

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/24/036/ROV
UPRN: 000192001707
Received on: 29 April 2024
Valid on: 13 May 2024
Application Expiry date: 8 July 2024
Neighbour expiry date: **6 June 2024**
Consultation expiry date:
Site notice posted: 16 May 2024
Site notice expiry: 6 June 2024

Applicant: Mr Noel Miles
Site Address: Cootamundra
Mcfarland's Down
St Mary's
Isles Of Scilly
TR21 0NS

Proposal: Application to vary condition C2 (Approved Plans) of planning permission P/23/033/FUL (Demolition of derelict house & replacement with fully accessible dwelling) to amend first floor surface finish to timber cladding, replace the sedum upper roof covering with zinc and revise fenestration.

Application Type: Removal or Variation of Condition

Recommendation: Permit the variation of condition C2

Summary Conditions

1. Adherence to plans

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: 24/05/2024

Site Description and Proposed Development

Planning Permission P/23/033/FUL: <https://www.scilly.gov.uk/planning-application/planning-application-p23033ful>

Delegated Report: https://www.scilly.gov.uk/sites/default/files/planning-apps/planning-application-p/23/033/ful/P-23-033%20Delegated%20Report_1.pdf

Decision Notice: <https://www.scilly.gov.uk/sites/default/files/planning-apps/planning-application-p/23/033/ful/P-23-033%20Decision%20Notice%20with%20Notes%20and%20Approved%20Plans.pdf>

The proposed amendments requested are:

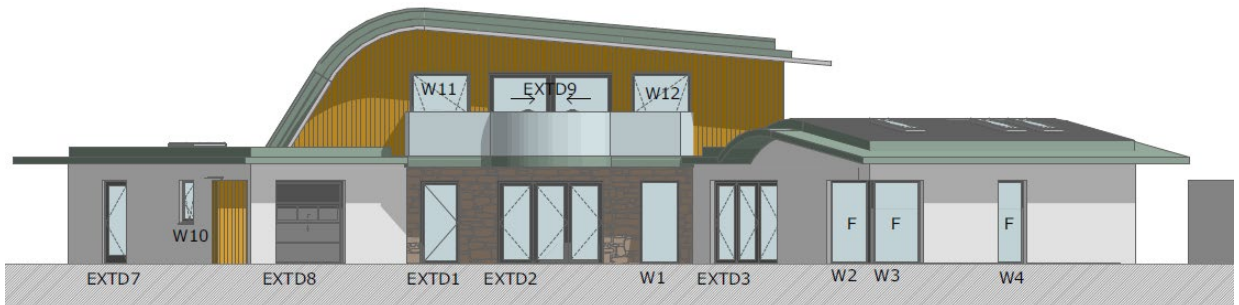
- Timber cladding at first floor level in place of a rendered finish (requested by the Duchy of Cornwall)
- Replacement of approved green roof with a zinc covering (to reduce weight bearing load of structure and simplify maintenance)
- Introduction of additional windows and rooflights, alterations to approved windows and changes to internal layout at first floor level.

