

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/23/098/ROV

UPRN: 000192002874

Received on: 4 December 2023

Valid on: 21 December 2023

Application Expiry date: 15 February 2024

Neighbour expiry date: 11 January 2024

Consultation expiry date: N/A

Site notice posted: 22 December 2023

Site notice expiry: 12 January 2024

Applicant: Mr And Mrs Gilbert

Site Address: Plot A Sea View
Mcfarland's Down
St Mary's
Isles Of Scilly

Proposal: Application to vary condition C2 (Approved Plans) of planning permission P/22/004/FUL (Construction of new dwelling and associated infrastructure. (Re-submission of planning application P/20/104/FUL)) to allow for 1) an additional dormer window to allow further bedroom height; 2) the change of a north facing front door to an east facing front door to allow more light and airflow; 3) widen the property by 50cm to accommodate a downstairs office and staircase. (Amended Title)

Application Type: Removal or Variation of Condition

Recommendation: Condition to be Varied

C2 The development hereby permitted shall be carried out in accordance with the approved details only including:

- Plan 1 Location Plan, Drawing Number 10/0380A-P1, Rev A Dated 02.06.20
- ~~Plan 2 Proposed Site Layout Plan, Drawing Number 10/0380A-P4, Rev A, Dated 02.06.20~~
- Plan 2B Block Plan As Proposed – Plot A, Drawing Number 23/0520 002 Rev A, Dated 03/01/2021
- ~~Plan 3 Proposed Plans and Elevations, Drawing Number 10/0380A-P5, Rev A Dated 03.06.20~~
- Plan 3B Elevations as Proposed Plot A, Drawing Number 23/0520 004 Rev A, Dated 01/11/2023
- Plan 3C Floor and Roof Plans as Proposed Plot A, Drawing Number 23/0520 003 Rev A, Dated 01/11/2023
- Plan 4 Design and Access Statement
- Plan 5 Sustainable Design Measures
- Plan 6 Preliminary Ecological Appraisal 23/03/2020 Ref: BS27-2019

These are signed and stamped as APPROVED

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: 08/02/2024

Site Description and Proposed Development

See agenda item 8 on 15th March 2022 Full Council:

<https://committees.scilly.gov.uk/documents/s29026/P-22-004%20005%20006%20Committee%20Report.pdf>

Planning permission has been granted to demolish an existing dwelling and replace it creating two additional plots for new dwellings (3 in total) on the land. This application is to vary some of the details of the final design for the most southerly plot, plot A as listed below. All other details remain as approved.

- 1) an additional dormer window to allow further bedroom height;
- 2) the change of a north facing front door to an east facing front door to allow more light and airflow;
- 3) widen the property by 50cm to accommodate a downstairs office and staircase.

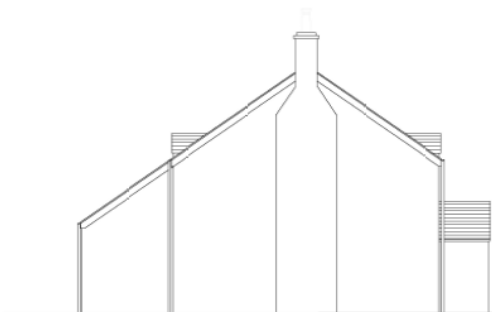
Certificate: B

Other Land Owners: Mr & Mrs Clark, Mr N Praeger, Mr & Mrs Evans

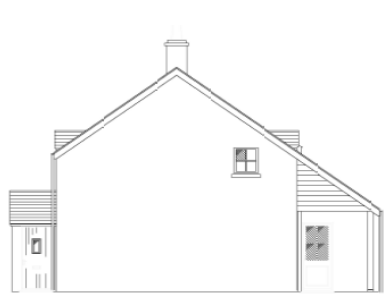
Approved Elevations:



East Elevation



South Elevation



North Elevation

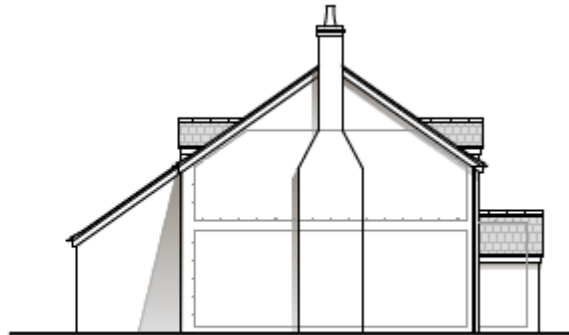


West Elevation

Proposed Elevations:



