

# Council of the Isles of Scilly

## Delegated Planning Report

### Other application

**Application Number:** P/21/064/HH

**Received on:** 4 August 2021

**UPRN:** 000192001692

**Application Expiry date:** 11 October 2021

**Neighbour expiry date:** 29 October 2021

**Consultation expiry date:** 29 October 2021

**Site notice posted:** 19 August 2021

**Site notice expiry:** 9 September 2021

**Applicant:** Mr Nicholas Bright

**Site Address:** Green Pastures  
Mcfarland's Down  
St Mary's  
Isles of Scilly  
TR21 0NS

**Proposal:** Demolition of small external store and erection of single storey extension to accommodate one bedroom, one shower room and storage facilities specifically for the use of a wheelchair bound person. (Amended Plans - Ridge height reduced by 600mm and side extension)

**Application Type:** Householder

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**Recommendation:** PER

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#### **Summary Conditions:**

1. Standard time limit
2. Adherence to plans
3. Submission of Site Waste Management Plan (PC)
4. Submission of Sustainable Design Measures (PC)
5. Hours of Operation for Construction Works
6. Adherence to ecological mitigation
7. To be used ancillary to main house only

**Have any pre-commencement conditions been agreed with the applicant:**

YES

**If yes – date agreed:** 22/11/2021

**Extension of time agreed until:** 26/11/2021

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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: 20/10/2021

This application was initially 'called in' by Cllr Bedford, due to concerns over the scale of the proposal. The amendments have addressed her concerns and she confirmed that a committee decision is no longer requested. Cllr Marcus has confirmed this proposal can be delegated.

## Site Description and Proposed Development

Green Pastures is a detached bungalow located in the small settlement area of McFarlands Down on the north side of the island of St Mary's. The property is located on the west side of the road, with a good sized front garden and a good sized private rear garden that currently contains a detached flat roof storage building.

The property has previously been extended to the rear and the current proposal (as amended) is to remove the existing flat roof store building and replace this with a larger ancillary and self-contained annexe for the applicants relative. This is a purpose-built single storey and self-contained space suitable for the occupant to stay in, which seeks to meet the highest accessibility standards.

The structure is larger than the current store building, with a footprint of 7.6m by 5m with a staggered section to the west elevation to provide an additional bedroom. This has an additional footprint of 3m x 3.3m. The overall height to the ridge of the proposed structure, is 3.8 meters. This has been amended down from the original submission, which included a mezzanine floor and an overall ridge height of 4.8 meters (which was as high as the ridge of the main house) With an eaves height of the main annex of 2.8metres (2.4 for the second bedroom). The materials are contemporary with glazing in the roof pitch. There are no windows facing south. All fenestration faces west or north, into the applicants own garden. The structure is proposed to have a render finish to match the existing house.

Certificate: A

### Consultations and Publicity

The application has had a site notice on display for 21 days (19/08/2021–09/09/2021). The application appeared on the weekly list on 23<sup>rd</sup> August 2021. Due to the nature of the proposal consultations with the following were carried out:

Consultee	Date Responded	Summary
Cornwall Archaeological Unit	03/09/2021	We have consulted the Cornwall & Isles of Scilly Historic Environment Record and the submitted documents, and in this instance, we consider it unlikely that significant archaeological remains will be disturbed by groundworks. No archaeological mitigation is required, and therefore no archaeological condition is sought.
Cornwall fire and Rescue	07/09/2021	<p>Pedestrian schemes must take into account the need for permanent and unobstructed access for firefighting appliances. The siting of ornamental structures such as flower beds, must take account, not only of the access requirements of fire appliances, but the need to be able to site them in strategic positions; in particular, account must be taken of the working space requirements of aerial appliances. Consultation must take place with the Fire Authority during the earliest planning stages of any development to ensure adequate access for fire appliances, their siting and use.</p> <p>Access and Facilities for the Fire Service</p> <p>If the application involves the construction of a building you will be required to provide reasonable facilities for the Fire Service. In most circumstances this will mean providing vehicular access for fire appliances.</p> <p>It is important to remember that failure to do so may prevent the applicant from obtaining a completion certificate under the Building Regulations but more importantly, the lives of the occupiers will be put at risk.</p> <p>Full details are online</p>

### Representations from Residents:

Neighbouring properties written to directly (initially 20/09/2021 – 04/10/2021 and then on the amended plan: 15/10/2021 - 29/10/2021):

- Westwinds, Mc Farlands Down
- Pednbean, McFarlands Down
- Pednbrose, McFarlands Down

[1] letters of objection have been received and include the following points (both in relation to the original submission and then in relation to the amended plans). The below is in relation to the amended plans:

*In response to the late submission of amended plans for Green Pastures, I would like to make the following comments.*

*We are pleased that the amended plans now show a reduction in the height of the*

*proposed holiday accommodation.*

*We are however very unhappy that the added bedroom to the front of the development will extend even further down our shared boundary and yet closer to it.*

*Whilst preserving the Bright's view to the island of Tresco it will block ours.*

*There is ample room in the garden of Green Pastures for a single story extension which could be used by Mr Miles and his family when they holiday on the island without damaging the open aspect enjoyed by Westwinds.*

[0] letters of support have been received.

