

Council of the Isles of Scilly Delegated Planning Report Householder application

Application Number: P/24/067/HH

UPRN: 000192001230

Received on: 27 August 2024

Valid on: 12 September 2024

Application Expiry date: 07 November 2024

Site notice posted: 17 September 2024

Site notice expiry: 08 October 2024

Case Officer: SWHITE

Applicant: Mr J Heneghan
Site Address: Coastguard's Retreat,
Buzza Road,
Hugh Town,
St Mary's,
Isles Of Scilly,
TR21 0JQ

Proposal: *Renovation of existing dwelling to include ground floor extension in place of existing conservatory, dormer windows at first floor and external alterations.*

Application Type: Householder

Recommendation: **APPROVE**

Summary Conditions

1. Standard time limit (3 years)
2. In accordance with the approved plans
3. Schedule of Materials –
4. External Lighting
5. Balcony screening details
6. Accordance with bat surveys
7. Planting Scheme
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: 25/09/2024

Site Description and Proposed Development

The application site is Coastguard's Retreat a detached residential dwelling within the established settlement boundary of Hugh Town. The dwelling is to the east of Porthcressa beach and backs onto Buzza Hill.

As existing, the dwelling has 4 bedrooms and is predominantly set over 2 levels with the top floor set within the roof space. The building also has a lower level consisting of a physiotherapy clinic and undercroft which does not form part of the residential unit. The dwelling has previously been extended to form a raised flat roof conservatory on the principal elevation.

The proposal seeks to remove the existing conservatory to be replaced with a more permanent flat roof extension and balcony. 2 large box dormers are proposed to fill the full roof slope on the front and rear elevations. The proposed works would be contemporary in style and would introduce additional glazing and cladding across the dwelling.

Certificate: A

Other Land Owners: N/A

Consultations and Publicity

The application has had a site notice on display for 21 days (17/09/2024 – 08/10/2024). The application appeared on the weekly list on 16 September 2024. Due to the nature of the proposal only one external consultation has been required. Cornwall Fire and Rescue were consulted on 19 September 2024 but have not raised any concerns during the 21 day consultation period.

Representations from Residents:

[6] letters of support have been received and include the following points:

- The proposals would visually improve the dwelling
- Supporting full-time residents
- Locally appropriate design
- In keeping with the local area

Neighbors also noted concerns regarding Construction noise.

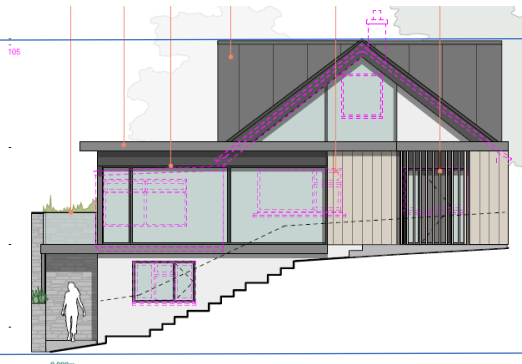
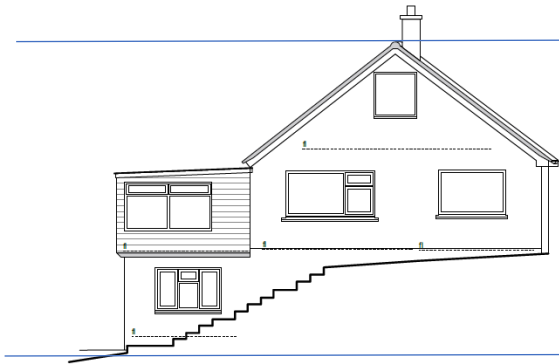
Relevant Planning History:

Reference	Description	Date
P.287	Approval of planning permission for the erection of bungalow.	05.06.1961
P.1469	Conditional approval of planning permission for the reconstruction of the sun loggia.	06.01.1975
P.4356	Conditional approval of planning permission for the Installation of low profile timber rooflights.	15.01.1998
P.5142	Conditional approval of planning permission for erection of front porch	27.05.2002