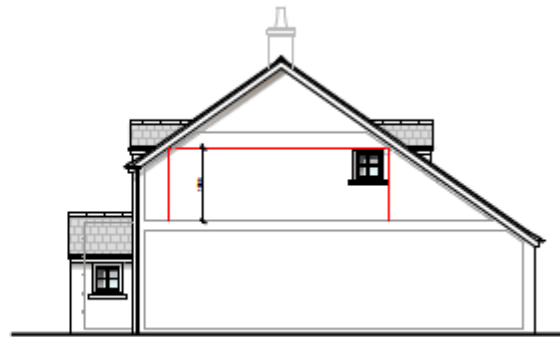
East Elevation



South Elevation

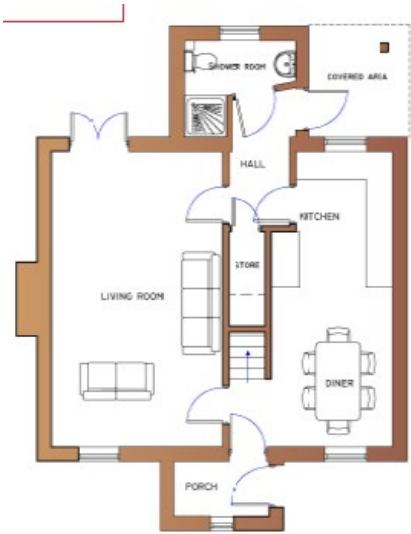


West Elevation



North Elevation

Approved Floor Plans

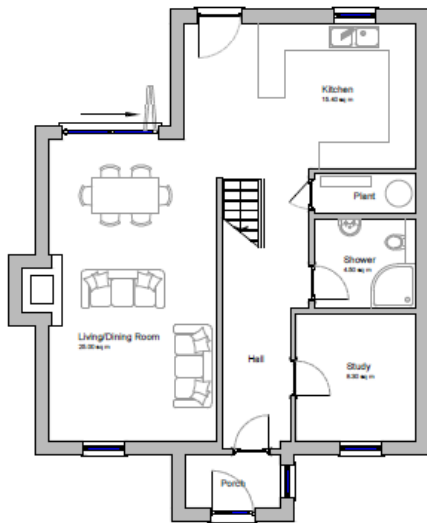


Ground Floor Plan

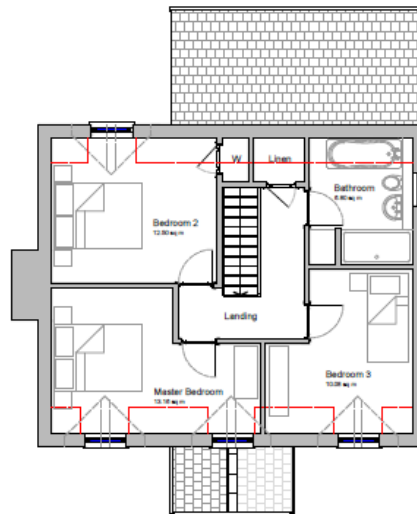


First Floor Plan

Proposed Floor Plans



Ground Floor Layout GIFA: 58.50 sq m

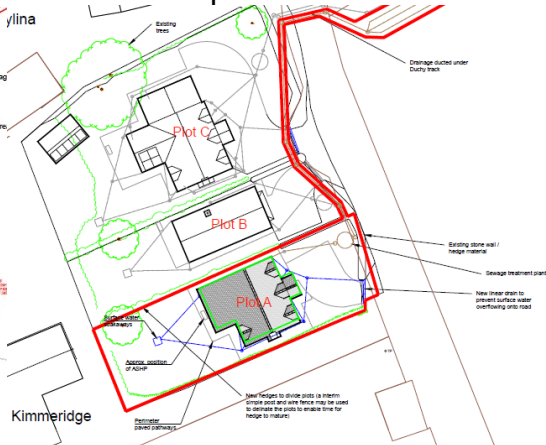


First Floor Layout GIFA: 55.20 sq m

Approved Site Plan:



Proposed Site Plan:



Consultations and Publicity

The application has had a site notice on display for 21 days (22/12/2023–12/01/2024). The application appeared on the weekly list on 4th January 2024. Due to the nature of the proposal no external consultations are required.