Front/West side As Approved

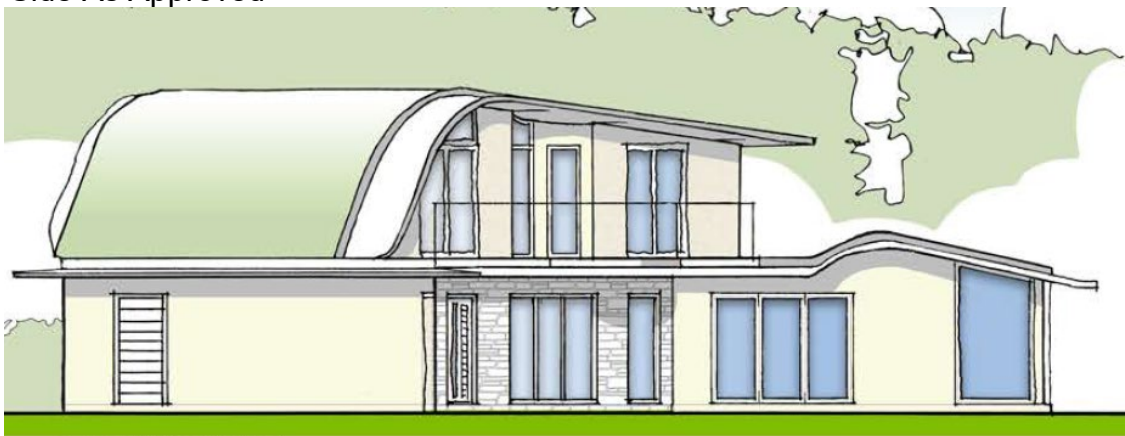


1. FRONT (North West) ELEVATION

As Amended

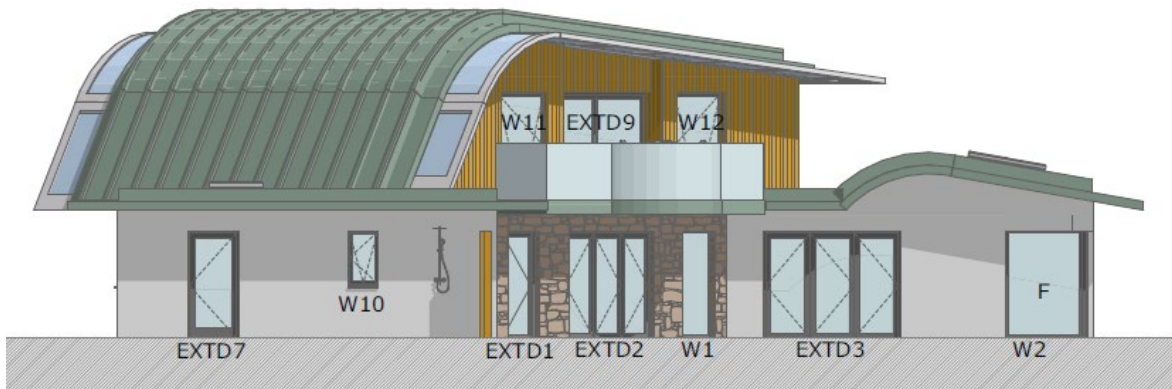


North Side As Approved

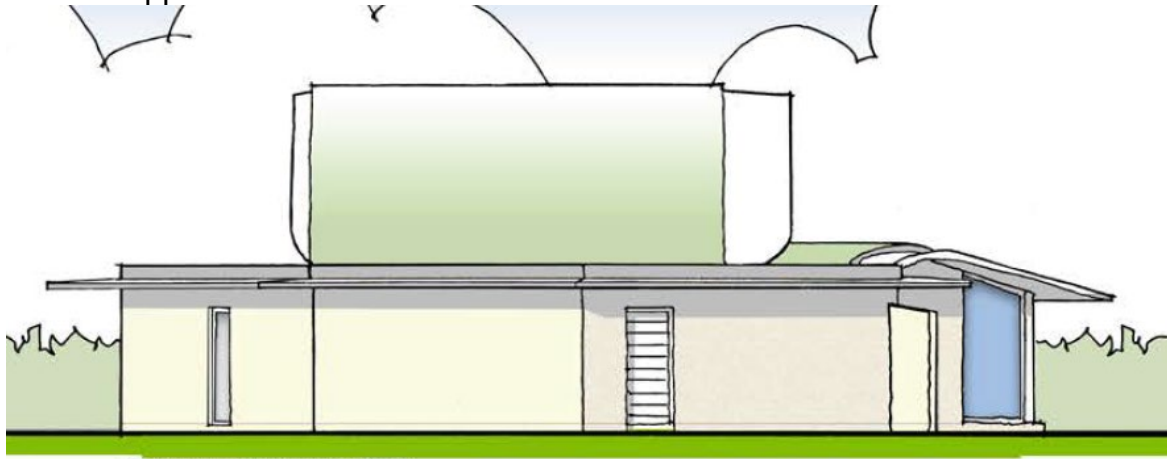


2. NORTH ELEVATION

As Amended

