

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

**Application Number:** P/23/037/FUL

**UPRN:** 000192001449

**Received on:** 2 June 2023

**Valid on:** 13 June 2023

**Application Expiry date:** 8 August 2023

**Neighbour expiry date:** 4 July 2023

**Consultation expiry date:** 11 July 2023

**Site notice posted:** 13 June 2023

**Site notice expiry:** 4 July 2023

**Applicant:** Ms Kelly Wood  
**Site Address:** Beverly Hills  
7 Pilots Retreat  
Hugh Town  
St Mary's  
Isles Of Scilly  
TR21 0PB

**Proposal:** Re-configuration of 2 no. existing dwellings into 2 no. 3 bedroom dwellings including extension and dormer windows at rear.

**Application Type:** Planning Permission

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**Recommendation:** Permitted subject to a S106

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## **Summary Conditions:**

1. Standard time limit
2. Adherence to plans
3. Hours of Operation for Construction Works
4. No external lighting
5. No further extensions
6. Adherence to ecological mitigation

**Extension of time agreed until:** 29/09/2023

**Section 106 Signed/Sealed:** 26/09/2023

## 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: 04/07/2023

## Site Description and Proposed Development

Beverly Hills is a large detached local need home with a converted basement flat. Both properties are covered by a Section 106 Legal Agreement which restricts occupation of both units to qualifying local persons only.

Pilots Retreat is a small residential cul-de-sac which has a single access road and turning head at its south east end. Beverly Hills is located on the south west side of the road, on a slope, so its garden is level with the first floor and the basement is accessed through the ground floor. Steps access the main entrance from the front.

The proposal is to split the property into two 3-bedroom properties, with one unit having a kitchen extension on the rear.

Certificate: A

Other Land Owners: None

## Consultations and Publicity

The application has had a site notice on display for 21 days (13/06/2023–04/07/2023). The application appeared on the weekly list on 19<sup>th</sup> June 2023. Due to the nature of the proposal the following consultations were required.

Consultee	Date Responded	Summary
Cornwall Fire & Rescue	10.07.2023	Fire authority must be consulted at building regulations stage. If for holiday rental must comply with current Fire Safety Legislation and Guidance (different to building regulations)

South West Water	22.06.2023	Foul drainage authorised to connect to public network. Proposed discharge of surface water to public combined sewer not authorised. Applicant must demonstrate that they will discharge as high up the hierarchy of drainage options as practicably possible.
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### Representations from Residents:

Neighbouring properties written to directly:

- Carn Kimbra, Islander,
- Basement Flat (3 Pilots Retreat),
- 3 Pilots Retreat
- Schiller, Pilots Retreat
- Colossus, Pilots Retreat
- Buccabu, Church Road
- Carntop, 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 2005 Local Plan or the adopted 2015-2030 Local Plan. Planning permission to construct the property was approved in 2000. P4748 granted planning permission for the dwelling as constructed which was followed in 2013 with an application to regularise the lower ground floor as a self-contained flat. P/13/044/ was approved in October 2017 (once the S106 was signed) after initially going to Planning Committee in September 2013.

### Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Archaeological Constraint Area – King Edwards Road – 90m
- Scheduled Monument – Platform Cairn – 130m
- Listed Building – Chaplaincy (Grade II) – 200m
- SSSI – Lower Moors – 170m
- Flood Prone Land – St Mary’s – 105m
- Historic Landscape Character Settlement

## Planning Assessment

<b>Design</b>	<b>YES OR NO</b>
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

<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	
<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	y

been demonstrated to be unavoidable?	
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>
Does the proposal include any re-roofing works or other alteration to the roof	n
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	n/a
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	y
Is a condition required to secure a Site Waste Management Plan	n

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

**Analysis:** The proposal is to reconfigure an existing large, detached house with a self-contained flat in the basement. Both the main house and the basement flat are covered by an existing Section 106 agreement, which restricts occupancy to those with an established qualifying local need. The s106 has been modified to reflect this proposed split of the property.

Due to the slope of the site originally, the basement is actually at road level, and the first floor is level with the rear garden. The proposal is to split the building vertically down the middle creating a pair of semi-detached houses over three floors: ground floor, first floor and roofspace accommodation.

The main alterations and extension are proposed to the rear of the building, with a dormer window and kitchen extension on the rear and some fenestration changes on the front.

As existing the applicant states that the main house (first and second floors) comprise a large 4-bedroom dwelling and the ground floor is a good sized two-bedroom flat. There remains a garage within the ground floor with extensive storage space.

The proposal is to reconfigure the property with a vertical split, into two, three-bedroom houses, as a pair of semi-detached properties. This will see the loss of the existing garage. Each property will be over three floors and have three bedrooms.

