

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/24/074/HH

UPRN: 000192001163

Received on: 13 September 2024

Valid on: 19 September 2024

Application Expiry date: 14 November 2024

Consultation expiry date: 11 October 2024

Site notice posted: 20 September 2024

Site notice expiry: 11 October 2024

Case Officer: Phillipa SMYTH

Applicant: Ms Elizabeth Lourensz

Site Address: Nundeeps
Rams Valley
Hugh Town
St Mary's
Isles Of Scilly
TR21 0JX

Proposal: Proposed single storey front extension and single storey side extension, internal alterations and associated landscaping, replacement UPVC windows and doors throughout and to existing detached garage.

Application Type: Householder

Recommendation: PERMIT

Summary Conditions

1. Standard time limit (3 years)
 2. In accordance with the approved plans
 3. Materials as per application
 4. Hours of Construction
 5. External lighting
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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 Dan Marcus

Date: 24 September 2024

Site Description and Proposed Development

The application site comprises a 2-storey detached dwelling, with 5 bedrooms (4 at first floor and 1 at ground floor) set in a small plot within the residential area of Hugh Town. 2 of the rooms are offered as bed and breakfast accommodation. The building features white render, dark brown profile roof tiles and white upvc window and painted timber doors.

The site is accessed via Rams Valley and benefits from a detached garage and off-road parking space.

Permission is sought for the following works:

- The erection of a single storey front extension.
- The erection of a single storey side extension.
- Replacement windows and doors throughout, including the detached garage.
- Fenestration alterations.
- Internal alterations.
- Landscaping.

Certificate: A

Other Land Owners: None

Consultations and Publicity

The application has had a site notice on display for 21 days (20/09/2024 – 11/10/2024). The application appeared on the weekly list on 23rd September 2024. Due to the nature of the proposal no external consultations are required.

Representations from Residents:

Neighbouring properties written to directly: None

[0] letters of objection have been received.

[0] letters of support have been received.

Relevant Planning History:

No relevant planning history.

Constraints:

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

Planning Assessment

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	Yes
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	Yes
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	Yes
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?	Yes
Is the parking and turning provision on site acceptable?	Yes
Would the proposal generally appear to be secondary or subservient to the main building?	Yes
Is the scale proposed in accordance with NDSS	Yes

Amenity	YES OR NO
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	Yes
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	Yes
Is the proposal acceptable with regard to any significant change or intensification of use?	Yes

Heritage	YES OR NO
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Would the proposal sustain or enhance the character and appearance of the Conservation Area?	Yes
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/A
Other Impacts	
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	Yes
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	Yes
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	None proposed

Protected Species	YES OR NO
Does the proposal include any re-roofing works or other alteration to the roof	No
Does the proposal include any demolition	No
Does the proposal include tree or hedge removal	No
Is an assessment of impact on protected species required	No
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

Waste Management	YES OR NO
Does the proposal generate construction waste	Yes

Does the proposal materially increase the use of the site to require additional long-term waste management facilities	No
Does the proposal include a Site Waste Management Plan	Yes
Is a condition required to secure a Site Waste Management Plan	No

Sustainable Design	YES OR NO
Does the proposal materially increase the use of the site to require additional sustainable design measures	Yes
Does the proposal include any site-specific sustainable design measures	No
Is a condition required to secure a Sustainable Design Measures	No

Analysis:

Design

Policy SS2 outlines proposals should demonstrate high quality design that respects the character of the site and existing townscape, landscape and seascape. Policy LC8 requires proposals to demonstrate an appropriate, scale, density, layout, height, mass and use of materials so as to not be visually intrusive in the landscape. In addition, LC8 requires proposals to demonstrate they do not result in the overdevelopment of the site.

The proposals would constitute minor alterations to the existing dwelling with single storey extensions to the front and side. The proposals would alter the appearance of the dwelling but the additions would not appear unduly prominent or be highly visible in the public realm owing to the existing boundary treatment. The proposals would update the appearance of the dwelling and would use materials in keeping with the existing dwelling.