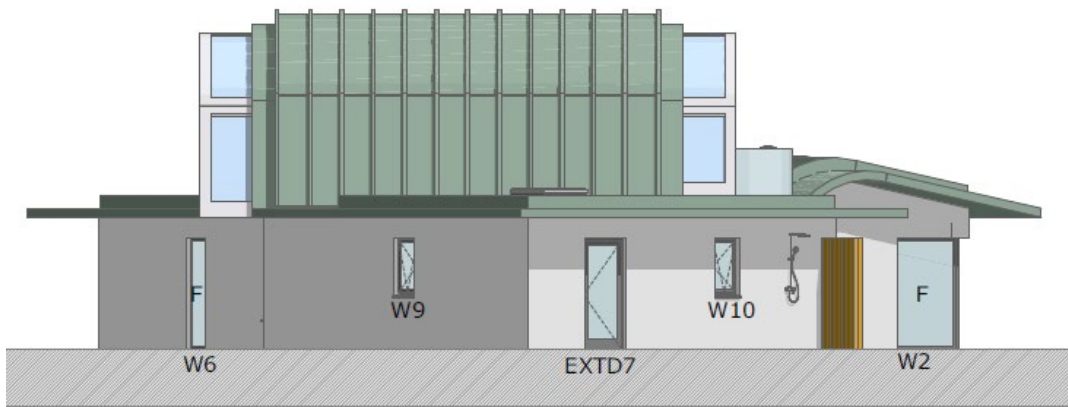


.NE Side As approved

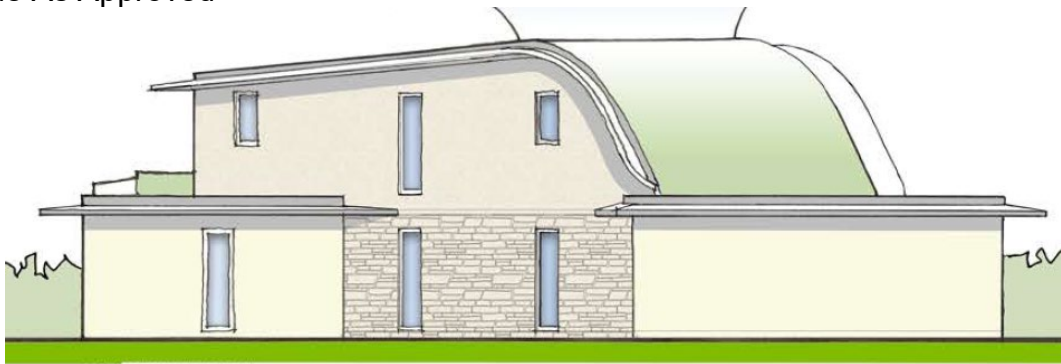


3.NORTH-EAST ELEVATION

As Amended

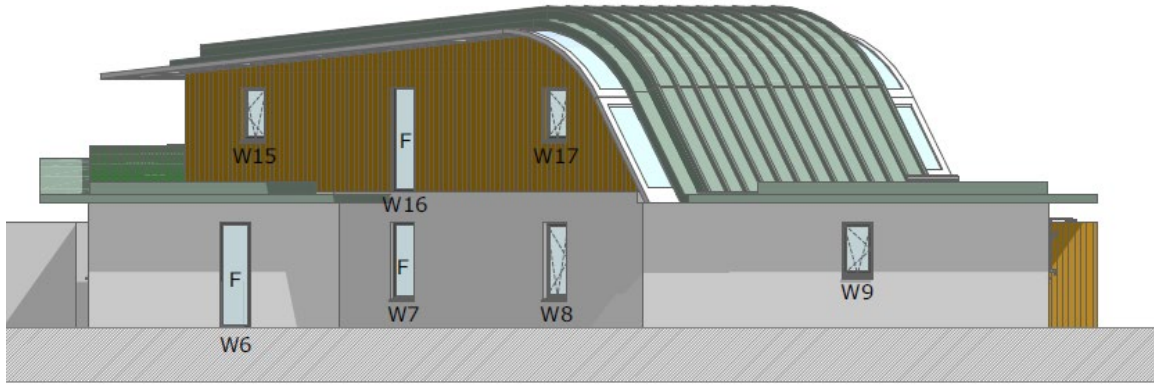


East side As Approved



4.EAST ELEVATION

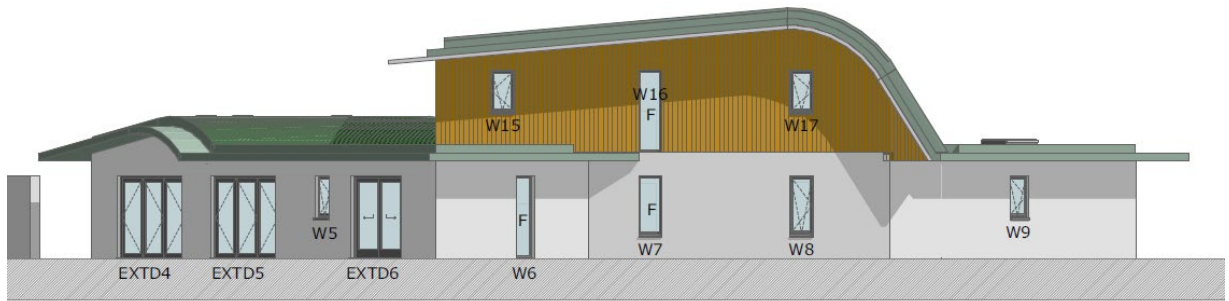
As Amended



SE Side As Approved



