

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/23/014/ROV
UPRN: 000192001686
Received on: 14 February 2023
Valid on: 28 February 2023
Application Expiry date: 25 April 2023
Neighbour expiry date: **22 March 2023**
Consultation expiry date:
Site notice posted: 1 March 2023
Site notice expiry: 22 March 2023

Applicant: Mr & Mrs Clark
Site Address: Sea View
Mcfarland's Down
St Mary's
Isles Of Scilly
TR21 0NS
Proposal: Variation of condition 2 (Approved Plans) of planning permission P/22/006/FUL (Demolish existing bungalow and construction of new dwelling and associated infrastructure) to make amendments to the design of the approved dwelling.
Application Type: Removal or Variation of Condition

Recommendation: Permit Variation of condition C3

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: 24/04/2023

Site Description and Proposed Development

Agenda Item 8 on the March 2022 Full Council Agenda:

<https://committees.scilly.gov.uk/documents/g1216/Public%20reports%20pack%2015th-Mar-2022%2009.30%20FULL%20COUNCIL.pdf?T=10>

Planning permission has been granted to demolish the existing dwelling and replace it. The application is to vary some of the details of the final design. All other details remain as approved.

Certificate: B

Other Land Owners: Duchy of Cornwall



Figure 1 Approved front elevation (left) and amended front elevation (right)

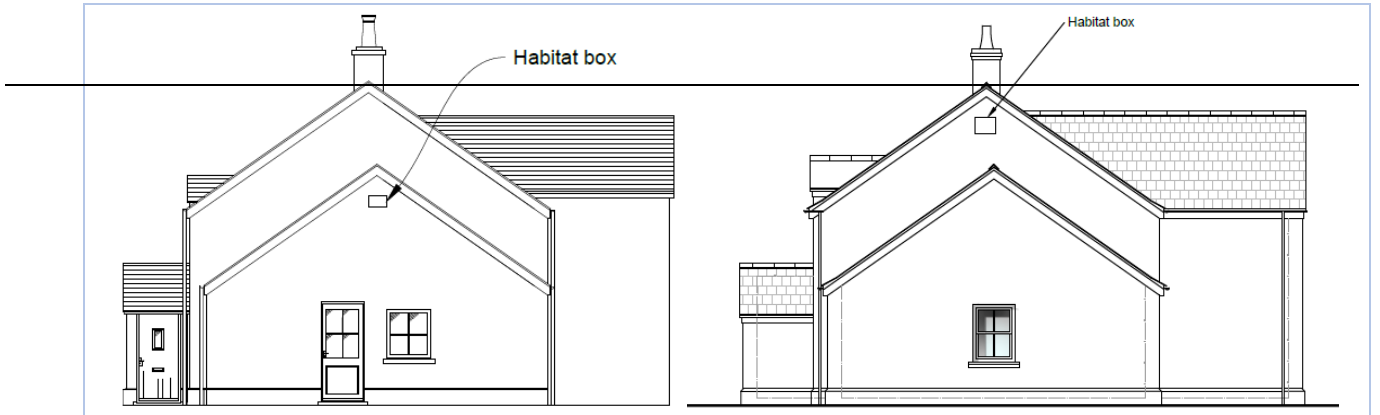


Figure 2 North Elevation as approved (left) and amended (right)



Figure 3 Rear Elevation as Approved (left) and as amended (right)