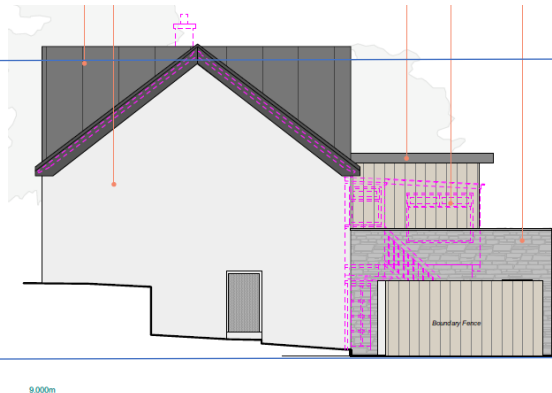
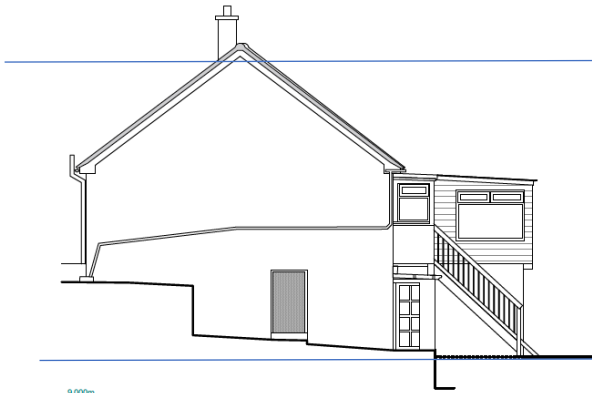
Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast