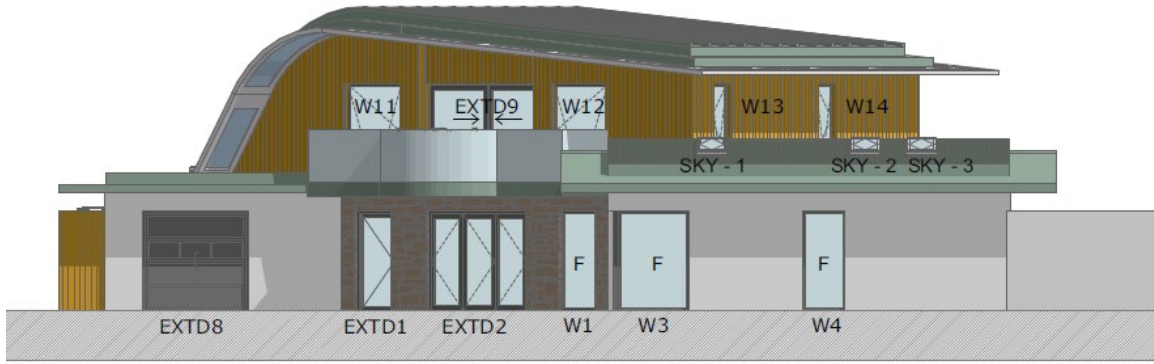
As Amended



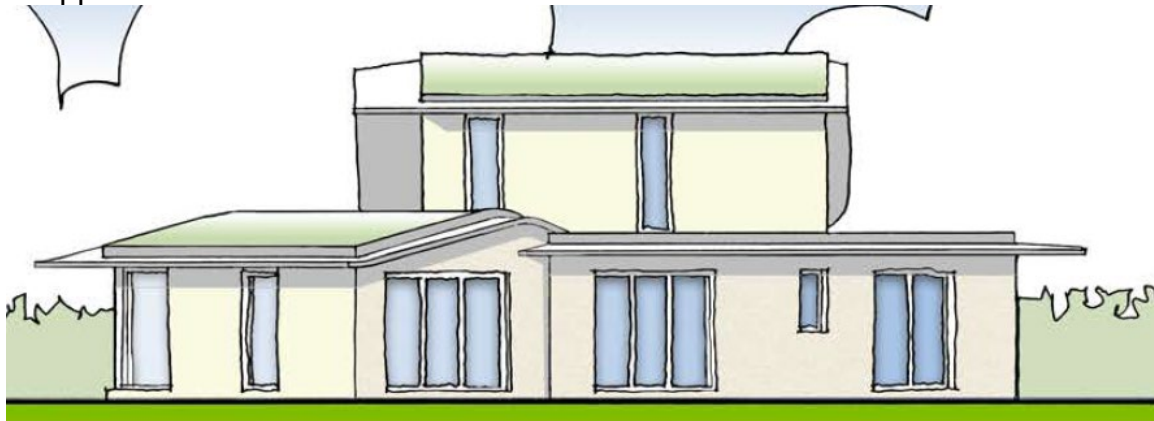
West Side As Approved



As Amended



SE As Approved



7.SOUTH-WEST ELEVATION

As Amended

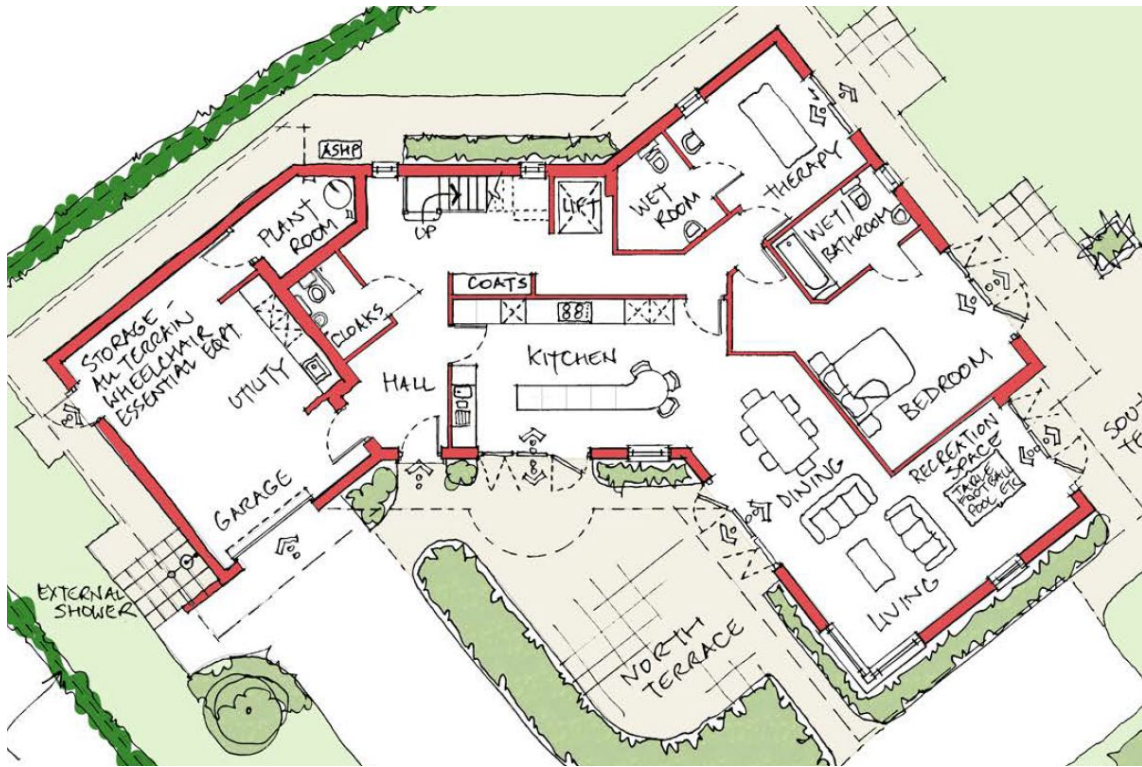
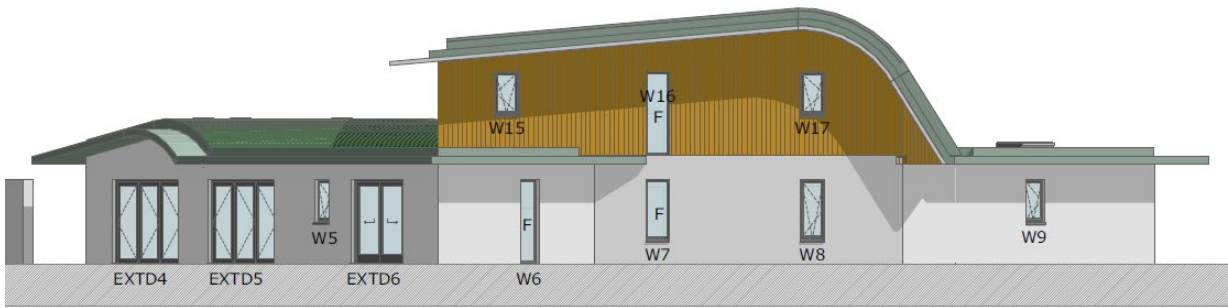