#### Relevant Planning History:

P/06/002: Demolition of existing extension and erection of new extension with internal improvements. Application Permitted (12/04/2006)

#### Constraints:

Historic Landscape Character      Landscape Type: Settlements.

#### 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

<b>Heritage</b>	<b>YES OR NO</b>
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
<b>Other Impacts</b> 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?	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

<b>Protected Species</b>	<b>YES OR NO</b>
Does the proposal include any re-roofing works or other alteration to the roof	n
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

<b>Waste Management</b>	<b>YES OR NO</b>
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	y
Does the proposal include a Site Waste Management Plan	n
Is a condition required to secure a Site Waste Management Plan	y

<b>Sustainable Design</b>	<b>YES OR NO</b>
Does the proposal materially increase the use of the site to require additional sustainable design measures	y
Does the proposal include a any site specific sustainable design measures	n
Is a condition required to secure a Sustainable Design Measures	y

**Analysis:** The submitted application has been amended in light of concerns expressed in relation to the scale of the proposal, in particular the use of a mezzanine floor resulted in a higher structure which would have adverse impacts upon the wider landscape in addition to amenity impacts for the neighbouring property to the south. The proposal has been re-designed to remove the mezzanine accommodation. This resulted in a lower annexe but the additional bedroom has been added to the west elevation, resulting in a longer structure along the boundary.

It is considered that the amended scheme does address the wider landscape impact and reduces the amenity impact for the neighbouring property. Although the proposed structure extends further along the boundary with Westwinds to the South, and will be higher than a standard 2 metre boundary feature, the bulk of the structure is pulled in from the boundary and it does not align with the boundary until a position that is approximately 8.3m to the west, where the repositioned second bedroom will be positioned along the boundary. This has a lower eaves of 2.4 metres.

On the basis that the application site is located to the north of the neighbouring property it is considered that overshadowing and impacts upon light and outlook will be minimized, with only mid summer, evening sunshine being affected. Overall and based on the amended plans, which will need to be conditioned to ensure the accommodation is only used ancillary to the main house, is 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.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 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 Tourism Development	

Info Requirements	Submitted (LVC)	Not Submitted	Condition Required
Site Waste Management Plan	n		y
Sustainable Design Measures	n		y
Biodiversity Enhancement Measures:	n		y

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**
- **Plan 2 AMENDED Proposed Floor Plans, drawing number 1003, dated November 2021**
- **Plan 3 AMENDED Proposed North and South Elevations, drawing number 1005, dated November 2021**
- **Plan 4 AMENDED Proposed West Elevation, drawing number 1004 dated October 2021**
- **Plan 5 AMENDED Proposed West Elevation and Floor Plan, dated**



**November 2021**

- **Plan 6 Bat Survey PRA, Ref: 2021/02 dated 27<sup>th</sup> August 2021**

**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 annexe accommodation, hereby permitted, shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Green Pastures and shall not be severed from the main house as a separate dwelling.**

Reason: The creation of an additional independent residential unit on the site, that is not for local need, would be contrary to Policies LC1 and LC2 of the Isles of Scilly Local Plan (2015-2030).

**PRE-USE CONDITION: Installation of biodiversity enhancement measures**

- C4 Prior to the first use of the annexe accommodation, hereby approved, the bat boxes and bird nesting boxes, as set out in the Ecological Assessment (page 4) Ref: 2021/02, dated 27<sup>th</sup> August 2021, shall be installed as recommended and be retained as such thereafter.**

Reason: In the interests of securing appropriate and proportionate biodiversity net gains at this site in accordance with Policy OE2, SS1(d) and SS2(g) of the Isles of Scilly Local Plan (2015-2030).

- C5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended), (or any order revoking or re-enacting that Order) prior to installation, details of any external lighting shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the agreed details.**

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 Submission Draft Isles of Scilly Local Plan (2015-2030).

**PRE-COMMENCEMENT CONDITION: Site Waste Management Plan**

- C6 Prior to the commencement of the development, hereby approved, a scheme including details of the sources of all building materials and the means/location of disposal of all demolition material and all waste arising from building works, including excess material from excavations, shall be submitted to and agreed in writing with the Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme only.**


Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application but are required to fully understand the impact upon landscape and management of waste, to be submitted and agreed by the Local Planning Authority. This is to ensure those characteristics which

contribute to the status of the Isles of Scilly as a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast are not eroded by uncontrolled mineral extraction or the tipping of waste. In accordance with the requirements of Policies SS2(2) and OE5 of the Isles of Scilly Local Plan (2015 - 2030).

**PRE-COMMENCEMENT CONDITION: Sustainable Design Measures**

**C7** Prior to the commencement of the development, hereby approved, a detailed scheme of specific sustainable design measures to minimise water usage and energy consumption shall be submitted to and approved in writing by the Local Planning Authority. This should include measures to ensure a water consumption standard of no more than 110 litres per person, per day. The agreed details shall be installed as approved prior to the first occupation of the dwelling and be retained as such thereafter.

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application but are required to in order to comply with Policies SS2(2) and SS6 of the Isles of Scilly Local Plan (2015-2030) and to minimise the impact of the development on precious water resources of the islands.

<b>Print Name:</b>	Lisa Walton	22/11/2021
<b>Job Title:</b>	Chief Planning Officer	
<b>Signed:</b>		
<b>Authorised Officer with Delegated Authority to determine Planning Applications</b>		