Currently this property is well-above the Nationally Described Space Standards, as these were not a policy requirement when Beverly Hills was permitted and constructed. The proposal will see this large property split into two good-sized three/four-bedroom homes. The figures submitted suggest the left-hand side property would comprise 159m<sup>2</sup> of gross internal floor space (GIF) and the right hand side property would have 153m<sup>2</sup> GIF. Four-bedroom homes over three floors should achieve a minimum of 130m<sup>2</sup>. Policy LC3 expects any new housing created to achieve the minimum space standards and be no more than 30% above as a maximum. The LHS property does meet the minimum and is 22% above as a 4-bedroom property. The RHS property also meets the minimum and is 17% above as a 4-bedroom property. Relative to the size of the original house with a combined gross internal floorspace of almost 300m<sup>2</sup>, I consider this change is acceptable.

The dormer window extensions on the roof allow for a greater amount of usable floorspace in the attic and the kitchen extension on the rear although not essential to achieve the space standards, does result in a home that is within the 30% maximum. Extensions on the rear elevation do not give rise any wider landscape harm or result in overlooking of neighbouring properties.

I think roofing materials and walling materials to match the existing dwelling are acceptable and would not give rise to any visual harm. The proposal would be in keeping with the character of the existing dwelling and would have a neutral impact upon the wider character of the conservation area.

No neighbouring amenity issues were identified, no trees or hedges require removing and the property has been assessed from a protected species perspective. The recommendation to include enhancement opportunities for species should be conditioned.

As this is already a property that comprises two units of accommodation, I am satisfied that there is no significant intensification in use. Policy LC7 requires windfall housing to be located within or well related to existing settlements on St Mary's. This site is located within the settlement of Hugh Town.

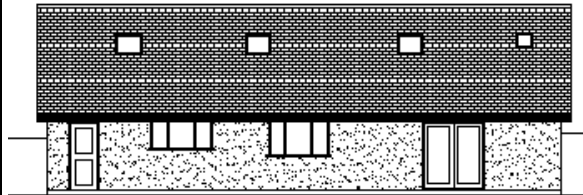
Existing Front elevation



Proposed Front Elevation



Existing Rear Elevation



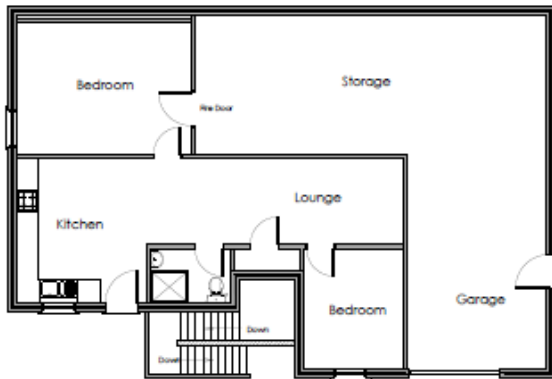
Proposed Rear Elevation



West (Rear) Elevation  
No. 2

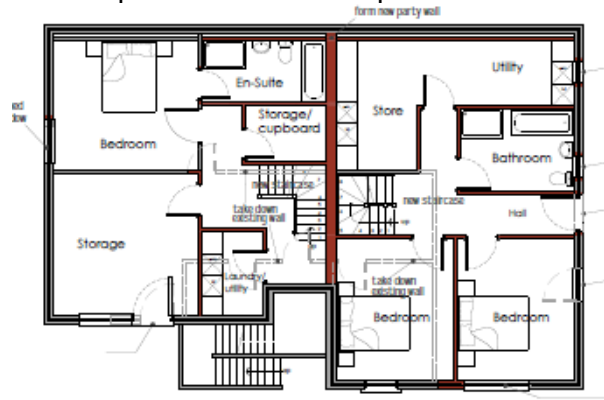
No. 1

Existing Ground Floor Plan



Ground Floor area 121.56 SqM

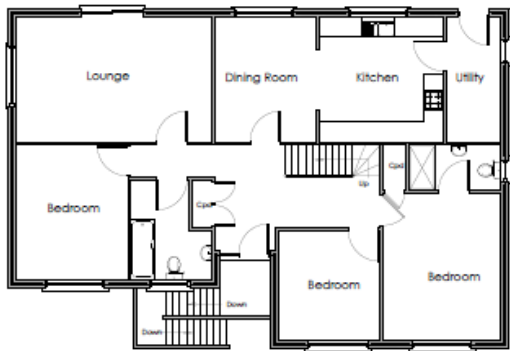
Proposed Ground floor plan



GROUND FLOOR PLAN - No.1  
area 56.50sqM

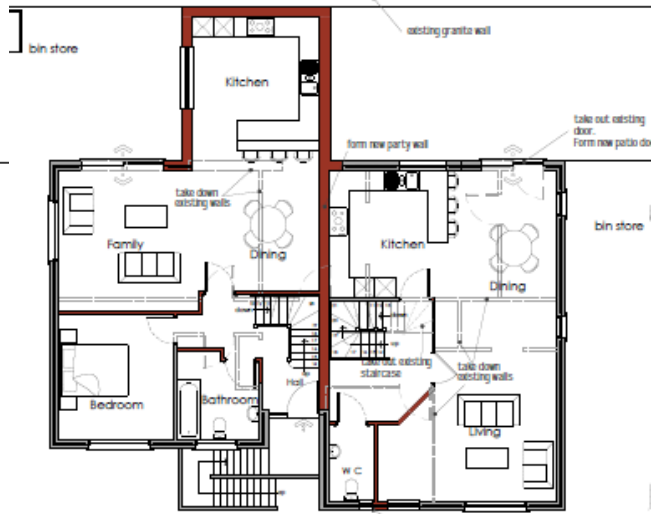
GROUND FLOOR PLAN - No.2  
area 49.50sqM

