

Council of the Isles of Scilly

Delegated Planning Report

Householder application

Application Number: P/21/065/HH

Received on: 4 August 2021

UPRN: 000192001585

Application Expiry date: 18 October 2021

Neighbour expiry date: 21st September 2021

Consultation expiry date: 21st September 2021

Site notice posted: 31 August 2021

Site notice expiry: 21 September 2021

Applicant: Mr G Roberts

Site Address: East Bank
Porthloo
St Mary's
Isles Of Scilly
TR21 0NE

Proposal: Proposed garage.

Application Type: Householder

Recommendation:

Summary Conditions/Reasons:

1. Standard time limit (3 years)
 2. In accordance with the approved plans
 3. Hours of Construction
 4. No external illumination
 5. No business use
 6. Biodiversity enhancement
-

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: 18/10/2021

Site Description and Proposed Development

East Bank at Porthloo is a large detached two storey house, set within a generous sized front garden, on the west side. It is a relatively modern house, set back from the road, with a large front garden as well as a private rear garden to the east and land to the side on the south. To the north side is Sunholm, which is set further forward and aligns with the other houses in the area.

The proposal is to construct a detached single storey garage on land to the front of the property. The size of the garage is designed for two cars, with a roll-over garage door facing south and two small windows on the side, facing east towards the applicant's property. It is a prefabricated structure that will be set back by over 20m, from the front boundary with the road. There will be no modifications to the existing driveway. Whilst the roof is almost flat in appearance, it is higher at the front at 2.6m high, and 2.5 on the rear. The footprint is 6m x 6m.

Certificate: A

Consultations and Publicity

The application has had a site notice on display for 21 days (31/08/2021 – 21/09/2021). The application appeared on the weekly list on 31st august 2021. Due to the nature of the proposal one external consultation has been required. Cornwall Archaeological Unit note that there unlikely to be any impact upon below ground archaeological remains. No monitoring of ground works on this occasion.

Representations from Residents:

Neighbouring properties written to directly:

- Sunholm, Porthloo
- Little Avalon, Porthloo

- Avalon, Porthloo
- [0] letters of objection have been received
 [0] letters of support have been received
 [0] letters of representation have been received.

Relevant Planning History:

There is extensive planning history for this property, but none relevant under the adopted Local Plan. It is noted that a double garage was previously approved in 2011. This has not been constructed (based on the approved location) and has now lapsed. This was assessed under the 2005 Local Plan.

P0011	Erection of a Bungalow (2 bedrooms possibly 3)	Permitted	1948
P1429	Provision of a porch and laundry room	Permitted	1975
P2035	Provision of two timber garden sheds	Permitted	1981
P4250	Demolition of existing dwelling and erection of improved two bedroomed dwelling.	Permitted	1997
P4629	Part of field OS.0205 adj. Eastbank, Porthloo Lane, St Mary's, Isles of Scilly: Relocation of wooden field shelter for agricultural equipment store.	Permitted	1997
P4970	Demolish existing building and erect new dwelling.	Permitted	2001
P5029	Part of Field OS.0205 adjacent to East Bank, Porthloo Lane, St Mary's: Erection of 2 polytunnels 4.3m x 10m x 2.4m.	Permitted	2001
P5324	Variation of condition 7 on approval P4970 to allow maximum 4 bedrooms.	REFUSED	2003
P5617	Part of field OS0205 adjacent to Eastbank, Porthloo Lane, St Mary's: Extension of agricultural equipment store. [in field to East of Eastbanks.]	Permitted	2004
P/08/041	Repositioning of agricultural store extension previously agreed by Planning Application P5617	Permitted	2008
P/11/011	Erection of garage/garden store	Permitted	2011

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	y

and be consistent with the general use of materials in the area?	
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	n/a

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	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/a
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 proposed garage is a modern construction, as opposed to a traditional design, it is, however, located to the front of a relatively modern dwelling and to the side of a modern dwelling, both replacements of earlier bungalows.

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.

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 Tourism Developments	

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 Plans**
 - **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 Policy OE7(5) of the Isles of Scilly Local Plan (2015-2030).
- C3 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.
- C4 The garage hereby approved shall be used solely for domestic purposes, ancillary to the property East Bank, and shall not be used for any trade or business use.**
Reason: For the avoidance of doubt and to avoid the establishment of a commercial activity in an unsuitable location in accordance with Policies LC8 of the Isles of Scilly Local Plan (2015-2030).
- C5 Prior to the first use of the garage, 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 any new landscaping, where required, to comprise native species from sustainable sources and the installation of bat boxes and bird nesting opportunities appropriate to species found on the Isles of Scilly. Local guidance from the Isles of Scilly Wildlife Trust could be sought to**

inform the type, number 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 development 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).

- C6** 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 those of neighbouring residential properties and to protect 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).

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. In accordance with the provisions of Section 96A of the Town and Country Planning Act which came into force on 1st October 2009, any amendments to the approved plans will require either a formal application for a non-material amendment (for which a fee of £34 would be required) or the submission of a full planning application for a revised scheme. If the proposal relates to a Listed Building you will not be able to apply for a non-material amendment and a new application for a revised scheme will be required. Please discuss any proposed amendments with the Planning Officer.

Print Name:	Lisa Walton	18/10/2021
Job Title:	Chief Planning Officer	
Signed:		
	Authorised Officer with Delegated Authority to determine Planning Applications	