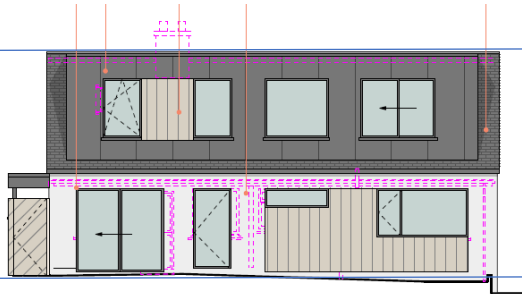


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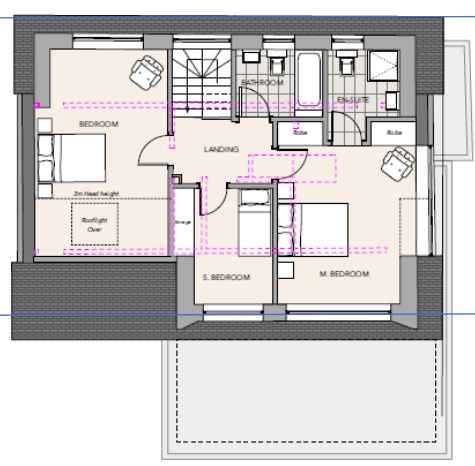
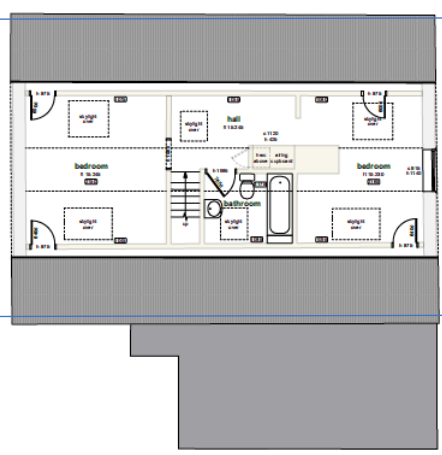
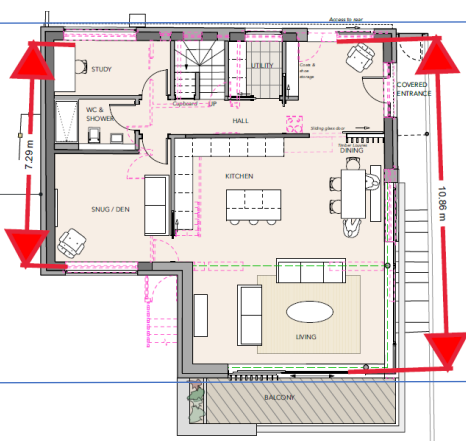
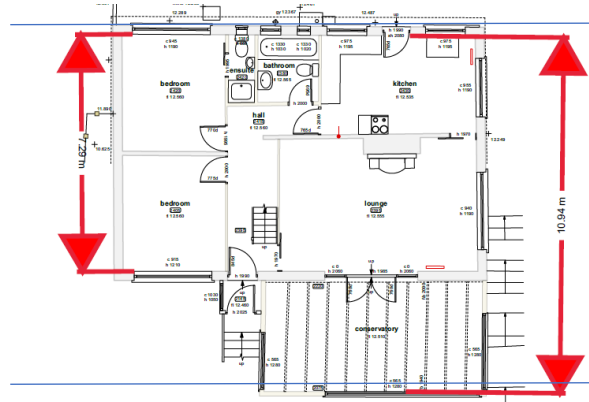
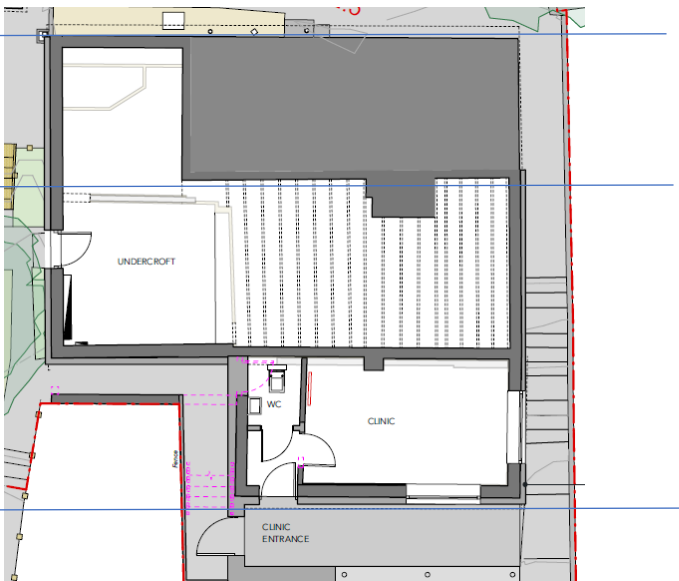
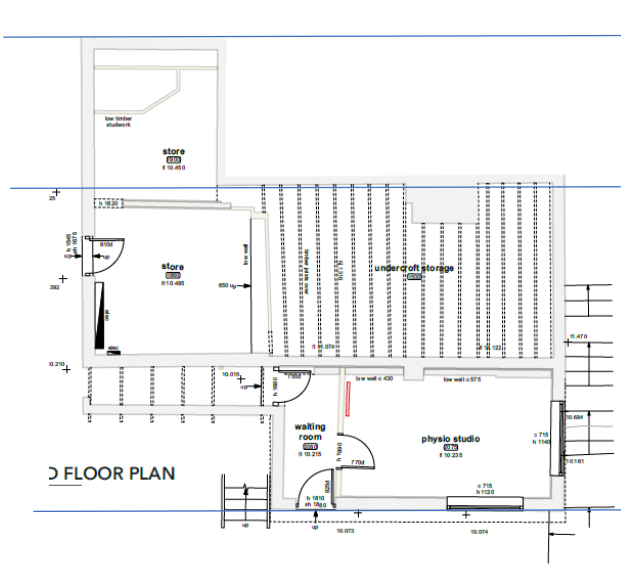
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Planning Assessment

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?	N/A
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	Y
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?	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?	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	Y
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	Y
Is a condition required to secure a Site Waste Management Plan	N

Sustainable Design	YES OR NO
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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

Principle of Development

Isle of Scilly Local Plan Policy LC8 provides support for the enlargement, replacement or substantial rebuilding of lawful dwellings and aims to prevent an imbalance of house types and sizes, and to help retain affordable homes. In order to achieve this, Policy LC8 1) b) sets out that proposals for extensions should not increase the Gross Internal Area (GIA) of the dwelling by more than 30% of the Nationally Described Space Standards (NDSS).

