

# Council of the Isles of Scilly

## Delegated Planning Report

### Other application

**Application Number:** P/23/065/ROV

**UPRN:** 000192002873

**Received on:** 21 August 2023

**Valid on:** 22 August 2023

**Application Expiry date:** 17 October 2023

**Neighbour expiry date:** 12 September 2023

**Consultation expiry date:** N/A

**Site notice posted:** 23 August 2023

**Site notice expiry:** 13 September 2023

**Applicant:** Mr Nicholas Praeger

**Site Address:** Plot B Sea View  
Mcfarland's Down  
St Mary's  
Isles Of Scilly

**Proposal:** Variation of condition 2 (Approved Plans) of planning permission P/22/005/FUL (Construction of new dwelling and associated infrastructure. (Re-submission of planning application P/20/105/FUL)) to allow for the 1) Installation of solar PV panels; 2) erection of shed; 3) alterations to internal layout and windows; 4) alteration of horizontal cladding to vertical at first floor level.

**Application Type:** Removal or Variation of Condition

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**Recommendation:** Permit Variation of condition C2

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**C2** The development hereby permitted shall be carried out in accordance with the approved details only including:

- Plan 1 Location Plan, Drawing Number 10/0380B-P1, Rev A Dated 02.06.20
- ~~Plan 2 Proposed Site Layout Plan, Drawing Number 10/0380B-P4, Rev A, Dated 02.06.20~~
- Plan 2A Proposed Site Plan, Drawing Number P103, date stamped 21.08.2023
- ~~Plan 3 Proposed Plans and Elevations, Drawing Number 10/0380C-P5, Rev A Dated 03.06.20~~
- Plan 3A Proposed Elevations, drawing number P102, date stamped 21.08.2023
- Plan 3B Proposed Floor Plans, drawing number P101, date stamped 21.08.2023
- Plan 3C Proposed Garage/Shed. drawing number P104, date stamped 21.08.2023
- Plan 4 Design and Access Statement
- Plan 5 Sustainable Design Measures
- Plan 6 Preliminary Ecological Appraisal 23/03/2020 Ref: BS27-2019

These are signed and 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 of the Isles of Scilly Local Plan (2015 - 2030).

All other conditions remain as originally imposed.

## 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: 14/09/2023

## 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>

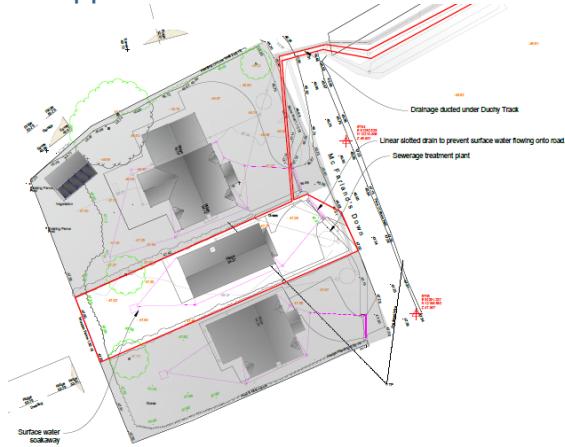
Planning permission has been granted to demolish an existing dwelling and replace it creating two additional plots for new dwellings (3 in total) on the land. This application is to vary some of the details of the final design as listed below. All other details remain as approved.

- 1) Installation of solar PV panels;
- 2) erection of shed;
- 3) alterations to internal layout and windows;
- 4) alteration of horizontal cladding to vertical at first floor level.

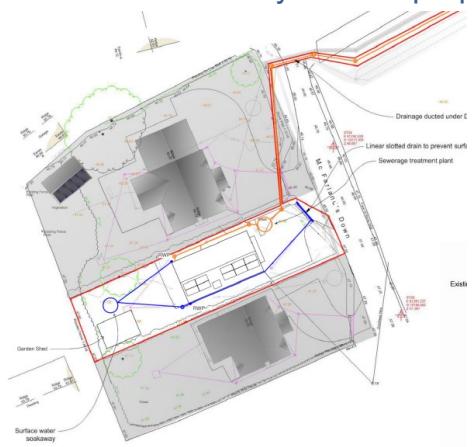
Certificate: B

Other Land Owners: Duchy of Cornwall & Mr & Mrs Clark (Plot C)