South Side As Approved

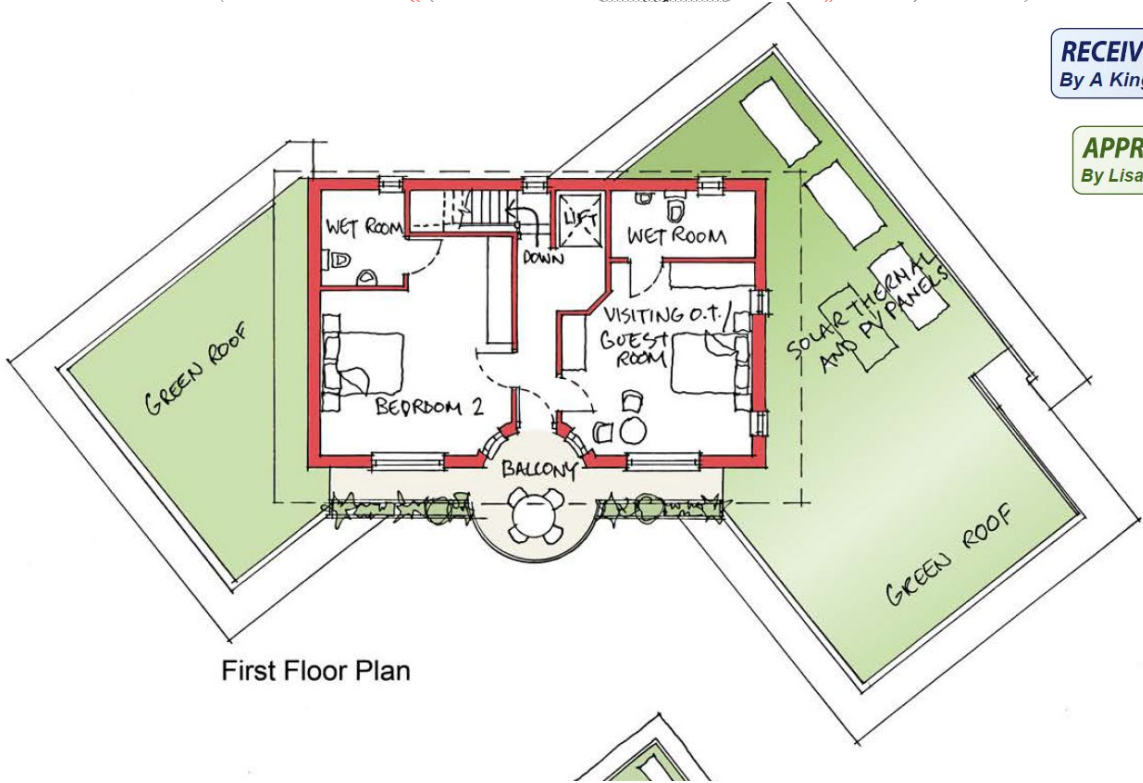
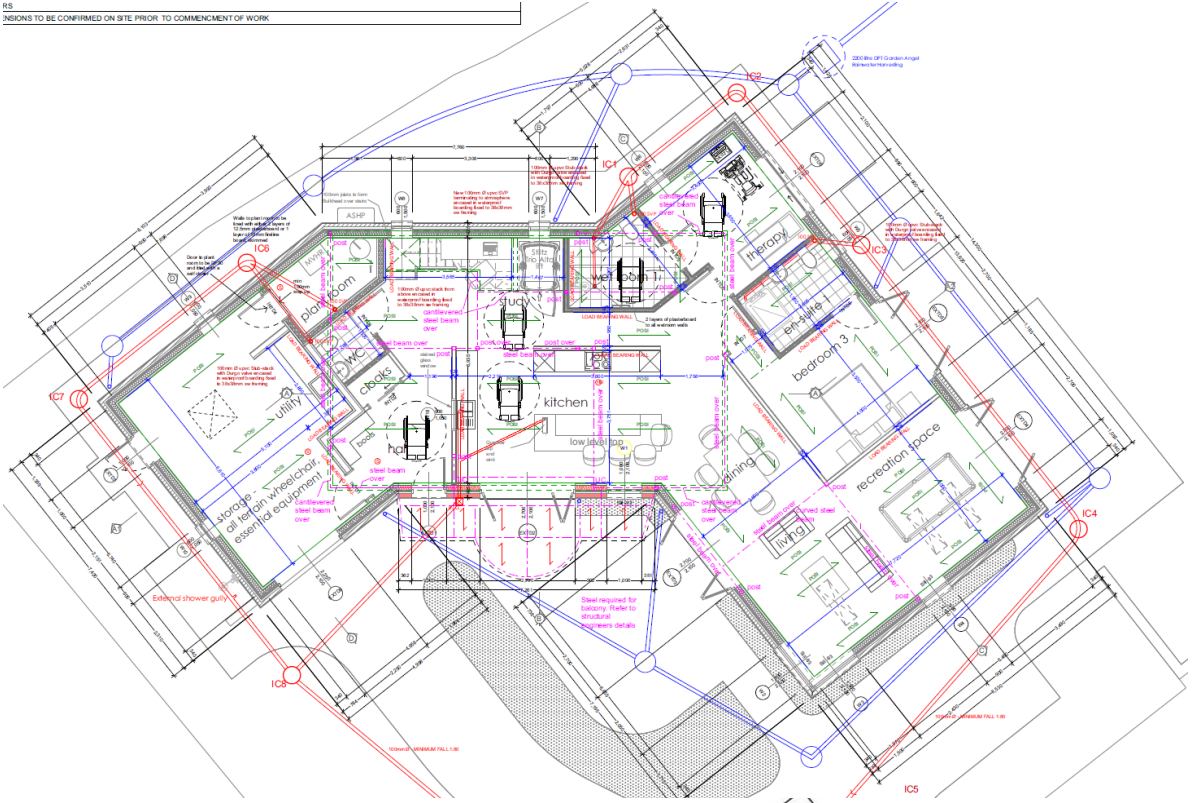