The existing dwelling is a two storey 4-bedroom property with 6 bed spaces and a Gross Internal Area (GIA) of approximately 147 sqm. The Nationally Described Space Standards (NDSS) suggest that, as a minimum, a property of this type should have 106 square metres. The property is therefore approximately 39% above the minimum standards. The dwelling also has a lower floor undercroft and clinic, this is not considered to form habitable space or part of the residential unit and has not been included in this calculation.

The dwelling following the proposed works would have 3 bedrooms with 5 bed spaces and a GIA of approximately 177 sqm. The minimum NDSS for this property would therefore be 93 sqm. The proposal would therefore be approximately 90% above the minimum standards.

It is noted that the existing dwelling is already large and above the NDSS for a 4-bedroom dwelling. The proposed works would remove a bedroom reducing the minimum NDSS whilst increasing the GIA within the existing footprint of the dwelling. Therefore, whilst the dwelling would be approximately 90% greater than the NDSS, the extensions are not substantial in nature and the proposal is not considered to contribute to an imbalance in housing types as a result. This is a material consideration that warrants a decision other than in strict accordance with LC8. The overall acceptability of the proposal therefore comes down to the impact on the setting and accordance with other relevant local plan policies.

Design, Visual and Landscape, Seascape, Historic Environment Impacts

Policies OE1 and SS2 require proposals to respect the character of the site and conserve and enhance the landscape, seascape and scenic beauty. SS2 and LC8 also requires proposals to demonstrate an appropriate scale, density, layout, height, mass and use of materials. In addition, Policy OE7 requires that great weight is given to the conservation of the islands' irreplaceable heritage assets and LC8 requires proposals to demonstrate that they do not result in the overdevelopment of the site.

The dwelling is sited on elevated ground to the east of Porthcressa Beach and west of Buzza Hill and is therefore prominent within the public realm, seascape and Isle of Scilly Conservation Area. As existing, the dwelling is of limited architectural merit and has a first-floor flat roofed conservatory on the principal elevation which is prominent and harmful within the setting.

The proposal would be contemporary in design with glazed panelling, timber cladding, render and zinc roofing. This contemporary design is considered an improvement on the existing dwelling and would be reflective of the contemporary approach taken to the approved dwelling immediately west of the application site (P/20/054). Due to the addition of new and contemporary materials to the dwelling it is considered appropriate to secure a schedule of all materials via a suitably worded planning condition.

The proposal includes two large square dormers to the first storey. This aspect of the proposal would add additional bulk to the first floor level, particularly to the rear of the dwelling. Whilst this bulk would increase the prominence of the dwelling, the dormers are considered to be of a quality design and would be viewed against the backdrop of Buzza Hill. This additional bulk is therefore not considered harmful to the setting.