Existing First floor plan

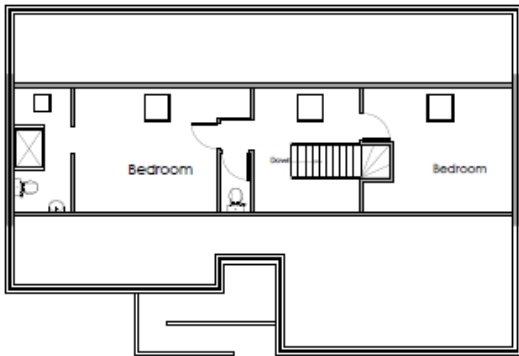


First Floor area 100.46 SqM

Proposed first floor plan

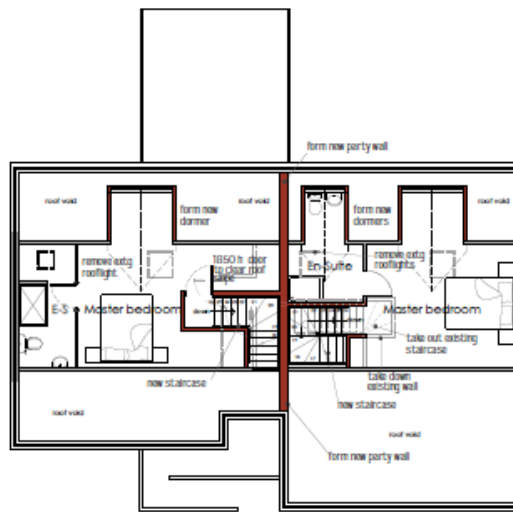


Existing second floor plan



Second Floor area 51.84 SqM

Proposed second floor plan



SECOND FLOOR PLAN - No.1 area 29.92 SqM

SECOND FLOOR PLAN - No.2 area 28.22 SqM

**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/imposed conditions to enable the grant of planning permission.



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 & Block Plan, date stamped: 09/06/2023
  - Plan 2 Proposed Elevations, date stamped: 09/06/2023
  - Plan 3 Proposed Floor Plans, date stamped: 09/06/2023
  - Site Waste Management Plan, date stamped: 02/06/2023
  - Preliminary Roost Assessment, ref: 23-5-4, report dated 19th June 2023 and date stamped 26/06/2023 (bat and bird mitigation and enhancement)
- 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** 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.
- 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 Submission Draft Isles of Scilly Local Plan (2015-2030).
- C5** 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 subsequent extensions (Class A, Part 1), alterations to the roof (Class B and C, Part 1) or chimneys, curtilage buildings (Class E, Part 1), flues (Class G, Part 1) or any means of enclosure (Class A, Part 2) shall be erected or constructed on/within the curtilage of either property, hereby permitted, 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 in accordance with Policy LC3 of the Isles of Scilly Local Plan (2015-2030).
- C6** Within six months of the substantial completion of the works, hereby approved, a minimum of one bat box, as set out in the Preliminary Roost Assessment, ref: 23-5-4, report dated 19th June 2023 and date stamped 26/06/2023, 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).

### 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 2021.
2. **SECTION 106 AGREEMENT:** The planning permission hereby approved is subject of a section 106 agreement to control the occupancy of the dwellings to ensure it contributes towards the housing need of the local community.
3. **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 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.
4. **Registering for appropriate Business Rates/Council Tax:** 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](mailto:revenues@scilly.gov.uk) to inform them about the changes to this property.
5. **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.
6. **Building Control:** 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:  
[buildingcontrol@cornwall.gov.uk](mailto:buildingcontrol@cornwall.gov.uk).
7. **South West Water:** The application states surface water is proposed to discharge to the public combined sewer, this is not authorised and will require authorisation from South West Water. The applicant will need to demonstrate that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):
  - Discharge into the ground (infiltration); or where not reasonably practicable,
  - Discharge to a surface waterbody; or where not reasonably practicable,
  - Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
  - Discharge to a combined sewer.( Subject to Sewerage Undertaker carrying out capacity evaluation) You can contact the Pre Development Team on 01392 442836 or via email: [DeveloperServicesPlanning@southwestwater.co.uk](mailto:DeveloperServicesPlanning@southwestwater.co.uk) Quote reference number HS 210623 TR21 0PB in all communications and correspondence about this property.
8. **Fire Safety:** The Fire Authority must be consulted when the proposal is submitted for its Building Regulations approval.

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**Print Name:**


Lisa Walton

27/09/2023

**Job Title:**

Chief Planning Officer

**Signed:**



Authorised Officer with Delegated Authority to determine Planning Applications

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