6.SOUTH ELEVATION

As Amended



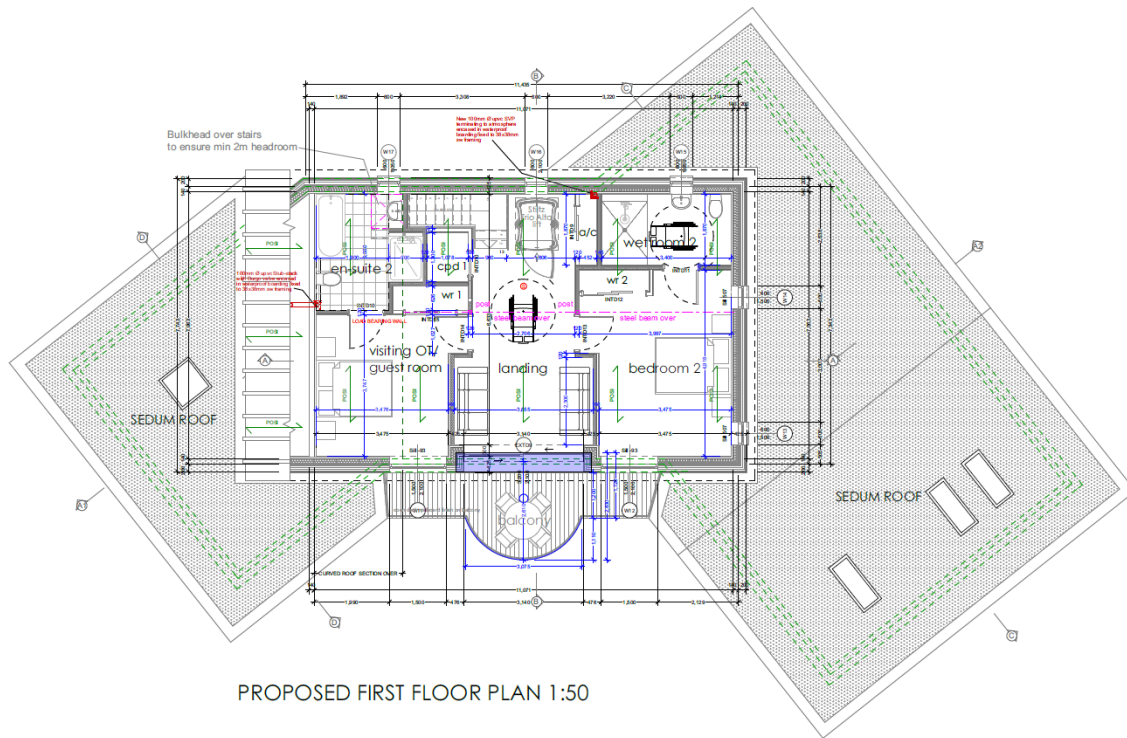
Ground Floor Plan



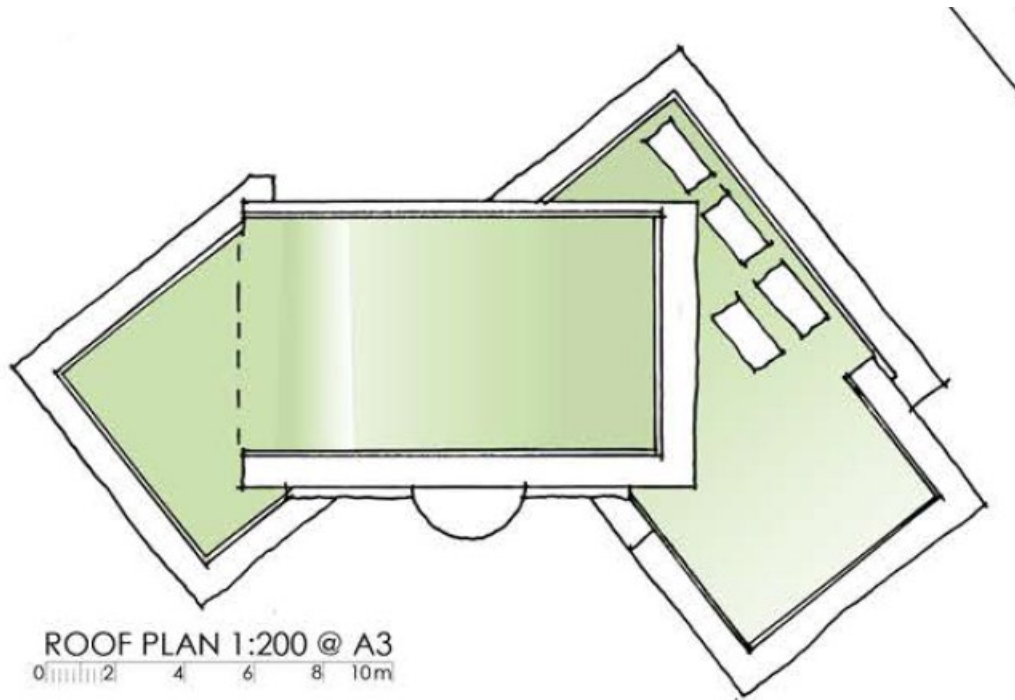
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By A King

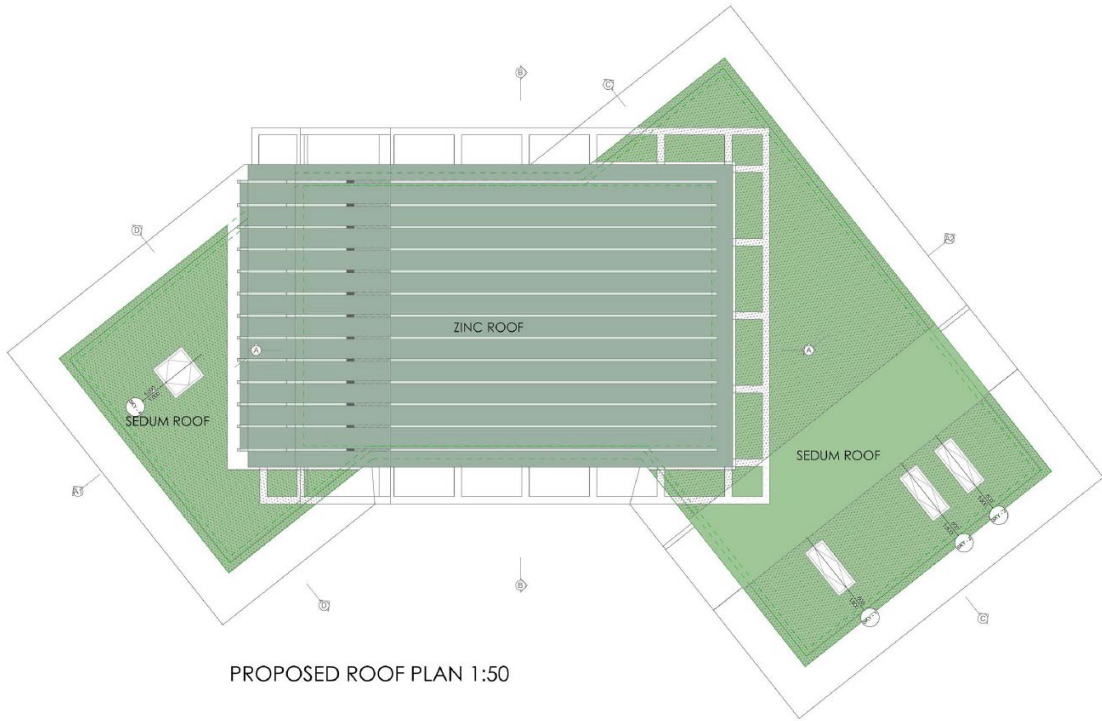
APPROVED
By Lisa I

First Floor Plan



PROPOSED FIRST FLOOR PLAN 1:50





PROPOSED ROOF PLAN 1:50

Certificate: A

Other Land Owners: None

Consultations and Publicity

The application has had a site notice on display for 21 days (16/05/2024–06/06/2024). The application appeared on the weekly list on 20th May 2024. Due to the nature of the proposal no external consultations are required.