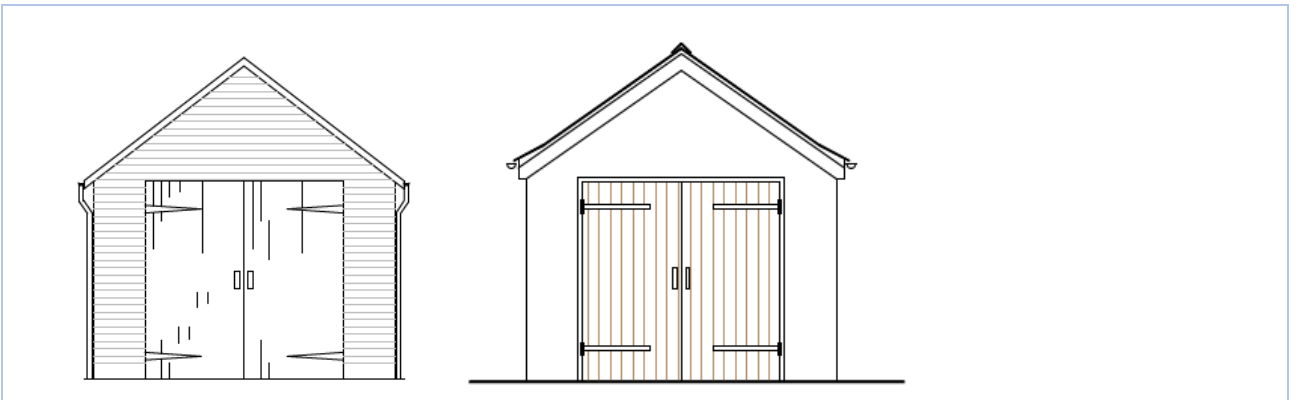


Figure 4 Garage as approved (left) as amended (right)



Figure 5 South Elevation of the garage as approved (left) and as amended (right)

Consultations and Publicity

The application has had a site notice on display for 21 days (02/02/2023 – 23/02/2023). The application appeared on the weekly list on 6th March 2023. Due to the nature of the proposal no external consultations are required.

Representations from Residents:

Neighbouring properties written to directly:

Sylina, McFarlands Down

- **Kimmeridge, McFarlands Down**
- **Trewerne, McFarlands Down**
- **Jedi, McFarlands Down**
- **Tower View, Pungies Lane**
- **Hilbre, Decca Lane**

[0] letters of objection have been received

[0] letters of support have been received

[0] letters of representation have been received.

Relevant Planning History:

All planning history is covered in the previously approved planning application P/22/006/FUL, as linked above.

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?	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

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	
Other Impacts	y
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	
Impact on protected trees a) Will this be acceptable b) Can impact be properly mitigated?	y
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	y

acceptable?	
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

Analysis: The amendments proposed would similarly preserve the wider character of the conservation area, as required and do not give rise to any additional harm to the privacy and amenity of neighbouring properties or highway safety. The amended design 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 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 Amended Condition 2:

- C2 The development hereby permitted shall be carried out in accordance with the approved details only including:**
- ~~Plan 1 Location Plan, Drawing Number 10/0380C-P1, Rev A Dated 02.06.20~~
 - Plan 1A Location Plan, Drawing Number: 22/0505-001 Dated 24/02/2023
 - Plan 2 Proposed Site Layout Plan, Drawing Number 10/0380C-P4, Rev A, Dated 19.11.20
 - ~~Plan 3 Proposed Plans and Elevations, Drawing Number 10/0380C-P6, Rev A Dated 03.06.20~~
 - Plan 3A Elevations as proposed Amended Scheme, Drawing Number: 22/0505 – 002 Rev D Dated 11/02/2023
 - Plan 3B Floor Plans and Roof Plans Amended Scheme, Drawing Number: 22/0505 – 001 Rev B Dated 27/10/2022
 - Plan 3C Detached Garage Plans and Elevations Amended Scheme, Drawing Number: 22/0505 – 005 Dated 24/02/2023
 - Plan 4 Design and Access Statement
 - Plan 5 Sustainable Design Measures
 - Plan 6 Preliminary Ecological Appraisal 23/03/2020 Ref: BS27-2019

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).

All other conditions remain as originally imposed.

Print Name:	Lisa Walton	24/04/2023
Job Title:	Chief Planning Officer	
Signed:		
	Authorised Officer with Delegated Authority to determine Planning Applications	