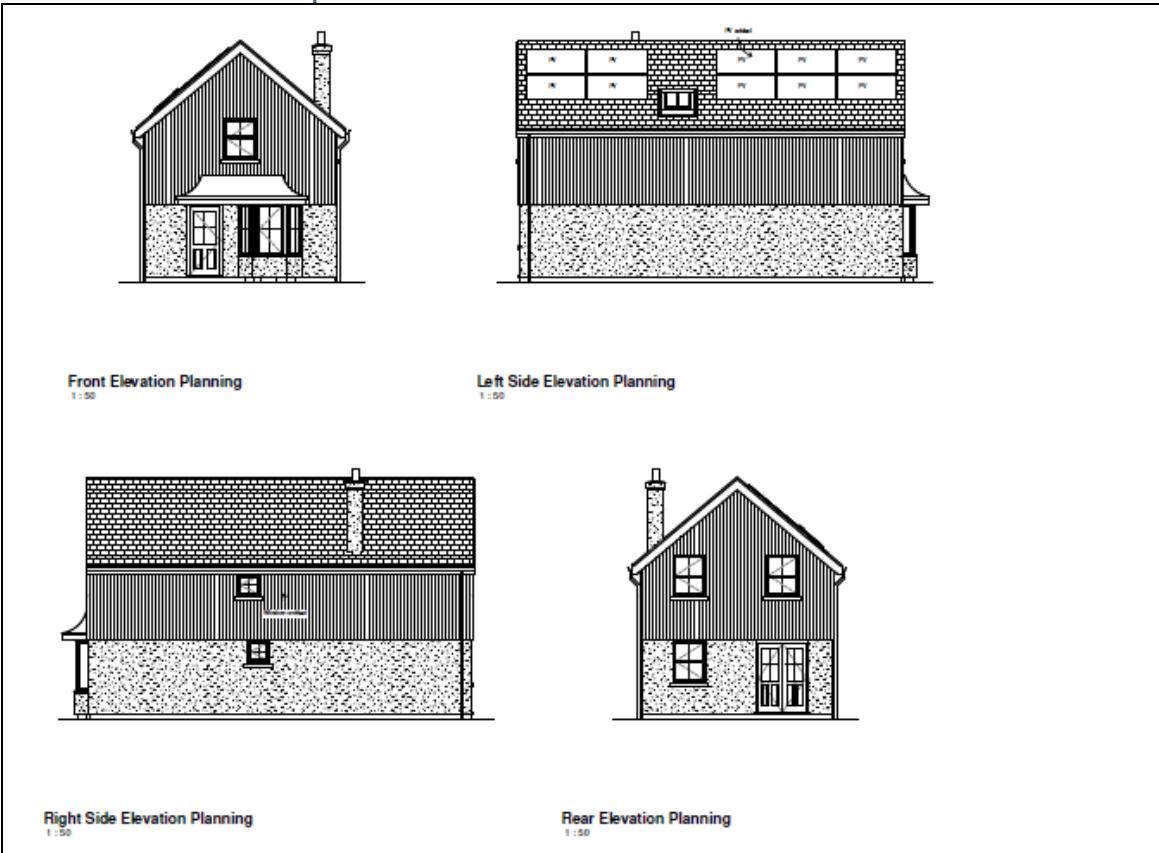
As approved in 2022



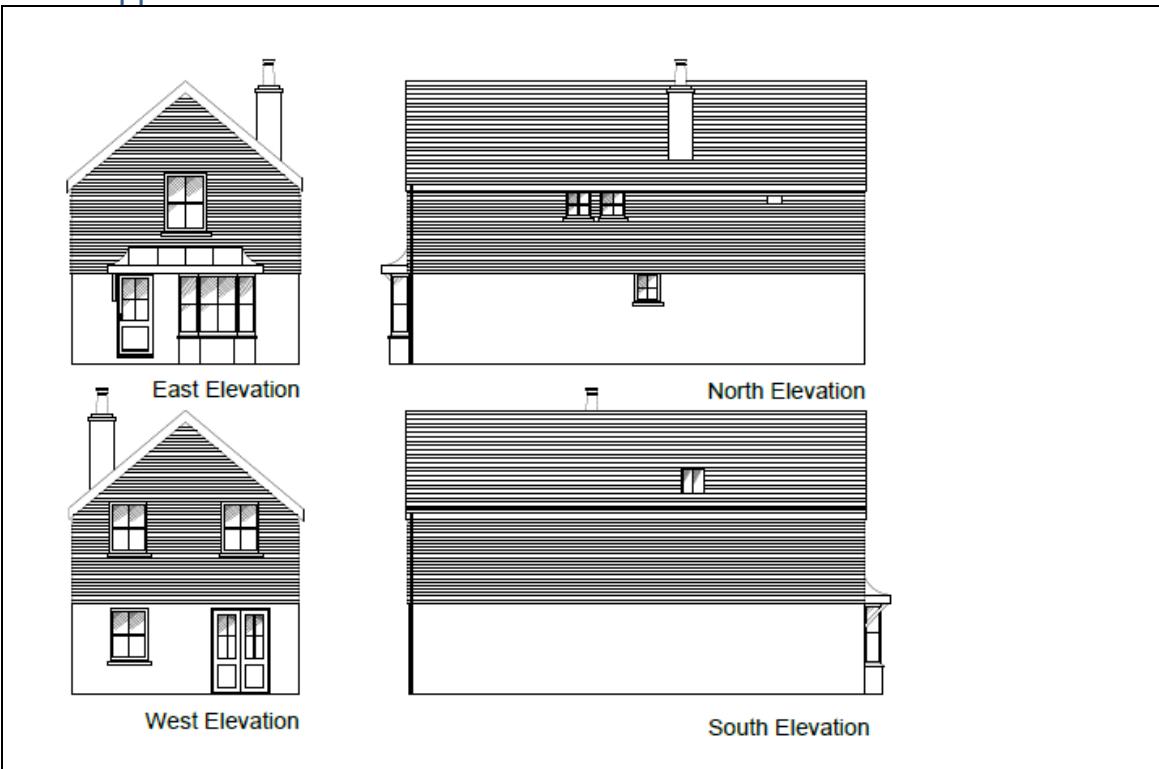
Site Layout now proposed



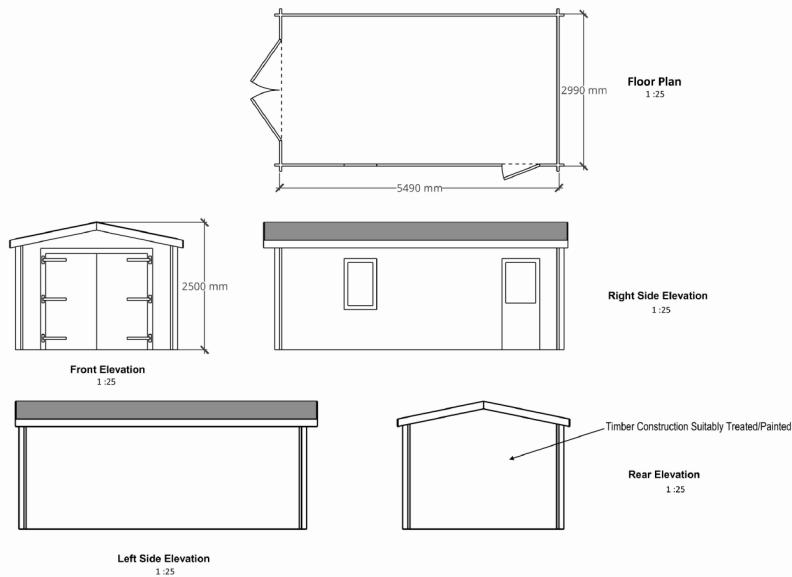
## Elevations Now Proposed



## 2022 Approved Elevations



## Proposed Shed



## Consultations and Publicity

The application has had a site notice on display for 21 days (23/08/2023–13/09/2023). The application appeared on the weekly list on 29<sup>th</sup> August 2023. Due to the nature of the proposal no external consultations are required.

## Representations from Residents:

Neighbouring properties written to directly:

- Sea View, Sylina & Kimmeridge – McFarland's Down
- Trewerne – Pungies 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/22/005/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	Y

prevent the proposal appearing as an overdevelopment of the site and to ensure an adequate level of amenity?	
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,	N/A
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?	
Within an Archaeological Constraint Area	N
Other Impacts	YES OR NO
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	Y
Impact on protected trees	Y
a) Will this be acceptable	
b) Can impact be properly mitigated?	
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

**Analysis:** The key additional installations not previously approved are the solar PV panels on the South facing roof slope and the detached garage in the garden. Although the garage has a shallow pitched roof, at its highest point is 2.5m overall. This would be visible by 0.5m above any boundary. Due to its position, however, as indicated in the proposed site layout plan, it would retain the required boundary hedge which would

minimize the visual impact.

As per the approved development, the amendments now 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 seascapes	
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 Varied Condition:**

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<b>Print Name:</b>	Lisa Walton	16/10/2023
<b>Job Title:</b>	Chief Planning Officer	
<b>Signed:</b>		Authorised Officer with Delegated Authority to determine Planning Applications