Representations from Residents:

Neighbouring properties written to directly:

- Trewerne & Tower View, Pungies Lane
- Kimmeridge, McFarland's Down

[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:

Planning history is covered in the previously approved planning application P/22/004/FUL, as linked above.

Also, since approval of the 3 dwellings, the following amendments:

- P/23/014/ROV: Plot C – Variation of condition 2 (Approved Plans) of planning permission P/22/006/FUL (Demolish existing bungalow and construction of new dwelling and associated infrastructure) to make amendments to the design of the approved dwelling. Granted April 2023
- P/23/065/ROV: Plot B - Variation of condition 2 (Approved Plans) of planning permission P/22/005/FUL (Construction of new dwelling and associated infrastructure. (Re-submission of planning application P/20/105/FUL)) to allow for the 1) Installation of solar PV panels; 2) erection of shed; 3) alterations to internal layout and windows; 4) alteration of horizontal cladding to vertical at first floor level. Granted October 2023

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?	N/A

Amenity	YES OR NO
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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?	Y
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?	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	N/A Refer to approved P/22/004
Does the proposal include any demolition	N/A
Does the proposal include tree or hedge removal	N/A
Is an assessment of impact on protected species required	N/A
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	N/A
Are biodiversity enhancement measures required	N/A

Is a condition required to provide biodiversity enhancement measures	N/A
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Waste Management	YES OR NO
Does the proposal generate construction waste	N/A Refer to approved P/22/004
Does the proposal materially increase the use of the site to require additional long-term waste management facilities	N/A
Does the proposal include a Site Waste Management Plan	N/A
Is a condition required to secure a Site Waste Management Plan	N/A

Sustainable Design	YES OR NO
Does the proposal materially increase the use of the site to require additional sustainable design measures	N/A Refer to approved P/22/004
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

Analysis:

Reference Number	Bedrooms	Bed spaces	Proposed Floorspace GIF	Policy LC8 & LC3 Space Standards		Increase above the minimum space standard
				Min (2 storey)	Max (30% above biggest size for bedrooms)	
P/22/004	3	5	105m ²	93m ²	121m ²	13%
P/23/098	3	5	125m ²	93m ²	121m ²	34%
P/23/098 Potential	4	6	125m ²	106m ²	138m ²	20%

The proposed amendments do not significantly alter the appearance of the property or in a way that is deemed to detract from the existing dwelling, street scene or wider character of the conservation area. On this basis the main consideration is the increase in the size of the dwelling as a result of infilling the section at the rear and widening the property by 0.5m.

On plan the proposal is a 2 storey, 3 bedroom, 5 person dwelling. The gross internal floorspace is calculated at 125m² which is 34% (4m²) above the 30% tolerated by policy LC8. The applicant does propose that the ground floor study room would be used for an dependent relative in the future which would create a 4 bedroom 6 person dwelling. This would then be only 20% above the minimum space standard.

Given that the property is subject to occupancy restrictions through a section 106 planning obligation it is considered that the proposed increase in floorspace is

acceptable in this case. The home although now larger, is secured in perpetuity for local housing need.

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	

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 Varied Condition:

C2 The development hereby permitted shall be carried out in accordance with the approved details only including:


- **Plan 1 Location Plan, Drawing Number 10/0380A-P1, Rev A Dated 02.06.20**
- ~~Plan 2 Proposed Site Layout Plan, Drawing Number 10/0380A-P4, Rev A, Dated 02.06.20~~
- **Plan 2B Block Plan As Proposed – Plot A, Drawing Number 23/0520 002 Rev A, Dated 03/01/2021**
- ~~Plan 3 Proposed Plans and Elevations, Drawing Number 10/0380A-P5, Rev A Dated 03.06.20~~
- **Plan 3B Elevations as Proposed Plot A, Drawing Number 23/0520 004**

Rev A, Dated 01/11/2023

- **Plan 3C Floor and Roof Plans as Proposed Plot A, Drawing Number 23/0520 003 Rev A, Dated 01/11/2023**
- **Plan 4 Design and Access Statement**
- **Plan 5 Sustainable Design Measures**
- **Plan 6 Preliminary Ecological Appraisal 23/03/2020 Ref: BS27-2019**

These are signed and 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 of the Isles of Scilly Local Plan (2015 - 2030).

Print Name:	Lisa Walton	09/02/2024
Job Title:	Chief Planning Officer	
Signed:		
Authorised Officer with Delegated Authority to determine Planning Applications		