The proposals would increase the footprint of the original dwelling, but the increase would be no greater than 30% and would not increase the number of bedrooms. Specifically the extensions take the GIF from 142m² to 156m². The National minimum for a two storey 5 bedroom dwelling is 128m² and our policies require no more than 30% above this minimum, as a maximum. This would allow the size of the dwelling to be no greater than 166m². As it is proposed to be no more than 156m² this equates to a 22% increase, which is within the NDSS as prescribed by Policy LC8.

The proposals would retain the existing character of the dwelling and the wider area and would be considered to accord with SS2 and LC8.

Residential Amenity

Policies SS2 and LC8 require proposals to safeguard residential amenities.

The proposed development would not give rise to any unacceptable adverse overbearing, overshadowing or overlooking impacts to residential amenity. Consequently, the proposal accords with policies SS2 and LC8.

Historic Environment Impacts

Policy OE7 requires that great weight is given to the conservation of the islands' irreplaceable heritage assets including the conservation areas, listed buildings, Scheduled Monuments and Archaeological Site.

The application site is within the Conservation Area but is not located in close proximity to any listed buildings or other heritage assets. The proposed works would not materially alter the appearance of the dwelling or affect the wider character of the area. This proposed development is therefore considered in accord with OE7.

Waste management

Policy OE5 requires that all development proposals demonstrate best practice in addressing waste management solutions, must align with the waste hierarchy and be supported by a waste management plan (SWMP).

The applicant has provided a Site Waste Management Plan (SWMP) within the submitted Design and Access Statement which outlines that all materials will be recycled where possible. If recycling is not possible, items will be disposed of at Porthmellon Waste and Recycling Site.

This is considered an appropriate and proportionate means of waste management in connection with the proposed development. The submitted detail is considered to accord with Policy OE5.

Dark Night Skies

Policy OE4 sets out that development proposals that include external lighting will only be permitted where it can be demonstrated that the lights are essential for safety, security or community reasons, and where details are provided of attempts to minimise light pollution.

The proposal introduces additional rooflights and glazing, however, no external lighting is proposed. The glazing would increase the potential for light pollution, however, is considered acceptable to ensure adequate natural light for the occupant. Whilst no external lighting is proposed, it is considered appropriate to restrict external lighting via a suitably worded planning condition. With this condition in place the proposed accords with 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 proposed works would not impact the existing roof as such no concern is raised regarding any potential to impact bats and nesting birds.

Owing to the nature of the application, it is exempt from the statutory 10% net gain in biodiversity. Furthermore, given the minor nature of the works proposed, it is not considered proportionate to secure further biodiversity net gain under OE2 in this instance. The proposal is therefore considered to accord with OE2.

Conclusion

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 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:

- P-24-074 Existing and Proposed Garage Plan and Elevations
- P-24-074 Proposed Site Block Plan
- P-24-074 Proposed Ground Floor Plan with front and side extension
- P-24-074 Proposed First Floor Plan with front and side extension
- P-24-074 Proposed Roof Plan with front and side extension
- P-24-074 Proposed Elevations
- P-24-074 Proposed Typical Sections
- P-24-074 Design and Access Statement

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 materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.

Reason: To safeguard the appearance of the building and the character of the area.

C4 All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800 and 1800 hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.

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

C5 No external lighting shall be installed on the dwelling or anywhere within the site. 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).

Recommended Informatives:

- 1 Due to the potential for new rooflights to give rise to light pollution the occupants are encouraged to install blackout blinds, ideally of sensor-controlled to minimise upwards light spillage.**
- 2 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 Plan 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 Council of the Isles of Scilly Authority.

Print Name: Lisa Walton

04/11/2024

Job Title: Chief Planning Officer

Signed:



Authorised Officer with Delegated Authority to determine Planning Applications
