

Council of the Isles of Scilly Delegated Planning Report Householder application

Application Number: P/21/013/HH

Received on: 11 February 2021

UPRN: 000192002800

Application Expiry date: 13 May 2021

Neighbour expiry date: NONE CONSULTED

Consultation expiry date:

Site notice posted: 22 March 2021

Site notice expiry: 12 April 2021

Applicant: Mervyn Bird

Site Address: Wayside
Pelistry Lane
Pelistry
St Mary's
Isles Of Scilly
TR21 0NX

Proposal: To re-build utility room consisting of cloakroom toilet, storage area and office on former site of demolished water tank, toilet and porch attached to farmhouse.

Application Type: Householder

Recommendation: PERMIT

Summary Conditions:

1. Standard time limit (3 years)
 2. In accordance with approved plans
 3. Biodiversity enhancements
 4. Hours of operation
-

Reason for Delegated Decision

No Councillor has requested that the application come to the Full Council. The decision defaults to the level of Delegated:

- 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: 31/03/20021

Site Description and Proposed Development

Wayside is a detached bungalow, associated with Pelistry Farm. It is located to the south of the farm, across on the south side of Pelistry Lane. It is situated within a modest domestic curtilage, with most of the private garden space and parking to the front and the dwelling situated on the south side of the plot. The proposed extension is a single storey structure on the north east side elevation, that replaces a structure now removed. The proposed porch extension has a shallow pitched roof. Materials are stated to comprise a meta-slate plus product that is recommended by the Duchy of Cornwall as suitable for a shallow pitched roof. The proposed walls will be a timber frame with a cement render finish doors and windows are noted to be timber.

Certificate: B

Other Land Owners: Notified

Consultations and Publicity

The application has had a site notice on display for 21 days (22/03/2021– 12/04/2021). The application appeared on the weekly list on 22nd March 2021. Due to the nature of the proposal no external consultations are required.

Representations from Residents:

No neighbouring properties written to directly:

[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:

No planning history relevant under the adopted or previous local plan.

Constraints:

Historic Landscape Character Multiple (Spatial)/Settlement

Planning Assessment

| | GIF | No of Floors | No Bedrooms | NDSS | % above or below NDSS |
|----------|-------------------|--------------|-------------|------------------|-----------------------|
| Existing | 105m ² | 1 | 3 | 95m ² | 10% above |
| Proposed | 120m ² | 1 | 3 | 95m ² | 25% above |

| 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 |
| Is the scale proposed in accordance with NDSS | 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? | n/a |

| | |
|--|-----|
| b) Will the development preserve the setting of the building? | |
| Within an Archaeological Constraint Area | n |
| Other Impacts | n/a |
| Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety? | |
| 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 | 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 |
| 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 |
| 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 | n |
| 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 | n |
| 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 any site specific sustainable design measures | n |
| Is a condition required to secure a Sustainable Design Measures | n |

Conclusion: The proposal replaces a recently removed porch of a similar size to that now proposed. The applicant has stated that the previous porch had to be removed due to rot and damp ingress, resulting in structural deficiencies in the building in addition to the space being cold and difficult to hear as result. The roof was covered with deteriorating plastic corrugated sheeting. Relative to the size and footprint of the porch removed the proposed replacement is modestly larger, but within the general footprint.

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 Advertisement Consent to be granted. This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

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 Safeguarding Serviced Accommodation | |

| Info Requirements | Submitted (LVC) | Not Submitted | Condition Required |
|------------------------------------|------------------------|----------------------|---------------------------|
| Site Waste Management Plan | | ✓ | No |
| Sustainable Design Measures | | ✓ | No |
| Biodiversity Enhancement Measures: | | ✓ | Yes |

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.

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 2 Block Plan**
- **Plan 3 Proposed East Elevation**
- **Plan 4 Proposed South Elevation**

- **Plan 5 Proposed Stove Location**

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 Policy OE7(5) of the Isles of Scilly Local Plan (2015-2030).

- C3 Prior to the first use of the extension, hereby approved, details of measures to promote biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority, this shall include details of the installation of bat boxes and bird nesting opportunities appropriate to species found on the Isles of Scilly. This shall include the number, type and positioning of suitable bat and bird boxes. The measures approved shall be installed, prior to the first breeding/nesting season following completion of the extension and shall be retained as such thereafter.**


Reason: To promote measures to improve and awareness of the value of biodiversity on the Isles of Scilly and in accordance with the requirements of Policies SS1(d) and SS2(g) of the Isles of Scilly Local Plan (2015-2030).

- 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 neighbouring properties.

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 2019.
2. 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.

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|--------------------|---|------------|
| Print Name: | Lisa Walton | 13/05/2021 |
| Job Title: | Chief Planning Officer | |
| Signed: |  | |
| | Authorised Officer with Delegated Authority to determine Planning Applications | |