

Council of the Isles of Scilly

Delegated Planning Report

Householder application

Application Number: P/23/031/HH

UPRN: 000192001274

Received on: 22 May 2023

Valid on: 25 May 2023

Application Expiry date: 20 July 2023

Neighbour expiry date: 15 June 2023

Consultation expiry date: 15 June 2023

Site notice posted: 25 May 2023

Site notice expiry: 15 June 2023

Extension of Time Date: 21 July 2023

Applicant: Mr And Mrs Davis

Site Address: Lowenva
Church Road
Hugh Town
St Mary's
Isles Of Scilly
TR21 0NA

Proposal: Extension and alterations to existing bungalow.

Application Type: Householder

Recommendation: Permit

Summary Conditions:

1. Standard time limit (3 years)
2. In accordance with the approved plans
3. No holiday let use or split of the accommodation
4. Biodiversity enhancement (install bat box)
5. No external illumination
6. SWMP
7. No other extensions
8. Hours of Construction

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: 03/07/2023

Site Description and Proposed Development

Lowenva is a modest detached bungalow, constructed in the 1960s as a summer residence for and by former UK Prime Minister Harold Wilson. The property is situated at the top of Church Road, on the Junction with Pilots Retreat/Matthews Field in Hugh Town. The property is not a listed building and has no special architectural interest.

As a 3-bed single storey unit of accommodation with a modest 71 square meters of gross internal floorspace, it falls below modern minimum space standards for a property of this size. The current minimum space standards for a three bedroom single storey property with 5 people sharing is 86 square metres. (17% below the minimum space standards.

The current proposal seeks to achieve a legibility of the original Wilson property, with a glazed linking extension to new extension on south side of the front garden. To the rear (east side) it is proposed an extension to the main (original dwelling). The dwelling will be retained as a single storey property but would deliver a larger 4-bed property that complies with the minimum space standards. The resulting property would have a total gross internal floorspace of 152 square metres which is above the minimum space standards for a property of this size. Based on 8 persons sharing, this equates to 30% above the minimum (i.e. within the maximum set for residential extensions, prescribed in Policy LC8.

Certificate: A

Other Land Owners: n/a

Consultations and Publicity

The application has had a site notice on display for 21 days (25/05/2023 –

15/06/20023). The application appeared on the weekly list on 30th May 2023 Due to the nature of the proposal **one external** consultations has been required. This was to Cornwall Fire and Rescue. No response was received.

Representations from Residents:

Neighbouring properties written to directly:

- Windward, Church Road
- Cadwallen, Church Road,
- Guthers, Church Road
- Apple Tree, 2 Matthews Field Church Road
- Nerina, Church Road,
- Rosemerryn, Church Road

[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 or 2005 Local Plans. The following applications have previously been considered (assessed under substantially older local plans):

P0226	Erection of bungalow	Permitted 1959
P1508	The erection of a reception room	Refused 1976
P1558	The provision of dining room extension	Refused 1976
P1584	he erection of an extension for a dining room	Refused 1976

Constraints:

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

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	y

prevent the proposal appearing as an overdevelopment of the site and to ensure an adequate level of amenity?	
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

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 Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	n/a
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
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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	n
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	N
If Yes, does the LVC confirm they are happy with a pre-commencement condition:	Y

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	y
Is a condition required to secure a Sustainable Design Measures	n

Conclusion: The property is, from a local and visitor interest perspective, notable as the former summer residence, built by and for, former UK Prime Minister, Harold Wilson. The property remained in the Wilson Family until Lady Wilson died in 2018. The current owners purchased the property whereupon it became a permanently occupied family home.

The proposed extension seeks to retain legibility of the original Wilson residence whilst sensitively enlarging this to meet modern space standards, as a home that is now permanently occupied. The scale and design are acceptable. A good sized garden will

be retained to the front and the siting of the front/side extension is sufficiently set back , in terms of the alignment with Windward as to not impeded upon the outlook of that neighbouring property. Although prominently situated at the top of a hill, the dwelling will remain as a single storey house with improvements to its size and sustainability.

I consider the original dwelling does not reflect the traditional or 'scillonian' style that characterises parts of the islands or the historic buildings within Hugh Town. I do consider that it does reflect the single storey bungalows and dormer bungalows of this later development of Hugh Town, along Church Road. The proposal, in my view, preserves the wider character of the conservation area in accordance with Policy OE7(5)

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 Section 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		✓	✓
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:**
- Plan 1 Location Plan, drawing number 2025-P06, dated May 2023
 - Plan 2 Block Plan, drawing number 2025-P06, Rev A, dated February 2023
 - Plan 3 Proposed Elevations, drawing number 2025-P05, Rev A, dated May 2023
 - Plan 4 Proposed Plans, drawing number 2025-P03, dated February 2023
 - Preliminary Roost Assessment , Ref: 2021/02 dated 27th August 2021 (bat mitigation Appendix 1 and enhancement measures, pages 4/5)
 - Design and Access Statement (sustainability measures)
- 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 residential extension, hereby permitted, shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Lowenva, Church Road and shall not be severed from the main house as a separate dwelling or otherwise used as a separate holiday let.**
Reason: The creation of an additional independent residential unit on the site, that is not for local need, would be contrary to Policies LC1 and LC2 of the Isles of Scilly Local Plan (2015-2030).
- C4 Within six months of the substantial completion of the extension, hereby approved, a minimum of one bat box, as set out in the Ecological Assessment (page 4/5) Ref: 23-5-2, dated 1st June 2023, shall be installed as recommended 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 Plan

C6 Prior to the commencement of the development, hereby approved, a scheme including details of the sources of all building materials and the means/location of disposal of all demolition material and all waste arising from building works, including excess material from excavations, shall be submitted to and agreed in writing with the Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions or alterations (Class A, Part 1), alterations to the roof (Class B and C, Part 1), porches (Class D, Part 1) or curtilage buildings (Class E, Part 1) shall be erected or constructed without the prior permission, in writing, of the Local Planning Authority, through the submission of an application for planning permission

Reason: To control any subsequent enlargements in the interests of the visual and residential amenities of the locality and in the interests of the affordability of the dwelling and the local housing stock. In accordance with Policy LC8 of the Isles of Scilly Local Plan (2015-2030)

C8 No construction plant and/or machinery shall be operated on the premises, as part of the implementation of this permission, before 0800 hours on Mondays through to Saturdays nor after 1800 hours. There shall be no works involving construction plant and/or machinery on a Sunday or Public or Bank Holiday.

Reason: In the interests of protecting the residential amenities of the islands.

Informatives

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 2021.
2. 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 current £34 for each request to discharge condition(s) where the planning permission relates to a householder application. The fee is payable for each individual request made to the Local Planning Authority. You are advised to check the latest fee schedule at the time of making an application as any adjustments including increases will be applied: https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf
3. 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 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. There is a fee to apply for a non-material amendment and the most up to date fee will be charged which can be checked here: https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf
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.
 5. This decision is not a determination under the Building Regulations. Please ensure that all building works accord with the Building Regulations and that all appropriate approvals are in place for each stage of the build project. You can contact Building Control for further advice or to make a building control application: buildingcontrol@cornwall.gov.uk.
 6. Registering for appropriate Business Rates/Council Tax or updating an existing record: To ensure appropriate contributions, are made to fund services provided by or on behalf of the Council on the Isles of Scilly please ensure you contact the Council's Revenues Department: revenues@scilly.gov.uk.

Print Name:	Lisa Walton	21/07/2023
Job Title:	Chief Planning Officer	
Signed:		
Authorised Officer with Delegated Authority to determine Planning Applications		