Representations from Residents:

Neighbouring properties written to directly:

- Halangy & Trenemene, McFarland's Down

[0] letters of objection have been received

[0] letters of support have been received

[0] letters of representation have been received.

Relevant Planning History:

See original delegated report: https://www.scilly.gov.uk/sites/default/files/planning-apps/planning-application-p/23/033/ful/P-23-033%20Delegated%20Report_1.pdf

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Archaeological Constraint Area: Name: Pendrathen / Long Rock Down. Island: St Mary's
- Landscape Type: Rough Ground: heathland. (runs up to the east boundary)
Landscape Type: Settlements.
- Scheduled Monuments: Long Rock (approx. 35 meters to the east of the east boundary)

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?	n/a
Within an Archaeological Constraint Area	y
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?	y
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?	y
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

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	y
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	y
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	y
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 a any site specific sustainable design measures	y
Is a condition required to secure a Sustainable Design Measures	n

Analysis: This is an application to vary the plans already approved for this replacement dwelling. The dwelling approved is a distinctly modern design, located at the very end of a row of detached bungalows on the north side of St Mary's. It is set back behind the building line of dwellings along the east side of the road. The area is known as McFarlands Down and is located close to the main telecommunications mast for the islands. The road to the site is a single unmade track with an unofficial turning head at the end of the drive to the property Cootamundra.

This variation of condition application proposes to replace elevation drawing Nos. 2-6 (labeled as Plan numbers in Condition C2) with plans that show all of the elevations on the one drawing. The colour of the roof will be green (ref: VMZinc pigmento green). The main change is the roof covering from a curved sedum/green roof with a zinc roof. Approved drawing CSMen-P-05 (proposed First Floor and roof Plan – listed as Plan 8) is proposed to be replaced with KB0450.BR.2-B(First floor Plan) and KB0450.BR.3-A (proposed Roof Plan, to be li) and the Proposed Section Plan (Plan 10) is replaced with Plan 10A to show the 0.24 increase in overall height which is a result of the roof structure to accommodate the zinc finish. The wings, which are single storey will retain green roofs.

The specific amendments, and thus variation to condition C2, also captures the proposed changes to the first floor elevation. This is now proposed to be timber clad.

Although the overall bulk increases as a result of the change in roof covering, this dwelling is situated much further back on the plot, relative to neighbouring properties. It has a backdrop of mature trees and due to its position and orientation will not result in any adverse impacts upon the privacy or amenity of neighbouring properties and I do not consider the increase in overall height, due to its position will have any greater noticeable impact upon the wider landscape, scenic beauty of the AONB or character and appearance of the conservation area. The amendments are considered acceptable.

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 and has 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.

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:


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

- Plan 1 Location Plan and Block Plan, drawing number: CSMen-P-01, dated 2 May 2023
- ~~Plan 2 Proposed East and South East Elevations, drawing number: CSMen-P-08, dated 11 May 2023~~
- ~~Plan 3 Proposed North and North East Elevations, drawing number: CSMen-P-07, dated 11 May 2023~~
- ~~Plan 4 North West Elevation, drawing number: CSMen-P-06, dated 11 May 2023~~
- ~~Plan 5 South Elevation, drawing number: CSMen-P-09, dated 11 May 2023~~
- ~~Plan 6 Proposed South and South West Elevations, drawing number: CSMen-P10, dated 11 May 2023~~
- *Plan 2A – Proposed Elevations, drawing number: KB0450.BR.2001 rev B, dated 25th April 2024*
- Plan 7 Site Plan (showing existing and proposed levels), drawing number: CSMen-P03, Rev B, dated 14 May 2023
- ~~Plan 8 Proposed First Floor and Roof Plan, drawing number: CSMen-P05, dated 11 May 2023~~
- *Plan 8A Proposed First Floor Plan, drawing number: KB0450.BR.2 rev C, dated 10th May 2024*

- **Plan 8A1 Proposed Roof Plan, drawing number: KB0450.BR.3 rev A, dated 16th April 2024**
- ~~Plan 9 Proposed Ground Floor Plan, drawing number: CSMenP-04, dated 11 May 2023~~
- **Plan 9A Proposed Ground Floor Plan. Drawing number: KB0450.BR.1 rev B, dated 25th April 2024**
- ~~Plan 10 Proposed Site Sections (showing levels), drawing number: CSMenP-14, dated 27 June 2023~~
- **Plan 10A Proposed Site Sections (showing levels), drawing number: CSMenP-14 Rev A, dated 27 June 2023**
- **Plan 11 Wheelchair Permeability Plan, drawing number: CSMenP-12, dated 1 June 2023**
- **Plan 12 Preliminary Roost Assessment (bat and bird mitigation and enhancement measures)**
- **Plan 13 Site Waste Management Plan**
- **Plan 14 Statement of Sustainable Design 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).

Print Name:	Lisa Walton	11/07/2024
Job Title:	Chief Planning Officer	
Signed:		
	Authorised Officer with Delegated Authority to determine Planning Applications	