

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/22/025/ROV
UPRN: 000192001037
Received on: 10 March 2022
Valid on: 14 March 2022
Application Expiry date: 9 May 2022
Neighbour Expiry date: 4 April 2022
Consultation expiry date: N/A
Site notice posted: 14 March 2022
Site notice expiry: 4 April 2022

Applicant: Mark And Kate Ward
Site Address: Reculver
4 Lower Strand
Hugh Town
St Mary's
Isles of Scilly
TR21 0PS

Proposal: Variation of condition 2 (Approved Plans) of planning permission P/20/102/HH (Removal of existing rear extensions, new rear extension and new rear dormer window.) to change from scantle to slate roof on rear elevation.

Application Type: Removal or Variation of Condition

Recommendation: Permit the variation of condition 2

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: Dan Marcus

Date: 07/04/2022

Site Description and Proposed Development

Reculver is a mid-terrace granite cottage on Lower Strand. It is a modest two storey property that adjoins a Grade II listed building along its west boundary. The application site and properties to the east are not otherwise designated, other than being within the Conservation Area. The site backs on to a pathway between the rear of the Museum Flats and Lower Strand and is enclosed by a high boundary wall and gated access.

The proposal is to amend the previously approved plans under P/20/102/HH to specifically include the replacement of the rear facing roofslope from scantle to a dry-lay natural slate. The already approved works include replace the single storey flat roof rear extensions, with a simple single extension which will run to the width of the plot, simplifying the appearance of the rear elevation. In addition a first floor gable window will be replaced with a more traditional window and the small dormer window will be replaced with a wider and higher dormer window. The single rear extension on the ground floor will be a simple structure with solar panels on the roof and vertical timber cladding with full height glazed windows and doors opening out into the private rear garden. UPVC windows will be replaced with painted timber and doors will be powder coated aluminium.

Certificate: A

Other Land Owners: None

Consultations and Publicity

The application has had a site notice on display for 21 days (14th March 2022 – 4th April 2022). The application appeared on the weekly list on 21st March 2022. Due to the nature of the proposal no external consultations are required.

Representations from Residents:

Neighbouring properties written to directly:

- 1 & 2 Minmow Flats, 3 Lower Strand
- Cut Loose, Seawaves & 5 Lower Strand, 5 Lower Strand
- Zuma, Church Street
- Lower & Upper Flat, Dunmallard, Church Street

[0] letters of objection have been received.

[0] letters of support have been received.

[0] letters of representation have been received.

Relevant Planning History:

Planning history relevant under the adopted 2015-2030 Local Plan:

- P/20/102/HH Removal of existing rear extensions, new rear extension and new rear dormer window (Amended Plans). (Approved 24/06/2021)

Planning history relevant under previous local plans:

- P3422 Conditional permission granted for the erection of extension for bed sitting room (as illustrated on Drawing 02). (Approved 11/08/1992)

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Historic Landscape Character Type: Settlements.
- Adjacent property is a Listed Buildings ID: DCO14355. Grade: II. Name: SIMPSON'S SHOP

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

Amenity	YES OR NO
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	y
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	y
Is the proposal acceptable with regard to any significant change or intensification of use?	y

Heritage	YES OR NO
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	y
If within the setting of, or a listed building, a) Will the development preserve the character and special architectural or historic interest of the building? b) Will the development preserve the setting of the building?	y
Within an Archaeological Constraint Area	n
Other Impacts	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?	
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	y
Are biodiversity enhancement measures required	y
Is a condition required to provide biodiversity enhancement measures	y

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	y

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

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.

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		✓	y
Sustainable Design Measures		✓	
Biodiversity Enhancement Measures:		✓	

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:

- **Location and Block Plan, Drawing number: RC01 Dated Dec 2020**
- **AMENDED Proposed First Floor Plan, Drawing number: RC09B, Dated Dec 2020**
- **Proposed Ground Floor Plan, Drawing number: RC08A, Dated Dec 2020**
- ~~AMENDED Proposed Rear Elevation, Drawing number: RC13A, Dated~~

~~Dec 2020~~

- **Proposed Section 1, Drawing number: RC10, Dated Dec 2020**
- ~~Proposed Section 2, Drawing number: RC11A, Dated Dec 2020~~
- **Proposed Section 3, Drawing number: RC12, Dated Dec 2020**
- **Bat Presence/Absence Survey, Ref: BS40-2020PAS Dated 9th June 2021 (avoidance, mitigation and enhancement)**
- **Proposed Section 2, Drawing number: RC11B, Dated MAR 2022**
- **AMENDED Proposed Rear Elevation, Drawing number: RC13B, Dated MAR 2022**

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 Policy OE7(5) of the 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, other than those included in the application, 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 Submission Draft 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 and re-enacting that Order with or without modification), no further 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, 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.
- C6 As part of the implementation of the development, hereby approved, a new bat roosting site should be installed upon completion of the development.**

This should comprise a free-standing 'Kent' style bat box which would be sited at the apex of the rear (south facing) gable end of the building, as high as possible but below the fascia board, in accordance with Appendix C of the Bat Presence/Absence Survey, dated 9th June 2021. The bat box shall be installed during the first bat inactive season, following the completion of the development, in order to ensure opportunities for roosting habitat are provided. The bat box should be permanently retained thereafter.

Reason: In order to enhance habitats and to safeguard bats which are specifically protected by law. 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).

- 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. **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. **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 (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. **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. The fee is £34 for each request to discharge conditions(s). The fee is payable for each individual request made to the Local Planning Authority.
4. **Discovery of Bats:** 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.

5. **Fire Safety and Holiday Rental Advice.** If the proposal is for a holiday rental premises. The Responsible Person should ensure the proposal complies with current Fire Safety Legislation and Guidance as this differs from Building Regulations before being used as a holiday rental.
6. **General Fire Safety Compliance:** The Fire Authority must be consulted when the proposal is submitted for its Building Regulation consultation. **ACCESS FOR FIRE APPLIANCES:** Access for fire appliances within the site will be considered satisfactory providing it complies with Part B5 of Approved Document B, Vehicle Access. **WATER SUPPLIES:** The proposed water supplies for firefighting purposes within the site do not appear to be satisfactory. Adequate water supplies for Firefighting purposes will be achieved by: 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. Important: We strongly recommend the installation of 32mm pipe (communication pipe) between the water main and all domestic premises to allow for the provision of fire sprinkler system to be installed in the future.

Print Name:	Lisa Walton	09/05/2022
Job Title:	Chief Planning Officer	
Signed:		
Authorised Officer with Delegated Authority to determine Planning Applications		