garage to the front with a modern and more traditional domestic garage. The plans have been amended to reduced the size of the balcony, as it was originally submitted to the full depth of the dwelling, where it was considered to be harmful to the wider character of the conservation area. The size of the balcony therefore is pulled in from the front and rear of the property, 1.8m x 3 metres.

Certificate: A

Other Land Owners: n/a

Consultations and Publicity

The application has had a site notice on display for 21 days (02/02/2022 – 23/02/2022). The application appeared on the weekly list on 7th February 2022. Due to the nature of the proposal no external consultations are required.

Representations from Residents:

Neighbouring properties written to directly:

- Trefusis and Flat above, Pungies Lane
- The Bungalow, Decca Lane

[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 adopted Local Plan but P/13/043/FUL was approved as a replacement dwelling, subject to a Section 106. This was amended in 2015 (P/15/040/NMA) to enlarge the juliet balcony window. In 2015 the pre-commencement conditions were officially discharged (P/15/079/DICON) and a material start made on the implementation of the permission. In 2019 the plot changed hands and a further application was made to amend the plans (P/19/058/ROV).

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Historic Landscape Character: Settlements.

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
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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	y
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	
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 beauty of the AONB	y
Are the Water connection/foul or surface water drainage details acceptable?	n/a
If sited within a Critical Flood Risk Area (low lying land below the 5m datum) is the application accompanied by an acceptable Flood Risk Assessment?	n/a
Are there external lights	n

Protected Species	YES OR NO
Does the proposal include any re-roofing works or other alteration to the roof	y
Does the proposal include any demolition	y
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	n
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

Although the existing garage was required to be removed as part of the proposal, but remains in place, it can be removed at any time. No specific protected species survey was therefore requested as part of the validation process. It is noted that since planning permission was granted to construct the dwelling, bats or other protected species could be present within the garage. So although the application is not for specific relevant demolition of the existing garage, it will be removed as part of the construction of the new garage. The applicant therefore should be reminded of their legal responsibility with respect to protected species and ensure they are not killed or injured and an appropriately licensed bat ecologist is sought should bats be found within the structure. The applicants have confirmed they will consult with the IOS WTrust prior to demolition and seek advice on the type of bat box to be installed on the garage. A condition is, however, recommended to ensure that the details of the bat box are approved and it is installed as approved.

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 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 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	

Info Requirements	Submitted (LVC)	Not Submitted	Condition Required
Site Waste Management Plan	✓		n
Sustainable Design Measures		✓	n

Biodiversity Enhancement Measures:		✓	y
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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, date stamped 25/01/2022**
- **Plan 2 Proposed Block Plan, date stamped 08/04/2022**

- **Plan 3 Proposed Balcony AMENDED, date stamped 08/04/2022**
- **Plan 4, Existing and Proposed Garage, date stamped 25/01/2022**
- **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 OE1 and OE7 of the Isles of Scilly Local Plan (2015-2030).

- C3 The garage, hereby permitted, shall retain a vehicle parking space and shall not be used or occupied at any time other than for purposes ancillary and incidental to the residential use of the dwelling known as Rowenruth, and shall not be used for any other purpose.**

Reason: The Local Plan sets out maximum space standards for permanent dwellings and the use of the garage as additional accommodation would be contrary to the requirements of Policy LC8. Additionally, the creation of any separate residential or commercial use within the garage would require further assessment in terms of highway safety and the general amenity of the area.

- C4 Prior to the first use of the garage, hereby approved, details of the type bat box shown on drawing number CH-PG-1a (referenced as Plan 4 in condition 2) shall be submitted to and approved in writing by the Local Planning Authority. The type of bat box approved shall be installed prior to the first bat active season, following completion of the development and be retained as such thereafter.**

Reason: In the interests of securing appropriate and proportionate biodiversity net gains at this site in accordance with Policy OE2, SS1(d) and SS2(g) of the Isles of Scilly Local Plan (2015-2030).

- C5 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).

PRE-COMMENCEMENT CONDITION: Site Waste Management

- C6 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 adequate consideration is given to the minimisation of unnecessary waste generation, and adherence to the waste hierarchy, in accordance with the requirements of Policy SS2 (2) and Policy OE5 of the Isles of Scilly Local Plan 2015-2030.

C7 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 the islands.

Print Name:	Lisa Walton	29/04/2021
Job Title:	Chief Planning Officer	
Signed:		
	Authorised Officer with Delegated Authority to determine Planning Applications	