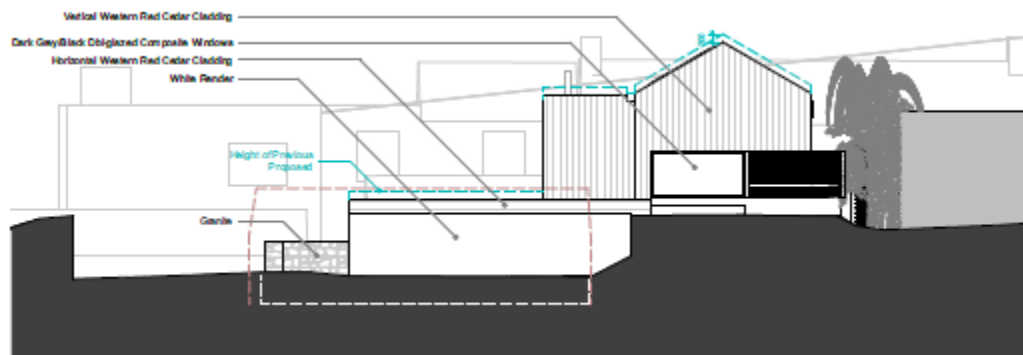
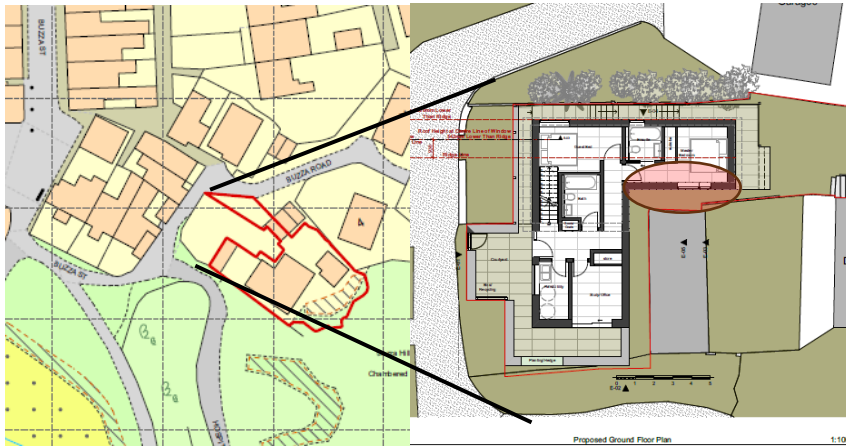
In summary, the proposal would improve the visual appearance of the dwelling and would conserve the setting of the public realm, seascape and Isle of Scilly Conservation Area. The proposal is therefore considered to accord with OE1, OE7, SS2 and LC8.

Residential Amenity

Policies SS2 and LC8 require proposals to safeguard residential amenities. The proposal would add additional bulk to the dwelling.

As existing the dwelling is partially set within Buzza Hill and this additional bulk would not result in any overshadowing.

The proposal also seeks additional first floor glazing and a raised balcony area. This balcony would overlook the west elevation of the dwelling approved under (P/20/054 approved plans extracted below), for which a degree of overlooking would arise from the balcony towards the, as yet incomplete, dwelling (under construction). Although the dwellings are separated by around 14 metres, and an existing outbuilding, there would be oblique views towards windows in the proposed dwelling, which would benefit from an element of screening on the balcony. This could be secured by way of a suitably worded planning condition. Subject to this and overall it is considered the proposal would not adversely impact the private amenity space or through windows. The proposal is therefore considered to accord with SS2 and LC8.



Dark Skies

Policy OE4 seeks to protect Scilly's Dark Skies. Proposals that include external lighting will only be permitted where this is essential for safety, security or community reasons, and where details are provided of attempts to minimise light pollution. To protect Dark Skies, harmful upward light spill should be avoided, and proximity or automated timers used to reduce unnecessary lighting during hours of darkness.

The proposal includes a considerable degree of glazing with the potential for upward light spill. This glazing is primarily set back within the dwelling either under an

overhang from the gable / roof or within the proposed dormers. This mitigates upward light spill. The proposal does include one rooflight which could have some impact on the dark sky. It is considered, however, relative to the existing roof, which has 6 rooflights, this would not be a significant increase. The applicant should be encouraged to install blackout blinds to further reduce the impact of light spill from this property. Overall the proposal would accord with policy OE4.

Ecology and Biodiversity

Policy OE2 seeks to conserve and enhance biodiversity and priority habitat and ensure proportionate and appropriate biodiversity net-gain is secured.

The proposal would not result in the loss of habitat, however, would impact the roof space of an existing dwelling. As such, a preliminary roost assessment (PRA) has been undertaken which concluded that there was Moderate Potential for bats and recommended two further Presence/Absence Surveys (PAS). These have subsequently been undertaken which recommend a Precautionary Method of Works which will be secured via a suitably worded planning condition. No further surveys have been recommended.

As the application is a householder application, it is exempted from the statutory 10% net gain in biodiversity. However, the proposal is still required to demonstrate a biodiversity net-gain under OE2. As the applicant has not indicated how this gain will be delivered, it is considered appropriate to secure a scheme of native planting on the site which should be proportional to the proposed development. With this condition in place the proposal is considered to accord with OE2.

Site Waste Management

Policy SS2 requires that proposals for the construction of new buildings submit a Site Waste Management Plan (SWMP). The applicant has provided Site Waste Management details within the submitted design and access statement which outlines that waste will be re-used, recycled or disposed of by a local waste management contractor. These details are sufficient to accord with SS2.

Other Matters

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	
Policy OE4 Protecting Scilly's Dark Night Skies	✓
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	Tick if Used ✓
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 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: 04-SVY Rev H, Dated 5th September 2024**
- **Plan 2 Proposed Site Plan, Drawing Number: 05-SVY Rev G, Dated 5th September 2024**
- **Plan 3 Proposed Ground and First Floor Plan, Drawing Number: 10 Rev F, Dated 24th July 2024**
- **Plan 4 Proposed Lower Ground Floor Plan, Drawing Number: 09 Rev F, Dated 24th July 2024**
- **Plan 5 Proposed NE and SE Elevations, Drawing Number: 31 Rev F, Dated 24th July 2024**
- **Plan 6 Proposed NW and SW Elevations, Drawing Number: 30 Rev F, Dated 24th July 2024**
- **Document 1 Design & Access Statement, Rev C, Received: Sep 12, 2024**
- **Plan 7 PRELIMINARY ROOST ASSESSMENT (PRA), Reference: 24-6-9, Dated: 15th July 2024**
- **Plan 8 BAT PRESENCE/ABSENCE SURVEYS (PAS), Reference 24-7-9, Dated 24th September 2024**

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).

PRE-COMMENCEMENT CONDITION: Material schedule

C3 Prior to the commencement of the development, hereby approved, a schedule of external materials finishes and samples to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority including windows and doors, timber cladding, stone cladding, roof materials, and glazed balustrades. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.

Reason: To safeguard the appearance of the building and the character of the area and to enable the Local Planning Authority to properly consider the development. It is considered necessary of this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission

- C4 No external lighting shall be installed to the dwelling or anywhere within the site unless otherwise agreed in writing by the Local Planning Authority. This exclusion shall not prohibit the installation internal lighting or of sensor-controlled security lighting of 1,000 lumens or less, which shall be designed and shielded to minimise upwards light spillage.**

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).

- C5 Prior to the commencement of the development, hereby approved, details of a privacy screen on the balcony shall be submitted to and agreed in writing by the Local Planning Authority. The agreed screen shall be installed, prior to first use of the balcony, and shall be permanently retained as approved thereafter.**

Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties in accordance with Policy LC8(1) of the Isles of Scilly Local Plan (2015-2030).

- C6 The development hereby approved shall be undertaken in accordance with the Preliminary Roost Assessment (PRA) (Reference: 24-6-9, Dated: 15th July 2024) and the Bat Presence/Absence Surveys (PAS) (Reference 24-7-9, Dated 24th September 2024).**

Reason: To safeguard protected species and their habitats, in accordance with Policy SS2(g) and Policy OE2 of the new Isles of Scilly Local Plan (2015-2030).

- C7 Prior to the completion of the development hereby approved, a detailed scheme of planting proposals shall be submitted to and approved in writing by the Local Planning Authority. Planting should consist of native species and should be sourced either from the Isles of Scilly or from high-standard biosecure nurseries. The scheme design shall include a layout of planting to show plant species, planting sizes, locations, densities and numbers. All such work as may be approved shall then be fully implemented in the first planting season, following completion of the development, in accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.**

Reason: To ensure the development delivers biodiversity enhancements in accordance with OE2 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

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the legislation.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

*(a) a Biodiversity Gain Plan² has been submitted to the planning authority, and
(b) the planning authority has approved the plan.*

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be the Planning Department at the Council of the Isles of Scilly.

Print Name: Lisa Walton

14/11/2024

Job Title: Chief Planning Officer

Signed:



Authorised Officer with Delegated Authority to determine Planning Applications
